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The future of civil society participation and engagement with the Human Rights Council and its mechanisms

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Introduction

For the past two years, the [Human Rights Council Network](#) (HRCNet) and partner organisations have worked to understand and counter the negative impacts of the COVID-19 pandemic on the access of civil society organisations to the Human Rights Council (HRC) and its mechanisms.

In April 2020, after the suspension of the 43rd session of the Human Rights Council, HRCNet designed a survey to comprehend better the potential challenges anticipated by organisations as the Council planned to go online. On that occasion, 69 organisations provided insightful [inputs](#) and suggestions on tackling the challenges ahead.

After the 44th session, in September 2020, HRCNet gathered [feedback](#) from civil society organisations on the workings of the mechanisms that were put in place to allow remote participation. The answers provided therein allowed us to evaluate practices and provide recommendations to amplify organisations' access and informed engagement in the sessions to come.

As the Human Rights Council and the international community reverts to the working practices that preceded this global crisis, we once again gathered inputs from national, regional and global civil society organisations on how the health and safety measures adopted as a consequence of COVID-19 crisis have impacted their work. The main goal of this report is to take stock of the past two years and provide insights into the future of civil society participation at the Council, drawing on the lessons learnt and the opportunities provided by the COVID-19 pandemic.

Once again, we thank the President of the Human Rights Council, the Secretariat and all those involved in making remote civil society participation a reality during these difficult times.



Acknowledgements

This report is the result of the contributions of 52 individuals working in human rights organisations¹. Their insightful responses provide guidance on “building forward better” in the post-pandemic world². We thank all organisations who took the time to answer the survey and share their valuable recommendations and insights.

HRCNet would like to thank its member organisations and close partners for their support with the survey, as well as the Office of the High Commissioner (OHCHR) and the Civic Space Unit for their support in the initial dissemination of the questionnaire.

¹ Al Mezan Centre for Human Rights, American Civil Liberties Union-ACLU, Action Canada for Sexual Health and Rights, Advocates for Human Rights, Al-Haq, Law in the Service of Man, Asian Forum for Human Rights and Development (FORUM-ASIA), Asociación Española para el DIDH, Associazione Comunita Papa Giovanni XXIII (APG23), AWID, Botswana Watch Organization, Cairo Institute for Human Rights Studies, Caribbean Association for Youth Development, CELS – Centro de Estudios Legales y Sociales, Center for Global Nonkilling, Centre Catholique International de Genève – CCIG, CIVICUS: World Alliance for citizen participation, Commonwealth Human Rights Initiative (CHRI), Conselho Indigenista Misiónario – CIMI, COSPE, CREA, FIACAT, HelpAge International, Human Rights Centre of Azerbaijan, Human Rights House Foundation, International Commission of Jurists, International Council of Women, International Human Rights Council, International Humanist and Ethical Union / Humanists International, International Service for Human Rights (ISHR), Lawyers’ Rights Watch Canada, Make Mothers Matter, Odhikar, Organisation Mondiale des associations pour l’éducation prénatale, Oyu Tolgoi Watch NGO, Pathways for Women’s Empowerment and Development (PaWED), Plan International, Red Franciscana para las migraciones Guatemala, Réseau International Des Droits Humains (RIDH), Samoa Fa’afafine Association, Soroptimist International., Syrian Legal Development Programme, Teresian Association, United for Equity and Ending Racism (UFER), World Uyghur Congress, WUNRN-Women’s UN Report Network, Youth leadership Development Foundation. Four organisations chose to remain anonymous.

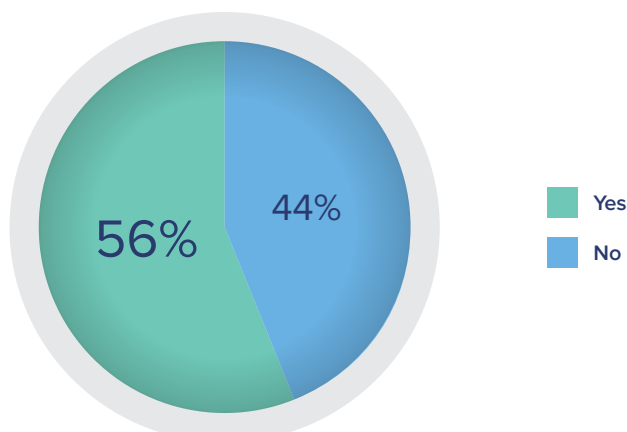
² The summary of the responses represent a compilation of the individual answers of participating organisations, and should not be seen as a collective position of all contributors.

Scope of the survey

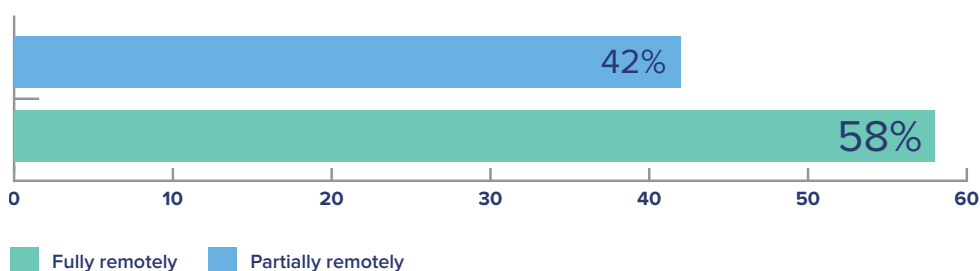
The organisations that responded to the survey are based in different parts of the world. Over forty per cent of the organisations who answered the questionnaire are based in Europe (42%), followed by North America (13%) and Asia and the Pacific (12%). Responses were also received from organisations working in Africa (8%) and the MENA region (8%), Latin America and the Caribbean (8%), and Eastern Europe (2%), as well as organisations that work globally (8%).

More than half of the organisations who participated indicated having representation in Geneva. Overall, most organisations who undertook the survey mainly opted to participate remotely in sessions, even when sessions were held in a hybrid manner, as seen below.

Do you have a presence in Geneva?



What was the principal modality of your participation?

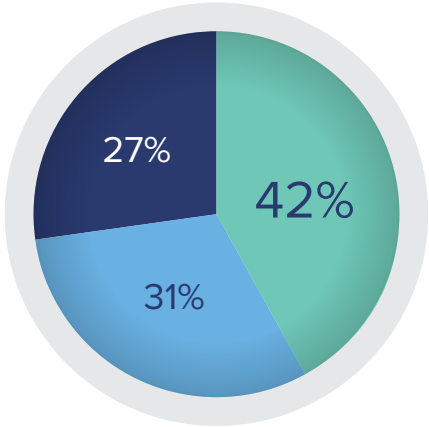


Levels of engagement in the past two years

The pandemic and related health, safety and travel restrictions have posed many obstacles to civil society engagement with the Human Rights Council for the past two years, which participants have highlighted in their answers throughout this survey. Despite the obstacles, however, more than half of organisations point out that, during this period, they engaged the same amount or more than they would have if the sessions were held in person. Less than half of the organisations (42%) indicated that they engaged less than they would if the session had been held with the same modalities that preceded the COVID-19 pandemic.

For the past 2 years, how much have you engaged with the Human Rights Council?

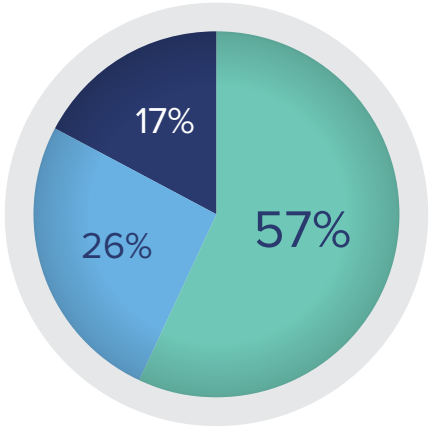
- I engaged less than I would if the sessions were held in person.
- I engaged more than I would if the sessions were held in person.
- I engaged the same amount as I would if the sessions were held in person.



Nevertheless, when focusing only on the organisations that do not have representation in Geneva, the numbers showed that most of them engaged more than they would have if the session had been only held in person, with less than 30% having engaged less. In other words, of organisations without representation in Geneva, 73% engaged more or at the same level during the pandemic as they would have had the sessions been held in person.

For the past 2 years, how much have you engaged with the Human Rights Council? *Only organisations without representation*

- I engaged more than I would if the sessions were held in person.
- I engaged less than I would if the sessions were held in person.
- I engaged the same amount as I would if the sessions were held in person.



The most significant challenges faced

Notwithstanding the level of engagement, significant challenges arose from the lack of in-person participation and physical access to spaces and actors during the two years under analysis. As seen in the chart below, the most widely reported challenges experienced by organisations were the lack of contact with States and UN actors, the impossibility of organising in-person side events, and difficulties in accessing negotiations on draft resolutions.

The survey shows that the lack of direct access to States and their resistance to engaging with advocacy remotely was particularly felt when it came to influencing the outcomes of each Council session, as in-person participation allows for direct interaction with States and UN actors, which is critical for this type of activity. As one participant indicated,

“creating and maintaining personal contacts (with States, UN actors, and NGO partners) has been a challenge for us with the shift to remote participation. We have felt in particular the loss of opportunities to grow our network/sphere of influence through attending in-person events in Geneva and spontaneous networking opportunities around these events”.

Respondents also highlighted the difficulties of conducting advocacy activities online and effectively influencing the Human Rights Council’s decisions. Specifically, when it comes to side events, many responses highlighted that the lack of official publicisation of side events and the unwillingness of key actors to engage in online events posed challenges to achieving advocacy goals. As one of the responses summarised,

“aside from informal negotiations, side events are a crucial means for helping set the tone and agenda at the HRC. When side events are at the Palais, it is easier to participate in a much wider array of side events than when they are online, and we don’t have to rely on word-of-mouth to find out when and where they happen”.

Another recurring obstacle has been accessing informal consultations on draft resolutions, as they took place primarily online. Since 2020, organisations have had to rely on the goodwill of States to get access to both zero drafts and the actual information to access informal meetings for negotiations. This has been particularly detrimental to the work of organisations that do not have representation in Geneva and have less access to diplomats working in the Council.

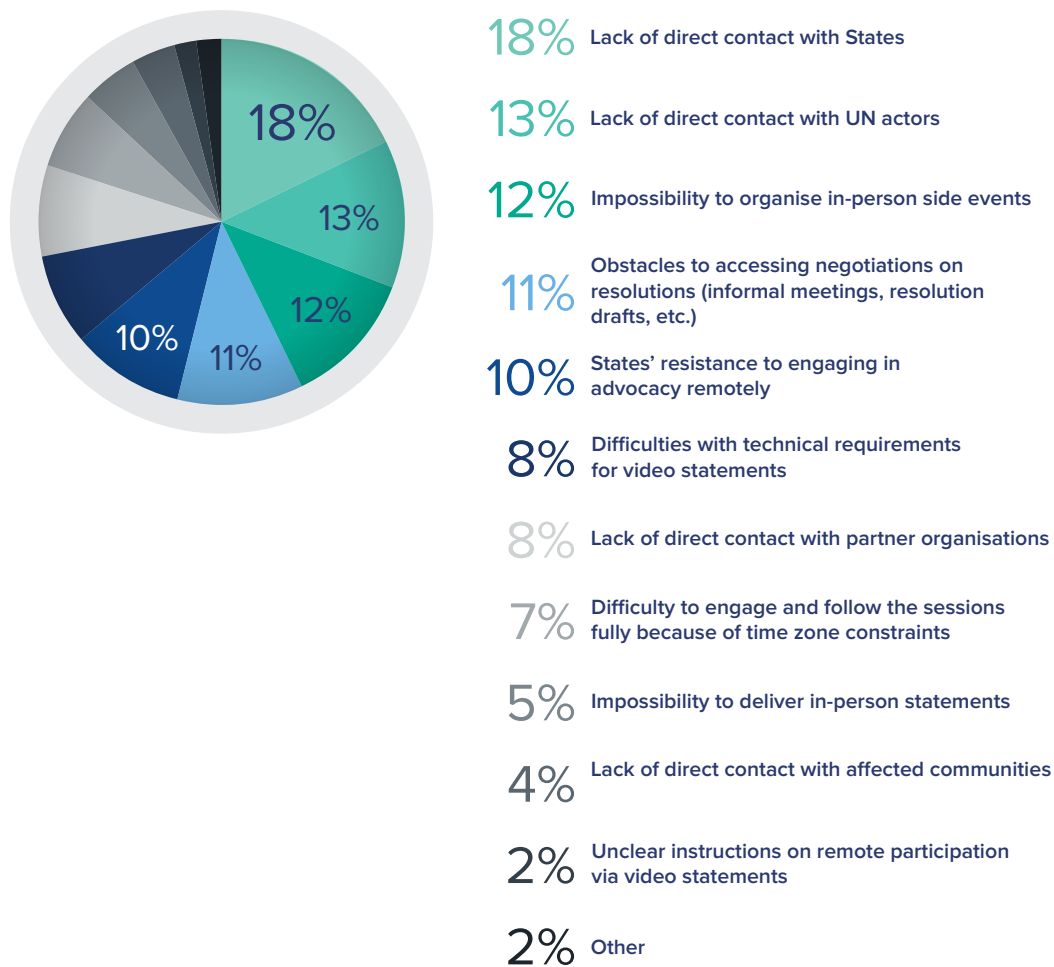
On the issue of oral statements, the answers gathered by the survey also mentioned that the high demand for speaking slots during interactive dialogues and general debates was not reflected in the availability of slots for additional speakers,

which further reduced the space for interaction, despite organisations' interest in engaging. The exclusion of General Debates in June sessions due to the efficiency measures [renewed in December 2021](#), coupled with capping them to the average of statements delivered in previous June and September sessions also meant that the greater remote access of NGOs to the Council did not necessarily result in a positive shift towards amplifying the space and time for participation.

Recurrent challenges also revolved around time zone differences and connectivity issues for organisations based in countries with access to fewer resources, which limited their participation and engagement.

Finally, the survey suggests that technical instructions on remote engagement with the Council remained a challenge, but to a lesser extent than when the Council first started working online. Technical problems around uploading video messages also remained a concern, although several organisations acknowledged that there was willingness from the Human Rights Council Secretariat to attempt to address the issues encountered.

Most significant challenges involving remote participation with the Human Rights Council in the past 2 years?



Positive aspects of remote participation

The COVID-19 crisis pushed the Human Rights Council to respond to longstanding demands of civil society organisations for the implementation of means of remote participation.

A significant number of organisations highlighted the possibility of participating without incurring travel costs or other bureaucratic requirements as one of the primary positive outcomes during this period. As the financial constraints posed by in-person participation were removed, the engagement of organisations and groups who could not previously be in Geneva for the sessions was made easier, and the Council

“has become much more accessible for NGOs that are not based in Geneva or Europe”, according to several responses”.

According to the responses received, a significant positive change has been the number of impacted individuals speaking directly in their voice to the Human Rights Council, as well as national civil society organisations who would not otherwise engage. An organisation working in Syria described this shift:

“as an organisation that works directly with victims, survivors of human rights abuses and their families. The remote participation allowed us to bring a more victim-centred approach to the way that the HRC worked on Syria in the past two years. We brought survivors into the informal consultations meeting on Syria resolutions; we had survivors making video statements at HRC sessions [...]. Remote participation allowed for an equal participation of affected communities to the work of the HRC, dismantling previous obstacles such as financial constraints, visa and travel arrangements and others”.

The responses have pointed out that the virtual Human Rights Council has become closer to the ground as affected communities were provided with opportunities to engage and build collaboration. As one participant highlighted,

“it is empowering to hear from communities immediately affected by rights violations, and for their testimony to be delivered by them directly”.

Another aspect was the possibility of intervening throughout the whole session without staying in Geneva for the whole period or missing parts of the session due to the impossibility of staying for more than a few days per year. With sessions getting longer, this might be one positive outcome to consider in the future.

Many responses suggested that the positive impact of remote participation merits the extension of those practices in the future, especially as the Council reverts to its pre-pandemic way of working.

Impacts

Both positive aspects and the challenges indicated throughout this report had a considerable impact on the work of human rights organisations working with the Human Rights Council.

On the one hand, the overwhelmingly positive impact has been the continuation of the Council's work even when the significant restrictions that were adopted to combat the pandemic were extended over a long period. Remote participation and engagement allowed organisations to continue following the Council's work and consequently continue implementing their activities regarding Council sessions despite those restrictions.

On the other hand, the lack of in-person participation negatively affected the visibility of organisations as key actors in the Human Rights Council. As illustrated by one organisation,

“as a relatively small regional NGO with presence in Geneva, we have to do more to gain recognition in the Council. Much of this involves direct, in-person engagement with state representatives. However, the pandemic has created significant obstacles to this. We are still working to re-establish contacts with most Missions that we used to work closely with prior to the pandemic”.

Consequently, with fewer advocacy opportunities and reduced interest of key actors to interact virtually, impacts were felt on the concrete outcomes of the sessions. According to one of the responses,

“remote and hybrid engagement has curtailed our advocacy work dramatically, resulted in less targeted advocacy and messaging due to lack of contact with States, and dulled interest in the Council”.

The practices to address the COVID-19 pandemic further affected how organisations interacted and collaborated with each other. While some respondents mentioned the strengthening of online networks across regions and renewed opportunities to collaborate, others indicated isolation from the NGO community in Geneva, the digital divide and time zone differences as factors that significantly affected their work and ability to collaborate with others.

Lastly, another impact that might have been overlooked over the past years has been a shift in funding practices, with limited resources for this type of work being redirected elsewhere, according to some of the responses.

The Future of civil society participation at the Human Rights Council

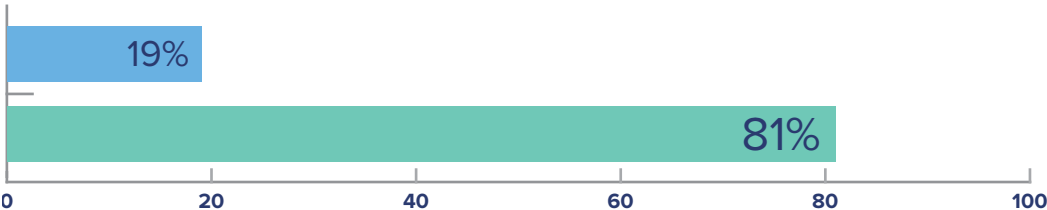
One of the goals of this report is to help reimagine the Human Rights Council after the COVID-19 pandemic and rethink practices that have been in place for years to better tend to the needs of rights holders, communities, victims and human rights organisations.

The following sections offer insights into how civil society participation can benefit from the acquired experience the Human Rights Council has developed to respond to the exceptional circumstances posed by COVID-19.

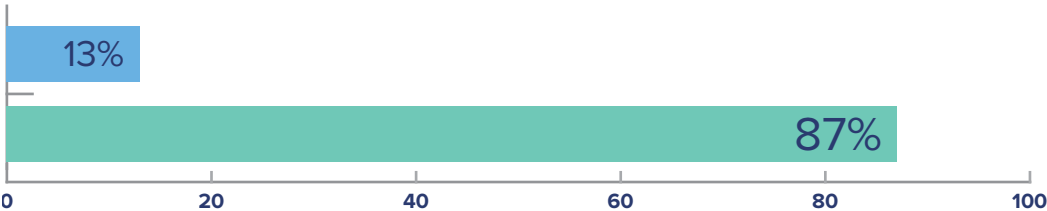
Initially, we asked organisations how they hoped the Council would operate moving forward. While a small minority of organisations emphasised the need to go back to a pre-COVID-19 model, where discussions took place only in person, a significant majority indicated the need to retain some of the practices derived from the pandemic. Respondents suggest that hybrid should always be the modality of choice, as it has proven feasible during the past two years and seen how it has dramatically benefited civil society participation. The difference in the preference of responses slightly varied when considering only the responses of organisations that do not have a presence in Geneva, as indicated below.

As COVID-19 related measures are being lifted, how would you like the meetings of the Human Rights Council to take place in the future?

All organisations



No representation in Geneva



Hybrid would be best for me | Go back to exclusively in person

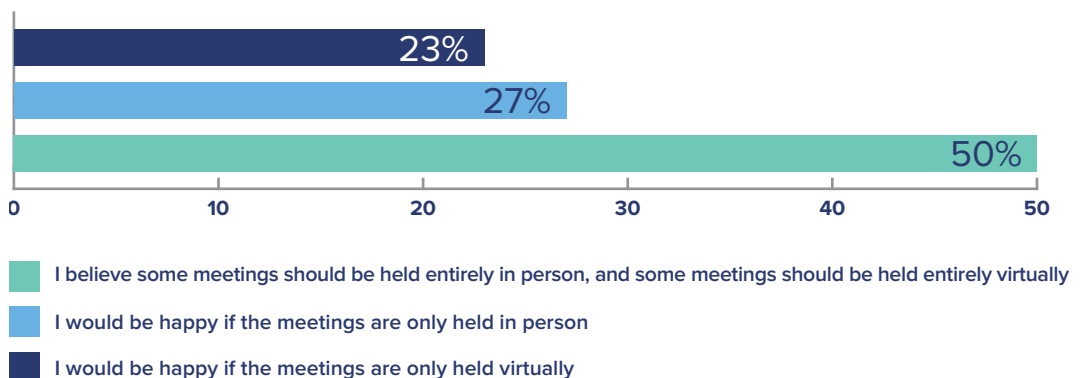
In the future, while it would be ideal to ensure both the possibilities of remote participation and in-person participation, attention must be given to securing the equality of conditions between those participating remotely and those physically present at the sessions. The hybrid format must not undermine the participation of local actors. As one organisation pointed out,

“it is important to maintain the access to key meetings and opportunities involving country situations in a hybrid or remote modality to ensure the access of ALL affected communities to this process. This includes hybrid or remote modality for informal consultations on resolutions, the possibility to make video statements on the occasion of interactive dialogue and so on. If the process is hybrid, it is critical that online participants are equal to in-person participants.”

The survey results show that the hybrid modality allows for the benefits of remote participation coupled with the advantages of in-person interaction during the session, provided participants have the flexibility to choose and conditions for participation are equal for those engaging either in the room or from afar, as previously mentioned.

Most recently, however, there have been instances where hybrid meetings were not presented as an option for technical or other reasons, particularly during the Council’s 49th session in March. In the absence of the possibility of hybrid meetings, the survey hoped to identify what types of meetings would most benefit organisations. The responses indicated that, given an option between only in person and only virtual meetings, alternatives should be considered on a case-by-case basis, with the possibility of some meetings taking place remotely and some meetings taking place in person.

On the occasion that hybrid meetings are not made available during Council sessions, what would be your preferred modality of participation?



However, there was no significant consensus on which meetings should be held remotely and which ones would benefit from being held exclusively online when considering this hypothesis. Nonetheless, in the absence of hybrid participation, consideration should always be given to the expected outcome of each meeting and the maximum level of inclusivity regarding civil society organisations.

Some of the responses offer insights into what could be solutions for the way ahead:

- Ideally, this should not be an accepted scenario as a hybrid model is the most inclusive and efficient approach. If, however, this was not the case, virtual meetings should be adopted for items such as UPR adoptions, where there is a lot to gain through diverse participation.
- For meetings targeting civil society, it is important to allow for as many organisations as possible to participate; therefore, remote participation is a preferred option.
- Entirely virtually for meetings with the NGOs and HRC President, if hybrid is not possible. There are no circumstances for HRC meetings to be held entirely in person. It should be all hybrid, including informals statements at the HRC and side events.
- Meetings (especially IDs and informal consultations) concerning country situations that affect specific communities should only take place virtually to ensure the full and active access to and participation in it by the whole community.

Some organisations, however, cautioned against the possibility of some States using the different modalities of participation as a means to restrict civil society access to meetings once deciding which meetings will be entirely virtual might be used by some States and/or UN actors to limit access.

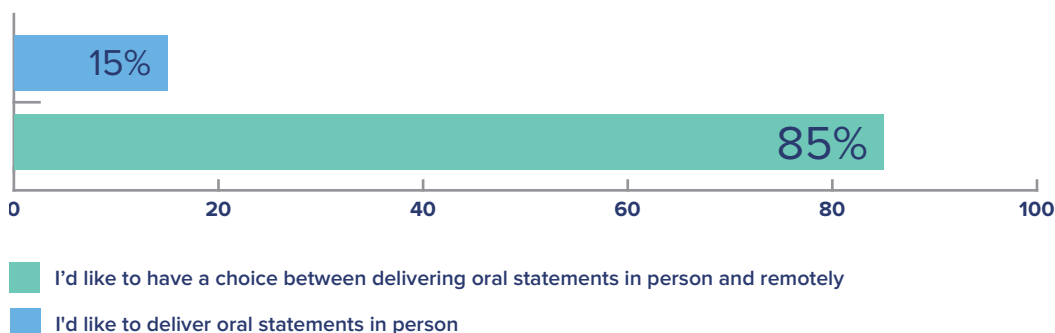
Others pointed to the restrictions posed by virtual meetings and the need to consider the desired outcome of each meeting, as well as virtual fatigue and less engagement when meetings are held fully online. For example, advocacy meetings that required commitments and actions from States could benefit from an in-person element whenever possible. According to one of the respondents,

“if getting a strong positive outcome requires genuine participation of all including diplomats, perhaps an in-person meeting would be preferable over a fully virtual meeting. Our experience over the past two years has been there is no or very limited genuine participation and engagement of diplomats during fully virtual meetings”.

Delivering Oral statements

According to the responses, there was ample agreement that modalities for remote intervention during the session should be kept in place, as 85% of the responses reaffirmed that they would like to choose between in-person or remote means of delivering statements.

In the future, what would be your preferred choice when delivering oral statements during HRC sessions?



If practices adopted in previous sessions are maintained in place, with States being able to opt between remote and in-person participation, there is no reason why NGOs could not benefit from the same practice. According to one organisation that responded to the survey,

“NGOs must be treated like any other Observer. If States can choose between video and in-person statements, then so should NGOs”.

Preventing reprisals

Remote participation has served as an essential tool to protect human rights defenders and organisations who risk facing reprisals or have faced reprisals in the past for engaging with the Human Rights Council and its mechanisms. As one organisation pointed out:

“by virtue of the fact that there is a lot of stigmatisation of people who defend human rights, a hybrid modality better guarantees people’s safety”.

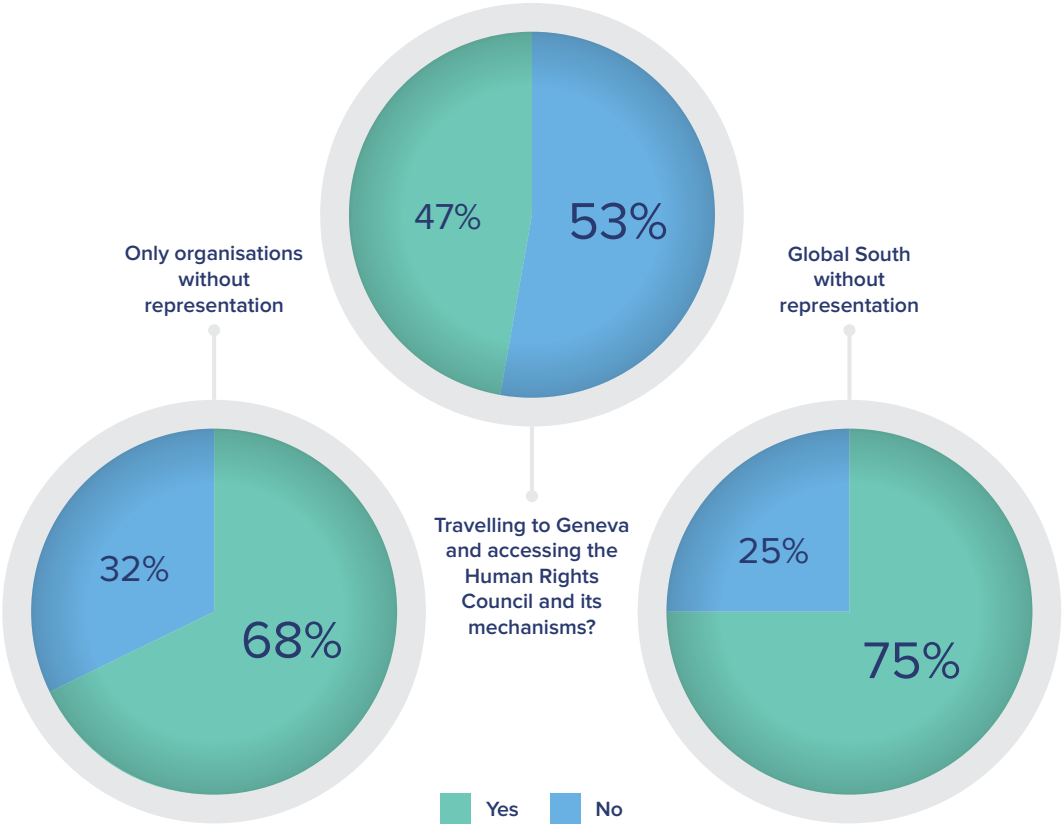
In summary, the right to choose between modalities greatly benefits participation and extends the opportunity for organisations – particularly national and regional organisations without a permanent presence in Geneva – to engage throughout the whole session, not only when they are physically present in Geneva, while better protecting the right to participate of organisations who are at risk of reprisals.

Challenges for access to the Human Rights Council in the future

Almost half of all organisations responding to the survey have indicated that they would face challenges in terms of access and participation should the Human Rights Council sessions revert to pre-COVID modalities and privilege in-person modes of participation.

The percentages significantly increase when the focus shifts to the organisations without representation in Geneva. For this segment, if the Council privileges in-person methods of participation, 68% would potentially face challenges in attending the sessions. The situation becomes more dramatic when we focus on organisations that do not have a presence in Geneva and are not based in Western Europe or North America. In this instance, 75% of the respondents would face challenges participating in the Human Rights Council sessions.

If the Council reverts to pre-COVID modalities and prioritises in-person participation, would your organisation face any challenges?



The challenges described are not new. They relate to the pre-pandemic period, as consistently highlighted throughout the survey. As pointed out before, those are largely related to limitations in funds for travelling to sessions and participation being restricted to a couple of days each year because of budgetary constraints. Additionally, bureaucratic restrictions, such as visa requirements and the misuse of counter-terrorism laws in some countries to prevent human rights defenders from travelling were also mentioned as a substantial challenge.

Even for the organisations based in Geneva and for which in-person participation poses fewer obstacles, the impact will be felt by their partners and communities at the local level who would not be able to engage remotely. These restrictions deny affected communities and individuals their right to inform the outcomes of the processes, which concerns them. One of the responses indicated that because of their presence in Geneva, they could

“ensure participation in the Council through our Geneva-based staff. However, we would not have the financial means to bring our local members to Geneva and ensure the same participatory and inclusive approach we have applied in the past two years”.

Risks for civil society space in Geneva

The survey's outcomes can also help tackle the risks for civil society space at the Human Rights Council and related mechanisms in the near future.

One of the risks pointed out relates to expanding possibilities to participate without the corresponding expansion of spaces to engage. In particular, organisations have indicated that the space has decreased as de facto capping and the removal of General Debates in the June session have restricted participation, despite growing interest and opportunities to engage brought by remote participation tools.

It is pivotal to address the limited space for engagement and provide more opportunities for organisations to speak. The Council must build on the good practices and lessons learnt in the past two years. As one organisation has concluded,

“if the HRC reverts to pre-COVID working procedures, the affected community will not be able to adequately have access to, participate and inform the outcomes of a process that affect their lives and the lives of their loved ones”.

Measures that aim to “build forward better” must consider however, the danger of normalising diminished access of organisations to diplomats, meetings, negotiations, and UN facilities. Transparency and inclusion must be at the forefront when it comes to participation. According to responses,

“the lack of transparency and consistency regarding modalities is a big risk because if people feel that they are not able to participate unless they are “in the know”, it creates distrust in the system as a whole and concentrates participation among those with the resources and connections and physical presence in Geneva”.

Another relevant risk mentioned is the increasing level of reprisals and harassment campaigns from States to discredit human rights defenders, resulting in self-censorship.

Finally, consideration should be given to the restrictions in funding to engage with the Council and how that might affect participation and engagement in the future.

Recommendations

Civil society participation

- Maintain participation procedures that are easy and not overly technical.
- Maintain hybrid participation modalities even after easing COVID-19 measures. A hybrid option is essential as it ensures that both organisations based outside of Geneva and those who have direct access to the Council can be contemplated.
- Keep the access to the main session and statements flexible, but do not let remote participation become a cause to not include civil society at all.
- Ensure that the HRC, OHCHR and HRC presidency's work is victim-oriented. Protocols should be developed to ensure that working procedures reflect the right to participation of victims and survivors to hold "accountable" UN actors and States that fail in doing so.
- Increase the number of oral interventions of CSO in the Interactive dialogues.
- Reinstate General Debates in all June sessions. General Debates are the only opportunities for NGOs to address situations in countries that are not formally on the Council's agenda and can provide avenues to respond to concerns when NGOs do not make the speakers' list for more limited debates.
- Remove the de facto cap on video participation during General Debates.
- Have a HelpDesk or other dedicated contact to respond to questions and, if necessary, provide technical support.

Consulting with civil society

- Expand actual spaces for dialogue with civil society.
- Consult with diverse independent civil society before making decisions that affect civil society participation and access to the Human Rights Council, including questions related to institutional reform.
- Seek feedback from civil society about access and modalities of participation.

Side events

- Ensure that side events can be held in person and publicised in the bulletin of informal meetings each session, as standard practice.

Reprisals

- Ensure more robust mechanisms to ensure the protection of CSOs for their engagement with the UN.
- Ensure a more robust response to reprisals, including through public statements naming perpetrators, as well as by following up on the status and outcome of cases.

Rights of Children

- It is essential to institutionalise the participation of children and youth in the work of the Council. Issues pertaining directly to the rights of children and youth must not be addressed without their voices.

Accessibility

- Address accessibility in its broadest understanding.
- Ensure the provision of sign language interpretation and easy-to-read reports to improve accessibility.
- Seek ways to “translate” the decisions of the Council so they can reach a larger audience and the impacted communities.

Funding and resources

- Training, capacity building, networking and access to finance must be options available to help civil society build consistent engagement practices with the Human Rights Council.

We kindly request the President of the Human Rights Council to raise the content of this report and the recommendations with the Council's Bureau in their next Meeting before HRC50.