Feedback on tools for civil society participation during HRC44

August 2020

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Introduction

COVID-19 has redefined how civil society engages with the Human Rights Council and its related mechanisms. For human rights organisations that are not based in Geneva, and particularly for organisations based in the Global South, the restrictions to travel and attend sessions have significantly affected the opportunities to participate in Council sessions and to interact with the international community that gathers around it.

On different occasions leading to the resumed HRC43 and HRC44 civil society organisations raised concerns about the modalities of participation and overall access to Council discussions and outcomes. In April, HRCnet, ISHR and partner organisations shared with the Council's Presidency and the Secretariat of the results of a survey conducted with 69 organisations. The survey suggested specific and concrete recommendations that would allow for effective engagement, even amidst the restrictions imposed by COVID-19.

During the informal briefing in May, a joint statement (delivered on behalf of 16 organisations) summarised measures and suggestions to take into account to ensure civil society participation at the resumed 43rd and 44th sessions of the Human Rights Council. Finally, at the end of the HRC44 session, in the meeting between the President of the Human Rights Council and civil society, a joint statement highlighted the main challenges encountered during the session and made recommendations on how to improve the adopted practices.

Once again, we thank the President, the Secretariat and all those who were involved in making remote civil society participation a reality during the resumed HRC43 and, particularly HRC44. In order to provide concrete feedback and improve the practices that are already in place, we have once again

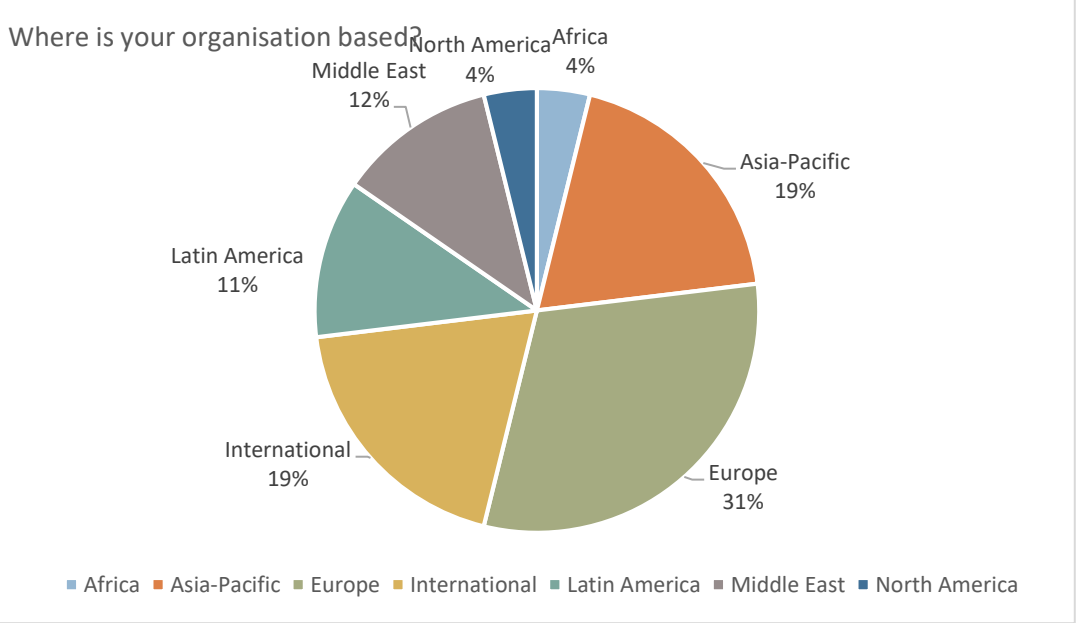
gathered feedback from 26 local, regional and international organisations[1] who joined HRC44 remotely and in person. Their insightful responses evaluate the accessibility and effectiveness of the tools and the ongoing challenges that still need to be overcome.

The recommendations provided here supplement and reiterate the recommendations and suggestions provided by members of civil society organisations prior to and during the session. We are confident that they will help surpass the challenges for HRC45 and beyond and help solidify channels for more effective and diverse modalities at the Council.

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. We thank all organisations who took the time to answer the survey and share their valuable insights.

Background information

The organisations who responded to the survey are based in different parts of the world, including local, regional and international organisations. The majority of organisations, particularly those based outside of Europe, do not have a representative in Geneva (62 per cent don't have an office in the city, compared to 38 per cent that do). Overall, 92 per cent of the respondents said that they would have come to the session in Geneva if it weren't for the health, safety and travel restrictions imposed by COVID-19.



[1] Organisations who contributed to the survey: Commonwealth Human Rights Initiative (CHRI); Men Engage Alliance; Asian-Pacific Resource and Research Centre for Women (ARROW), Human Rights House Foundation; Peace Brigades International; International Planned Parenthood Federation; Association for Progressive Communications; Bangladesh NGOs Network for Radio and Communication (BNNRC); Child Rights Connect; CHOICE for Youth and Sexuality; International Commission of Jurists; Humanists international; Amnesty International; Asian Forum for Human Rights and Development (Forum-Asia); Al-Haq; Centro de Estudios Legales y Sociales (CELS); International Service for Human Rights (ISHR); Global Interfaith Network;; Conectas Direitos Humanos; Comisión Mexicana de Defensa y Promoción de los Derechos Humanos; Sexual Rights Initiative.

Impact of not being able to attend in person

The pandemic and related health, safety and travel restrictions have limited the number of organisations who attended the 44th session. While remote participation is a much needed alternative and its advancement should be encouraged, it should not be understood as a substitute for attending the session in person.

According to the survey, not being able to attend in person has meant significantly fewer advocacy opportunities and less engagement in the Council's proceeding. As one organisation pointed out "the biggest impact is to not follow the 'backstage' as many of the developments of the sessions happen outside of Room XX or now the Assembly Hall".

Not being able to travel to Geneva also reinforced the disparity in advocacy opportunities between those who have resources and can afford having representatives based in Switzerland and those who only come to the session sporadically. It also meant limited visibility of processes and opportunities for CSO engagement, which affected the possibility of meaningful interactions. According to one organisation "without a presence in Geneva, our input is very often overlooked".

But even for those who did have the option to attend in person, this session posed challenges: "while we do have a Geneva office, our member organizations not being able to attend the session in person has made it much more difficult for them to follow and engage with the session, and has impacted our overall capacity to do so."

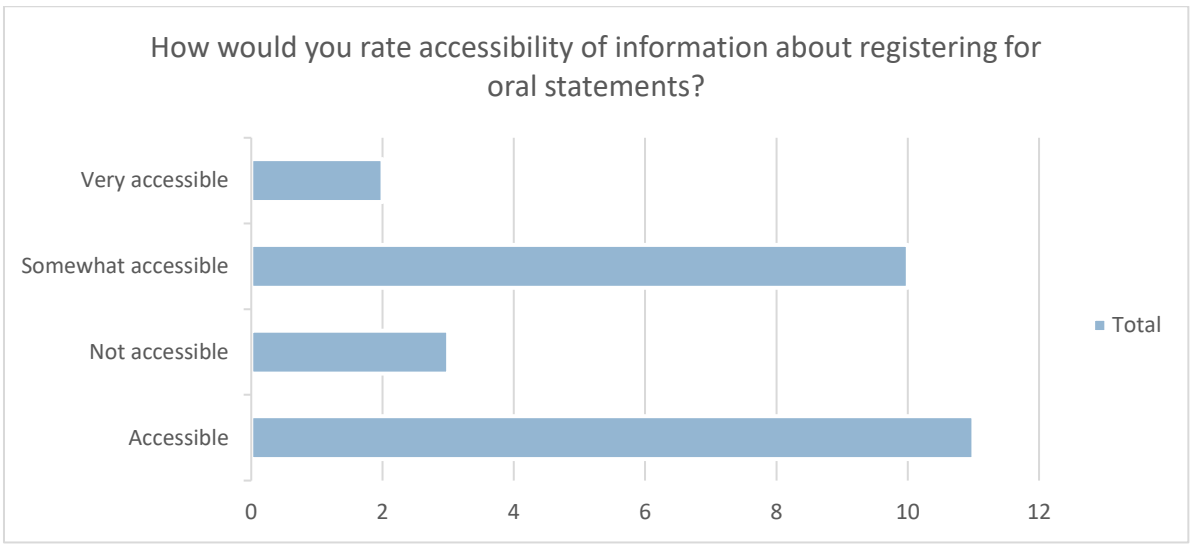
Challenges to meet technical requirements for video statements imposed significant obstacles to participation, and some organisations felt that not enough efforts were made to include diversity of civil society representatives and provide guidance on how to meet the strict technical requirements.

An international organisation also pointed out that: "usually colleagues from regional and national offices attend the session in person, alongside the one or two UN representatives in Geneva. This allows more direct engagement and buy-in by local civil society and direct presentation 'from the ground'. So, in these circumstances, everything is more indirect and attempts to pre-record messages from people in the field were extremely complicated and time-consuming."

The session showed, however, that there is great interest in remote participation and untapped potential to consolidate these channels for engagement. An organisation from the Global South commented: "we organised a side event online this year which means we have not been able to meet face-to-face with our panellists, UN representatives and State delegations; it has been difficult to measure the impact of our advocacy and actions; however, we have also been able to carry out further statements during interactive dialogues than we usually would have, as we did not need to pay for travel costs of our speakers."

Accessibility of information on oral statements

Particularly because of the uncertainty that led to the delay in the confirmation of the dates for HRC44, the availability, publicisation and accessibility of information about the modalities of participation for civil society was a crucial factor to guarantee effective inclusion of civil society in the session. While information on the registration for oral statements was somewhat easily accessible, when it came to information on participation by video statement, the rates of accessibility were lower, which had a considerable impact on organisations' capacity to prepare for the session.


How would you rate accessibility of information about registering for oral statements?
Very accessible
Somewhat accessible
Not accessible
Accessible
0
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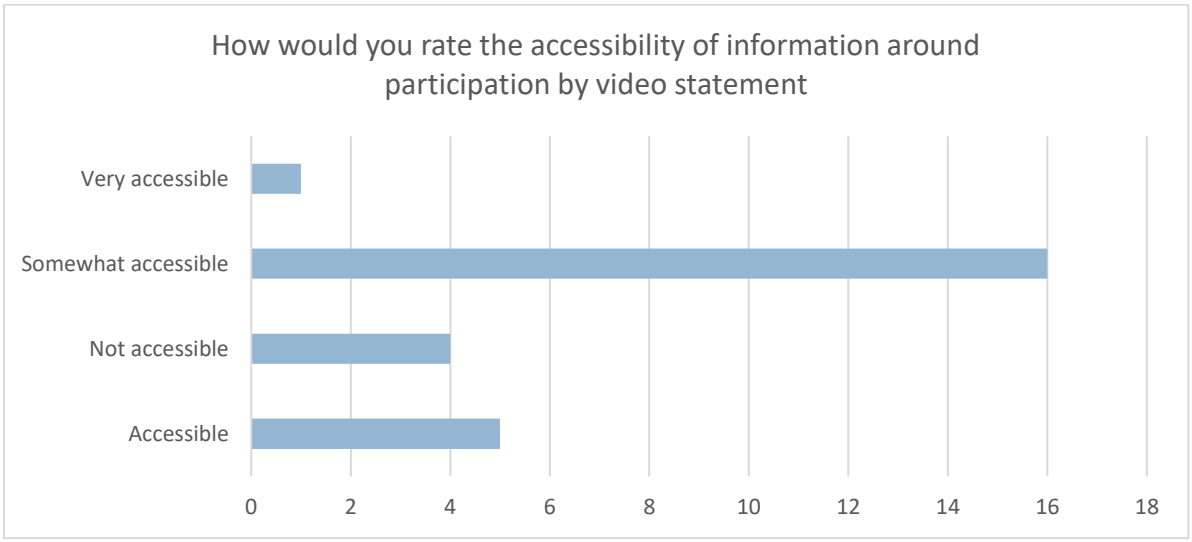
8
10
12
Total


How would you rate the accessibility of information around participation by video statement
Very accessible
Somewhat accessible
Not accessible
Accessible
0
2
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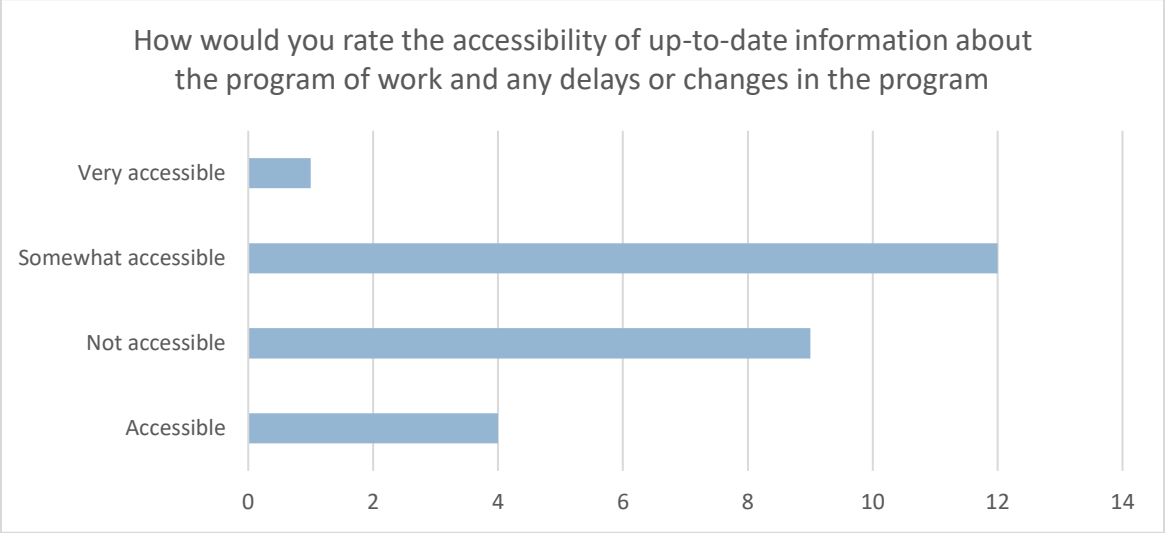
18

Changes and delays in the Programme of Work during the session

The survey showed that up to date information was not readily available to NGOs. While the recently adopted Sched app system is a welcome development, it has to be further disseminated amongst civil society organisations.



Challenges with pre-recorded video statements

As mentioned before, a significant number of organisations experienced difficulties in meeting the technical specifications for uploading pre-recorded video statements (18 out of 20 organisations that responded to the survey had issues). It is relevant to highlight that, even organisations with larger structures and robust resources encountered problems while submitting the statements.

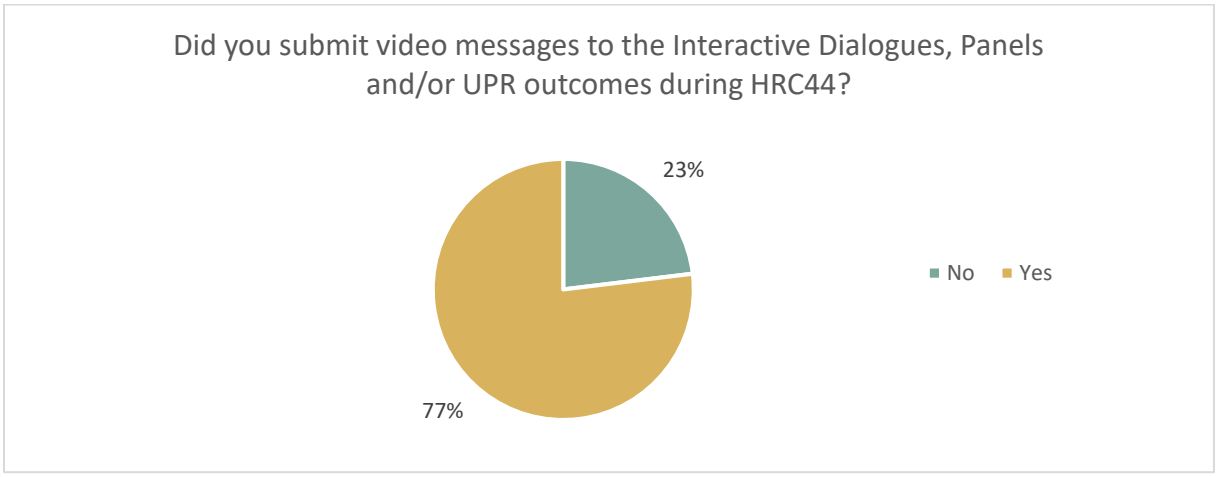
The most widely reported problem related to complications to upload the videos and technical difficulties with the specific required format or length of the videos. Many organisations also reported problems with the availability and clarity of the instructions available. There were also a relevant number of reports of videos that were uploaded but ended up not being played during the session without explanation, as well as, video messages that were not interpreted due to "sound quality concerns"[2]. However, transcripts are made available for all pre-recorded video statements so this should not be a problem.

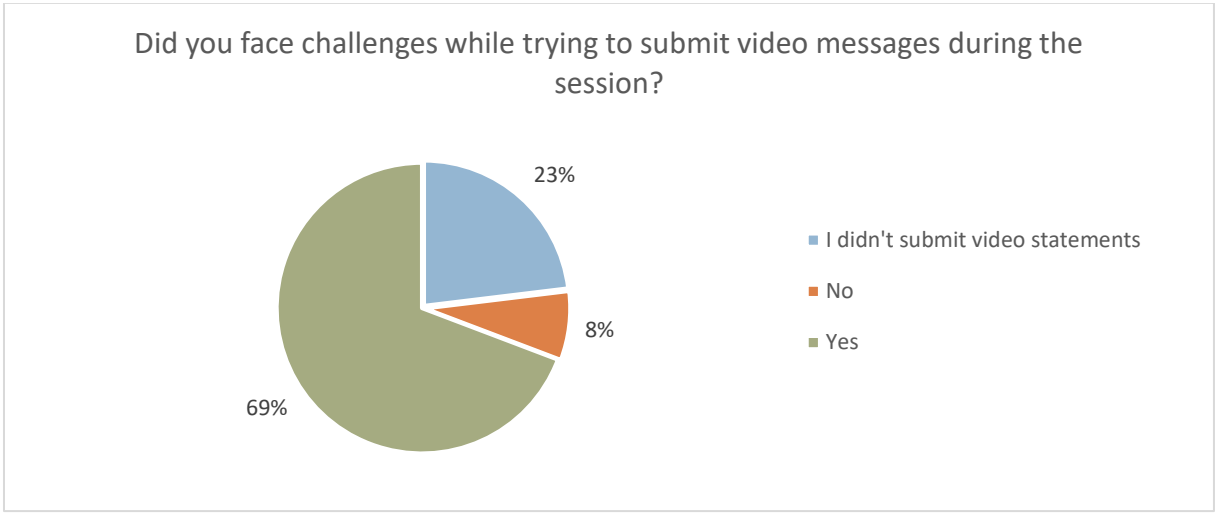
One organisation said: "in the end we abandoned the attempt to do the video statement and switched at last minute to in-person. We appreciated the flexibility of the Secretariat in this regard. However, several of us spent a lot of time trying to make the video statement work. Would probably not attempt again". While switching modalities is a valuable resource for organisations who can access the session in person, that possibility was not initially communicated, and those who did not have that privilege on many occasions ended up not being able to address the Council at all.

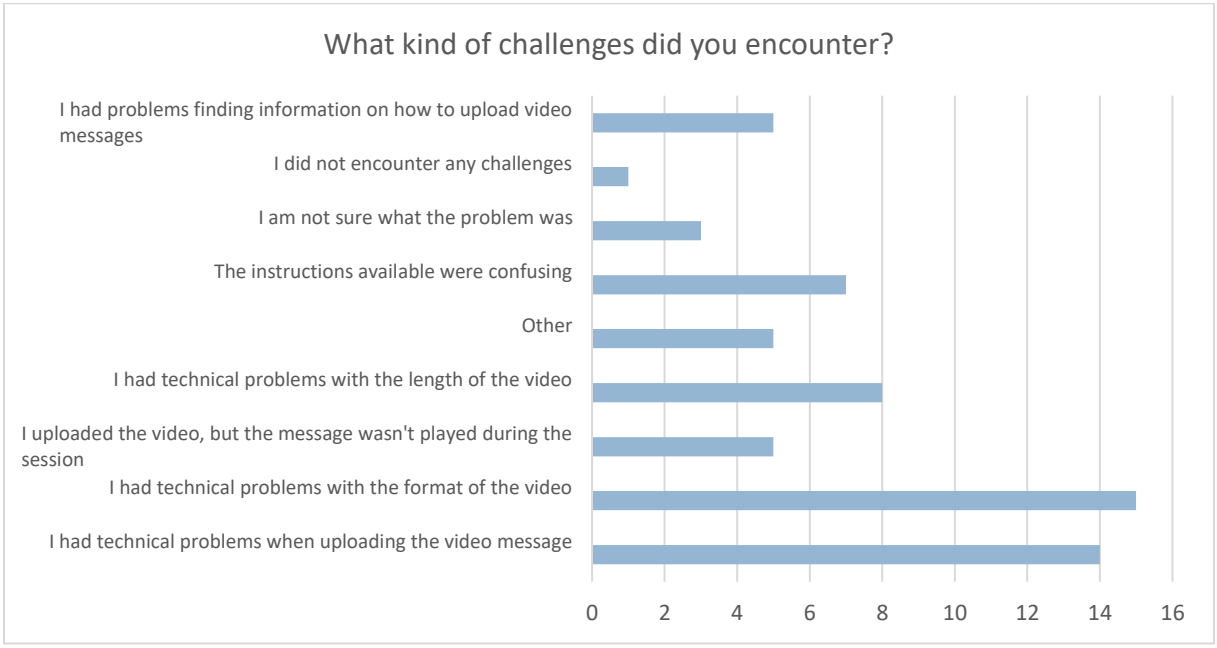
In terms of technical support, the responses indicate that most organisations did not need external support, as they reached out to their own teams or to partner organisations to solve their difficulties.

[2] Two examples of videos that were not interpreted due to "sound quality" issues: CSO statement on the panel discussion on women's rights and COVID-19 at this moment and panellist's intervention during the same panel.

Only very few respondents specified having received assistance from the NGO Liaison Unit or HRC Secretariat. Nevertheless, increased technical support from OHCHR and flexibility in video and audio formats, and in allowing CSOs to change between video statements and in person delivery without losing speaking slots, could enable more organisations participate successfully in future sessions.



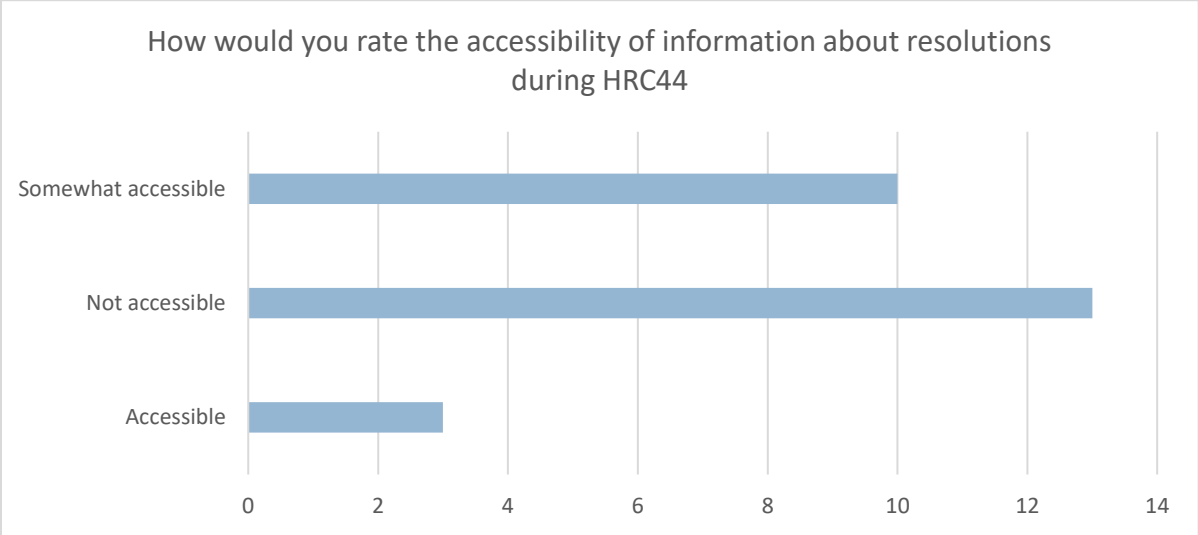


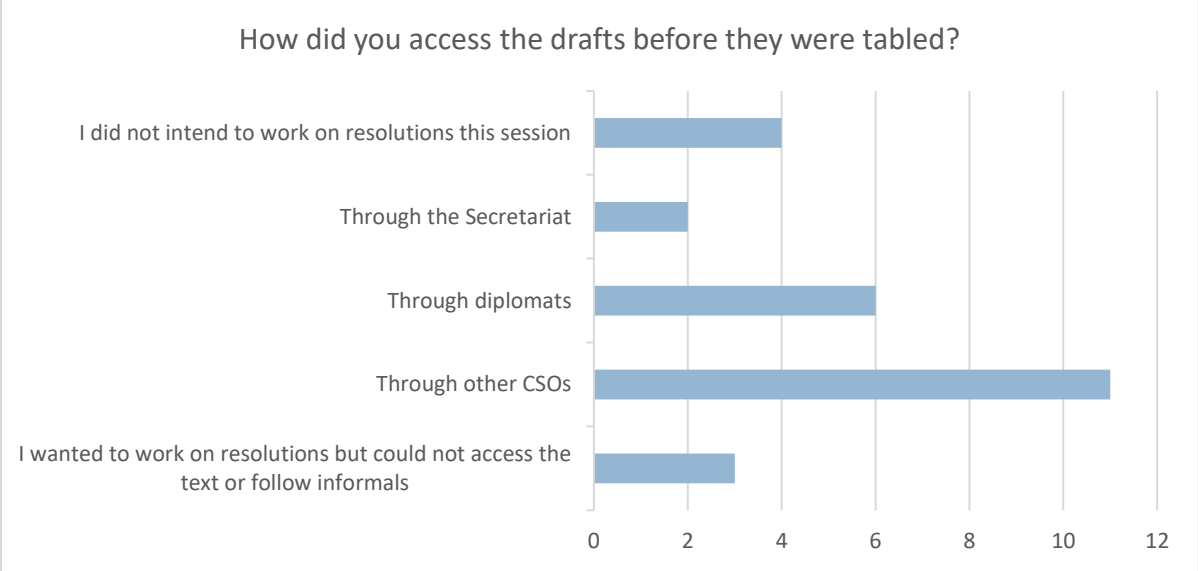


Access to draft resolutions

The information on draft resolutions during the session was most often rated as partially accessible or not accessible at all. Many responses indicated that the access to draft resolutions was restricted and that they were only able to acquire them through partner NGOs. As it has been highlighted in different occasions, access to e-delegates would help sort the discrepancy of access when it comes to draft resolutions.

Meanwhile, the Secretariat's practice of sharing zero drafts as they are posted on e-delegates should be extended to include all organisations who are interested in receiving them.



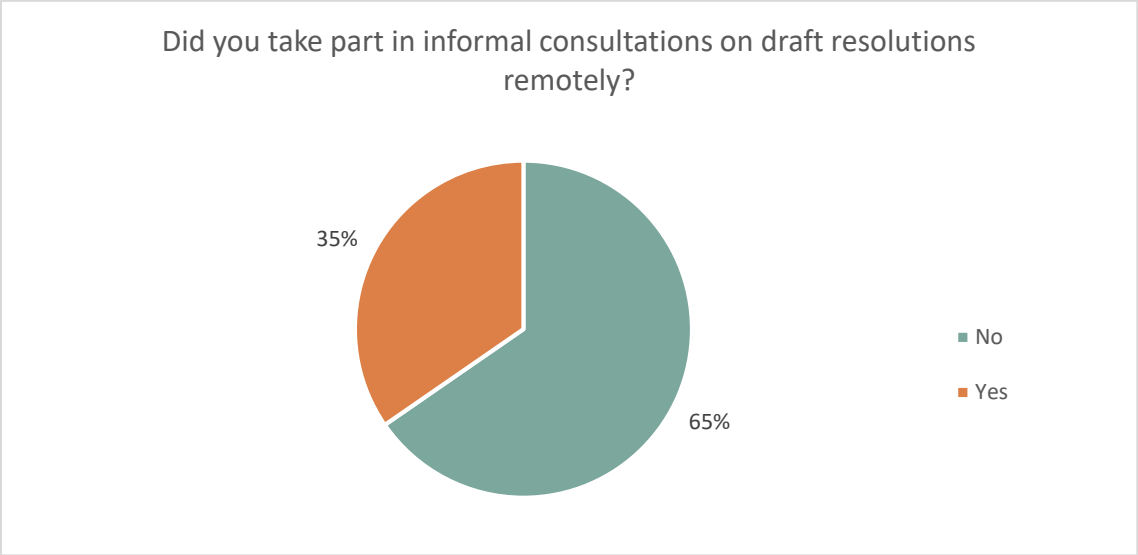


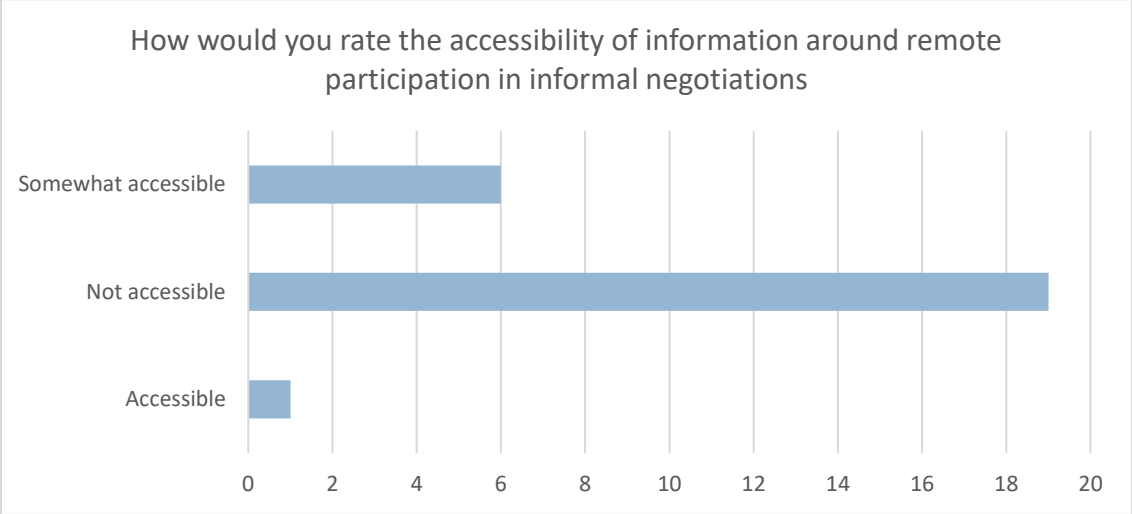
Participation in informal consultations

One of the concerns raised before the session had been the risk to unwarranted restrictions to access informal meetings due to the hybrid nature of HRC44. The survey shows that during the session, the majority of organisations did not take part in informal meetings. Additionally, the phone and listen-live

service provided by UNOG that could bridge that gap was often disconnected. Several informals were not live-streamed despite being public meetings, and remote engagement dependent on the willingness of core groups to include civil society. One organisation indicated that the degree of remote participation varied from one informal to another as "a small number of informals allowed for remote participation from both States and civil society and others didn't. Following informals online and allowing civil society to engage online is a good practice that should be encouraged."

As predicted, organisations also reported that time zone differences limited their participation in the informals meetings. Availability of recorded webcast or audio files after the informals for those in distinct time zones could help partially overcome this challenge.





Other challenges regarding civil society participation during the 44th session

Some organisations reported lack of flexibility, and difficulties in communicating with the HRC Secretariat, particularly when it came to issues related to pre-recorded video statements. Other challenges also revolved around the confusion with deadlines and delay of information around the modalities of participation, as well as, as mentioned before limitations related to differences in time zones. One organisation indicated: "generally, I very much relied on other CSOs for support and up to date information. I felt extremely remote and excluded from the Council experience."

Organisations also highlighted that accessibility measures such as closed captioning and sign language were very rare, ad hoc and dependent on NGOs and States' capacity rather than as system-wide measure. Likewise, in some of the session's meeting, webcast was only live-streamed in English and the original language rather than all UN languages. While this is standard practice both for the livestreaming of HRC meetings and the webcast recording stored after the meeting on UN Web TV, this differs from the interpretation into all UN languages available to participants in the plenary room and on webcast during voting, and effectively excludes non-English speakers from following the discussions remotely, both during and after they take place.

In addition, an organisation mentioned that the UNOG official iCSO NGO database was under maintenance during the continuation of the HRC43 and during the entirety of HRC44, which hampered the participation of partners. "Because the database was not working our partner was not able to obtain their annual accreditation for 2020 and not be able to finalize their INDICO application to the 44th HRC session".

Apart from COVID-19 related restrictions, NGOs also faced a significant decrease in the number of speaking slots due to cancellation of General Debates during the June session, as part of the efficiency measures adopted in December 2019. With HRC45 in mind, the Council needs to put in place the relevant measures that will effectively address the possibility of NGOS that are not based in Geneva to take the floor remotely during General Debates.

Concrete recommendations on how to make remote participation more effective and inclusive

As remote participation has become the reality for many organisations working with the Human Rights Council, the following recommendations can help further improve the modalities that were implemented during the HRC44 session. The recommendations apply to the OHCHR, Council's Secretariat, the Presidency of the Council, UNOG and States (where applicable).

On access to information:

- Disseminate clear information on modalities of remote participation in advance, including by updating the Draft information note for NGOs to include accessible and detailed instructions on remote participation[3];
- Provide and publicise concrete and user-friendly advice on how to make videos, including recommended software/editing system to meet the stringent technical requirements (e.g. apps/programmes to use[4], tips on how to position a phone or other recording device, how to check specifications, amongst others).

On pre-recorded video statements

- Allow more flexibility on technical requirements for video statements (e.g. deadlines for submission[5], resolution, length, etc.);
- Be transparent about how video recordings are prioritized in selection for transmission;
- Continue the practice of confirming speaking slots remotely and sending co-sponsorship form via email. This could be automatized by permitting registration through a platform rather than having to fill in a form.

On technical assistance to civil society

[3] See for example the flowchart produced by HRCnet before the resumed HRC43 and HRC44: https://drive.google.com/file/d/1-Z7x3b1DyHQhANuhRaghNLo2acxUF_mi/view?usp=sharing
[4] For example: https://www.online-convert.com/
[5] Note that for States, the video statement deadline is 6 hours before the debate (see guidance note).

- Make adequate budgets available for more effective and accessible remote participation, including for persons with disabilities, not only during the pandemic but as a permanent feature of the Council's work;
- Arrange for channels for technical support to the CSOs when needed.

On changes to the PoW during the session

- Provide regular updates about the Programme of Work (PoW), including delays and major changes, and make them widely available during the session, including by broadly publicising the new app Sched.

On access to draft resolutions and informals

- Follow-up on the request to provide ECOSOC accredited NGOs with access to the part of e-Delegate where draft resolutions, co-sponsors list and comments to the text before it being tabled are posted, or else create a separate page on the extranet where this information is automatically mirrored as soon as it is posted to e-Delegate.
- Encourage States to improve the system for remote participation in informal negotiations, and ensure that all resolutions' core groups allow for civil society engagement (in person and online) during the meetings;
- Ensure all informal negotiations, as public meetings, are webcasted and always available on the listen-live service provided by UNOG. Make the recorded webcast or audio files available after the informals for civil society in different time zones;
- Encourage States to make online channels available and make time to meet remotely with human rights defenders who are not able to attend the session in person.

On the future of remote participation

- Consult CSOs on their experience of HRC44 modalities and implement their recommendations for future sessions;
- Ensure all HRC meetings are webcast in all UN languages to enable non-English speakers to follow proceedings, as it has been the case for webcast during voting;
- Consider how civil society participation will be affected during the upcoming HRC45 and provide feasible options regarding remote participation during General Debates.
- We urge 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 HRC45.