

**Submission for the consultation on the HRC resolution on civil society space (ahead of 44th session)
May 2020**

1. What do you see as the ongoing and emerging challenges preventing civil society actors from operating freely and carrying out their work (domestically and internationally)?

At the domestic level, Space for civic action is under threat in many countries. Data from the CIVICUS Monitor¹ shows that 40% of the world's population now lives in countries with repressed or closed civic space where people are deprived of their rights to freedom of expression, association, peaceful assembly and access to information. Increased State regulation, intervention and scrutiny of civil society activities as well as burdensome or financing restrictions are just some of the obstacles faced by civil society actors and part of a global trend of shrinking civil society space.

The COVID 19 crisis has exacerbated these challenges through lack of consultation in decision making, or in some contexts the disproportionate use of emergency laws and restrictive policies under the guise of public health to suppress opposition and to silence the voice of media or other human rights defenders reporting on the pandemic or uncovering possible abuses. While emergency measures are legitimate to mitigate the outbreak, they should be necessary, proportionate, non-discriminatory and timebound. **In addition, with the rapid shift to the digital spaces, some States are imposing restrictions on online activities², in some cases, cutting internet access altogether**, and increasing digital surveillance to further curtail freedom of expression, peaceful assembly, right to privacy and civic space, and **in doing so preventing access to critical information to protect oneself against the virus**. The digital divide is also exacerbating inequalities and leaving behind the most vulnerable who are unable to exercise their rights. The pandemic's spread has been matched by the proliferation of misinformation about the virus, which has been highlighted by children as a key concern, exposing them to greater risks. In response to this, children have played a pivotal role in raising awareness and providing information about the pandemic to their communities³.

Government responses to the pandemic have also created a new set of challenges for civil society facing now a more restricting operating environment. For example, a rapid survey conducted with 101 civil society organisations in Vietnam on the effects of COVID 19⁴, including 73 local NGOs found that 96% of them expressed serious difficulties in reaching beneficiaries especially vulnerable groups, notably children with disabilities. Access constraints for humanitarian organisations to reach people in need, especially in conflict settings, has been exacerbated by containment measures to stem the impact of COVID-19, such as border closures or movement restrictions or existing counterterrorism measures and sanctions, which have in some cases prevented the delivery of lifesaving supplies and humanitarian staff critical to responding to the crisis and reaching those in need.

¹ <https://civicus.contentfiles.net/media/assets/file/GlobalReport2019.pdf>

² <https://www.savethechildren.net/news/covid-19-access-full-mobile-data-and-telecommunications-myanmar-and-bangladesh-essential-save>

³ Findings from a global survey conducted by World Vision in March and April 2020, captured in the report: Children's voices in times of COVID-19 Continued child activism in the face of personal challenges: <https://www.wvi.org/sites/default/files/2020-04/WV-Children's%20voices%20in%20the%20time%20of%20COVID-19%20Final.pdf>

⁴ <https://resourcecentre.savethechildren.net/library/rapid-assessment-effects-covid-19-pandemic-civil-society-organizations-vietnam>

The financial viability of civil society organisations, especially local organisations and community-based groups, is also under threat as they may lose important sources of funding as a result of the economic downturn and shifting government priorities and budgets. This will not only undermine front line efforts by civil society organisations, particularly in reaching the most marginalised and deprived families and children, but also also undermine the ability of civil society to monitor States' activities and hold them to account for child rights violations.

At the international level, the shift to virtual working has also raised concerns about the lack of transparency of UN policy processes and the closing of space for civil society participation in meetings that used to be open to civil society engagement before COVID 19. This prompted civil society organisations, including Save the Children, to come forward with key principles and recommendations to Member States on ensuring civil society access and meaningful participation in UN discussions during the COVID-19 pandemic⁵.

Barriers specifically affecting children

Children face specific challenges and risks in exercising their rights to expression, association, peaceful assembly and access to information due to their legal or cultural status as children, including age-based discrimination which intersects with other forms of discrimination, such as discrimination based on gender, identity and socio-economic status. In many countries children are seen as vulnerable and in need of protection, and at worst as the property of adults with limited respect for their agency.

Children's right to association might be hampered because they are not considered competent or experienced enough to legally establish their own organizations, to receive or manage funds, or to engage in contractual partnerships with other agencies or organizations. In a number of countries children's organisations are not allowed to receive and manage funding or open a bank account, which might be needed to for them to receive funding. Children's associations thereby risk co-option by adult-led organizations.

In many countries the right to information is a constitutional right, but **in practice public information might be hard to access, presented in a way that is difficult for children to understand, out of date or inaccurate.**

Children, just like adults, are putting themselves at risk when exercising their civil and political rights; often the response to their protest can have a negative impact on their wellbeing. During 2019, social protests took place in many parts of the world. Children and young people took lead and organized and participated in many of these, including for example "Fridays for future". Unfortunately, there are several examples of children and young people who were arrested or detained after having participated in peaceful protests. In the survey commissioned by Save the Children, only 38 per cent of children consulted felt safe to attend a public protest, due to fear of reprisals.⁶

In 2018, the Committee on the Rights of the Child organized its Day of General Discussion on the theme of protecting and empowering children as human rights defenders (2018 DGD). This discussion was a key milestone in identifying the main obstacles children face when acting as human rights defenders and suggesting recommendations to States to ensure a safe and meaningful civil society space for children. **The 2018 DGD highlighted the challenges children face when accessing the UN**

⁵ <http://www.ishr.ch/news/covid-19-principles-and-recommendations-ensuring-civil-society-inclusion-un-discussions>

⁶ Save the Children & the Centre for Children's Rights at Queen's University (2016), *Children Speaking Out - Summary of research with children on their civil and political rights*

system and international human rights mechanisms and recommended establishing procedures for systematic participation of children.

2. How can States better support civil society engagement at the local level to implement global initiatives such as the UN Secretary-General's Call to Action for Human Rights, the 2030 Agenda for Sustainable Development, and Beijing+25?

To facilitate civil society meaningful engagement in the implementation of global processes based on principles of transparency, participation and accountability, States should ensure that their multilateral discussions and partnerships are open and inclusive with multi-stakeholder participation and interactive dialogue with civil society, including children and excluded groups.

Civil society should have formal opportunities to participate in different processes and at each stage - and not only in the implementation phase but also in the conception phase - in person or through virtual means and through written inputs. Children, who constitute more than 30% of the world's population must have a voice in the work of international and regional organizations at all levels.

For instance, when it comes to the Secretary General's Call to Action on Human Rights, local civil society actors, including children, should be a key partner in designing and monitoring a robust implementation plan with strong indicators, including on civic space, and should be invited to engage with UN country Teams and Resident Coordinators to support its implementation. The call to ensure children's participation this process needs to be express, since children are often left out of democratic processes.

Moreover, States should take proactive, concrete steps to ensure that the most excluded and marginalized groups of people can participate meaningfully in their work, including by addressing the financial, linguistic, logistical, technological or age barriers that prevent the participation of specific groups. This will also contribute to deliver on the 2030 Agenda for Sustainable Development pledge to 'leave no one behind'.

To facilitate meaningful and safe participation of children in these platforms, **States should also ensure that children have access to age-appropriate, gender-sensitive and timely information in a language and format they can understand.** For example, child-friendly versions of international commitments and human rights standards, such as the SDGs⁷ and the UNCRC⁸, are important for children's meaningful engagement in their implementation.

Child-friendly platforms and spaces need to be put in place to consult children and for them to connect and engage – in-person or remotely – with governments and embassies as well as with international and regional organisations, both in country or outside in a meaningful and safe way to share progress [or lack of] on the implementation and hold States to account. To this end, international and regional organizations could increasingly use information and communication technology (ICT), including social media, to facilitate more virtual engagement.

Donors have a key role to play in promoting an enabling environment for civil society, including through direct funding to local civil society actors to increase their operational capacity and elevate their in-country profile. They should prioritise the inclusion of civil society actors who represent the most marginalized or under-represented groups in society, including children and in particular girls,

⁷ Global Movement for Children of Latin America and Caribbean (2014), [The World We Want – A Young Person's Guide to the Global Goals for Sustainable Development](#)

⁸ UNICEF (2014), [If you are under 18 years old, you have these rights too, Convention on the Rights of the Child](#)

through direct funding to children's rights organizations, coalitions and child-led initiatives, as well as girl-led or girl-focused civil society organizations. Funding should also be provided to organizations working explicitly to protect civil society space.

3. Can you highlight some of the priority issues for civil society organisations in 2020 (and beyond) that could be included or addressed in the resolution?

In light of the COVID 19 crisis and the impact on civil rights and freedoms, ensuring space for civil society in times of emergencies should be a key priority for the resolution, highlighting the need to mitigate the immediate and long-term impact of the COVID crisis on civil society space, including through impact assessments. It should set the legal boundaries for emergency measures in line with human rights obligations, and recognise the key role of civil society in all phases of the response to COVID 19 and its recovery, and in monitoring the implementation.

In this challenging operating context, it is even more critical to ensure an enabling environment for civil society, which goes beyond the simple absence of restrictions and require proactive and flexible support to civil society, including in terms of funding. The resolution should unpack what proactive support to civil society means in a context of emergency crises, including for instance the need for humanitarian exemptions to ensure lifesaving services to people in need. Funding support for civil society should also be integrated into financial recovery packages linked to ODA and debt cancellation agreements.

The resolution should address the digital divide and the opportunities and risks presented by digital spaces. Some new innovative ways are emerging from remote working to include more stakeholders in consultation/decision making and should be leveraged and extended beyond the COVID-19 crisis period.

The resolution should recommend that as we emerge from the pandemic, States should review whether and how the enabling conditions for civil society groups and individuals to organise, participate and communicate freely and without discrimination, and to influence the political and social structures around them, have been diminished and what steps should be put in place to inform policies in future public health or socio-economic crises.

Last but not least, **the resolution should emphasize the key role played by children as civic actors**, especially in the digital space in bridging the inter-generational gap and in connecting and contributing to joint solutions.

4. What do you consider to be the key “asks” and outcomes that the resolution could present to the Human Rights Council at its 44th session?

The 2018 HRC resolution on civil society space encouraged States to take every opportunity to support diversity of civil society participation, with particular emphasis on underrepresented parts of civil society, including children.

Building on this request, the next resolution:

1. Should call on the UN system to take measures to ensure more inclusive civil society participation, with a specific focus on how to enable underrepresented or marginalized groups, including more systematic participation of children to engage with international mechanisms and processes, through digital means, or other ways, when travel is not possible.
The resolution could encourage all relevant UN mechanisms and process to develop

frameworks for child participation, defining the spaces together with children by building on past experiences.

2. Could include a request for a specific report from OHCHR to look at civil society space in the digital age, looking at both the challenges and the opportunities and collecting good practice examples, with a focus on inclusion and leave no one behind.