



Activists at UN headquarters call for a global debt workout mechanism in July 2019. Credit: IISD/ENB-Kiara Worth

PART 5

STATE OF CIVIL SOCIETY REPORT 2020

CIVIL SOCIETY AT THE INTERNATIONAL LEVEL

THE UN AT 75: CIVIL SOCIETY PERSPECTIVES

2020 marks the 75th anniversary of the founding of the United Nations (UN). This is a landmark and an occasion for celebration of the UN's achievements to date, but it must also prompt civil society reflection and demand new thinking about how the UN should change to better serve a world very different from that of 1945.

Reflecting on the UN's achievements, challenges and prospects for change, we **asked several** civil society leaders and practitioners who have engaged with the UN system to share their perspectives on their experience.¹ They identified some clear achievements that ought to be celebrated.

The UN has helped prevent, mitigate and resolve conflicts. It has provided humanitarian help to millions of people in desperate need as a consequence of conflicts and disasters. It has enabled the provision of essential food and medicines during famines, and of shelter for refugees and displaced people.

In many cases peacekeepers have intervened to help save lives and prevent conflicts getting worse. The lives of many of the world's most vulnerable people would have ended prematurely or their living conditions would be far worse today if it were not for UN interventions.

We live in a world that has been shaped by the UN, since it was pivotal in the great wave of decolonisation and self-determination that followed the Second World War. Because of this and unlike its predecessor, the League of Nations, the UN has retained and grown its membership, becoming a truly global institution. Membership of the UN has become a normal component of what constitutes statehood; it is part of how people expect states to behave. Compared to 75 years ago, the case for multilateral institutions has been firmly made: that there are bigger problems than can be solved within borders that require international cooperation.

¹ With thanks to the UN75 interviewees: Nicolas Agostini, DefendDefenders; Sally Chin, Oxfam International; Yolette Etienne, ActionAid Haiti; Rosanna Ocampo, Asian Forum for Human Rights and Development; Cristina Palabay, KARAPATAN, Philippines; Angie Pankhania, United Nations Association – UK; John Romano, Transparency, Accountability and Participation Network; and Caroline Vernailen, Democracy International. All interviews quoted in this report are edited extracts. Full versions of interviews can be found on our website at <https://www.civicus.org/index.php/media-center/news/interviews>.



Hundreds of protesters gather in front of the UN's Venezuela office in June 2019 with a banner that reads 'Venezuela demands human rights'.

Credit: Carlos Becerra/Bloomberg via Getty Images

CELEBRATING ACHIEVEMENTS: UN SUCCESSES AND LANDMARKS

“The UN was set up primarily to prevent another world war. This, by far, is the UN’s biggest success in its 75-year history and in doing so the UN has saved millions of lives, and also helped humanity progress in so many other ways, such as by fostering technical advancement.

Beyond that, the UN makes positive differences every day, from the UN Mine Action Services clearing thousands of landmines every year to the dozens of war criminals who have been brought to justice through UN processes, to the thousands of people the UN feeds and houses every day, and the most important – but least measurable – work of providing a forum for the nations of the world to resolve their differences diplomatically rather than resorting to wars.”

Angie Pankhania, United Nations Association – UK

“Among the greatest successes of the UN we could highlight the Universal Declaration of Human Rights in 1948; support for decolonisation processes in Africa and Asia; participation in peace agreements; the deployment of peacekeeping operations, with some reservations; the drafting of nuclear and conventional arms control treaties; the establishment of the International Court of Justice (ICJ) and the International Criminal Court (ICC); and the establishment of the Commission on the Status of Women (CSW) and the creation of UN Women for the promotion of equality. Their existence, although perhaps not their impact, has been a success.

In connection with these, we should also note the existence of the Convention on Biological Diversity. Generally speaking, there have been many initiatives bringing about transformations and recognising the right to development, introduced mainly before the 1990s, as was the case of the International Covenant on Economic, Social and Cultural Rights.

From 2019, we must emphasise the positive character of the strong position taken by the UN to alert the world to the crisis of climate and nature.”

Yolette Etienne, ActionAid Haiti

“The UN’s greatest success is the international community’s acceptance, at both the ideological and practical and policy levels, that human rights are not within the sphere of domestic affairs.

With the UN, the promotion and protection of human rights – or indeed their violation – became a legitimate matter of international and multilateral concern. Today, states cannot simply use ‘sovereignty’ to disregard criticism over their human rights record.

Sovereignty cannot be used as a veil to prevent the international community from looking at the way a government treats its own people. This is immensely significant when you look back at history: states used to refuse to look at what was going on inside other states; they did so only when their own nationals or coreligionists were abused.

Governments like to claim that ‘pressure does not work’ and ‘naming and shaming’ does not bring about any results. A number of them praise ‘quiet diplomacy’ and ‘technical assistance and capacity-building’. Yet they spend time responding to criticism. They invest in the UN human rights system. They engage with the UNHRC and with the General Assembly’s Third Committee. They go through the UPR every four and a half years. They engage with special procedures (the ‘eyes and ears’ of the UNHRC) and act on their communications – even when they do not publicly acknowledge so. They constantly interact with the Office of the UN High Commissioner for Human Rights (OHCHR).”

Nicolas Agostini, DefendDefenders

“One of the biggest successes of the UN in its 75-year history has been the countless lives saved through its humanitarian efforts. At its best, the UN has acted as a place of refuge, a voice that speaks out and defends the rights of all the people whose rights would otherwise be violated or forgotten. When we reflect upon the roots of the UN, the fact that we now have these standards, agreements and norms of how we act and expect others to act is truly remarkable. UN peacekeepers have protected people seeking safety at their bases, and UN humanitarian agencies and their partners have got aid to some of the most difficult-to-reach locations.

Fundamental treaties, resolutions, structures and frameworks have been agreed and created that protect people’s rights and at times allow them to participate in processes that affect them, including the Convention Relating to the Status of Refugees, the Convention on the Elimination of All Forms of Discrimination Against Women and the UN Human Rights Council (UNHRC) with its Special Procedures and Universal Periodic Review (UPR), to name a few. The Universal Declaration of Human Rights, and the architecture of the UN system put in place, is one of the key multilateral mechanisms for defending both the full human rights of people worldwide and the civic space for people to exercise the three fundamental rights of association, peaceful assembly and expression.

The UN has also been indispensable in bringing together the world to tackle problems that are bigger than any one member state can handle. One example of this is the climate crisis – this generation’s existential threat. Through economic policies that devalue people and planet, we have become our own greatest enemy. To the UN’s collective credit, over the course of three decades, countries have established the framework for a global governance regime to address the climate crisis. Now they must match their actions to the scale of the problem. If every nation – led by big polluters and wealthy nations – implemented these already-agreed commitments, we would be able to solve the climate crisis! ”

Sally Chin, Oxfam International

Caroline Vernailen,
Democracy International

“Overall, I think that the UN has remained a steady, positive influence on maintaining a relative state of peace around the world since its inception, and it provides for a useful venue for addressing international issues in a concerted way. In many ways, the UN has succeeded in its first objective of saving succeeding generations from the scourge of war, and objectively I think it has played an influential role in this achievement to date.

The establishment of the Universal Declaration of Human Rights was also another crowning achievement of the UN, as well as the Sustainable Development Goals (SDGs) and the 2030 Agenda.

The UN has helped to build momentum for action on emerging issues and establish global priorities. Following in the footsteps of the Millennium Development Goals, the SDGs offer an ambitious social justice agenda, committing all states to ending poverty, achieving gender equality, reducing inequality and building effective, accountable and inclusive institutions. On the climate crisis, the UN’s Intergovernmental Panel on Climate Change, established in 1988, has helped forge scientific consensus and consistently provided credible information on the likely impacts of the crisis, while the COP series of climate change summits has produced the agreements that, if followed, would do much to prevent the worst impacts of climate change. ”

John Romano, Transparency, Accountability and Participation Network

“One of the greatest achievements of the UN has been the Universal Declaration of Human Rights, that is, the formulation of the universal and inalienable rights that every person on this planet has. The Universal Declaration sets out the fundamental values of our society: freedom, equality, justice and solidarity – the very pillars of democracy – and of course the right to public participation.

Over the past years, we have seen citizens around the world take to the streets, claiming their democratic rights. The UN has been consistent in speaking up on their behalf, ensuring that their human rights are guaranteed in a world where civic space is dramatically shrinking. ”

UN HUMAN RIGHTS LANDMARKS

When it comes to human rights, the UN has produced a strong and continually evolving set of norms in the form of covenants, treaties and declarations. The language of human rights has become widely adopted, and people and groups have become accustomed to making claims for rights, framed in relation to global norms. While often the rights we are all entitled to are denied in practice, UN norms give us a way of understanding and assessing the gap between current realities and the standards we should expect, and enable us to advocate for change. For civil society, the landmark agreements of the **International Bill of Rights** – comprising the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights – set the standard. They enshrine the rights to the freedoms of association, peaceful assembly and expression that are the bedrock for civil society action; they enable civil society to demand rights and claim civic space.

Under these norms and principles, the idea that heads of states are free to do as they wish within national borders without international scrutiny has been challenged repeatedly; it has now been established as a principle that they cannot. International institutions and processes – notably those associated with the UNHRC – have provided civil society with means to help hold states to account over their human rights records. The UPR process, in which every state has its human rights record examined and receives recommendations on how it can improve its respect for human rights, has created space and leverage for civil society to play a role. The various special rapporteurs and other mandate-holders play a key role in exposing violations, including of civil society rights, and proposing remedies. The ICC has been established as a court of last resort to hold those who commit the worst human rights violations to account, and several people who have committed horrendous abuses have been found guilty and punished.

The extent to which states engage in the UN's human rights processes in good faith of course varies, but in the main, states at least seek to be able to claim that they have respectable human rights records and show they are taking their engagement with UN human rights institutions seriously. In

doing so they are accepting the principle that it is right to have international scrutiny over their human rights performance.

Many UN advances, particularly in the human rights field, can be claimed as civil society successes. To varying extents, civil society has been able to advocate for the UN to forge new agreements and set progressive standards and norms that have benefited people. Many UN landmarks – such as treaties against landmines, the **arms trade** and **nuclear weapons**, as well as the Rome Statute that established the ICC – had their origins in civil society advocacy, and civil society made much of the running to develop and win support for these important pieces of the international human rights architecture. Civil society influenced the UN's women's rights agenda and helped develop the SDGs through intensive engagement and advocacy. Civil society has worked hard to make the HRC's UPR process a real examination of states' human rights performance that leads to tangible improvements, and is now part of the process to try to make a **binding treaty** on business and human rights a reality.



Demonstrators in Rome call for action on human rights as the Universal Declaration turns 70. Credit: Franco Origlia/Getty Images

Time and again, civil society has proved the value it adds to the UN, and the history and current structure and priorities of the UN would look very different without this civil society footprint. But there is still much room for improvement, and the civil society that engages with the UN system has many suggestions.

CHALLENGES: BUREAUCRACY AND ACCESS

Some of the issues identified by our interviewees are long-term and ongoing in nature, relating to the systems and structures of the UN and its panoply of agencies and initiatives that can be bewildering. The UN's bureaucracy is sprawling and often slow-moving. Its structure is top-down and hierarchical. Powerful institutional inertia makes reform hard, and what reforms have been made have been piecemeal.

Yollette Etienne expresses some of these concerns:

The system is slow and not at all agile. The simplest partnership requires a lot of energy to keep agencies engaged, not to mention the crippling bureaucracy.

John Romano makes the point that while the current machinery of the UN makes it better at reacting and responding to a crisis, it is less good at anticipating and preventing those crises:

There are many things the UN can do better, and in many ways this is no fault of the UN itself, but instead represents a failure of its member states and reflects on the state of multilateralism today. The UN is often very good at being responsive to crises and big international issues that represent immediate threats faced by the international community. However, it severely lacks more proactive and preventative measures to help make sure that efforts are being made to ensure that some of these crises or issues do not arise in the first place.

The UN's humanitarian agencies and response mechanisms in particular have evolved in a somewhat ad hoc manner. Despite numerous proposals for reform – most recently 2016's 'Grand Bargain' agreed at the World Humanitarian Summit to **improve** the effectiveness and efficiency of

humanitarian response and deliver more aid to the frontline – the system still needs an overhaul, suggests Sally Chin:

*While the UN and its partners may be saving lives, the current humanitarian system is overstretched, outdated and not yet able to respond adequately to all the growing need. Leadership and resources for humanitarian response need to be decentralised, with more power and funding given to the local organisations that are often the first to respond, and humanitarian action needs to be **gender-transformative**. The whole system will need to rise up to all the challenges ahead, including the humanitarian dimension of the climate crisis.*

For Angie Pankhania, while UN staff often do their best, the vast bureaucracy can mean different staff are disconnected from other, making civil society's attempts at engaging frustrating:

As for the staff who keep the organisation running, we generally find them to be hardworking, diligent and idealistic – doing wonderful work, day after day, despite near-impossible demands and woefully insufficient resources. But of course, it's not without its frustrations. We've come across situations such as parts of the UN contacting us because they want to get in touch with other parts of the UN and don't know how, or UN staff acting in an entitled manner.

For civil society, these challenges matter not only because they hamper the effective functioning of the UN, its efficient use of resources and the provision of services for frontline populations, but also because they present barriers to sustained and diverse civil society engagement. This matters because, in civil society, we believe our engagement can help UN institutions become stronger and more responsive and serve people better.

As it stands, for civil society to develop the expertise and relationships required to navigate labyrinthine structures is a long-term commitment that also requires energy and financial resources. This effectively privileges participation by wealthier and larger civil society organisations (CSOs), particularly those located close to the UN's New York headquarters and

other key hubs, such as Geneva for civil society engaging with the UN human rights system. It makes it harder for smaller, emerging CSOs from the global south to participate.

Caroline Vernailen relates these civil society concerns:

For CSOs it is quite hard to gain access to the UN system. We have found that individual mandate-holders are often very willing to listen and are open to new ideas, but any institutional change is decided by member states. This constitutes a very high hurdle for CSOs, which often only operate in a handful of countries. Gathering up the necessary support from enough member states is an arduous and expensive process that very few CSOs can afford. In addition, there is a lot of institutional inertia at the UN, which works in favour of those governments that wish to keep civil society and citizens away.

John Romano similarly describes how limited engagement opportunities, such as those around the SDGs, can work against all but the largest CSOs; the implication is that many potential ideas and solutions will be overlooked:

Currently, participation in UN processes is extremely limited throughout many important processes that civil society engages with, including around the SDGs. Entry points into many processes are scarce, but when opportunities for engagement arise, there is often an overall lack of transparency and clarity on how civil society's inputs and engagement are reflected in the work of the UN and different processes. This can be very frustrating for many groups that work around the UN, and often getting any inputs reflected depends entirely on who you know, which inherently presents a bias towards larger organisations. The resulting lack of diversity sometimes also prevents new ideas from being injected into these spaces.

Access challenges have been exacerbated in recent years by growing difficulties in obtaining visas to travel from countries in the global south to countries that host UN headquarters. The UN's **headquarters agreement** with the USA, in section 11, states that US authorities "shall not impose any impediments to transit to or from the headquarters district" of a range

of people involved in its activities, including people from CSOs, or in the language of the time, "representatives of non-governmental organizations recognized by the United Nations for the purpose of consultation under Article 71 of the Charter." However, the Trump administration has imposed a blanket ban on travel from some countries, and for anyone coming from a global south country, it has become much harder to obtain a visa. In 2019, these issues hindered the involvement of young people in the Climate Action Summit ([see section](#)) and of women activists in the CSW (see below).

The problems created by visa challenges are obvious: global-north headquartered CSOs and large CSOs that have the administrative and financial capacity to navigate increasingly complex visa processes will have privileged access, along with CSOs based in headquarters countries and people with strong connections to global south elites. Those who will mostly be kept away will be people from many global south CSOs, smaller CSOs and CSOs working on issues considered to be controversial or sensitive, such as the rights of excluded groups. Many are now no longer prepared to invest in the time and cost it takes to make a visa application that carries a high risk of being rejected.

The introduction of new technologies has not adequately solved problems, as UN processes continue to place a heavy premium on being present in the room. The result can only be discussions and decisions that fail to reflect the true diversity of people's lived experiences and in which there are fewer chances that radical solutions that challenge power will be raised; instead of exclusion being challenged, it will be reaffirmed.

There is a need both to advocate that the letter and spirit of the headquarters agreement are adhered to, and to look for alternatives – such as enabling full remote participation in meetings held at headquarters, beyond simply streaming sessions, and making an active commitment to hold more key meetings in the global south and in countries with friendlier visa regimes, as well as holding more regional-level processes that feed into headquarters meetings. However, responses such as these would have budgetary implications at a time when the UN, as discussed below, is under pressure to cut back.

LOW AND FALLING PRIORITY OF HUMAN RIGHTS?

A challenge across the board for civil society engaging with UN institutions is that the costs of sustained engagement may be high but the impacts uncertain. Even when an international agreement is reached, often after years of negotiation, there are no guarantees that it will be adhered to. States are often accused of not taking UN agreements and processes – particularly those relating to human rights – seriously enough, of ignoring them, or only pretending to follow them. Agreements may be made on paper but not adequately followed through, and there are no strong mechanisms to incentivise or enforce compliance by states with agreements they have ratified. The climate crisis, for example, is growing in spite of the international commitments states have made, because they are not adhering to them.

Cristina Palabay of **KARAPATAN** outlines some of these challenges in relation to human rights compliance in the Philippines, where President Rodrigo Duterte's government has committed **numerous and widespread** human rights violations:



UN High Commissioner for Human Rights Michelle Bachelet debates human rights issues with students in Portugal. Credit: Horacio Villalobos/Corbis via Getty Images

Positive actions of the UN to uphold human rights and peoples' rights are stopped short when it comes to implementation by governments, including that of the Philippines. Governments use a variety of tactics to undermine human rights norms agreed upon through the multilateral platform.

First, they deliberately ignore the UN's calls, views and recommendations and continue committing human rights violations and crimes against their peoples by distorting human rights principles.

Second, they appear to abide by the UN's calls, views and recommendations on paper and they flaunt the numerous covenants and agreements that they signed to make it appear that they comply with international human rights instruments, but instead use their being part of the UN as licence for their warmongering and commission of crimes against humanity.

Third, they use the UN to sanitise their image before the international community while still committing a wide array of human rights violations.

In relation to the precarious human rights **situation** in Cambodia, **Rosanna Ocampo** of the **Asian Forum for Human Rights and Development** also decries the weak nature of oversight by UN human rights institutions:

There still remain many instances in which the lack of political will, or the political and economic interests of states, get in the way of situations being adequately addressed at the UNHRC, including situations of grave concern and issues relating to civil society space. For example, the way the resolutions on Cambodia have played out in the past couple of years haven't reflected the reality of the situation in the country. More should have been done than just renew the mandate of the Special Rapporteur on Cambodia. It would have been good for the UNHRC to mandate additional monitoring and reporting by the OHCHR on civic and democratic space in the country, and recommend steps for the government of Cambodia to take to restore fundamental freedoms.

Weak compliance is only one of the challenges that civil society that engages with the UN's human rights institutions faces. Even if civil society succeeds in gaining access and influence, we may be engaging with the part of the UN that is seen as the least influential and easiest to ignore, in part because it has the fewest resources.

While the UN has a crucial role in defining, spreading and driving forward human rights norms and values, this is only one of its roles. Human rights is one of the UN's three pillars, alongside development and peace and security, but it has seemingly always been the poor relation of these three. It is consistently underfunded: only **3.7 per cent** of the UN's budget goes to the OHCHR.

Because the development of human rights norms is an iterative process – new agreements and declarations have been negotiated and come into being over recent decades, and new posts of special rapporteurs and independent experts have been created to monitor particular human rights or states with troubling human rights records as situations evolve – the strains on the system have increased but the resources have not kept pace.

For Nicolas Agostini, the lack of funding and priority for the human rights pillar means that human rights are not being adequately mainstreamed across the UN and all of its activities:

*UN secretariat staff – OHCHR and human rights advisers in peace missions – and UN human rights bodies and mechanisms must work on a shoestring – and they achieve much! But the UN's financial neglect for its human rights pillar also means that the UN system as a whole is facing a lack of policy consistency. Whereas the idea that development, peace and security, and human rights are interdependent and mutually reinforcing has brought about policy initiatives such as **Human Rights Up Front**, decision-makers have been backtracking.*

The consistent underfunding of the human rights pillar may of course suit those states that pay lip service to human rights but do not want structures and processes with the capacity to hold them fully to account.

Beyond these ongoing concerns, a major current worry of the civil society that engages with the UN system is that human rights seem to be falling as a priority. As **documented** by the CIVICUS Monitor, many states are cracking down on civic space, and as tracked by successive editions of this report, in many states, politics have taken a rightward and populist turn (*see section*). One of the enemies that right-wing populists and nationalists create and target is the phantom of 'globalism'; they claim that global institutions, particularly the UN, are foisting dangerously progressive and leftist norms and values on states that are incompatible with nationally framed values or practices, as invariably defined by political leaders. Narrow notions of sovereignty, in which heads of state or government are assumed to be able to

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ROSANNA OCAMPO



exercise sovereignty on behalf of their people, are being reasserted. What is being attacked is both the universality of human rights and the principle that states and their leaders may be held to account for what happens within their borders.

States that repress civic space and violate human rights at home have always tended to do the same **in the international arena**, so current attacks on domestic-level civic space in many states imply a declining space for civil society at the UN. States run by right-wing populists and nationalists are increasingly seeking to close down human rights scrutiny and challenging the limited access civil society currently has. In negotiations on the outcome texts of UN meetings, states that have taken a rightward turn are working to remove language about human rights – such as women’s rights (see below) – as well as watering down language on climate change.

Sally Chin emphasises this connection between domestic and international civic space restriction, and its particularly damaging consequences for women’s rights:

As we know, the UN is only as successful as its member states, collectively, want it and allow it to be. And herein we see many of the challenges and the flaws.

As civic space is shrinking around the world, it is also being challenged at the UN – indeed, even the importance of multilateralism is being challenged – with key human rights mechanisms being defunded, civil society access to the UN being blocked through visa denials, and the people affected by conflict not being consistently included in the processes that impact them.

Globally we are seeing a terrifying rollback of women’s rights, attacks on women human rights defenders and a shrinking of civic space. This is happening at a national level – where we see decreasing compliance with international human rights law – as well as at a global UN level. Member states with regressive agendas are using any opportunity they can find to chip away at long-established norms regarding rights.

*An example of this was at the negotiations in April 2019 around UN Security Council (UNSC) **resolution 2467** on conflict-related sexual violence, when the Council stripped all language on sexual and reproductive health rights from the final text, including previously agreed language. And 25 years since the adoption of the **Beijing Declaration and Platform for Action**, and 20 years on from the adoption of UNSC **resolution 1325** on Women, Peace and Security, commitments to the Women, Peace and Security agenda and gender equality more broadly are going unfulfilled. Gender advisors are being cut from UN missions, women’s rights and women-led organisations in conflict and fragile states are not getting enough funding, and gender mainstreaming efforts are slow.*

A related and growing problem is the increasing prominence of **anti-rights groups** – groups that position themselves in the civil society arena but work to deny rights and attack legitimate civil society. CIVICUS has documented how anti-rights groups are on the rise in many countries. One of the ways in which they are growing their power is by building international connections and positioning themselves in international arenas, where they seek to push back against human rights norms.



Human rights lawyer Amal Clooney speaks at a UN Security Council meeting focused on sexual violence in conflict. Credit: Drew Angerer/Getty Images

Two UN officials, interviewed on condition of anonymity, describe how anti-rights groups have increasingly inserted themselves into UNHRC processes and events:

Anti-rights groups have mushroomed in recent years. They come to the UNHRC under the pretence of speaking about human rights, but the human rights they defend are perceived as such only by the extreme right. They tend to adopt names that sound pleasing or inoffensive and they may be difficult to identify as anti-rights groups at first. They may very well hold a side event that they claim is about ‘empowering women’ but is in fact targeted against LGBTQI+ people.

There are more and more anti-rights groups misusing the UNHRC, and if they have UN Economic and Social Council (ECOSOC) status and follow the rules, they are allowed to take the floor and hold side events. Unless there is explicit hate speech involved and it happens in the formal proceedings, they will have a space.

There is no control of what goes on during side events. It may be easy to spot the situations that can imply reprisals against human rights

defenders. But it is not always easy to identify those where there will be anti-rights rhetoric.

Anti-rights groups are influencing governments and right-wing populist and nationalist politicians, and those governments and politicians are not only listening to anti-rights groups and giving them policy access domestically; they are also increasingly following their lead in international arenas, and bringing representatives of anti-rights groups with them as part of their delegations.

COMMISSION ON THE STATUS OF WOMEN EXPOSES CURRENT CHALLENGES

The annual CSW meetings have become a venerable part of the regular functioning of the UN system, and an indication of how, over decades, the UN has acted as a powerful source of norms that strengthen women’s rights. CSW meetings offer a regular opportunity for civil society to engage with the UN on women’s rights. The March 2019 session was the 63rd, suggesting a track record worthy of celebration, but unfortunately the session laid bare many of the current and growing challenges described above, and the role of regressive states in driving these.

One of the key challenges seen in 2019 related to participation, with the visa crackdown hitting hard. In many cases, the travel ban trumped the clear text of the headquarters agreement. Ahead of the 2019 CSW, **dozens of women** were reported to have been refused visas, and this figure may have been an underestimate, as it relied on voluntary reporting – and of course could not include anyone deterred from applying for a visa in the first place. Among those unable to attend were women’s rights defenders from Nepal and Pakistan. Those who could attend reported having to provide excessive and intrusive amounts of information – including about their marital and family status – in the time-consuming process of obtaining their visa.

At the same time as these women’s voices were being squeezed out of the process, **those of anti-rights groups** were being invited in and granted privileged access, and used their position to work to deny women’s rights and attack women’s rights defenders. The CSW long existed as a relatively safe space in which a range of civil society groups and activists for women’s



UN Secretary-General António Guterres speaks at the UN Commission on the Status of Women. Credit: Atilgan Ozdil/Anadolu Agency via Getty Images

“BY FIGHTING FOR WOMEN’S RIGHTS WE ARE FIGHTING FOR THE RIGHTS OF ALL PEOPLE. BECAUSE THE FIGHT FOR THE MOST MARGINALISED IS A FIGHT FOR US ALL.”

UMA MISHRA-NEWBERY



rights could come together and attempt to engage constructively with states. But it is now a highly contested and polarised arena because anti-rights groups have identified it as a major target.

One of the common rallying points for different anti-rights groups is an opposition to what they call ‘gender ideology’; this is characterised as a series of positions, allegedly pushed by civil society, that erases biological differences between women and men, attacks families, discriminates against men and heterosexual people and sexualises children. Even the use of the term ‘gender’ is fiercely contested by anti-rights groups. ‘Gender ideology’ is a fiction, but a convenient one for anti-rights groups, as it helps organise, mobilise and coalesce different groups. The fixation on ‘gender ideology’ has made the CSW a key battleground.

As this report’s chapter on challenging exclusion describes (*see section*), under the guise of defending the family and children, women’s rights are being attacked. But at the same time, the rights of LGBTQI+ people, migrants and religious minorities are being attacked on the pretence of defending women’s rights. Transphobia in particular is being stoked: women’s rights and trans rights are being presented as mutually incompatible. What is underway is an attempt to co-opt, pervert and refashion the language of rights in order to deny rights, particularly to women and LGBTQI+ people.

Highlighting these contradictions, **Uma Mishra-Newbery** of **Women’s March Global** describes some of the anti-rights actions – and corresponding attacks on civil society – undertaken in the guise of defending rights at the 2019 CSW:

*During the CSW 63rd session, the Holy See organised a **side event** under the title ‘Gender Equality and Gender Ideology: Protecting Women and Girls’. On the surface, this could appear as super progressive – they are trying to give the impression that they are promoting women’s rights. But you walk into the event and it’s extremely transphobic, as they outrightly reject the concept of gender identity and insist on biological sex, therefore refusing to consider trans women as women. They claim to know better what it means to be a woman and what all women feel and need, and this brings them to condone violence against trans people and reject sexual and reproductive rights.*

We reported live on their event on Twitter, and you cannot imagine the way we were trolled online. Anti-rights groups accused us of promoting trans rights over women’s rights. But we are an intersectional organisation: we understand that forms of oppression are interconnected, and so by fighting for trans women’s rights we are fighting for all women’s rights, in the same way as by fighting for women’s rights we are fighting for the rights of all people. Because the fight for the most marginalised is a fight for us all.

Opponents of women’s rights have powerful official status at the CSW. The stance of the US government

reflected the fact that activists against abortion and sex education have moved into senior policy roles in the administration. Hard-right evangelical groups that were once considered fringe have claimed mainstream space under President Trump; they are part of US **government delegations**, and US government representatives are repeating their negotiating points verbatim. At the CSW and on women's rights elsewhere, the USA has allied with ultra-conservative states that are serial human rights violators, including Egypt, Russia and Saudi Arabia.

For example, as well as the watering down of UNSC resolution 2467 in April, described above, in May, a US-proposed **statement** opposing references to sexual and reproductive health was delivered at the annual World Health Assembly, the governing meeting of the World Health Organization. The USA's statement was backed by the governments of Brazil, Egypt, Ghana, Haiti, Indonesia, Iraq, Nigeria and Saudi Arabia. In September, in the run-up to the UN High-Level Meeting on Universal Health Coverage, the Trump administration **declared** that there was no 'international right to abortion', and called on like-minded states to join its campaign. These are positions that have long been put forward by anti-rights groups that are now being given legitimacy by prominent states in international meetings.

Sahar Moazami of **OutRight Action** relates how this mainstreaming of anti-rights discourse enabled bold attacks on LGBTQI+ rights to be mounted at the CSW:

A number of delegations negotiating the official outcome document, including from Bahrain, Malaysia, Russia, Saudi Arabia and the USA, attempted to remove or limit references to gender throughout the document, proposing instead narrow terms reinforcing a gender binary, excluding LGBTQI+ – and especially trans persons – from the CSW's guidance to states on their gender equality efforts.

So clearly the anti-rights discourse is not coming from fringe right-wing CSOs or individuals anymore, but from heads of state, government officials and national media platforms, which give it not just airtime, but also credibility.

Not surprisingly, given this pressure, the 2019 CSW's final statement contained no references to LGBTQI+ people, effectively silencing the many women whose rights are systematically denied as a result of their sexual orientation and gender identity and as a result are excluded – including from the public services, infrastructure and social protection systems that were the thematic focus of the meeting. The US delegation was on this occasion less successful in attempts to remove references in the meeting's statement to **sexual and reproductive health**, along with references to climate change and migration, but can be expected to try again if the current administration remains in power.

The US delegation also tried to **downplay** the meeting's acknowledgement of the importance of the 1995

“THE ANTI-RIGHTS DISCOURSE IS NOT COMING FROM FRINGE RIGHT-WING CSOS OR INDIVIDUALS ANYMORE, BUT FROM HEADS OF STATE, GOVERNMENT OFFICIALS AND NATIONAL MEDIA PLATFORMS, WHICH GIVE IT NOT JUST AIRTIME, BUT ALSO CREDIBILITY.”

SAHAR MOAZAMI



Beijing Declaration and Platform for Action, the UN's long-recognised landmark commitment on women's rights. 2020 marks 25 years since the Beijing Declaration, and it seems the battle will be on to hold onto its recognition that women should have control of their own fertility.

In 2019, attacks also took a new and more sinister turn. The phone of negotiations facilitator Koki Muli Grignon was **swamped** with text messages

at a crucial point of the negotiations. Messages, apparently generated from a Spanish anti-rights group's website, called on her to take a stance against abortion and same-sex families, and, ominously, told her she was being watched. The messages had the effect of tying up time and energy during negotiations on the agreement. The incident pointed to a potential hardening of tactics by anti-rights groups towards a direct attack on UN processes.



Iraqi human rights activist Nadia Murad speaks during a UN Security Council meeting on sexual violence at UN headquarters in New York on 23 April 2019.
Credit: Atilgan Ozdil/Anadolu Agency via Getty Images

UN SECRETARY-GENERAL NEEDS TO LEAD FROM THE FRONT ON HUMAN RIGHTS

Support for human rights should come from the top. The stance and personality of the UN Secretary-General can make a significant difference. During 2019, current UN Secretary-General António Guterres faced **accusations** from some in civil society of downplaying human rights.

Secretary-General Guterres undoubtedly faces an unenviable challenge, having come into office at a time when three of the five UNSC permanent members – China, Russia and the USA – are strongly asserting narrow notions of presidential sovereignty and increasingly ignoring international agreements and human rights norms.

President Trump has been vitriolic in attacking the UN, headquartered in the country he rules. He and political allies have characterised it as a dangerous emergent world government, a pusher of left-wing values, a threat to US interests and sovereignty and an enemy of US ally Israel.

In 2017 the US government announced it would leave the UN Educational, Scientific and Cultural Organization (UNESCO), along with the government of Israel, accusing it of anti-Israeli bias after it had criticised Israel's occupation of the West Bank and admitted Palestine as a full member; the decision to leave officially **took effect** in January 2019. In 2018 the US government **resigned** from the UNHRC, accusing it of bias and citing its criticism of, again, Israel's human rights performance and membership by states with poor human rights records. The US government has also been on the receiving end of criticism from the UN's human rights system, **including** over its policy of forcibly separating migrant children from their parents. In 2017 the US government announced its intention to **withdraw** from the Paris Agreement on climate change, and 2019 saw it continue with this process, when on 4 November – the earliest date it was possible to do so – it gave its one-year notice of withdrawal, as required under the agreement. Clearly the loss of such a major state – and largest single UN funder, providing 22 per cent of the total budget – from UN institutions undermines the credibility and reach of the UN system, and the UN will be keen to try to avoid any further withdrawals by the USA or other powerful states.

But continued cooperation clearly comes at a cost, and some have questioned whether the price is too high. Guterres has been accused by former officials of soft-peddling on rights to try to placate powerful states, trying to keep them onside and engaged in the system. He has been criticised for not speaking out about a variety of flagrant rights violations committed by specific states; many in civil society have expressed the fear that the UN is becoming increasingly **silent** on human rights.

During 2019, Guterres at times appeared to be trying to deflect ultimate responsibility for speaking out on human rights issues to the position of the UN High Commissioner for Human Rights rather than the office of the Secretary-General; the danger would be one of encouraging the inference that human rights exist in a separate silo from the Secretary-General's everyday concerns. While Guterres is reported to prioritise the practice of 'quiet diplomacy', it is of course hard to see what impacts are achieved by off-the-record conversations with heads of state guilty of egregious offences, and impossible to hold anyone accountable over these. Meanwhile the Human Rights Up Front initiative launched by his predecessor Ban Ki-moon to make human rights the responsibility of every UN representative was, in the eyes of many, quietly **sidelined**, a criticism Nicolas Agostini makes:

Caving to pressure from China, Russia and the USA, Secretary-General Guterres has since he assumed office betrayed efforts to mainstream human rights in all UN work. He has by and large buried Human Rights Up Front, and human rights components of peace operations are being eviscerated as a result of this pressure and budget cuts decided by members of the UNSC.

The danger is that if the UN at its highest levels retreats from the defence of human rights norms, it might never be able to push forward on these again; reversals could become permanent and it could become the accepted practice that the Secretary-General never speaks publicly about the human rights abuses being committed by a member state.

In response, civil society will continue to assert that the role of UN Secretary-General cannot only be that of being the CEO of a large organisation buffeted by internal and external politics; it should also be that of a moral

spokesperson of global standing who takes the side of and speaks up for the most vulnerable.

For that reason, civil society welcomed a **statement**, presumably delivered in response to growing concern, made by the Secretary-General at the UNHRC in February 2020. In the statement, headlined ‘The Highest Aspiration: A Call to Action for Human Rights’, Guterres highlighted the widening divisions in society, and the regressive politics that take advantage of and drive divisions. The statement called attention to attacks on human rights, the rule of law and civic space, and while defending quiet diplomacy

as an approach, affirmed human rights as the answer to contemporary ills. It asserted the centrality, universality and indivisibility of human rights, including in the other pillars of the UN and in relation to the SDGs. The Secretary-General also explicitly acknowledged the need to include civil society.

Civil society will welcome these words – and now work to try to hold the Secretary-General and UN system to account on them and ensure they are translated into everyday practice.



People protest outside UN headquarters in New York on 1 October 2019 as the Chinese government celebrates 70 years of communist rule.

Credit: Spencer Platt/Getty Images

CHINA'S RISING INFLUENCE: ANOTHER CHALLENGE FOR THE UN

A further challenge for the UN Secretary-General and the UN system as a whole is that the government of China is increasingly asserting itself in the international arena. A once isolationist and non-interventionist state is now projecting itself as a global power, actively involving itself in UN institutions and distorting them as a result.

Sharon Hom of *Human Rights in China* suggests this trend is in part enabled by US withdrawal from global institutions, something that has created a space for China to occupy. The problem, as she describes it, is that the Chinese government is filling that space to promote its alternative model, in which the state is **pre-eminent**, governance is authoritarian and human rights are wholly subservient to economic development:

China has been increasingly active and sophisticated in its engagement with the UN human rights system. The shift of key players within the UN human rights system, and particularly the withdrawal of the USA from the UNHRC, has weakened principled leadership by Western democratic governments. This is especially concerning in the face of China's increasingly aggressive, multi-pronged and sophisticated challenges to international standards and norms. A key element of China's strategy has been essentially to counteroffer a model of governance that it refers to as human rights, democracy and rule by law 'with Chinese characteristics.'

The Chinese party-state's motivations in its international engagements are primarily aimed at advancing the ambitious vision of President Xi Jinping to see China take a leading role on the global stage, as laid out in part in his vision for the realisation of a 'China Dream.' Internationally, the party-state wants to ensure the narrative of China is 'properly' told, without questioning of or pushback against some of the more problematic elements of its model of governance.

As Sharon goes on to relate, China's influence in the UN is being asserted through its membership of key committees and holding of posts:

China is active on human rights-related issues before various UN General Assembly committees, including the Third Committee, on social, humanitarian and cultural issues, and the Fifth Committee, on administrative and budgetary issues. Some key issues it engages in include counterterrorism, information security, treaty body strengthening processes and other human rights mechanisms and procedures, and civil society participation.

As part of the party-state's overarching strategy to expand and strengthen China's influence internationally, China has been promoting the appointment and influence of Chinese nationals to key UN bodies and UN specialised agencies. The appointment of nationals of a UN member state to key positions in UN bodies and agencies is not, of course, inherently problematic. Issues from a human rights perspective only emerge when any member state challenges existing standards regarding the rule of law as 'inappropriate' or advances a model of development that rejects a rights-based framework, as China now does.

As well as projecting its power and ideology internationally, by positioning itself in key UN institutions, and particularly human rights institutions, the government of China seeks to shield itself from scrutiny over its appalling human rights record. This motivation, as Sharon describes, means that it works to limit civil society's role in human rights oversight, since civil society asks inconvenient questions:

Specific objectives include limiting civil society engagement with and input into UN human rights mechanisms to government-approved civil society groups; redefining the foundational principle of the UN human rights system from one of the universality of human rights to that of the 'conditionality' of human rights; and shifting human rights protection from state accountability to a cooperative enterprise among member states. If achieved, these objectives will undermine the integrity and efficacy of the existing human rights system and enable states to become the arbiters of what human rights to confer on their people, the 'operators' of their respective human rights systems, and the overseers of accountability.



Hundreds of protesters call for an end to discrimination against Uighur Muslims in Xinjiang near the Chinese Embassy in Kuala Lumpur, Malaysia, on 11 January 2019. Credit: Mohd Samsul Mohd Said/Getty Images

China's increasing involvement and influence in international institutions such as the UN poses a steep and growing challenge to the meaningful participation of civil society organisations. As a member of the UN NGO Committee, China and 'like-minded' states act in concert to block ECOSOC accreditation to CSOs they deem critical or disparaging of China. When CSOs legitimately seek to participate as part of partner or league organisations, China has sought to challenge their participation.

China is not alone in this regard, and several states use their presence on the NGO Committee to close rather than open doors for civil society. In 2019, of its 19 members, only one – Estonia – had open civic space, compared to 16, including China, that have serious civic space restrictions. The two anonymous UN officials interviewed above also outline challenges with the Committee:

The NGO Committee is highly politicised. There are absolutely legitimate human rights CSOs that can be deemed to be touching on sensitive issues and will struggle to get ECOSOC status. It can take them four or five years, if not a lot more, to finally obtain it. At the same time, others claiming to be working on issues that look good on paper will get ECOSOC status immediately, and here is the trick: once they are granted ECOSOC status as organisations working on those issues, nothing obliges them to speak only about those matters; they can speak about anything they want.

At its **February meeting**, more than half of the CSOs that had applied for accreditation had their applications deferred, many of them CSOs working on human rights and challenging exclusion, including by working on issues of gender equality, sexual and reproductive health and migration: issues contested by repressive states were being kept off the agenda. India, Nigeria and Sudan particularly blocked applications from CSOs from their countries, suggesting a determination to avoid scrutiny. The International Dalit Solidarity Network, repeatedly blocked by India, maintained its dismal record of having had its application deferred since 2007.

China is however not having things entirely its own way. UN institutions and processes have over the years offered a source of criticism of Chinese rights violations, and in 2019 those **criticisms** were particularly made over the state's systematic campaign of abuse against Uighur and Turkic people in its Xinjiang region; UN human rights experts **spoke out** on this issue in November, for example. At the UNHRC in July, 22 states issued a **joint statement** calling for China to end its mass detention of Uighur and Turkic people and to allow UN human rights experts to visit Xinjiang. China was at that time a member of the UNHRC; its three-year term came to an end at the close of 2019. In October, 23 states also made a **joint statement** at the General Assembly's Third Committee criticising Chinese human rights abuses, including mass detention, widespread surveillance and the restriction of religious and cultural freedoms. An **event** on the issue was held on the sidelines of the UN General Assembly in September. These showed creditable attempts to use the international system to hold China to account.

But the Chinese state painted a very different picture. When China's

UPR report was adopted in March, the government declared that it had accepted many of the recommendations, including on the protection of religious freedoms, on the grounds that religious freedoms were already being respected. This statement outrightly denied the reality of religious persecution in Xinjiang and also Tibet. The government flat-out **refused** to admit that other abuses existed or support recommendations to allow access by UN human rights experts. This was a powerful state simply and blatantly not taking the process seriously.

The Chinese state also resorted to clear **threats**, writing to delegations to tell them that, in the interest of maintaining relations, they should not attend an event on Xinjiang organised by several states at the UNHRC in March. State representatives were also reported to have approached delegations to warn them of repercussions for their bilateral relations if they criticised China. The Chinese government sought to fill consultation spaces with state-sponsored pseudo-CSOs and even organised a photo exhibition at the UNHRC showing happy and grateful Uighur people, using the very spaces of the UN to spread its disinformation. In June, it brought the vice-governor of Xinjiang to the council to **claim** that its detention centres were vocational training centres. In July, China's representative **interrupted** a speech to the UNHRC by Hong Kong pro-democracy activist Denise Ho. Through its actions, the government of China showed contempt for UPR processes and recommendations.

In response to the October statement, the Chinese government threatened implications for its trade talks with the USA, **describing** the statement as 'gross interference' in its domestic affairs. But at the same time it used the international arena to fight back. In July, its allies leapt to its defence: 37 states backed a **statement** supporting China's actions in Xinjiang, among them serial human rights offenders such as Bahrain, Cuba, North Korea, Russia and Saudi Arabia. Many of those supporting the statement were **Muslim-majority states** apparently unconcerned about the plight of persecuted Chinese Muslim communities. Similarly, following the October statement, a **counter-statement** was organised, endorsed by 54 ally states, praising China for 'remarkable achievements' in human rights. Again the list of states that supported this statement offered a rogues' gallery of the worst human rights abusers, such as Belarus, Democratic Republic of the Congo (DRC), Egypt and Russia.

What this made clear is that an alternative, shadow alliance of states exists in which egregious human rights violators support each other in international processes and obfuscate over human rights criticisms. In December, China **organised** its own alternative ‘human rights forum’, seeking to position its model of economic development rather than recognising civil, political and religious freedoms as priorities. Human rights-abusing states such as North Korea, Pakistan and Syria were invited. Still up for grabs is which set of values – universal human rights or China’s self-serving model – will prevail in international arenas.

With Secretary-General Guterres facing **criticism** for not publicly calling out China’s Xinjiang human rights abuses, it falls to civil society to keep up the pressure to defend universal human rights and resist China’s influence. Sharon points to civil society’s continuing work and the related support needs:

Despite the many and significant challenges inherent in this work, CSOs around the world are increasingly working together to address China’s efforts to distort and subvert human rights norms on the international stage, and to address serious rights abuses. This includes collaborations between local, regional and international civil society groups to issue joint letters, briefings and submissions for UN human rights mechanisms and procedures, interventions at UNHRC sessions and side events and other targeted activities.

The key support that civil society needs, especially smaller CSOs, is two-pronged: financial support to continue to carry out their missions and conduct the necessary research and projects related to understanding and responding to China’s actions on the international stage; and for governments of other states to act more aggressively and effectively to counter China when it acts inappropriately, and in particular to ensure a safe and enabling environment for domestic CSOs.

UN SECURITY COUNCIL AT THE HEART OF DYSFUNCTION

The UNSC has become a particularly potent symbol of UN dysfunction. China has consistently used its status as one of the Council’s five permanent members to reassert narrow notions of national sovereignty and put forward a principle of non-interference in internal affairs as a shield against human rights scrutiny. Alongside China, Russia and the USA persistently flex and threaten to use their veto power to block or water down action that would impinge on their perceived interests or call their allies into question. In 2019, the US government’s weakening of UNSC resolution 2467 on conflict-related sexual violence was facilitated by its **threat** to use its veto unless the resolution was changed to its satisfaction; China and Russia also abstained in the vote rather than endorse the resolution.

UNSC deadlock has a knock-on effect on other UN functions: the conflicts it fails to resolve lead to

“DESPITE THE MANY AND SIGNIFICANT CHALLENGES INHERENT IN THIS WORK, CSOS AROUND THE WORLD ARE INCREASINGLY WORKING TOGETHER TO ADDRESS CHINA’S EFFORTS TO DISTORT AND SUBVERT HUMAN RIGHTS NORMS ON THE INTERNATIONAL STAGE, AND TO ADDRESS SERIOUS RIGHTS ABUSES.”

SHARON HOM



humanitarian problems and human rights violations, and puts pressure on UN resources and the ability of UN agencies to respond to pressing needs. In 2019, the landscape of UNSC failure was vast, encompassing the continued and increasingly aggressive Israeli occupation of Palestinian territories (*see section*), the failures to enforce a ceasefire in Libya, the continuing violent conflicts and civilian deaths in Syria and Yemen and the growing violations of the rights of Turkic and Uighur people in Xinjiang. These are experiences of mass human suffering and rights violations exacerbated by UNSC dysfunction.

Sally Chin points to these major problems:

The UNSC, which is tasked with maintaining international peace and security, is blocked and paralysed due to its members' own geopolitical fights. When wars are not prevented or resolved, humanitarian need only grows.

It appears that there is now little that the UNSC can find agreement on. And as it fails to address crises, warring parties also fail to uphold their responsibilities; we see decreasing compliance with international humanitarian and international human rights law, with harrowing impacts. In too many conflicts we are seeing civilian populations, their organisations and infrastructure, as well as humanitarian aid workers, being targeted. And when the parties at war are supported by the member states on the UNSC or indeed are the member states themselves, where is the accountability and incentive to action?

While the challenges are severe, one small positive is that civil society engagement with the UNSC has grown a little. Sally Chin points to an upswing in civil society participation in briefings to the UNSC:

*A positive trend is the increasing number of civil society activists from around the world that have been able to brief the UNSC. The UNSC's **resolution 2242** on Women, Peace and Security, adopted in 2015, "expresses its intention to invite civil society, including women's organizations, to brief the Council in country-specific considerations and relevant thematic areas...". According to data gathered by the*

NGO Working Group on Women, Peace and Security, in 2015 only 16 civil society members briefed the Council, but by 2019, that number had grown to 53.

The UNSC's presidency rotates monthly, and there is now an established convention of holding a monthly consultation session with civil society, with the help of the World Federation of United Nations Associations. While some states, notably Russia, have refused to engage in this way, on most occasions civil society, including CIVICUS members, have been able to put their questions. The impact of this innovation is still to be evaluated, and one challenge is that the programme of action is not available in advance; there are also the still familiar challenges of who can get access and which voices are privileged in the process. Nonetheless, this has offered another small step forward that has potential to be built upon.



People in Amsterdam protest against China's violations of the rights of the Turkic Uighur minority. Credit: Abdullah Asiran/Anadolu Agency via Getty Images

BUDGET PROBLEMS CONSTRAIN UN INSTITUTIONS

Any hopes of UN reform will come up against the perennial problem of budget constraints. 2019 saw fresh evidence that UN resources are experiencing severe challenges. Given that the human rights pillar is the most underfunded part of the UN, there are particular concerns about the adequacy of the funding of human rights functions.

In October, Secretary-General Guterres shared a memo with senior UN staff advising of cutbacks in response to a financial crisis caused by delayed payment of states' contributions. Only 70 per cent of due contributions had been paid, meaning that a total of **US\$1.3 billion** was outstanding. Among the **late-paying states** owing most of the shortfall were largest contributor USA and Argentina, Brazil, Mexico, Iran, Israel and Venezuela. The UN's immediate response was to limit travel, leave vacant positions unfilled and consider cancelling or postponing some meetings.

Concern had already risen among civil society when budget shortfalls early in 2019 led to **proposals** to cut back on travel of human rights special rapporteurs and to cancel six of the 10 meetings of the **oversight bodies** of the UN's human rights treaties; the cuts would have saved US\$2 million, largely in travel costs. The bodies that might not have been able to meet under the proposal included those that oversee conventions on women's rights, torture and racial discrimination. The proposed cuts shocked many in civil society, given that they came at a time when human rights bodies are already stretched and needing to work harder than ever because of multiple and increasing attacks on human rights. The risk was one of sending yet another signal that human rights were apparently becoming less important to the UN.

In the short term, these important human rights meetings were reprieved as enough funding was identified to enable them to go ahead, but in the long term, the same funding problems remain. Civil society's fear is that any funding cuts will reduce opportunities for our interaction, influence and oversight, and that some areas of rights – such as women's rights – will suffer particularly.

PARTNERSHIPS AT WHAT PRICE: FOCUS ON THE SDGS

Funding squeezes are one of the drivers of an increasing prioritisation by UN bodies of partnerships with the private sector. Partnerships can unlock vital resources, but for civil society, they can also bring dangers. There are risks that businesses will be granted privileged access to UN bodies, compared to the limited access available to civil society, enabling disproportionate influence. There is the danger that companies will use UN engagement to launder their images and downplay their human rights and climate impacts. Further, when funding is voluntary rather than statutory, it reduces the potential for democratic oversight, and opens up the risk that the very basis on which the UN operates – mandatory commitments made by states over which they can be held to account – shifts more towards that of a club built around voluntary commitments.

These challenges can particularly be seen around the SDGs. These are an ambitious set of goals, agreed by all UN member states in 2015 and that civil society helped develop. The SDGs are at heart about advancing social justice and realising rights. But there are concerns about accountability over SDG progress and the impact of private sector partnerships on their substance and ambition.

Sally Chin recognises the groundbreaking nature of the SDGs, but also criticises the weak mechanisms to ensure compliance:

*With the inclusion of **Goal 10** in the SDGs, inequality has been officially recognised as a constraint to development and poverty eradication and an intergovernmental space has been created for countries to make voluntary commitments and track progress on ending inequality at home and globally. However, a binding system and institutional mechanisms overseeing Goal 10's implementation is still lacking.*

The High-Level Political Forum (HLPF) on Sustainable Development is the key mechanism through which states account for their progress on the SDGs. At this annual meeting, states submit Voluntary National Reviews on their implementation of the SDGs. CSOs also work hard to submit their



As discussions focus on SDG 8 on decent work and economic growth in 2019, people hold performance to remind delegates about the important role women play in the global workforce. Credit: IISD/ENB - Kiara Worth

own reports. In 2019, the HLPF focused on the theme of ‘empowering people and ensuring inclusiveness and equality’, and paid attention to **Goal 16**, a crucial one for civil society, since it includes targets on the rule of law, effective, accountable and transparent institutions and responsive, inclusive, participatory and representative decision-making. September also saw the holding of the **SDG Summit** for the first time since the Goals were adopted, mobilising a wider range of stakeholders than in previous SDG review processes and representing an acknowledgement that efforts need to be accelerated if the SDGs are to be achieved.

However, civil society has continued to call attention to key weaknesses in the SDG monitoring process. The HLPF has been **accused** of lacking status and authority within the UN system and offering little possibility of genuine debate or scrutiny. There has certainly been a high quantity of reports, but the quality of the reporting, **omissions** in what states choose to report on

and weaknesses in the **data** and its inclusivity have all been called into question.

Beyond this, civil society is concerned about the private sector’s role in the SDGs; the gap between ambition and resources has forced a heavy emphasis to be placed on such partnerships for delivery. The danger is that private sector partnerships can exert an influence that smooths away the social justice and human rights edges of the SDGs; businesses may cherry-pick the goals that most closely align to their commercial interests, rather than those that demand a transformation in business practices. This has the effect of making the SDGs less radical and more technocratic in their emphasis.

These issues were emphasised in June, when the UN and the World Economic Forum (WEF) **signed** a memorandum of understanding for a new strategic partnership framework on the SDGs.

The WEF is implicitly an elitist project; its members are big global companies and its invitation-only annual summits in Davos, Switzerland bring together politicians and business leaders, with limited and arguably tokenistic access granted to a hand-picked smattering of others, including from civil society. Its summit places much emphasis on enabling informal meetings between political and business leaders at which deals may be struck. Among its 2019 attendees were Brazil's new far-right President Jair Bolsonaro and Hungary's strongarm leader Viktor Orbán, who are both waging war on civil society. The WEF is not a public space, nor a particularly democratic one, and it is unlikely to be an arena where radical solutions that challenge the power of political and business elites or promise to redistribute the resources they enjoy are entertained.

The new arrangement between the UN and the WEF threatened to grant further and unprecedented access by corporate giants to UN decision-makers. It exemplified how the private sector has space and access in

relation to the SDGs not available to any other grouping, and certainly not civil society. It offered another instance of an approach to the SDGs framed around technocratic solutions rather than demands for social justice, and one that is voluntary rather than rights-oriented. The detail of the agreement **watered down or omitted** some of the more ambitious parts of the SDG agenda that reflected civil society's demands; predictably, it had nothing to say about tackling the scourge of corporate tax avoidance, and it was weak on climate change. It was also hard to see what role, if any, civil society could play in oversight of the agreement.

In 2019, civil society could accuse the UN of appearing to seek SDG partnerships at any price. In September, the UN Youth Envoy co-hosted an event in New York with the MiSK Foundation, which was founded by Saudi Arabia's ruler, Crown Prince Mohammed bin Salman. The meeting had the stated aim of bringing together 300 young people to discuss the SDGs. But for many, it was symptomatic of a tendency to pursue partnerships for



Company CEOs play a prominent role at the launch of the Global Investors for Sustainable Development Alliance. Credit: Drew Angerer/Getty Images

the SDGs with open disregard for human rights concerns; it compounded criticisms that high-level UN officials had been largely silent about Saudi Arabia's egregious human rights abuses.

Saudi Arabia has **closed civic space** and systematically abuses the rights of political dissidents, women and religious minorities. Recent crimes included the assassination of journalist Jamal Khashoggi in 2018 and widespread human rights abuses committed in the Yemen conflict. Civil society **pointed out** that rights that are fundamental to the SDGs – gender equality, equal access to justice, non-discrimination – are systematically denied to Saudi citizens, while the oil giant also blocks action on climate change. No reading of the SDGs that puts social justice and human rights at their heart could settle on this partnership, which offered a way for the Saudi ruler to try to whitewash his reputation almost a year on from Khashoggi's murder.

A further example came in September, when the Bill and Melinda Gates Foundation presented one of its Goalkeepers Global Goals Awards to India's Prime Minister Narendra Modi, for his government's progress on **Goal 6** on water and sanitation. The Bill and Melinda Gates Foundation is a philanthropic initiative based on private sector wealth that undoubtedly does much good work in improving health provision and challenging poverty. Its wealth and wide reach grants it privileged access to global decision-making circles. It launched its **Goalkeepers** initiative to help promote progress on the SDGs in 2017 and uses its annual prizes to recognise achievement in SDG progress.

But its award to Prime Minister Modi sparked widespread civil society **condemnation**. The recognition came at a time when the state had imposed a lockdown in Jammu and Kashmir, with a communications shutdown and widespread arrests, detentions and reports of torture (*see section*) on top of numerous other rights violations perpetrated by the Hindu nationalist government and its supporters. The award sent dangerous signals. Once again it risked positioning the SDGs as achievable by top-down delivery without reference to rights. It raised the danger of suggesting that some Goals are more important than others, or that different Goals can be delivered in isolation to each other. It overlooked the guarantees of civil rights, people's participation in decision-making and partnership with civil

society contained in Goals 16 and 17. It played to the idea that development progress is more important than human rights, which is precisely the narrative promoted by China and other rights-abusing states.

Such examples will continue to stimulate civil society advocacy to make the role of the private sector more than a one-way street. With increased access should come increased scrutiny. In 2019, more small steps forward were taken in the journey towards a binding international treaty to hold the power of global business to account for its human rights impacts. The intergovernmental working group, led by the government of Ecuador, released the latest version of the draft treaty in July. Civil society has been actively involved in the treaty development discussions, and broadly **welcomed** the new draft as an improvement on previous versions, given its recognition of human rights defenders and gender issues. However, civil society continues to **call** for a stronger treaty that places clear obligations on states to prevent human rights abuses by businesses, extends to domestic businesses as well as transnational ones and makes it mandatory for businesses to undertake due diligence to ensure they are not contributing to human rights abuses, including in their supply chains.

When the treaty was **discussed** in October, civil society urged that the scope of the treaty extend to apply to international financial institutions and include stronger provisions on the involvement of Indigenous peoples and on addressing rights abuses in conflict-affected areas. But civil society faced a threat from the Chinese government, as well as the government of Brazil, which proposed holding future sessions without civil society involvement, something that would clearly be a regressive step and make the development of a strong treaty less likely. The move was resisted by representatives of Azerbaijan and Egypt – somewhat surprisingly, given their track records towards civil society – as well as the European Union (EU).

The proposed treaty can expect to continue to face stiff opposition from powerful economies, and civil society will need to continue its advocacy and build a community in support of the treaty. Civil society should not have to recapitulate the argument for our involvement in the discussions.

BEYOND THE UN: SPOTLIGHT ON G7 AND G20



Protesters carrying a banner that reads 'We want to think that the best is still to come' march in Hendaye, France, against the G7 Summit being held in Biarritz in August 2019. Credit: Gari Garaialde/Getty Images

Other international institutions and processes beyond the UN matter to civil society. The G20 meetings, an annual gathering of the world's largest economies, offer another locus for civil society advocacy. In recent years civil society has worked to make its engagement with the G20 more coordinated and effective, working within the C20, the G20's engagement group for civil society, through a steering group involving civil society leads from the current, previous and next host countries, and by setting out a set of basic **principles** to guide its work. In doing so, civil society aims to overcome the discontinuity caused by the fact that the summit and its associated meetings are held in a different country each year, often with very different host government priorities and approaches to civil society.

Recent years have seen civil society try to engage with varying degrees of success in Germany, Argentina and, in 2019, Japan. **María Emilia Berazategui** of **Transparency International**, who has played a key role in recent C20 meetings, outlines some of the progress achieved in Japan, including on corruption and corporate governance:

During 2019, civil society managed to influence the G20 in some areas including the protection of whistleblowers, making infrastructure spending more transparent and on gender and corruption.

*In 2019, the G20 Anti-Corruption Working Group adopted two important documents: the **High-Level Principles for the Effective Protection of Whistleblowers**, which was much in line with **civil society's recommendations** and included an unprecedented recognition by the G20 of the gender-specific aspects of whistleblowing, and a **Compendium of Good Practices for Promoting Integrity and Transparency in Infrastructure Development**, also aligned with **civil society recommendations**.*

*Through the Compendium, the G20 recognised that transparency regarding who the ultimate owners of companies are is critical to the fight against corruption. In line with **civil society suggestions**, they recommended implementing company beneficial ownership registers to reduce the possibility of public funds being used to favour specific individuals or companies, and to identify conflicts of interest.*

However, as María Emilia goes on to relate, civil society still faces major challenges in access and influence; these challenges are typical of those relating to other international processes, including at the UN:

The G20's record of speaking to citizen groups and civil society is mixed at best. Despite all that we have to offer, we do not sit at the same table; we are treated as second-class partners and our recommendations and ideas on important issues often go unheard.

The few times we have managed to gain access to G20 meetings, the experience has usually not been positive. We make great efforts to be there. After finding the resources and travelling many hours, we wait – sometimes for a very long time – outside the meeting room until they finally let us in. Once inside, we share our ideas and recommendations as quickly as possible in order to ensure there is time for dialogue with the delegations, which itself is rarely an open and honest conversation. After a short while, we are diplomatically ushered out of the room so that, having ticked the civil society participation box, negotiations can continue.

As in so many cases at the international level, the need is still there to make the case about what civil society can offer. In the context of the G20, María Emilia makes a powerful argument about the value that civil society adds:

First, in trying to make sure that policy outcomes serve the common good, we hold governments accountable. So when governments commit to something, we will hold them to their promises. Sometimes they resist, but other times we succeed in strengthening champions inside governments who really want to get things done.

Second, we contribute our expertise. Civil society groups are not just watchdogs. We are innovators, technologists, researchers and policy experts who can help support policy implementation to achieve the best possible results. Civil society can also contribute to increased transparency and the credible evaluation of outcomes.

Third, civil society functions as a bridge, helping translate technical jargon into language people actually use, explaining what change means and bringing citizens' perspectives back to decision-makers. Governments should talk to civil society about their plans so we can provide feedback on how those plans will impact on people.

*Last but not least, civil society provides much-needed balance. One of the greatest weaknesses of the G20 is the lack of openness to having civil society represented at the same table where business interests sit. This raises the question of whether the G20 values the interests of corporations more than those of citizens. This certainly does nothing for trust, and it shows why people around the world **believe** that governments are too close to business or only act for the benefit of a few private interests.*

The classic dilemma for civil society remains that of when to engage – where there seem to be genuine prospects for access and influence – and when to stand aside – where participation might principally legitimise tokenistic processes intended to make governments look good. A particularly stark case of these dangers is presented by the fact that in 2020, stewardship of the G20 meeting and its associated processes, including the C20, passed to Saudi Arabia.

The government of Saudi Arabia clearly wants to use the G20 meeting and its associated processes to position itself internationally as a moderate and modernising nation, and to repair its reputation damaged by the assassination of Jamal Khashoggi and its other notorious violations. But any civil society participation in a Saudi-led G20 would be tightly controlled by the state and the only domestic participation would be by state-connected pseudo-CSOs with no autonomy; any local activist emboldened to speak out would face dire reprisals. On this basis, María Emilia sets out why many in civil society – including her organisation and CIVICUS – have withdrawn from official G20 processes in 2020 and will reengage in 2021:

Saudi Arabia is a state that provides virtually no space for civil society and where independent civil society voices are not tolerated. It

systematically suppresses criticism from the media, regularly arrests and prosecutes human rights defenders, censors free speech, limits free movement and tortures and mistreats detained journalists and activists. This makes civil society participation ethically dubious.

*The C20 principles emphasise a series of elements that the Saudi presidency is unable to provide, such as inclusion of a variety of truly independent civil society actors, from local to global, the transparency of decision-making procedures and the guiding values of human rights, gender equality and women's empowerment. By participating in the very limited space that the Saudi government would be able to provide, we would only help launder Saudi Arabia's international reputation. The Saudi government has recruited expensive Western **public relations advisors** and **spent millions of dollars** to polish its tarnished image.*

*In response, an overwhelming number of CSOs from all over the world have joined their voices together and decided to **boycott** the C20 hosted by Saudi Arabia. At Transparency International we are looking forward to reengaging fully with the C20 process next year, when the presidency will pass to Italy.*

Such dilemmas do not present themselves when it comes to the annual meetings of the even more exclusive G7 club – made up of Canada, France, Germany, Italy, Japan, the UK and USA – which do not open themselves up for access. All civil society can do is protest, and even this is not easy, as the summits tend to take place in isolated locales far from major cities. The G7's August summit in Biarritz in the southwest corner of France took place under lockdown conditions, with 13,200 police officers **deployed** alongside soldiers, and a transport shutdown imposed. All protests were banned in Biarritz and neighbouring towns, forcing **thousands of people** to take part in a counter-summit some 30 kms distant, in towns along the border with Spain.

Protesters called out the intrinsically **elitist** nature of the summit and **demanding** climate justice and action on inequality. The state's response was harsh. On 23 August, police **fired teargas** and rubber rounds at activists

near a protest camp and arrested 17 people for covering their faces and holding an unauthorised gathering. Around 100 people were arrested over the course of the summit. The following day, police effectively split the city of Bayonne in two, putting up **high barriers** across the city's bridges and imposing a blanket stop-and-search policy. They restricted protesters' movement for several hours and later **dispersed** protesters with teargas and water cannon.

The security-dominated approach to the G7 summit emphasised

how other international processes often fall short of even the limited standards of inclusion and democratic accountability offered by the UN. It indicated how the leaders of the world's largest economies feel entitled to make decisions in secret. Rather than ask why so many people might be angry about their decisions, or listen to people who might be able to offer new solutions to major problems, leaders of powerful states will, when they can, go to extreme lengths to isolate themselves from exposure to dissenting voices.



A protestor from Hong Kong takes to the water to demand action from G20 leaders as they gather for their 2019 summit in Osaka, Japan.

Credit: Takashi Aoyama/Getty Images

PROGRESS AND CHALLENGES AT THE HUMAN RIGHTS COUNCIL

Civil society continued to engage with the UNHRC and its related processes to hold states to account on their human rights performance during 2019. But one of the challenges civil society faced was the UNHRC's composition.

One of the ongoing problems with the UNHRC is that there is no barrier to membership by states with dismal human rights records. Of its 47 current members, 28 (60 per cent) are rated by the CIVICUS Monitor as having serious civic space restrictions. In comparison, only six states (13 per cent) are rated as having open civic space. One of the issues that lies behind this state of play is that the Council's elections – each year one third of the Council's members are elected to serve for a three-year term – are often non-competitive: voting takes place on a regional basis, and it is quite common for states to negotiate a slate of as many regional candidacies as there are seats available, meaning they are elected unopposed.

While the group of 14 states **elected** to the UNHRC in October contained three states with open civic space – Germany, the Marshall Islands and the Netherlands – several states with troubling human rights records also joined the Council, including some – notably Brazil and Venezuela – where civic space has recently come under escalating levels of attack from political leaders. The lack of coherence and rigour of the system was emphasised by the election of **Venezuela**: the month before, the UNHRC had passed a **resolution** to establish a commission of inquiry and fact-finding mission into reports of human rights violations in Venezuela, which the government said it would not cooperate with. But despite this clear indication of a serious human rights problem and its refusal to engage with the system, Venezuela now holds a seat on the UN's peak human rights body.

On a more positive note, 2019 suggested that states may not be able to use their UNHRC membership to insulate themselves from criticism of their human rights records, something that has often been the case in the past. As discussed above, China, a UNHRC member from 2017 to 2019,

came in for criticism. In 2019, the UNHRC also passed resolutions on the **DRC, Eritrea – extending** the mandate of the Special Rapporteur on **human rights in Eritrea** – and on the **Philippines**, which will have its dismal human rights record held up for discussion at a future session. Nicolas Agostini points to this trend:

Sitting members of the UNHRC were subjected to more, not less, scrutiny. In July, for the first time, the Council adopted resolutions on the human rights situation in three of its sitting members – the DRC, Eritrea and the Philippines – during the same session. This showed that Council membership does not shield you from scrutiny, and that election to the Council does not amount to an endorsement of your human rights record. At the same time, states that until recently believed they were outside the reach of coordinated multilateral condemnation – notably China and Saudi Arabia – were subjected to scrutiny through joint oral and written statements.



UN Special Rapporteur Agnes Callamard blames Saudi Arabia for Jamal Khashoggi's murder. Credit: Andrew Harrer/Bloomberg via Getty Images



Relatives of victims of extrajudicial killings protest against the so-called 'war on drugs' in Manila on 17 July 2019, right after the Human Rights Council voted to launch an investigation into alleged crimes against humanity in the Philippines. Credit: Ezra Acayan/Getty Images

“THE UNHRC RESOLUTION ON THE PHILIPPINES IS EXPECTED TO PUT INTO MOTION STRONGER INTERNATIONAL ACCOUNTABILITY MECHANISMS WITH REGARD TO THE HUMAN RIGHTS CRISIS WE FACE.”

CRISTINA PALABAY



In the context of the Philippines, Cristina Palabay welcomes the UNHRC’s attention:

In 2019, the UN made a positive difference when the UNHRC adopted a resolution on the human rights situation in the Philippines, which is expected to put into motion stronger international accountability mechanisms with regard to the human rights crisis we face.

The resolution on the promotion and protection of human rights in the Philippines was adopted in July, and it urged the Government of the Philippines to “take all necessary measures to prevent extrajudicial killings and enforced disappearances, to carry out impartial investigations and to hold perpetrators accountable, in accordance with international norms and standards, including on due process and the rule of law.” It also called upon the government to cooperate with the OHCHR and the mechanisms of the UNHRC, including by allowing country visits and refraining from intimidating or retaliating against human rights defenders. Finally, the resolution requested the OHCHR to prepare and present a comprehensive report on the situation of human rights in the Philippines for follow-up.

The UNHRC also offered a forum for states to hold Saudi Arabia’s human rights record up for scrutiny; disgracefully, the state served **two terms** on the UNHRC from 2013 to 2019. For the first time, in March a statement from 36 states, including all EU members, **criticised** Saudi Arabia’s human rights situation, condemning it for its arrests and arbitrary detentions of human rights defenders, particularly women human rights defenders, and its use of anti-terrorism laws to suppress dissent. The practice was **repeated** at the September meeting, after an investigation by Agnes Callamard, the UN’s Special Rapporteur on extrajudicial, summary or arbitrary executions, had found the state of Saudi Arabia **responsible** for the murder of Jamal Khashoggi. Civil society **welcomed** these moves, holding out the hope that no state, however powerful, would be beyond criticism at the UNHRC.

Caroline Vernailen also highlights the UNHRC’s focus on two other situations where human rights are being attacked – in the context of the struggle for democracy in Hong Kong ([see section](#)) and the sadly ongoing conflict in Syria:

In the case of Hong Kong, where citizens have been protesting for their democratic rights since the spring of 2019, the UNHRC has repeatedly called for restraint and de-escalation. The UN High Commissioner for Human Rights, Michelle Bachelet, has publicly called for an investigation into the widely reported police violence against protesters and has defended the rights of Hong Kong citizens to participate in public affairs and to the freedoms of expression and peaceful assembly.

In Syria, the UN General Assembly set up a mechanism to investigate the most serious crimes

committed under international law, an investigation that is now operational. These instances send a strong message that the UN is prepared to defend people's rights to public participation and that those who use violence against citizens will be held accountable.

Other human rights processes showed value in exposing abuses to scrutiny in 2019. In September, the Independent International Fact-Finding Mission (FFM) on Myanmar, established by the UNHRC in 2017 to collect evidence of human rights abuses, presented its final report to the Council, and the head of the mission, Marzuki Darusman, **addressed** the UN General Assembly the following month.

Its report **concluded** that the 600,000 Rohingya people still living in Myanmar continue to face systematic persecution and live under the threat of genocide, with evidence that the state's genocidal intent had recently **strengthened**. It concluded that the government of Myanmar was failing in its obligations under the Convention on the Prevention and Punishment of the Crime of Genocide (known as the Genocide Convention) to prevent, investigate and punish genocide. During 2019, the Mission also reported on the vast **economic reach** of Myanmar's military and urged the international community to **cut ties** with military-controlled businesses, and on the systematic and routine use of sexual and gender-based **violence** by the military. As planned, the Mission's work was then **handed over** to the Independent Investigative Mechanism for Myanmar, established by the UNHRC to collect and analyse evidence and prepare files for criminal prosecution on the most serious crimes and violations.

The Mission's findings on the responsibility of the state of Myanmar opened up the space for the case being taken to the ICJ, the UN's highest court. In November the government of The Gambia, on behalf of other member states of the Organisation of Islamic Cooperation, **submitted** a case to the ICJ accusing Myanmar of breaches of the Genocide Convention. The first **hearing** was held the following month, offering the unseemly spectacle of Myanmar's leader and Nobel Peace Prize winner Aung San Suu Kyi standing up in court to **deny** the ample evidence of genocide. In January 2020 the Court issued **provisional measures** against Myanmar ordering it to comply with its obligations under the Genocide Convention, protect Rohingya



UN Special Rapporteur on human rights in Myanmar, Yanghee Lee, meets with Rohingya people at the UN. Credit: Bayram Altug/Anadolu Agency via Getty Image

people and also prevent evidence relevant to genocide allegations from being destroyed. The progress, from UNHRC-mandated inquiry to ICJ action, showed the power that can be realised when different parts of the UN connect to defend rights.

Other states had their human rights performance held up for inspection during 2019. In the run-up to Burundi's 2020 elections, the report of the UN Commission of Inquiry on Burundi **exposed** the climate of fear and intimidation in which those who do not support the ruling party live, and the horrific campaign of sexual abuse by ruling party supporters. Meanwhile the Group of International and Regional Eminent Experts on Yemen defied a lack of cooperation by the Yemen government and the Saudi-led coalition that is one of the forces waging war in the country to **interview** over 600 people affected by the conflict. In 2019 it reported that all sides in the conflict were violating human rights and shirking accountability, finding reasonable grounds to believe that violations of international human rights law and international humanitarian law were being committed, tantamount to war crimes.

UN reports even caused a stir in one of the world's major economies, when

in May the UN Special Rapporteur on extreme poverty and human rights, Philip Alston, released his report on the UK. Based on a 2018 visit during which he listened to the voices of many people experiencing poverty, he **concluded** that the UK's social safety net had deliberately been removed and replaced with a harsh and uncaring regime, and many people were systematically being placed and kept in poverty as a result of the state's actions. His report – a repudiation of the policies of economic austerity being pushed by international financial institutions such as the International Monetary Fund in the global south (*see section*) – received considerable political **pushback** in the UK.

Civil society also **welcomed** a new **UNHRC declaration** on reprisals against those cooperating with UN human rights mechanisms. This is a growing

problem, with reprisals recently **documented** in close to 50 states. Civil society representatives attending the June UNHRC meetings **reported** an ominous series of intimidatory acts that could prepare the ground for reprisals, including state officials taking photographs and recording audio and video of civil society speakers at side events and making threatening gestures and remarks. The declaration recognised the ongoing trend of reprisals against people from excluded groups, something that further contributes to their exclusion, and was passed despite several attempts by Russia to significantly water down the declaration. Reprisals undermine the UN's role in human rights accountability, as it means civil society may not be able to give testimony and bear witness. The UN must remain a safe space.



People parade an effigy depicting Philippines' President Rodrigo Duterte as a murderous monster during a protest marking International Human Rights Day on 10 December 2019 in Manila. Credit: Ezra Acayan/Getty Images

ACHIEVEMENTS AND SETBACKS AT THE INTERNATIONAL CRIMINAL COURT

What processes around Myanmar and these other examples showed is that when a state fails to protect its own people – or worse, is complicit in their abuse – or fails to hold those who commit abuses to account, the international system can play a valuable role as an alternative source of accountability and justice. In Burundi's case, with dissent suppressed in the country and the government having pulled out of the ICC, the Commission of Inquiry is one of the few remaining spaces where Burundians experiencing violations can give testimony. In the very different circumstances of Yemen and the UK, UN human rights mechanisms showed the powerful role they can play in offering people whose voices are not being heard domestically the opportunity to share their testimony. UN institutions prove their value to people when they listen to them and do their best to protect their rights.

One of the key institutions that can offer an opportunity for testimony that leads to redress and justice is the ICC, but in 2019 it continued to face challenges from uncooperative states. March saw another entry in the recent dismal history of states withdrawing from international institutions, as the decision of the government of the Philippines to **leave** took effect; the government had **given notice** of withdrawal the year before. The Philippines became the second state, after Burundi, to pull out; both did so in response to the ICC opening investigations into them. The ICC's investigation into crimes against humanity in the context of President Duterte's 'war against drugs', which has seen thousands of killings and widespread impunity, will continue, since the violations occurred while the Philippines was still a member. To date, there has been no domino effect, as other states have not followed the lead of Burundi and the Philippines, and the threat of **several African states** to leave has not been activated.

At one point it seemed that the ICC was to gain a new member. Malaysia's new government, which **came to power** in 2018 to end six decades of one-party rule but has since backtracked on several reform commitments, did an **about-turn** in 2019, first signing the Rome Statute in March, before stating the following month that it would not ratify it and instead would withdraw. The move towards accession provoked opposition from the

former ruling party, which is closely connected to ethnic Malay privilege; on similar grounds in 2018, the government reversed its commitment to ratify the Convention on the Elimination of All Forms of Discrimination. Malaysia continues to remain an outlier when it comes to a suite of vital UN human rights conventions, denying its civil society a valuable tool and platform to hold it to account on human rights standards.

Malaysia's about-turn over the ICC also sent a signal to the many **Rohingya refugees**, forced out of Myanmar and living in Malaysia, that their host country may not be prepared to fight for their rights. It came in the same year that the ICC launched its **investigation** into crimes against Rohingya people in Myanmar and the many displaced in Bangladesh, as well as an **enquiry** into war crimes in **Israel and Palestine**.

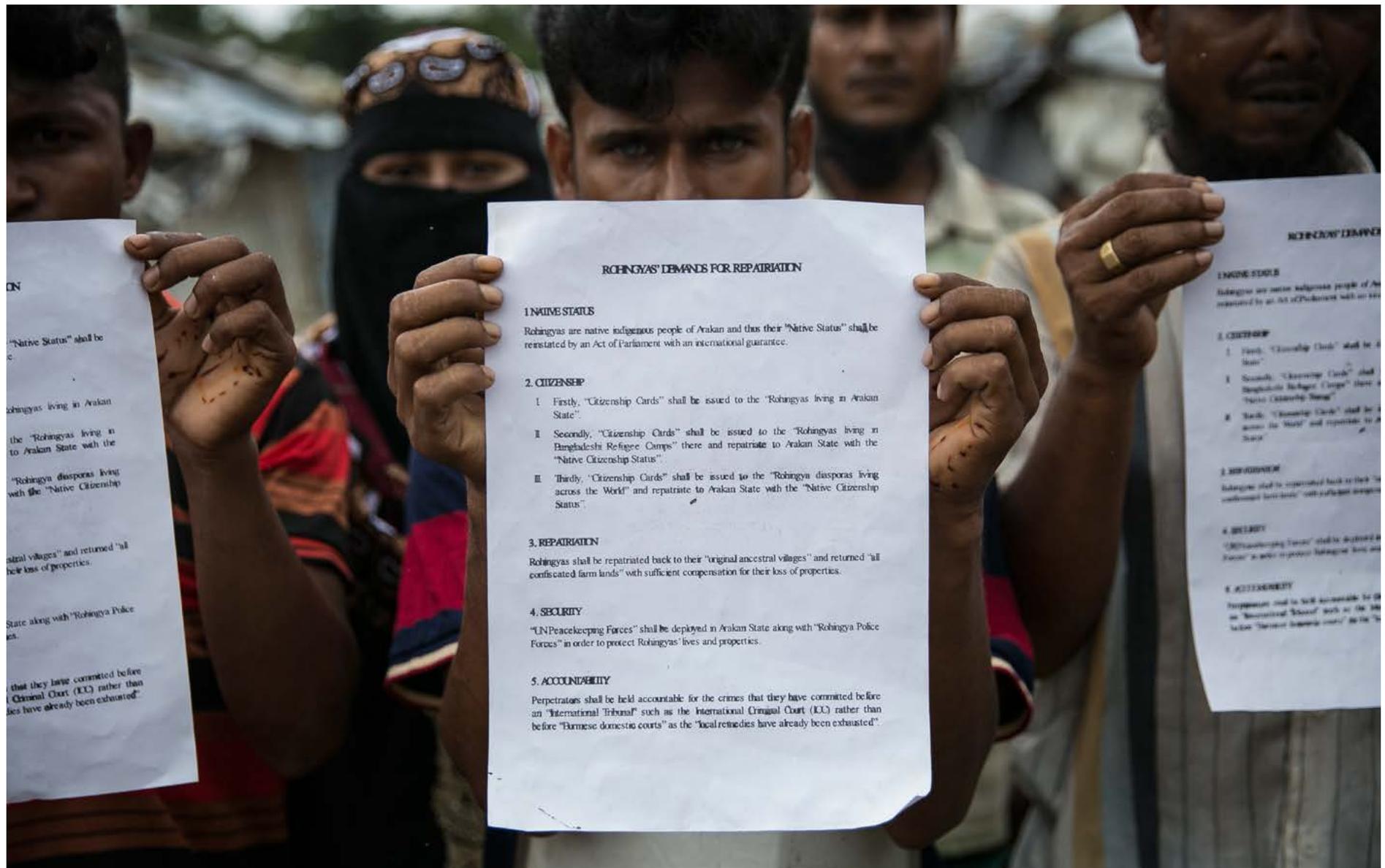
In a vindication of the court's processes, which are often lengthy and can be inconclusive, in November, former militia leader **Bosco Ntaganda** was sentenced to 30 years in jail for crimes in the DRC, including murder, rape, sexual slavery and the use of child soldiers. He was the fourth person convicted by the ICC since its creation and the first convicted of sexual crimes, marking an important step forward in challenging impunity for crimes against women.

In **February 2020**, another move that recognises the importance of the Court came from Sudan. Sudanese President Omar al-Bashir was deposed by the military following a popular uprising in April (*see section*), and in December he was found guilty of corruption, receiving illegal gifts and possessing foreign currency. However, an ICC warrant for his arrest on far more serious charges of genocide, crimes against humanity and war crimes in Darfur remained. Following a meeting between Sudan's transitional government and Darfur rebel groups, it was agreed that people who are wanted by the ICC should be handed over.

This was one of several positive interactions between Sudan's transitional government and international human rights institutions, which included an **agreement** with the OHCHR, **welcomed** by civil society, to open up a human rights office and several field offices in Sudan to help support the hoped-for transition towards democracy.

It has been a long road already and there is still much uncertainty ahead about what justice al-Bashir will face, but this was another move that

offered hope that impunity will be challenged. It is for this reason that civil society will continue to urge states not to follow in the footsteps of the Philippines, but rather to engage with the ICC and take it seriously.



Rohingya refugees show their list of demands after interviewed by UN officials and the Bangladesh Refugee Commission at the Nayapara refugee camp in Cox's Bazar, Bangladesh, on 21 August 2019. Credit: Allison Joyce/Getty Images

LOOKING FORWARD: CIVIL SOCIETY'S UN REFORM AGENDA

The challenges reported above should make clear that the case for UN reform is a strong one. UN institutions need to become more efficient and effective, but also more open, inclusive and democratic.

There is no shortage of UN reform proposals; John Romano offers two examples:

*I've noted two initiatives focused on issues around multilateralism and pushing for that kind of change lately: the **UN2020 Initiative**, a*

*civil society coalition calling for government leaders and civil society to come together and work to come up with concrete proposals to revitalise the organisation, and the **Alliance for Multilateralism**, a government-led network seeking to strengthen a rules-based multilateral order that has the UN at its centre. Launched by the French and German foreign ministers, this informal network seeks "to protect and preserve international norms, agreements and institutions that are under pressure or in peril; to pursue a more proactive agenda in policy areas that lack effective governance and*



Indonesian activists gather in Medan, North Sumatra during International Human Rights Day on 10 December 2019 to urge the state to fulfill its human rights duties.
Credit: Albert Ivan Damanik/Anadolu Agency via Getty Images

“WE STILL HAVE NOT YET SEEN A FEMALE UN SECRETARY-GENERAL AND HOPEFULLY WE WILL NOT HAVE TO WAIT ANOTHER 75 YEARS TO HAVE A FEMINIST WOMAN AS SECRETARY-GENERAL.”

SALLY CHIN



where new challenges require collective action; and to advance reforms, without compromising on key principles and values, in order to make multilateral institutions and the global political and economic order more inclusive and effective in delivering tangible results to citizens around the world.”

What should be clear is that, notwithstanding the Franco-German initiative noted above, most of the imagination and creativity in suggestions for UN reform are coming from civil society.

For a start, civil society is urging the UN Secretary-General to take a stronger and more interventionist human rights stance. Clearly, the UN Secretary-General is not and has never been an all-powerful leader. Whoever leads will be constrained by budget and bureaucracy, and will have to make compromises and trade-offs, will have to decide when to call out states publicly and when to take the route of quiet diplomacy. But the holders of the office who were most respected and most won a place in history were those who took clear and public positions and were not afraid to stare down the barrel of powerful state interests: who were prepared to stand up to states and appeal to public opinion to win their arguments, because they understood that the UN’s role is to be the world’s conscience and their job is to be the spokesperson of those who have the most-silenced voices and the least access to rights.

Civil society advocacy can focus on promoting this expansive, moral and rights-oriented understanding of the role, and urging the current Secretary-General to embody these high expectations, become more of a public figure and live up to his recent welcome words on the primacy of human rights.

In the long term, advocacy for the first female Secretary-General in the organisation’s history – something that would send a powerful signal about what is possible for women and girls around the world to achieve – will continue. The current Secretary-General has promoted women into key roles and **acknowledged** the central importance of gender equality, but 75 years is too long to wait. Sally Chin recognises progress and sets out the hopes of many in civil society here:

*In recent years both the UN Secretariat and some UNSC member states have been introducing promising reforms and ways of working. One example would be the **advances** made by the UN in achieving some levels of gender parity in the Secretariat. Although on that note, we still have not yet seen a female UN Secretary-General and hopefully we will not have to wait another 75 years to have a feminist woman as Secretary-General.*

Civil society proposals also focus on UNSC reform. If the UNSC has become emblematic of UN dysfunction, then to reform it would present a powerful symbol that the UN is capable of changing for the better.

Responses here include advocacy for states to use their vetoes less often or use them more responsibly: to narrow the set of circumstances in which it is considered acceptable to use a veto. France's voluntary decision not to use its veto offers a precedent here. This may seem a long shot, given the current leadership of China, Russia and the USA, but in the USA at least, one strategy might be advocacy towards presidential candidates to secure a commitment on veto moderation. Sally Chin suggests responses along these lines:

Some kind of change at the UNSC is clearly needed. In the first instance, the five permanent members could voluntarily agree to not use their veto in the face of mass atrocities. This then should be followed by serious efforts to make the UNSC fit for purpose in the 21st century. Or how about asking incoming elected UNSC members to commit to adopting a feminist foreign policy – with the rest of the existing Council following suit?

*For his part, the UN Secretary-General should take more advantage of his **Article 99** powers under the UN Charter to ensure the Council discusses topics it would rather ignore.*

An often overlooked aspect of the UNSC is the role played by the other 10 rotating members, which serve two-year terms, elected by states on a regional basis. The terms of Belgium, Dominican Republic, Germany, Indonesia and South Africa come to an end in 2020, while those of Estonia, Niger, St Vincent and the Grenadines, Tunisia and Vietnam end in 2021. While these states do not have veto powers, it does not mean they entirely lack influence. Advocacy could focus on the five states joining the Council each year to encourage them to take a stronger stance on human rights; advocacy may prove particularly effective when states joining the UNSC have relatively open civic space and respect for human rights and democratic freedoms.

The growing number of civil society briefings to the UNSC, and the monthly opportunities for civil society to ask questions, also represent another area of space that civil society can work to expand.

But bolder initiatives aim to put people's voices at the heart of the UN. Founded 75 years ago as an alliance of nation-states, the UN needs to recognise that the world has changed and there are many other forms of identity and association open to people. Migration has created new global diasporas, and new technologies and social media have created transnational communities around issues and identities. Within and across borders, new associational forms – civil society groups, social movements of various kinds – have sprung to life. None of this is reflected in a system that largely sees nation-states as the monolithic form of organisation and assumes heads of state and government adequately represent their diverse peoples. There is a need for **new initiatives** that put **people's participation** at the heart of the UN.

Caroline Vernailen makes the case for democratic reform:

Citizens at the moment do not have a way to influence decisions at the global level. The UN is still the most important arena where issues can be tackled, but there is no way for citizens to have direct influence on the issues that are being discussed and decided there. Citizens around the world worry about and feel the consequences of climate change, for example, but they do not get to set the agenda for international decision-making on the subject. They have to rely on the will and initiative of governments to take action, rather than being able to express what their own policy priorities are. This is not a new issue. The democratic deficit at the UN is well documented, and throughout the years many proposals for reform have been made, but few have been implemented.

Among the civil society proposals to bring a greater diversity of voices and demands into a UN system are those for a **UN parliament**, elected by people around the world. This proposal recognises that the political systems that offer the strongest prospects for democratic accountability are those in which parliaments are able to exercise scrutiny over executive branches of government and hold them to account; there is no reason why this could not hold true at the international level. A legislative assembly within the UN could balance the power of state representatives, raise essential issues, urge action, scrutinise decisions and hold states to account

on their commitments. It could provide a new locus for civil society engagement and advocacy. Caroline Vernailen presents the idea:

Currently UN member states are only represented by their executive branch of government. The campaign for a UN Parliamentary Assembly advocates for stronger citizen representation at the UN level. This complementary body would allow elected representatives, including from the opposition and minorities, to have a voice at the UN.

Bolder plans still call for the UN to open itself up to direct voice in the form of EU-style citizens' initiatives, in which a proposal, if it wins enough popular support, would be placed on the UN's agenda. Caroline Vernailen describes this proposal:

*Together with our partners at Democracy Without Borders and CIVICUS, and with the support of a growing alliance of already over 100 CSOs worldwide, we have launched a campaign for a UN World Citizens' Initiative, dubbed **We the Peoples**. The campaign **calls for** an agenda-setting mechanism that would allow citizens around the world, once they have reached a certain threshold of support, to put issues on the agenda of either the UN General Assembly or UNSC.*

This is not a new idea. Mechanisms like this exist in most democratic countries and there is one transnational example. The EU allows citizens who gather one million signatures of support in at least seven EU member states to propose legislation to the European Commission, which is obligated to respond to the proposal. In its eight years of existence, the European Citizens' Initiative has already led to changes in water regulation and pesticide regulation in the EU. The tool certainly has flaws as well: for instance, there is no way for citizens to enforce follow-up on their initiative, as the Commission is not obligated to take action. But the European experience shows that tools like this are feasible, and they can work to empower citizens and involve them more in political decision-making, even at the transnational level.

Our call for a UN World Citizens' Initiative would give citizens the framework and the setting to address the UN directly and open into an interaction with them on a scale that has not existed yet in the history of the UN. Even though this is a tool that is not yet in place, organisations and individuals can join the campaign by visiting www.worldcitizensinitiative.org to strengthen the citizen and civil society-led solidarity behind the campaign, which, if implemented, will alleviate the UN's democratic deficit and bolster citizens' role in the UN. It is time for the UN to be bold again!

If implemented, the UN World Citizens' Initiative could provide a powerful focus for civil society engagement, enabling CSOs with strong country presences but limited international-level representation

“WE CALL FOR AN AGENDA-SETTING MECHANISM THAT WOULD ALLOW CITIZENS AROUND THE WORLD, ONCE THEY HAVE REACHED A CERTAIN THRESHOLD OF SUPPORT, TO PUT ISSUES ON THE AGENDA OF EITHER THE UN GENERAL ASSEMBLY OR UN SECURITY COUNCIL.”

CAROLINE VERNAILEN



“AS A CRITICAL FRIEND TO THE UN, WE FEEL THAT THE BEST WAY WE CAN HELP THE UN IS NOT TO SWEEP ISSUES UNDER THE CARPET, BUT TO HELP THEM RESOLVE THE UNDERLYING PROBLEMS. WE AIM TO TAKE FORWARD IDEAS THAT OFFER THE MOST PROMISING REALISTIC AND IMPLEMENTABLE SOLUTIONS FOR CHANGE.”

ANGIE PANKHANIA



to become involved in international advocacy, by playing to their domestic strengths and mobilising their constituencies to demand global-level change. It would help to overcome some of the challenges around who is able to access UN institutions.

Meanwhile a further model for people’s engagement is being tested in EU processes to map out its post-Brexit priorities following the UK’s withdrawal in January 2020. One of the stated aims of its **Conference on the Future of Europe** is to improve the workings of European democracy, and part of how it intends to listen to people is by convening a series of citizens’ assemblies in different European cities. It will be important to track how representative and influential these sessions are, as this approach could have wider applicability, including as part of any efforts to improve direct peoples’ input into the UN.

What the various reform proposals have in common is that they recognise that the UN’s future has to lie in becoming more than an alliance of states run by and reporting to states; it needs to be a public-facing institution, which people understand and have a stake in. That will happen when people feel the UN listens to them, helps them and is open to influence by them. Civil society, as the people-centred sphere, is a key ally for the UN in bringing about the change that is crucial to its continuing relevance, and needs to be recognised as such by the UN. As part of any move to become more public-facing, the UN therefore needs to defend and extend civic space, both within its own processes and institutions and within member states.

Angie Pankhania sets out the case for a people-centred UN, which is being made by the **Together First** campaign:

At a time of global uncertainty, the UN is needed now more than ever. Public support for the UN is vital if our ambitions for a better, more sustainable and fairer world are to be realised. The UN must do all it can to protect civil society space, both inside and outside the UN. Determined work here will not only help strengthen public understanding and support for the UN but also motivate individuals, society and businesses to play their part to help us collectively take action to avert global challenges such as climate crisis, protection of everyone’s human rights, end poverty and hold our world leaders to account. For these reasons, the UN cannot afford to miss opportunities to strengthen engagement with civil society.

As a critical friend to the UN, we feel that the best way we can help the UN is not to sweep issues under the carpet, but to help them resolve the underlying problems. We do feel that the UN needs to change – in its recruitment processes, in its accountability mechanisms, in its diversity, in how it measures and rewards success and above all in how it involves civil society. Our Together First campaign aims to take forward ideas that offer the most promising realistic and implementable solutions for change.

Together First is a campaign led by a coalition of over 150 CSOs, launched in 2018. It is a fast-growing movement of global citizens, experts, practitioners, civil society activists and business leaders from all regions of the world. The campaign calls for ideas on global governance reform and brings new voices to the decision-making table. Those ideas that offer the most promising realistic and implementable solutions will be taken forward with the hope of transforming how the world reacts to global challenges.

All of these proposals, and any civil society hope of improving the quality and effectiveness of its UN-level engagement, call for civil society to pool resources and share mutual strengths by working in networks and coalitions. Sally Chin attests to the value of networks and coalitions so far:

While we must of course celebrate the successes of the UN this year on its 75th anniversary, as civil society we are most focused on working to both advance a rights agenda and defend against the attacks on this work that we increasingly see at the UN headquarters level and globally. Working together in alliance has been one of the most

effective ways to do this. One important example of this coalition work is the 19 international non-governmental organisations that have been working together in New York as the NGO Working Group on Women, Peace and Security to advocate collectively for better implementation of the Women, Peace and Security agenda.

*Other examples include the **Charter for Change** network, the **Network for Empowered Aid Response** and the **Global Refugee-Led Network**, which are all civil society initiatives pushing for reforms within their member organisations and the humanitarian system to enable more locally-led responses. These three networks work to ensure that the perspective and direct representation of crisis-affected communities and their organisations are part of decision-making processes.*

As is clear, some powerful coalitions have already formed, and the onus should continue to be on recruiting a greater diversity of civil society voices, particularly from the global south and smaller and emerging civil society groups, into coalitions to push for a reborn, resilient and responsive people's UN.



As discussions about climate change continue at UN headquarters, civil society delegates join the Fridays for Future movement. Credit: IISD/ENB-Kiara Worth