RESURJ SUBMISSION TO OHCHR

2022 OHCHR Online Consultation on “Challenges and Good Practices on Safeguarding Civic Space and the Essential Role of Civil Society in Recovering from the Covid-19 Pandemic”
RESURJ SUBMISSION TO THE 2022 OHCHR ONLINE CONSULTATION WITH CIVIL SOCIETY ON:

“CHALLENGES AND GOOD PRACTICES ON SAFEGUARDING CIVIC SPACE AND THE ESSENTIAL ROLE OF CIVIL SOCIETY IN RECOVERING FROM THE COVID-19 PANDEMIC”

RESURJ made a submission to the 2022 Office of the United Nations High Commissioner for Human Rights (OHCHR) online consultation with civil society on “Challenges and Good Practices on Safeguarding Civic Space and the Essential Role of Civil Society in Recovering from the COVID-19 Pandemic” on 14 January 2022. Below is the complete submission made by the collective.

1. In your experience, has the COVID pandemic resulted in additional barriers and challenges for civil society participation in national and local decision-making?

"Sibusiso Malunga, Zambia

The impact of the pandemic on the work can be felt on different layers. On an individual activist’s level, most of us have been left burnt out due to the increased number of virtual convenings which seek to bridge the gap left by moving advocacy spaces to virtual platforms. In addition, the pandemic itself came with increased mental health burden on persons, generally and this has left most activists dealing with a lot more personal issues than before. Collectively, movement building has suffered a setback due to the limiting nature of virtual mobilization actions and consciousness raising interventions. For instance, there are security risks that come with digital advocacy which leaves some activists feeling unsafe and thus, may not participate in solidarity actions. Also, activists in general have been spread thin with competing priorities especially now that meetings/convenings are quicker and easier(Zoom).

More at: https://resurj.org/reflection/the-cost-of-virtual-advocacy-on-the-marginalized/"
Marisa Viana, Brazil

“In our international advocacy efforts we found ourselves having to fight really hard to even have sexual and reproductive health and rights (SRHR) broached in intergovernmental discussions. And we were dealing with questions of how we are ‘pivoting’ to respond to COVID-19 when the reality was that more than ever the resources and attention to basic SRHR services needed to be at the core of the COVID-19 response and the need to continue to make the case of how Universal Health Coverage could respond to this. But we also were challenged with even less access to certain spaces that used the pandemic as an excuse to shut off civil society participation.”

Shubha Kayastha, Nepal

“The pandemic demanded attention and interventions in unanticipated yet urgent work including mobilisation of funds for relief support and getting used to virtual working culture for many. Some of us also experienced loss at a personal level. These changes made us take care of the immediate needs around us which not only halted the scheduled work but also required us to reflect on the organisational strategies in the new context. The uncertainty that we experienced and that still lingers has impacted the way we mobilise ourselves and prioritize our work. The impact of the pandemic at an individual level and the adjustment that each of us had to undergo while doing the work that needs to be done has impacted our wellbeing too.”
Laura Valenciano, Costa Rica

“The zoomification of actions has been a double-edged sword. For one it has expanded the reach and access for people who were interested in a subject but hadn’t fully engaged in the spaces necessary to have a spot in in-person events. On the other hand it has limited participation in various ways, through the invisibilization of those without internet access, those left out by technological advances and the disappearance of organic advocacy by reducing the shared spaces between civil society and State representatives. Virtuality has also brought on a secondary difficulty and it is the reduction of action and activism to the online sphere leaving community and grassroot actions out of the conversation with a few exceptions where the effort has been put on bringing them into the virtual spaces. Managing to translate virtual conversations into impactful actions on the field is still a pending task.”

Umba Zalira, Malawi

“Access was the first challenge and secondly the frustration of not knowing how to manoeuvre such spaces, the zoom-ification of spaces laid bare how non inclusive these spaces are. It was definitely hard to stay connected as a movement. It seemed everyone was anxious and worried, and rightly so, about staying safe. We had to rethink collective and self care without actually meeting and that was hard.”
2. Are you aware of specific efforts aimed at including civil society, including those working in the health sector and medical research, in designing strategies to respond to the pandemic (for example, in the context of vaccination campaigns etc.)?

The research that the United Nations University International Institute for Global Health (UNU-IIGH) gender and covid research was a really interesting approach to include diverse stakeholders working on health data, particularly on sex-disaggregated data on the impact of COVID, VAW. This includes the initiative’s partnership with PAHO/WHO - which relied on regional consultations meetings in several languages.

We encourage more initiatives that include pushing for research agenda-setting, in particular so that we can collectively push resources to address the gender impact of the pandemic.

https://www.ghhbuzzboard.org/

Oriana Lopez Uribe, Mexico

“...

In Mexico feminist organizations came together quickly to create a follow-up mechanism on gender and COVID which has allowed us to make very specific recommendations to stakeholders. There has been a couple of huge steps towards decriminalizing abortion but there has also been some backwards reforms regarding adolescents sexuality in the light of having quick discussions in congresses.

Sachini Perera, Sri Lanka

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In Sri Lanka, the ongoing efforts to address Covid-19 in the country are for most part spearheaded by the military. If ‘the pandemic is a portal’, then Sri Lanka is hurtling towards what could soon become a stratocracy.
Covid-19 is not the first time Sri Lanka has addressed a crisis military-first. The National Operation Centre for Prevention of COVID-19 Outbreak (NOCPCO) is headed by Lieutenant General Shavendra Silva who is the Acting Chief of Defence Staff and the Commander of the Sri Lankan Army. President Rajapaksa has also appointed retired and currently serving military officials to other key public sector positions including the Secretary of the Ministry of Health and the Director General of the Disaster Management Centre, among others.

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RESURJ and Vecinas Feministas

We co-developed a survey which sought to collect information on the various containment efforts applied around the world, and to understand the use of criminalizing measures in the context of COVID-19 in various regions. This mapping effort also recognized the many health, social, economic, and governance challenges that were arising, and that existing inequalities were being unveiled and exacerbated with devastating impact on historically marginalized groups. The survey intended to capture the different health and sanitary measures, such as social distancing, isolation, curfew and quarantine, to prevent COVID-19 as well as provide evidence to analyze their impacts on particular groups and communities. This is closely linked to RESURJ and Vecinas Feministas’ commitment to analyze the limitations of criminalization and punitive responses as tools to address social challenges.

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3. How have emergency or other measures imposed by the Government in the context of COVID-19 affected your work and the work of other civil society groups (for example, to access information, express critical views and feedback, mobilize others)? Have you or other civil society actors been involved in reviewing the effectivity and continued relevance of emergency measures?

Oriana Lopez Uribe, Mexico

“Using the pandemic as an excuse, stakeholders have become more unreachable, the regional and global spaces have turned into endless panels that reach thousands but there is no real exchange and there is less space for activists to be part of decision-making or negotiations. The zoom-ification has also meant an over availability for participating in multiple meetings and panels in the same day, which seemed like an efficient way to engage, but not having time for ourselves, to transition, to process, is taking a toll. Burn out of zoom meetings is a reality.”

Laura Valenciano, Costa Rica

“For years now we have been perfecting our tasks and labor for SRHR advocacy in Costa Rica but the pandemic, the health mandates, and the shifting towards the virtual scope changed our work greatly. First of all it has been pretty much like working with our hands tied behind our back. Our reach has diminished and our contact for organic advocacy is little to none. Activities where we used to be able to position our priorities and ideas, to intervene directly in dialogue with state representatives, no longer exist. For the last year we have had to reinvent the way we work and redirect our efforts towards the audience that we have already at our disposal being a Civil Society organization. We strengthened our education components on campaigns, and our capacity development activities in efforts to solidify the community in which and for which we work. Another
one of our strategies has been building alliances with like-minded organizations and other feminist NGOs in our region in order to extend our reach and amplify our virtual action field. Last but not least we have also focused on the sustainability of our volunteers and members and the safety of activism for sexual health and reproductive rights in our context, prioritizing time for ourselves, time for rest and actions towards more positive and safer dynamics within our collective.

Madiha Latif, Pakistan

The pandemic brought to light inequities and discrimination within the healthcare system, and how deeply embedded gender inequities are particularly. This is not new, but became glaringly evident during the pandemic, which now makes it even more important to continue the advocacy for srhr services and access. Also the government’s silence, and no acknowledgement of Lady Health Workers (LHW’s) in the National Action Plan for COVID, is concerning. There is no clarity whether these operations have been halted, and if there is any intention of provision of safety for these workers. These women are already at risk, and given the prevailing conditions, more so now, both to themselves and their communities as potential carriers. It is imperative for the health departments to take note of this, and to act fast.


Viva Tatawaga, Fiji

DIVA for Equality, Fiji has been working along different fronts as a community network on COVID19, adjusting strategies as the situation changes for activists, and their communities. In addition to Covid-19, Fiji
was also grappling with climate events such as Tropical Cyclone Harold which severely affected livelihoods.

More at:

Mirta Moragas, Paraguay

The outbreak of the COVID-19 pandemic led to the adoption of preventive health measures in Paraguay as early as March 7th, when the first cases were made public, acknowledging the lack of capacity of our health system to adequately absorb the spurt of multiple cases at once. These measures have been considered correct and adequate in health terms, but they underline the lack of adequate social and economic responses to provide effective containment for the population, which mostly works in the informal sector, and even those with formal jobs do not have access to basic labor rights (social security, for example). In other words, the real possibility of complying with health measures relies on inter-ministerial work, which should provide real intersectoral solutions not only limited to health matters. Yet, the reality unveils a national, departmental and municipal state, weakened by years of low social investment and corruption. In this context, health measures have been “reinforced” with punitive strategies that lend themselves to excesses on the part of the public forces, and that strengthen the discourse around punitive measures being the only strategy that can bring real “order” in the midst of a public crisis. It is the fear of prison and police intervention –including military intervention– that intend to bring rationality to the governed.

More at
4. In the COVID context, has the Government adopted measures to ensure safe and inclusive online participation of civil society? Have these reached groups that were previously under-represented? Can you provide examples of specific challenges and promising practices?

Dana Zhang, Taiwan

"Digital space has become the main space for advocacy work with people’s increasing dependency on the internet during the pandemic, and most advocacy spaces are organized visually. This has brought great challenges for organizations and individual activists who have been struggling with limited access to information and communication technology."

Shubha Kayastha, Nepal

"Firstly, zoom-ification of most movements and conferences has been taking lots of time and energy on top of the regular work. Secondly, the virtual conferences seem to be less effective in terms of movement building as compared to the physical gatherings and meetings as there is only much one can express and gain from the allocated hour(s) of engagement when people cannot afford to just be present in one space, given their day jobs. In the age of increased digital surveillance from the state and corporate, activists are having to censor themselves and sometimes not engage in these spaces altogether which has a huge set back. Even when the virtual spaces seem to be 'open' to all, we also understand not everyone can participate because of various factors like restricted access and shut-down of the internet."
5. Have additional restrictions to access to funding and resources been imposed during or as a result of COVID-19?

Sibusiso Malunga, Zambia

“The increased focus on Covid response has also left the work heavily impacted as most funds and efforts have been pulled out of sexual and reproductive health and re-invested in the Covid response, which does not always take into account the social and economic inequalities faced by women and girls in their diversities. In a world that already had limited resources (i.e. human, financial) to respond to the SRHR needs of all persons, the reallocation further escalated the gaps with laws and policies and the language used being regressive.”

6. Are you aware of cases of intimidation, both online and offline, against civil society for voicing opinions or questioning decisions by authorities? How did State institutions respond?

RESURJ and Vecinas Feministas

“While our research shows regional differences, there are various cross-cutting key trends in the ways in which governments have confronted the pandemic. Of note is the tendency towards the use of criminal, punitive, and penal measures and restrictions related to social contact, exposure, transmission, movement--including travel and curfew--and the use of masks amongst many others, as a way to address the pandemic. The disproportionate use of measures, often against the most..."
marginalized communities, for failing to comply with sanitary orders is also present across the regions.

The findings and analysis also highlight the existing structures of power that reinforce and deepen inequalities, and how they have been used to address the pandemic, such as the use of existing criminal law related to public health to introduce fines and penalties, and imprisonment. In many countries, police powers have significantly increased, and the police and the military have been put at the forefront of executing or monitoring the implementation of measures adopted for the containment of COVID-19; implementing fines, court summons, and arresting those who do not comply with them, from mandatory mask wearing to quarantine.

In many countries, police powers have significantly increased, and the police and the military have been put at the forefront of executing or monitoring the implementation of measures adopted for the containment of COVID-19; implementing fines, court summons, and arresting those who do not comply with them, from mandatory mask wearing to quarantine. For example, in Angola, police forces have killed at least five people while enforcing COVID-19 measures since March. In Egypt, the pandemic was used by authorities as rationale for stricter measures related to prison visitations, through the pausing of visitations and communications between prisoners and the outside world for extended periods of time. Similarly in Bolivia, the de facto government (in place since the political crisis of November 2019), has found in the health emergency an excuse to politically persecute its adversaries.

Sex workers globally have faced the dilemma of whether to open service to clients or not, because they work in contexts where they can not access social support and protection, making them at risk in some countries of both criminalized sex work, and criminalized social contact. In Malawi for example, as recreational and entertainment venues were the second to close after educational institutions, it became quite difficult for sex workers to operate business as usual. Women experiencing violence face significant challenges in accessing domestic violence services, and in Chile for example, women were arrested for breaching quarantine measures on their way to the police to report violence.

In some countries, the use of punitive measures against those seen as to be putting others at risk through potential or actual transmission of COVID-19, echoes the problematic (historic and existing) laws and policies that regulate, control and punish people living with HIV based on their
**HIV-positive status.** These responses have been widely criticized as they do not respond to public health or human rights norms.

Furthermore, another worrisome trend identified through this research is the **rise of political opportunism across all regions.** Lawmakers in various countries have pushed for the enactment and adoption of laws and measures, in the guise of an urgent or vital response to the pandemic, that in reality are neither urgent nor related to the need to respond to the pandemic. As the government defends measures like these from the objective of containing COVID-19, it can be difficult to tell what the true intentions are. The crisis thus creates a grey area between measures which are in fact intended to control the virus and those that are aimed at tightening control over the population.

**This political opportunism witnessed across all regions, reinforces and strengthens existing structures of power, shrinks and closes space for civil society,** hinders citizen’s ability to hold governments to account, further ostracizes marginalized communities, and prioritizes profit over people and communities. Specifically, key democratic conversations such as police actions, privacy and data, LGBT rights, the right to protest, and sex work have been hastily discussed or regulated amidst a global pandemic and in a context of none or minimal opportunity for dialogue. For example, Uruguay adopted a 400-article law--the Urgent Consideration Law or LUC--that among other things expands police power and limits the right to political association. In Lebanon, with the pandemic sweeping in the middle of a revolution and a major economic crisis, protestors were removed on the first night the curfew was introduced.

More at:
7. Looking forward, what are the key recommendations to authorities with a view to preserving and expanding civil society space in the context of COVID-19 and beyond? Please be as specific as possible.

Include civil society in discussions and decisions on the design of hybrid and virtual modalities of engagement so that specific needs around connectivity, security, language, accessibility, etc. are incorporated at the outset and not as add-on’s.

Given the challenges with connectivity, accessibility and timezones, programmes for hybrid and virtual modalities should incorporate both synchronous and asynchronous ways of engaging with spaces and negotiations. This includes allowing for pre-recorded statements from civil society (video and audio), livestreams and recordings of live streams that can be accessed on portals and can be played on low bandwidth, transcriptions and proceedings reports that are made available more immediately.

As examples we’ve shared above illustrate, hybrid and virtual engagements take a toll on the physical and mental wellbeing of activists. And they have become competing interests that need to be balanced with day-to-day work and the added challenges and responsibilities due to Covid-19, and often without any financial resources for the time, labor and internet and electricity costs spent in engaging remotely. More care should be taken in ensuring that policy spaces are scheduled with sufficient lead up and sufficient gaps in between different spaces. And the UN has a responsibility to adequately resource CSOs to engage remotely.

All United Nations agencies in their roles as conveners and intergovernmental institutions have for decades been relying on feminist movements and political mobilizations that contributed to further advance progressive rights for the people around the world. Therefore, it’s imperative they ensure activists’ participation and civil society contributions are not the first to dismiss in times of crises. Over the last two years, we have seen civil society participation minimized to minutes and seconds, and only available through video recordings, while state delegations barely have any civil society representatives in negotiations rooms both virtual and in-person. The United Nations should reinstate active participation of civil society and feminist activists and groups, and work on providing all means needed to ensure such participation is accessible.
ABOUT RESURJ
Realizing Sexual and Reproductive Justice (RESURJ) is a transnational membership-based feminist alliance formed in 2010 by younger feminist activists under the age of 40 from Africa, Asia, Pacific, Europe, South West Asia, and Latin America, grounded in national and regional social justice movements, who seek to realize sexual and reproductive justice (SRJ) for all. Our mission is to work as a transnational alliance of younger global South feminists grounded in diverse social justice movements to lead, create, and hold space for the realization of sexual and reproductive justice.

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