

NSWCCL SUBMISSION

Committee on Non- Governmental Organizations

Consultations with NGOs in consultative status with ECOSOC

15 August 2022

Acknowledgement of Country

In the spirit of reconciliation, the NSW Council for Civil Liberties acknowledges the Traditional Custodians of Country throughout Australia and their connections to land, sea and community. We pay our respect to their Elders past and present and extend that respect to all First Nations peoples across Australia. We recognise that sovereignty was never ceded.

About NSW Council for Civil Liberties

NSWCCL is one of Australia's leading human rights and civil liberties organisations, founded in 1963. We are a non-political, non-religious and non-sectarian organisation that champions the rights of all to express their views and beliefs without suppression. We also listen to individual complaints and, through volunteer efforts, attempt to help members of the public with civil liberties problems. We prepare submissions to government, conduct court cases defending infringements of civil liberties, engage regularly in public debates, produce publications, and conduct many other activities.

CCL is a Non-Government Organisation in Special Consultative Status with the Economic and Social Council of the United Nations, by resolution 2006/221 (21 July 2006).

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The NSW Council for Civil Liberties (NSWCCL) welcomes the opportunity to make a submission to the Committee on Non-Governmental Organisations in its Consultation with NGOs in consultative status with ECOSOC.

We note that you have posed the following questions:

1. How can NGOs further contribute to the work of ECOSOC and its subsidiary bodies? What are the most efficient modalities for NGOs to contribute to the United Nations policymaking, be recognized and be influential in these processes?
2. What in your organization's view should be done to provide better support to NGOs during the process of obtaining consultative status with ECOSOC?
3. How can the participation of NGOs from developing countries and countries with economies in transition in UN's work be increased?
4. Once the consultative status is granted to organizations, how best can NGOs access the opportunities given to them to take part in UN processes?

We offer the following substantive submissions in response to each of the questions:

How can NGOs further contribute to the work of ECOSOC and its subsidiary bodies? What are the most efficient modalities for NGOs to contribute to the United Nations policymaking, be recognized and be influential in these processes?

NGOs provide meaningful contributions to the work of ECOSOC by ensuring that states are accountable in their reports to the body. They also augment state reports and call out poor state conduct through their ability to speak from experiences which are closer to the ground and embedded within states. NGOs contribute expert opinions to the work of ECOSOC in a range of fields, which enriches its work.

That being said, it has been, and continues to be, difficult for NSWCCL to contribute to the UN's work in practical terms as we are based in Sydney, Australia. It is not easy for us to physically attend meetings (and we have not done so since our current President attended the Human Rights Council in Geneva in 2017) with our limited resources and reliance on volunteers.

We therefore welcome increased efforts to live stream the UN's work and to participate remotely at times which endeavour to accommodate as many time zones as possible. We also welcome the option to contribute through written submissions. We hope that these options continue beyond the worst of the COVID-19 pandemic.

It would, however, be helpful if ECOSOC provided more assistance to NGOs in consultative status in navigating when and how NGOs can contribute to the UN's work, both in person and remotely. This consultation is an example of how that can be done.

More broadly, we register our strong concern that NGOs and their representatives are increasingly subject to political interference by powerful states when engaging with the UN's work.¹

Article 9(4) of the UN Declaration on Human Rights Defenders establishes a right to 'unhindered access to and communication with international bodies'. The UN must observe this absolutely, and ECOSOC, as the body entrusted with the accreditation of NGOs, must take steps to ensure safe and genuine access for all NGOs to participate in the UN's work free from fear of interference or threats to safety.

¹ <https://www.hrw.org/report/2017/09/05/costs-international-advocacy/chinas-interference-united-nations-human-rights>; https://academy.ishr.ch/upload/resources_and_tools/ishr/The_backlash_against_civil_society_access_and_participation_at_the_UN_en.pdf.

What in your organization's view should be done to provide better support to NGOs during the process of obtaining consultative status with ECOSOC?

NSWCCL obtained consultative status in 2006. We have no comments to offer in response to this question on a practical level.

We, nevertheless, wish to register our concern at the number of NGO applications which are being deferred by ECOSOC each year and reports that deferments of applications for consultative status are occurring for political purposes.²

As mentioned above, NGOs should have unhindered and safe access to the UN system. NGOs should not suffer from political interference based on the subject matter of their work or the locations in which they are based or campaign. ECOSOC must take strong steps to ensure equality of access for all NGOs seeking to be in consultative status and participate in the UN's work.

How can the participation of NGOs from developing countries and countries with economies in transition in UN's work be increased?

To be clear, NSWCCL does not operate in a developing country or country in transition.

But as an organisation in a country distant from the major UN offices, we strongly recommend and support all efforts to live stream meetings in which NGOs in consultative status can participate, as a minimum, to enhance the accessibility of the UN's work for NGOs.

Moreover, it would be optimal if NGOs were also given the opportunity to make oral contributions to such meetings remotely.

Finally, ensuring that all NGOs have the ability to submit written views prior to meetings which will be considered in the UN's work is also very important for ensuring accessibility to NGOs which cannot attend meetings in person.

We suspect that these recommendations would also improve the conditions for NGOs operating in developing countries and countries with economies in transition as well.

Once the consultative status is granted to organizations, how best can NGOs access the opportunities given to them to take part in UN processes?

We would like to deepen and increase our engagement with the UN's work. But we find it very difficult to find points of entry to participate in the UN's work.

We are a poorly resourced organisation with only one staff member and often find out about opportunities to contribute submissions or views to committees, special measures or special rapporteurs far too late for us to be able to make a meaningful contribution.

It would greatly assist us if there was a regular digest of opportunities to participate across the UN system sent out at regular intervals (for example, fortnightly).³ It would also assist if there was a permanent website which contained this list so that NGOs could refer to it as needed.

It would also be useful if there was a guidebook for NGOs in consultative status which explains all of the ways in which NGOs can participate in the UN's work as a permanent point of reference available to all NGOs. This would extend beyond participating in the work of ECOSOC and include all facets of the UN's work.

² <https://www.devex.com/news/for-many-human-rights-ngos-un-access-remains-out-of-reach-96516>.

³ For example, ILGA has some great ones: <https://ilga.org/special-procedures-sogiesc-july2022>.

It may also assist if each NGO was given the contact details of staff at their country's missions in New York and Geneva who could assist the NGO with any questions about engaging with the UN's work.

Otherwise, as mentioned above, ensuring that meetings are accessible online and that organisations can participate via online means enhances the accessibility of UN processes for us.

This submission was prepared by Josh Pallas on behalf of the New South Wales Council for Civil Liberties.

Yours sincerely,

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