
Online consultation with civil society

Survey response 1

Information details

Country and Name of the organization:

International Center for Not-for-Profit Law (United States)

Questions

1. In your experience, has the COVID pandemic resulted in additional barriers and challenges for civil society participaiton in national and local decision-making? (Maximum limit: approximately 5,000 characters with spaces)

In many countries, the COVID-19 pandemic has resulted in additional challenges for civil society participation in decision-making processes. Most notably, the shift to virtual participation and restrictions on assembly have made it difficult for civil society organizations to work directly with national and local government representatives and to raise awareness and engage on government policies and actions.

Some COVID-19 emergency measures are not only empowering the executive branch of government—an understandable response to a crisis—but are also weakening other branches of government and the critical oversight functions they provide. In Hungary, the parliament was effectively suspended, allowing the Prime Minister to rule by decree. Russia, Uganda, and others have suspended virtually all judicial proceedings during lockdowns. As a result, civil society organizations in many countries were unable to bring lawsuits to challenge COVID-inspired laws and practices that infringed rights.

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.)? (Maximum limit: approximately 5,000 characters with spaces)

To our knowledge, the role of civil society organizations in the development of strategies to respond to the pandemic has been in most countries extremely limited. In some countries, such as Libya, civil society has been active in raising awareness about the pandemic, but the government has resisted any collaboration with the sector. There are, however, some examples of efforts to include civil society in these processes:

- In Belize, governments have included civil society representatives in COVID-19 policymaking processes. CSO representatives are permitted to participate in debates held in Parliament, during which they can provide input into the development of public policies. CSOs are also involved in the National Oversight Committee, which monitors the implementation of pandemic measures.
- In Tunisia, the ministry in charge of relations with CSOs launched an initiative to create a nationwide group of more than 500 CSO representatives and activists which would support the national initiative, implemented in coordination with local authorities, to collect and distribute food and supplies to low-income families and at-risk groups.

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? (Maximum limit: approximately 5,000 characters with spaces)

Government responses to the COVID pandemic have included the issuance of emergency declarations in more than 100 countries. These declarations have often curtailed the exercise of fundamental freedoms. Moreover, ICNL has tracked more than 175 countries that have adopted other forms of pandemic response measures limiting civic freedoms, including freedom of assembly, association, and expression. While some restrictions have been justifiable, concerns arise in relation to breadth and scope and to harsh, unequal, and punitive enforcement of these measures. Rights activists and members of vulnerable communities have often targeted by these restrictions.

While limits on may be a legitimate response to a contagious disease outbreak, many assembly bans have been absolute, without exception for socially-distanced, peaceful protest. Some countries, such as Algeria, Eritrea, and Mexico, have issued blanket bans with no expiration date. In others, authorities have taken advantage of lockdown measures and assembly bans to erase physical signs of dissent: hours after the emergency decree was enacted in Chile, for instance, the government removed protest art from a public square. In many cases, authorities have used these measures to target gatherings of opposition figures, rights activists, minority communities, and other marginalized groups. In Iraq, for instance, the government has faced widespread protests over corruption, unemployment, and inefficient public services. The government responded with force, killing over 600 protesters.

Curfews, stay-at-home orders, and other restrictions on movement often have also failed to exempt civil society organizations and their staff from delivering life-saving services. In Burkina Faso and Belize, movement restrictions have blocked organizations from providing COVID-19 medical aid and relief. In Rwanda, authorities arrested aid workers for violating social distancing orders while they were distributing food in a low-income neighborhood. Activists in Cameroon were arrested while handing out free protective masks and sanitizing gel, and now face up to four years in prison.

Additionally, governments' emergency measures have erected new barriers to public information—including the details of their countries' COVID-19 caseloads, as well as official recovery programs and plans. From El Salvador to Georgia, countries suspended access to information laws in response to the pandemic, in some cases eliminating the deadline for the government to respond to citizens' information requests. Limiting access to timely, accurate information weakens civil society's ability to assess the needs of communities impacted by the virus and provide effective assistance.

Many CSOs are tracking COVID-19 regulatory issues at the national level, or using existing monitoring tools to build an evidentiary base for advocacy efforts, and track restrictions related to COVID-19. ICNL and ECNL launched the Covid-19 Civic Freedom Tracker in March 2020 to document state emergency responses and their repercussions on civic freedoms.

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? (Maximum limit: approximately 5,000 characters with spaces)

While the nature of the pandemic has required swift action, two years into the pandemic, too few governments have made sincere efforts to include civil society in the design and review of governments' ongoing COVID-19 strategies and plans. Without civil society at the table, governments' responses will be less likely to address the needs of marginalized communities. Some governments have moved public hearings and meetings online, but the shift to virtual participation threatens to reinforce the divide between the digital haves and have-nots, further excluding low-income, rural, and migrant communities among other already marginalized groups.

However, there are some examples of measures implemented by governments to promote and ensure civil society participation. In the United States, for instance, most states have revised public meeting requirements to allow virtual meetings that the public can observe, with California requiring local bodies to provide means for the public, including CSOs, to participate in these meetings.

5. Have additional restrictions to access to funding and resources been imposed during or as a result of COVID-19? (Maximum limit: approximately 5,000 characters with spaces)

CSOs have faced unique challenges in accessing funding as a result of the COVID-19 pandemic. Some governments, as in India with its “PM CARES” fund, have formed competing government institutions to receive COVID-19 donations. Although government efforts to address the crisis are necessary, such funds (often lacking in transparency) may siphon away resources from an already strained CSO sector trying to respond to the public health crisis. Additionally, in their fight against the pandemic, some governments have issued directives for NGOs operating within their territory to help accommodate the government’s COVID-19 response objectives. For example, a recent circular by the Bangladeshi NGO Affairs Bureau directed NGOs to include humanitarian aid for families affected by COVID-19 and to undertake projects to expand COVID-19 medical services. In Nepal, the government has asked national and international NGOs operating in Nepal to divert 5-20% of their funds for COVID-19-related programs.

Additionally, existing barriers to foreign funding for organizations that were in place before the pandemic have remained a challenge for CSOs, limiting their ability to provide support to vulnerable populations during the crisis. Existing barriers around cross-border and foreign funding (as in Pakistan and India) have hindered the ability of CSOs to respond effectively to COVID-19 and marshal resources to serve needy populations, even as these governments reach out to CSOs to assist with the crisis. Meanwhile, damaging narratives against CSOs continue to be perpetuated, as in the Philippines, which has discouraged funding to CSOs and activists to address COVID-19, saying funds might be diverted to support terrorist groups.

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? (Maximum limit: approximately 5,000 characters with spaces)

Under the pretense of targeting “misinformation” around COVID-19, more than a dozen countries have enacted new criminal penalties or ratcheted up enforcement of “fake news” laws that cover criticism of the government’s response to the crisis. Countries have created new criminal penalties for spreading “false information” (Russia), causing “uncertainty” (Bolivia), and even sharing online satire related to the virus and the government’s response that could harm “national integrity” (Jordan). Journalists and activists in particular have faced arrest and severe fines for violating these laws.

Additionally, in a number of countries, governments have turned to militarized efforts to respond to the pandemic, creating concern among civil society groups and the general public. Activists and human rights groups in Sri Lanka, for example, have reported incidents of beatings, death threats, and hacking of electronic devices by intelligence agencies tasked by the government with tracking the spread of the virus.

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. (Maximum limit: approximately 5,000 characters with spaces)

1. Civil society—with its expertise, close ties to local communities, and experience dealing with crises—is a critical partner in combatting COVID-19. Authorities should implement strategies to rapidly review, approve, and release funds for COVID-19 emergency projects implemented by CSOs. This includes a relaxation of requirements relating to reporting, organizational governance, and tax obligations.

2. State responses to public health threats are stronger and more effective when they include civil society and protect human rights. Policymakers should enable civil society’s participation in decision-making around the pandemic response and remove barriers impeding organizations engaged in COVID-related aid.

3. Governments should provide accurate and timely information to civil society and the public about public health issues, and governments should provide opportunities for civil society and the public to participate in the design, implementation, and evaluation of responses to public health emergencies.

4. Governments should work with civil society to undertake a rapid human rights impact assessment to ensure that measures and actions do not inappropriately infringe human rights and fundamental freedoms.

5. Governments should specifically enlist civil society expertise and participation in developing, implementing, and monitoring responses, and should be responsive to calls to revise existing laws or practices to promote more effective and rights-respecting COVID-19 responses.