EVENT PROPOSAL

# Addressing Emergency Powers After COVID-19: A Global Conversation

## Background

ICNL’s global [COVID-19 Civic Freedoms Tracker](https://www.icnl.org/covid19tracker/) records that all but 20 countries have adopted emergency measures in response to the pandemic. While the severity of the public health crisis has required significant government action, many emergency measures have added to and further entrenched existing civic space challenges. Examples have included new restrictions on expression related to the Covid-19 virus; bans on assembling for the purpose of peaceful protest; intrusive new surveillance regimes; border and movement restrictions; and the exclusion of civil society from the design and implementation of COVID-19 policies. These measures have impeded the work of civil society organizations (CSOs), including their efforts to help the most marginalized and under-resourced in our societies, who have often suffered disproportionately from COVID-19 and the economic effects of pandemic-inspired shutdowns. Over-broad emergency measures have also threatened to undermine democracy and the rule of law itself, expanding and concentrating the powers of the executive branch of government at the expense of the other branches.

As the world begins to emerge from the pandemic, the fate of these emergency powers remains uncertain. Experts on emergency measures have [observed](https://undocs.org/A/HRC/37/52) that measures adopted in response to past emergencies have tended to persist and become permanent. The unprecedented nature and scope of states’ emergency responses in the context of the pandemic, and their far-reaching effects on civil society, democratic governance, and the rule of law, may increase the risk that this pattern will hold true for COVID-19 emergency measures.

Civil society and its allies in government, the donor community, and international organizations have an important part to play in minimizing this risk. They should encourage states to extinguish emergency measures that are no longer needed. Where measures are still necessary, they should advocate for regular, independent oversight to ensure those that remain are necessary, proportionate, legitimate, and non-discriminatory. To play this part effectively, civil society and its allies must better understand the threat posed by emergency powers, and how they can work together to effectively advance the improvement or recission of emergency powers.

## Proposed Event

Together with the Swedish International Development Cooperation Agency (Sida), the International Center for Not-for-Profit Law (ICNL) proposes a high-level virtual conversation to explore the challenges to civic space posed by states’ use of emergency powers in response to the COVID-19 pandemic. The event will further provide an opportunity for civil society and its allies to consider how they can promote the discontinuation of emergency powers that have persisted beyond the circumstances that would justify their adoption, and to encourage states to ensure that continuing emergency measures are necessary, proportionate, legitimate, and non-discriminatory. Participants will be asked to discuss solutions-based approaches to the oversight, review, and dismantling of emergency powers at national, regional, and international levels.

#### Objectives

The objectives of the event are: (a) to deepen participants’ understanding of the harms emergency powers are causing to civic space and democratic governance in countries around the world; and (b) to identify strategies and practices that civil society, donors, governments, and key international bodies can use to promote improvements in state use of emergency powers and decrease the likelihood that emergency powers become permanent.

#### Date and Time

Date TBD, at 9:00 AM EST / 3:00 PM CST

#### Structure

The event will feature two panels, bookended by framing and closing remarks. The framing speakers will provide introductory comments on the key themes of the event. During the first panel, civil society leaders will discuss the nature and extent of harms to civic space arising from COVID-19 emergency measures, and how civil society—in partnership with governments and other stakeholders where possible—has responded. During the second panel, speakers from government, bilateral and private donor organizations, and international human rights bodies will discuss how their communities can best support improved state practice in the use of emergency powers.

Interactive elements, such as polls and Mentimeter queries, will be built into the opening remarks and interludes between the panels. These elements will supply inputs from the audience that the event emcee and panelists can reflect on; they will also encourage audience engagement and participation. Both before and during the event, attendees will be able to submit questions for the moderator and panelists (their questions will not be visible to other attendees). During the event, they will also be able to engage in dialogue about the event with other attendees and event organizers via Twitter.

#### Agenda

The event will proceed as follows:

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| **3 minutes** | **Opening** |
| ***Emcee:*** *Fionnuala Ní Aoláin, Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, OHCHR*The Emcee will welcome participants, describe the objectives of the event, briefly review the agenda, and introduce the event co-organizers, Sweden and ICNL, represented by the Swedish Minister of International Development Cooperation and ICNL CEO Douglas Rutzen. |
| **5 minutes** | **Framing Remarks (Sweden)** |
| ***Speaker:*** *Per Olsson Fridh, Swedish Minister of International Development Co-operation* We defer to Sida on key points, but one idea is for the speaker to articulate the value of multi-stakeholder action to address the challenges to civic space and democratic governance posed by enduring emergency measures. |
| **5 minutes** | **Framing Remarks (ICNL)** |
| ***Speaker:*** *Douglas Rutzen, ICNL President and CEO*Mr. Rutzen will describe ICNL’s work tracking and responding to emergency measures affecting civic freedoms and speak to concerns about the long-term effects of emergency powers on civic space. |
| **3 minutes** | ***Interactive: Audience Poll*** |  |
| The Emcee will use Mentimeter to poll the audience on the impact of COVID-19 measures on freedoms in attendees’ countries or in countries in which they work. The Emcee will reflect on the results and pivot to introduce the first panel. |
| **40 minutes** | **Panel I: Civil Society’s Experience of Emergency Measures and Efforts to Ensure Human Rights Compliance**  |
| ***Proposed speakers:**** *Shamini Darshni, Forum Asia (Indonesia, Malaysia, Thailand, Philippines) – TBC*
* *Belen Paez, Fundación Pachamama (Ecuador) – TBC*
* *Hoshyar Malo, Humanitarian Help Hands (Iraqi Kurdistan) – TBC*
* *[Currently exploring addition of CSO partner from the Netherlands, the UK, and Ireland]*

***Proposed moderator:*** *Fionnuala D. Ní Aoláin*In this session, members of civil society will reflect on how emergency measures have affected civic space in their country. The panelists will also discuss how civil society efforts have contributed or may help to encourage the withdrawal of emergency measures or otherwise ensure protections for civic space and democratic governance while such measures are in effect.  |
| **3 minutes** | ***Interactive: Audience poll*** |
| The audience will be asked to use Mentimeter to rate, on a 1-10 scale, the contribution to date of different stakeholder communities in ensuring emergency powers are consistent with preservation of open civic space. |
| **40 minutes** | **Panel II: How Governments, Donors, and International Mechanisms Can Promote Recission or Improvement of Emergency Powers**  |
| ***Proposed speakers:*** * *Carin Jämtin, Director General of Sida*
* *Rob Berschinski, Senior Director for Democracy and Human Rights, U.S. National Security Council - TBC*
* *Mark Malloch-Brown, Open Society Foundations – TBC*
* *Solomon Dersso, Chairperson, African Commission on Human and People’s Rights – TBC*

***Proposed moderator:*** *Fionnuala D. Ní Aoláin*In this session, panelists will reflect on the varied approaches that governments, bilateral donors, private donors, and key international bodies can take to protecting civic space during emergencies and supporting improved state practice in the use of emergency powers. The discussion will also include an exploration of how international norms governing state use of emergency measures can be strengthened. |
| **5 minutes** | **Civil Society Closing Speaker** |
| ***Proposed speaker:*** *Nicholas Opiyo, Chapter 4 (Uganda) – TBC* *The civil society closing speaker will serve to provide thoughts on the perspective of civil society on partnership with other stakeholder communities in response to COVID-19 emergency measures, but also to tie that experience with action in anticipation of future crises. This speaker’s key function will be to restate recommendations and good practices offered throughout the event and underline the importance of collective follow-through on the ideas proposed.* |
| **5 minutes** | **Closing Remarks** |
| ***Proposed speaker:*** *Michelle Bachelet, UN High Commissioner for Human Rights – TBC*  |

#### Audience

This event will be open to the public. ICNL will advertise the event to its global network of civil society partners and stakeholders, including donors and interested governments. Simultaneous translation will be available in Spanish, French, Arabic, and Russian.

#### Dissemination

The event will be simultaneously broadcast on Zoom and YouTube. It will also be recorded and made publicly available on ICNL’s website. To further amplify the outcomes, ICNL will disseminate key takeaways and messages from the event in a variety of forms, including social media.

#### Follow-up Activities

#### The discussion and recommendations made in this event will feed into ongoing ICNL efforts to address the challenges posed to open civic space by emergency measures. Examples of current partnerships with international organizations, donors, and civil society includes:

1. Convening communities of civil society partners to share their experiences and lessons learned in advocating for the improvement or recission of COVID-19 emergency powers.
2. Providing legal research and other technical assistance to support civil society efforts to navigate and mitigate COVID-19 emergency powers’ harms to civic space.

#### Support we are providing to the UN Special Rapporteur Ní Aoláin to produce a report on international law and COVID-19 emergency powers.

#### Cooperation with members of the African Commission in their effort to monitor and evaluate the impact of COVID-19 measures adopted by states on the enjoyment of the rights to freedom of association and peaceful assembly across Africa.

#### Participation in an OSF-convened coalition of civil society organizations advocating collectively for discontinuation of Covid-19 emergency measures with negative effect on human rights.