**50th session of the Human Rights Council**

**Panel discussion on good governance in the promotion and protection of human rights during and after the COVID-19 pandemic**

*Concept note (as of 16 June 2022)*

|  |  |
| --- | --- |
| **Date and venue:** | **Wednesday, 22 June 2022, 10 a.m. to noon (UTC+2)****Room XX, Palais des Nations, Geneva and online platform (Zoom)***(will be broadcast live and archived on* [*https://media.un.org/en/webtv*](https://media.un.org/en/webtv)*)*  |
| **Objectives:** | The panel discussion will gather representatives of United Nations Member States, international organizations, specialized agencies, programmes and funds, and other stakeholders, with a view to: * Discuss the most efficient ways of using new technologies to overcome challenges and to ensure the full realization of human rights and the achievement of the Sustainable Development Goals (SDGs) in the context of the COVID-19 pandemic;
* Identify the risks associated with the use of new technologies in governance;
* Exchange good practices for United Nations-system support to States in advancing good governance to promote and protect human rights during and after the COVID-19 pandemic; and
* Consider ideas for further steps and actions that might usefully be taken by the UN-system, including the Human Rights Council, to help States to adopt good policy and practice on good governance during and after the COVID-19 pandemic.
 |
| **Opening statement:** | **Ms. Nada Al-Nashif**, United Nations Deputy High Commissioner for Human Rights |
| **Chair:** | **H.E. Mr. Federico Villegas**, President of the Human Rights Council |
| **Panellists:** | * **Ms. Jan Beagle**,Director-General, International Development Law Organization
* **Mr. Buhm-Suk Baek**, Member of the Human Rights Council Advisory Committee and Rapporteur of the report on new and emerging digital technologies and human rights (*video statement*)
* **Mr. Sebastián Smart Larrain**, Regional Head, Los Ríos Region, of the National Institute of Human Rights (*video statement*)
* **Ms. Ilia Siatitsa**, Programme Director and Senior Legal Officer, Privacy International
 |
| **Outcome:**  | The panel discussion will: * Contribute to identifying good practices for the efficient use of new technologies in the context of the COVID-19 pandemic to realize human rights and achieve the SDGs and strategies to address risks associated with them;
* Recommend measures that could be envisaged by the Council and other intergovernmental bodies or international organizations, to support international cooperation and the efficient use of new technologies and to address challenges related to their use.

A summary report of the discussion will be prepared by OHCHR and submitted to the Council at its fifty-second session (March 2023). |
| **Mandate:** | The Human Rights Council, in its [resolution 45/9](https://documents-dds-ny.un.org/doc/UNDOC/GEN/G20/258/02/pdf/G2025802.pdf?OpenElement) of 6 October 2020 on the role of good governance in the promotion and protection of human rights, decided to hold, at its fiftieth session, a panel discussion on good governance in the promotion and protection of human rights during and after the COVID-19 pandemic, with a view to discuss the most efficient ways of using new technologies to overcome challenges and to ensure the full realization of human rights and the achievement of the Sustainable Development Goals. |
| **Format:** | The panel discussion will be limited to two hours. The opening statements and initial presentations by the panellists will be followed by an interactive discussion divided into two segments. A maximum of one hour will be set aside for the podium, including the opening statement, panellists’ presentations and their responses to questions and concluding remarks. The remaining hour will be reserved for two segments of interventions from the floor, with each segment consisting of interventions from 12 States or observers, 1 national human rights institution and 2 non-governmental organizations. The list of speakers for the discussion will be established through the online inscription system and, as per practice, statements by high-level dignitaries and groups of States will be moved to the beginning of the list. Each speaker will have two minutes to raise issues and to ask panellists questions. Delegates who have not been able to take the floor due to time constraints will be able to upload their statements on the online system to be posted on the HRC Extranet. Interpretation will be provided in the six United Nations official languages (Arabic, Chinese, English, French, Russian and Spanish).  |
| **Background:** | Governance refers to all processes of governing, the institutions, and practices through which issues of common concern are decided upon and regulated. While there is no internationally agreed definition of 'good governance', it may encompass full respect of human rights, the rule of law, effective participation, multi-stakeholder partnerships, political pluralism, transparent and accountable processes and institutions, an efficient and effective public sector, legitimacy, access to knowledge, information and education, political empowerment of people, equity, sustainability, and attitudes and values that foster responsibility, solidarity and tolerance. The Human Rights Council has defined the key attributes of good governance to include transparency, responsibility, accountability, participation, and responsiveness. Through good governance, States can strengthen their capacity to fulfil their responsibility to provide public goods which are essential for the protection of human rights, such as the right to education, health and food. Good governance is also an enabler for the achievement of the 2030 Agenda for Sustainable Development. Sustainable Development Goal 16 on peace, justice, and strong institutions acknowledges the need for “effective, accountable and transparent institutions” and “responsive, inclusive, participatory and representative decision-making” at all levels.The role of technology is increasingly dominant in the transformation of the public sector and public service delivery. In the context of the COVID-19 pandemic, the use of technology for public health responses has been wide-ranging and far-reaching. Examples include data extraction and visualization for epidemiological surveillance, smartphone applications and phone location data for transmission tracking, contact tracing, and isolation enforcement, wearable devices to case detection, artificial intelligence diagnostics and teleconferencing for clinical management, social media platforms, fact-checking initiatives and chat-bot for public communication.[[1]](#footnote-1) Similarly, many other government activities and public services have been pushed online due to pandemic-related restrictions such as lockdown and social distancing requirements.[[2]](#footnote-2) These range from permit application through virtual court hearing to online learning. While many of these uses are not new,[[3]](#footnote-3) the pandemic seems to have cemented the approach and accelerated the transformation.[[4]](#footnote-4) While promising efficiency and responsiveness, the use of technology raises several concerns. The digital divide exacerbates inequality, including healthcare disparities.[[5]](#footnote-5) There are legal, ethical, security and privacy issues over the collection and use of highly granular and personal data, due to weak or non-existent safeguards, undermining public confidence.[[6]](#footnote-6) Other risks include the amplified power imbalances between technology companies and users, between Governments and citizens, and the normalization of mass surveillance instituted during emergencies.[[7]](#footnote-7) Moreover, new technologies can be used to spread disinformation and misinformation which may result in undermining Governments’ efforts in fighting the pandemic. The heralding of technology as a cure-all for governance challenges obscures important questions on the driver of public sector reforms. Many tech initiatives focus on “fraud, cost savings, sanctions, and market-driven definitions of efficiency,” rather than broader objectives, such as achieving a higher standard of living for disadvantaged segments of society.[[8]](#footnote-8) It is within this context that the panel discussion aims to identify good practices that ensure the efficient use of new technologies for the realization of human rights, while safeguarding against human rights violations associated with their use.  |
| **Background documents:** | * Human Rights Council [resolution 45/9](https://undocs.org/A/HRC/RES/45/9) of 6 October 2020 on the role of good governance in the promotion and protection of human rights
* Human Rights Council Advisory Committee, Report on possible impacts, opportunities and challenges of new and emerging digital technologies with regard to the promotion and protection of human rights (2021) - [A/HRC/47/52](https://undocs.org/A/HRC/47/52)
* United Nations High Commissioner for Human Rights, Report on the right to privacy in the digital age (2021) - [A/HRC/48/31](https://undocs.org/A/HRC/48/31)
* Special Rapporteur on the right to privacy, Report on how pandemics can be managed with respect to the right to privacy (2021) - [A/76/220](https://undocs.org/A/76/220)
* Secretary-General, Report on the road map for digital cooperation: implementation of the recommendations of the High-level Panel on Digital Cooperation (2020) - [A/74/821](https://undocs.org/A/74/821)
* Special Rapporteur on extreme poverty and human rights, Report on digital technology, social protection and human rights (2019) - [A/74/493](https://undocs.org/A/74/493)
 |

1. See for example <https://www.nature.com/articles/s41591-020-1011-4>; [https://www.thelancet.com/journals/landig/article/PIIS2589-7500(20)30142-4/fulltext](https://www.thelancet.com/journals/landig/article/PIIS2589-7500%2820%2930142-4/fulltext)

[https://publicadministration.un.org/egovkb/Portals/egovkb/Documents/un/2020-Survey/2020%20UN%20E-Government%20Survey%20(Full%20Report).pdf](https://publicadministration.un.org/egovkb/Portals/egovkb/Documents/un/2020-Survey/2020%20UN%20E-Government%20Survey%20%28Full%20Report%29.pdf) [↑](#footnote-ref-1)
2. See for example <https://publications.iadb.org/publications/english/document/Public-Services-and-Digital-Government-during-the-Pandemic-Perspectives-of-Citizens-Civil-Servants-and-Government-Institutions.pdf>, <https://ourpublicservice.org/wp-content/uploads/2020/11/Bit-by-Bit.pdf> [↑](#footnote-ref-2)
3. <https://thedocs.worldbank.org/en/doc/805211612215188198-0090022021/original/GovTechGuidanceNote1TheFrontier.pdf> [↑](#footnote-ref-3)
4. <https://www.oecd.org/digital/digital-economy-outlook-covid.pdf>

<https://publicadministration.un.org/Portals/1/Webinar%20on%20Digital%20Transformation%20rev30112020_ak_clean_wk_OD.pdf> [↑](#footnote-ref-4)
5. [https://www.thelancet.com/journals/landig/article/PIIS2589-7500(20)30142-4/fulltext](https://www.thelancet.com/journals/landig/article/PIIS2589-7500%2820%2930142-4/fulltext) [↑](#footnote-ref-5)
6. <https://www.awo.agency/files/LSE-government-response-to-the-Covid-19-pandemic.pdf> [↑](#footnote-ref-6)
7. [A/76/220](https://undocs.org/Home/Mobile?FinalSymbol=A%2F76%2F220&Language=E&DeviceType=Desktop&LangRequested=False); See also [A/HRC/48/31](https://documents-dds-ny.un.org/doc/UNDOC/GEN/G21/249/21/PDF/G2124921.pdf?OpenElement) for discussion on concerns about artificial intelligence in key sectors including law enforcement and public services. [↑](#footnote-ref-7)
8. Special Rapporteur on extreme poverty and human rights, Report on digital technology, social protection, and human rights (2019) – A/74/493 [↑](#footnote-ref-8)