

FORUM ON HUMAN RIGHTS, DEMOCRACY AND THE RULE OF LAW

Highlights from the 4th session - *“Strengthening democracies to build back better: challenges and opportunities”*

(24-25 November 2022, Geneva)



WHAT IS THE UN HUMAN RIGHTS COUNCIL'S FORUM ON HUMAN RIGHTS, DEMOCRACY AND THE RULE OF LAW?

The Forum provides a platform for dialogue and cooperation on issues pertaining to the relationship between these areas and to identify and analyse best practices, challenges and opportunities for States in their efforts to secure respect for human rights, democracy and the rule of law. Representatives of States, United Nations specialized agencies, regional and intergovernmental bodies, national human rights institutions and non-governmental organizations attended the Forum. The Forum's theme was "Strengthening democracies to build back better: challenges and opportunities" in the context of recovery from the coronavirus disease (COVID-19) pandemic. Patricia A. Hermanns, Ambassador and Permanent Representative of the Bahamas to the United Nations Office and other International Organizations in Geneva, chaired the Forum.

“*“The pandemic exacerbated many of the human rights challenges faced by the international community, including those linked to economic decline, growing inequalities and climate change, all of which pose a serious threat to democratic resilience.”*

– Patricia Hermanns,
Chair of the 4th Session of the Forum on Human Rights, Democracy and the Rule of Law



United Nations Forum on
**HUMAN RIGHTS, DEMOCRACY
and the RULE OF LAW**



A FOCUS ON HUMAN RIGHTS, DEMOCRACY AND THE RULE OF LAW IN THE AFTERMATH OF GLOBAL CRISES

The Forum provided a space to reflect on the impact that the COVID-19 pandemic had on democratic institutions and processes, human rights, gender equality and the rule of law. It explored pandemic-related challenges to human rights, in particular the right to freedom of expression and access to information, both online and offline, and the rights to freedom of peaceful assembly and of association. It also considered the ways in which the pandemic and corresponding emergency responses had affected the human rights of women, exacerbating gender-based inequalities, including the ability of women to participate in public affairs. Moreover, it discussed means of strengthening democratic institutions and safeguards, fostering trust in government and social cohesion, resilience and inclusion in the aftermath of such crises, as well as improving preparedness for future crises.

The United Nations High Commissioner for Human Rights, Volker Türk, launched the discussions with a strong focus on trust as the central notion underlying the theme of the Forum and the foundation of modern democracies. He highlighted that mistrust, exacerbated by the COVID-19 pandemic, had seeped into the foundation of the social contract between the population and institutions. Forum Chair, Ambassador Hermanns, further noted the pandemic had served as a rehearsal for future global crises, such as climate change, explaining that sustainable responses to the climate crisis required robust democratic approaches and mechanisms, such as inclusive decision-making, strong accountability processes, recognition of the essential role of an independent media and a free flow of accurate information, creativity, and the active engagement of civil society organizations in policymaking.

Ambassador Hermanns summarized the discussions held, the conclusions reached, and the recommendations which emerged from the two-day event in the following report: [Report of the Chair \(A/HRC/52/72\)](#). This report contains a full list of recommendations, which all stakeholders are encouraged to take up at the Council and in their broader engagements.

“*“Pandemic-related challenges to human rights have had a detrimental impact on the proper functioning of democracies and on civic space, including through the misuse of emergency measures and the suspension of activities of judicial and administrative institutions.”*

– Volker Türk,
United High Commissioner for Human Rights

SELECTED RECOMMENDATIONS FROM THE FORUM

SUSTAINABLE RECOVERY AND SOCIAL COHESION

- Prioritize key elements of sustainable recovery in post-COVID-19 strategies, including protecting democratic values and human rights, addressing inequalities, creating a new social contract, recognizing the essential role of civil society, advancing sustainable development and securing the health of the environment (17)
- Focus on restoring trust between governments and the people they serve, as well as throughout society, through stronger institutions, genuine participation and free civic space (18)
- Focus on fostering social cohesion and prioritize eliminating inequalities as a preventive measure, ahead of potential conflicts or crises (53)
- Focus on social cohesion beyond the crisis, including a renewed social contract based on the elimination of inequalities (89)

GENUINE, INCLUSIVE PARTICIPATION

- Ensure the meaningful participation of women in public life and decision-making (22)
- Ensure youth inclusion as a key element of strengthening democracy and countering backsliding (23)
- Ensure the participation of the most marginalized and vulnerable at all stages of policy design and implementation (85)

KEY ROLE OF CIVIL SOCIETY

- Recognize civil society as a key strategic partner in responding to crises (21)
- Consult with civil society organizations on emergency measures as part of an open and transparent process (34)
- Strengthen normative framework and national policies to ensure a safe and enabling civic space and address all cases of threats and attacks against civil society actors, in particular those working on sensitive issues such as migration, environmental protection, women's rights, national minorities' rights and the rights of lesbian, gay, bisexual, transgender and intersex persons (54)

MEDIA FREEDOM AND ACCESS TO INFORMATION

- Protect media freedom and ensure free access to information as an essential part of crisis management and the building of democratic resilience (24)
- Strengthen the legislative protection of journalists and introduce practical measures to protect them from threats and attacks (24)
- Guarantee access to scientific information (71)

EMERGENCY MEASURES

- In emergency circumstances, ensure government action is necessary, proportionate, temporary in nature and non-discriminatory, in accordance with international human rights law (19)
- Emergency measures should not be used to restrict the work of civil society organizations, journalists and other media workers (19)
- Urgently reconsider emergency measures that are still in place and continue to negatively affect the full realization of human rights (20)
- Adopt robust constitutional and legislative frameworks ensuring prompt, effective and efficient response to emergency situations, backed by strong oversight (34)
- Enact special legislation to mitigate the impact of emergency measures on the most vulnerable groups, such as older persons, persons with disabilities, displaced persons, migrants, asylum-seekers, victims of gender-based violence and people living on or below the poverty line (37)

IMPROVE ACCESS TO JUSTICE

- Promote and support people-centered justice (36)
- Improve women's access to justice through both formal and informal systems and increase women's representation in justice institutions (38)
- Foster equitable justice innovation, including through e-justice tools, while bridging the digital divide to avoid alienating the vulnerable (39)

STRENGTHEN INSTITUTIONS

- Ensure that parliament is allowed to discharge its oversight functions and thereby prevent other branches from abusing their powers or using periods of crisis to undermine democratic accountability, transparency, legitimacy and respect for the rule of law (34)
- Guarantee the independence of the judiciary by ensuring that judicial appointments are based on merit and that their work is free of any external influence (40)
- Prioritize the use of new technologies to support effective democratic governance aimed at resilient recovery from the pandemic and to embrace the vast potential of digital technologies to make Governments more transparent, accountable and inclusive (73)