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Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development

Human rights bodies and mechanisms

Fourth session of the Forum on Human Rights, Democracy and the Rule of Law

Report of the Chair

Summary

   In accordance with Human Rights Council resolutions 28/14 and 46/4, the fourth session of the Forum on Human Rights, Democracy and the Rule of Law was held in Geneva on 24 and 25 November 2022 on the theme "Strengthening democracies to build back better: challenges and opportunities". The present report contains a summary of the discussions held and of the conclusions reached, and the recommendations of the Forum.

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I. Introduction

1.   In its resolution 28/14, the Human Rights Council decided to establish the Forum on Human Rights, Democracy and the Rule of Law to provide a platform for promoting dialogue and cooperation on issues pertaining to the relationship between those 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. In its resolution 46/4, the Council decided that the theme of the fourth session of the Forum would be "Strengthening democracies to build back better: challenges and opportunities".

2.   Also in its resolution 28/14, the Human Rights Council requested the President of the Council to appoint for each session a Chair of the Forum. The Ambassador and Permanent Representative of the Bahamas to the United Nations Office and other international organizations in Geneva, Patricia A. Hermanns, was appointed to serve as Chair for the fourth session.

3.   The annotated provisional agenda[1] of the fourth session of the Forum was prepared with inputs from relevant stakeholders.[2] The present report contains a summary of the discussions held, as well as recommendations.

4.   The fourth session of the Forum was held in Geneva, with some participants joining online, on 24 and 25 November 2022. It was attended by representatives of States, United Nations specialized agencies, regional and intergovernmental bodies, national human rights institutions and non-governmental organizations.

II. Opening of the Forum

5.   In his opening remarks, the President of the Human Rights Council, Federico Villegas, stated that, in its resolution 28/14, the Council had highlighted the importance of maintaining a dialogue on human rights, democracy and the rule of law. Since its establishment, the Forum had become a space for sharing experiences, challenges and good practices in securing respect for human rights, democracy and the rule of law in an environment of mutual respect and understanding. In choosing the theme "Strengthening democracies for building back better: challenges and opportunities" in the context of recovery from the coronavirus disease (COVID-19) pandemic, the Council had encouraged States to reaffirm their full commitment to the 2030 Agenda for Sustainable Development as a blueprint for building back better after the pandemic. The Council had also encouraged States to promote good governance at all levels and to develop effective, accountable and transparent institutions and more responsive, inclusive, participatory and representative decision-making processes. Bearing in mind that opportunities could emerge from every crisis, the Forum provided a space to reflect on the impact that the pandemic had had on democratic institutions and processes, human rights and the rule of law. Analysis of the level of resilience of democratic institutions and processes could help to identify gaps in preparation for future global crises.

6.   In his opening statement, the United Nations High Commissioner for Human Rights, Volker Türk, focused on trust as the central notion underlying the theme of the Forum and the foundation of modern democracies. He highlighted the ongoing trust crisis, evidenced by the rise in social movements and protests. He noted that mistrust, exacerbated by the COVID-19 pandemic, had seeped into the foundation of the social contract between the population and institutions, while misinformation, disinformation and uncertainty, combined with loss of livelihoods and rapidly changing policy responses, had shaken even the strongest of democracies. Pandemic-related challenges to human rights had 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. He noted that there were three critical elements to restoring trust between governments and the people they served, as well as throughout society: (a) stronger institutions; (b) genuine participation; and (c) free and empowered civic space. Reviving trust

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[1] A/HRC/FD/2022/1.

[2] Available at www.ohchr.org/democracyforum.

in government decisions and institutions, crucial for the legitimacy and functioning of democracies, would be possible only through genuine inclusivity, dialogue, accountability and adherence to human rights and the rule of law. Inclusive and diverse participation could be ensured by giving voice to those most affected and to the most underrepresented categories, while creating a secure environment for civil society actors would be conducive to the exercise of enabling rights. He stressed that civic space, in all its forms, was essential for building trust, while a vibrant civil society, a free media and an engaged academia were vital components of a healthy social fabric.

7. The Chair of the fourth session of the Forum stated that the COVID-19 pandemic had 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 posed a serious threat to democratic resilience. Loss of jobs caused by COVID-19-related economic decline had revealed weaknesses in social protection systems, often leading to political instability and mistrust in government. One of the lessons learned from the crisis was that countries that provided social opportunities more equally across their populations were significantly less likely to experience a weakening of their democracies. The pandemic had also revealed inherent inequalities that slowed democratic progress. The pandemic and responses thereto had affected all population groups, but in particular groups at risk of being left behind, such as people living in poverty, women, children, older persons, persons with disabilities, ethnic and racial minorities and Indigenous Peoples. Finally, the pandemic had served as a rehearsal for future global crises, such as climate change, which also posed an existential threat to humanity with far-reaching and devastating impacts. It exacerbated inequalities, increased poverty and food insecurity, displaced populations, threatened sustainable development and could lead to countries having to compromise on their democratic aims. In turn, 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. The resilience of those democratic mechanisms had been put to the test during the COVID-19 crisis; climate change presented an equally formidable challenge.

III. Learning through adversity: mapping pandemic-related democratic erosion

A. Discussion

8. During the discussion on agenda item 2, the panellists were the Secretary-General of the Community of Democracies, Thomas E. Garrett; the Editor-in-Chief of SME and a former Vice-Chair of the executive board of the International Press Institute, Beata Balogová; the Coordinator of the Strengthening Democratic Space Programme at Conectas Human Rights, Raissa Belintani; and the Special Rapporteur on the rights to freedom of peaceful assembly and of association, Clément Nyaletsossi Voule.

9. The panel discussion was focused on the impact of the COVID-19 pandemic on human rights, gender equality, the rule of law and democratic processes and institutions around the world. Participants discussed 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. They also considered the ways in which the pandemic and emergency responses thereto had affected the human rights of women, exacerbating gender-based inequalities, including the ability of women to participate in public affairs.

10. Mr. Garrett spoke about democratic erosion and concerted action to strengthen democratic resilience. He highlighted the importance of dialogue to better understand the full impact of the pandemic on human rights and democracy and enhance multilateral efforts to strengthen democracy in the post-pandemic world and in the face of new and emerging crises. The global health crisis had stretched the capacity of democracies across the world and had

significantly affected human rights and fundamental freedoms in many ways. Although addressing the pandemic required emergency measures necessary to protect public health, in some countries, such measures had been misused to impose restrictions on civil liberties and electoral processes. One of the lessons learned from the pandemic was the need to uphold democratic values and human rights while taking appropriate measures to keep communities safe in times of crisis. Democratic governance, with its openness, transparency, accountability, inclusion and respect for human rights, was what allowed democracies to overcome challenges, embrace the lessons learned and build back better. Ensuring the protection of democratic values and human rights should always be at the core of any crisis response. Finally, he stressed the need to build inclusive democracies by ensuring the meaningful participation of the civil society as a key partner of governments in responding to crises, mainstreaming gender equality, fostering youth inclusion and recognizing the significant role of new technologies to support effective and accountable democratic governance.

11.   Ms. Balogová shared her views on the effect of COVID-19 responses on free, independent and pluralistic media as the cornerstone of democratic societies. She noted that, although journalists had always worked under pressure, the pandemic had made access to official health-related information more difficult as online attacks and disinformation campaigns intensified, affecting both the quality of reporting and the mental health of journalists. During the pandemic, the independent media had assumed the role of watchdogs over government measures aimed at reducing the effect of the pandemic, while continuing to explain the measures introduced by the Government, despite the lack of reliable information. At the same time, critical reporting was often dismissed by State officials as endangering public health or even working against the interests of the State. The International Press Institute had recorded 473 media freedom violations around the world in the form of arrests or charges, restrictions on access to information, censorship, excessive fake news regulation and verbal or physical attacks.[3]

12.   Ms. Belintani focused on the impact of the pandemic and emergency responses thereto on women, in particular, on the right to participate in public affairs. She noted the difficulties of strengthening democratic space in the context of an ongoing retreat of participatory democracy in different countries. To illustrate that point, she focused on the impact of the pandemic on the human rights and democratic participation of disadvantaged groups in Brazil, including women in favelas, the black population, lesbian, gay, bisexual, transgender and intersex persons and Indigenous and quilombola communities. Those groups had suffered most from limited access to health services, including sexual and reproductive health-care services, increased violence, exclusion and socioeconomic vulnerability, lack of transparent and disaggregated data and limited participation in the design and implementation of policies affecting them. Reportedly, migrant women had faced additional barriers in accessing emergency benefits, as well as an increase in arbitrary evictions and resettlement in poor-quality housing. She also mentioned a few positive examples of community-led initiatives to mitigate the impact of the pandemic on the most disadvantaged groups, such as the Redes da Maré women-led initiative, which had not only provided minimum conditions of survival for almost 70,000 people in 16 favelas in Rio de Janeiro, Brazil, but had also submitted amicus curiae briefs to the Supreme Court of Brazil in a constitutional action aimed at addressing law enforcement-related deaths in favelas in Rio de Janeiro.

13.   The Special Rapporteur characterized the rights to freedom of peaceful assembly and of association as crucial for democracy and as an important tool that empowered people, including those on the margins of society, to transform the world around them, defend their rights and shape their future. He expressed concern about the intensified attacks on those rights and on civil society's ability to support an effective response to crises, as part of a global trend relating to democratic decline and the rise of authoritarianism. He was especially concerned about the militarization of crisis management, in general, and some of the measures negatively affecting the exercise of rights to freedom of peaceful assembly and of association in particular. Such measures included the adoption of sweeping emergency laws,

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[3] International Press Institute, Tracker on Press Freedom Violations Linked to COVID-19 Coverage. Available at https://ipi.media/covid19-media-freedom-monitoring/ (accessed on 30 December 2022).

measures to rule by decree, measures penalizing the spreading of "fake news" used to silence, survey and harass dissidents, political opposition, human rights defenders, activists and protesters and to manipulate public opinion, and laws that gave broad powers to law enforcement authorities to conduct surveillance by weakening encryption or shutting down the Internet. He stressed that respect for the rights to freedom of peaceful assembly and of association could reduce the erosion of government credibility and the risk of conflict and empower communities to respond and adapt to changes brought about by the crisis and become better prepared for similar emergencies in the future.

14.   During the discussion, participants noted the democratic erosion and increased concerns for human rights triggered by the COVID-19 pandemic and recognized the need to strengthen democracy in response to the crisis by upholding democratic values, promoting and protecting human rights at all levels, ensuring safe civil society space, prioritizing social protection and protecting the poor and most vulnerable, thus restoring trust in government institutions. Participants recognized the rule of law and respect for human rights as fundamental pillars for functional democracies, in particular in times of major crises; however, some speakers warned of the risk of exceeding the fine line between making institutions stronger and autocratic tendencies. Participants also agreed that international solidarity, characterized by democratic and inclusive multilateral processes and institutions, was a key solution to global challenges.

15.   Participants emphasized the negative impact of the pandemic on the rights to freedom of opinion and expression, of peaceful assembly and of association, the right to participate in public affairs and the importance of access to reliable information for every democratic society and for the full and effective enjoyment of all other human rights. The overall negative impact of the pandemic and responses thereto on democratic participation was also mentioned, in particular in the context of failed or postponed elections, the misuse of health-related measures to prevent or severely limit electoral monitoring and a lack of transparency, open debate and participation in decision-making concerning lockdowns and other restrictions. Many participants mentioned the disproportionate effect of the pandemic on women, in particular their right to work, as unpaid care work by women at home was not considered as an economic contribution. Women and girls who were human rights defenders, activists and journalists were reported as facing intersectional forms of discrimination. Some speakers mentioned the detrimental impact of the pandemic on children's right to quality education, with girls disproportionately affected by school closures, while recognizing such a negative impact as a potential threat to democracy.

16.   In their concluding remarks, the panellists reiterated the paramount importance of upholding democratic values in a situation of crisis, called for the meaningful participation of women in public life to ensure democratic resilience and invited States to strengthen democratic solidarity and multilateral action. They stressed the fundamental role of the free media and highlighted that the protection of journalists was an important international issue, not limited to the national sphere. Finally, they called for the lifting of all emergency measures adopted during the pandemic that were still in place in some countries and were used to silence political opposition.

B.   Recommendations

17.   **States should prioritize key elements of sustainable recovery in their 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.**

18.   **States should 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.**

19.   **In emergency circumstances, government action must be necessary, proportionate, temporary in nature and non-discriminatory, in accordance with international human rights law. Crises, such as the COVID-19 pandemic, must not be**

used as a pretext to limit democratic and civic space or to diminish respect for the rule of law and international commitments. Emergency measures should not be used to restrict the work of civil society organizations, journalists and other media workers.

20.   **States should urgently reconsider those emergency measures that are still in place and continue to negatively affect the full realization of human rights. It is important to ensure that restrictions remain exceptional, as narrowly defined in the International Covenant on Civil and Political Rights, and are subject to parliamentary scrutiny and other democratic safeguards.**

21.   **States should recognize civil society as a key strategic partner in responding to crises, in particular its vital role in raising awareness, voicing concerns, disseminating information, framing inclusive policies, providing support to vulnerable communities and holding governments accountable. The overall effectiveness of recovery measures depends on the ability of States to secure public participation and trust, which is only possible through genuine partnership with civil society actors.**

22.   **States should ensure the meaningful participation of women in public life and decision-making. Gender equality should be mainstreamed across all governance and policy areas. It should become a core principle of policy and understood as both a building block and a result of true democracy.**

23.   **States should ensure youth inclusion as a key element of strengthening democracy and countering backsliding. Young people play a crucial role in shaping a more inclusive world and it is important that democratic Governments advance young people's participation and meaningful engagement in public life.**

24.   **Protection of media freedom and ensuring free access to information should be an essential part of crisis management and the building of democratic resilience. States should take an active role in countering disinformation and promoting media literacy. They should strengthen the legislative protection of journalists and introduce practical measures to protect them from threats and attacks. Support for independent journalism should be part of the strategic communication of State institutions as one of the pillars of their commitment to democracy.**

IV.   Building blocks of building back: developing stronger institutions and fostering trust in government

A.   Discussion

25.   During the discussion on agenda item 3, the panellists were Professor of Comparative Constitutional Law at the Centre for Human Rights, University of Pretoria, and Director of the Institute for International and Comparative Law in Africa, Charles Fombad; Professor of Law at the University of Manchester, United Kingdom of Great Britain and Northern Ireland, Chris Thornhill; lawyer and former judge, Distinguished Visiting Professor in the Terrorism, Transnational Crime and Corruption Center at George Mason University, United States of America, and the Executive Director of Be Just, Claudia Escobar Mejía; and Member of the House of Representatives of Indonesia, Dyah Roro Esti Widya Putri.

26.   The panel discussion was focused on specific tools aimed at strengthening democratic institutions, specifically on stronger parliamentary and judiciary oversight, including in terms of diversity and representation, increased access to justice and legal remedies, including online, the recognition of informal justice mechanisms compliant with the rule of law, fostering respect for the principle of separation of powers and the importance of an independent judiciary. Lessons learned from the COVID-19 pandemic were used to explore ways to increase public trust and confidence in the public sector, and thereby enhance the legitimacy and public ownership of State decisions.

27.   Mr. Fombad shared his views on the current state of democratic institutions in post-pandemic Africa and the ways to strengthen them while fostering trust in government. He noted that, in many African countries, post-1990 constitutional reforms had introduced

measures aimed at constraining emergency powers to prevent human rights abuses. However, as demonstrated by the COVID-19 pandemic, such frameworks remained weak. He expressed his concern about many Governments implementing drastic measures during the pandemic that had been designed to bring the virus under control; autocratic regimes had taken that opportunity to gain unchecked power, silence their critics and undermine the rule of law. As a result, trust in institutions had been seriously diminished. The two key institutions of democratic governance – parliaments and courts – were the hardest hit by lockdowns and had not been able to exercise their normal oversight functions. Due to lockdowns, parliaments all over the continent either could not meet or could hold online sessions only. Only in a small number of countries had courts remained operational, and to a limited extent, leading to a large backlog of cases. In a number of countries, the Government had used the excuse of the pandemic to postpone elections. Lockdowns had disproportionately affected access to justice for poor and marginalized groups at a time that they had needed it most. Access to justice was also severely affected by the digital divide between urban and rural areas and between the older and younger generations.

28.   Mr. Thornhill focused on the post-pandemic transformation of the nature of the executive power and the threat that such transformation posed to democracies around the world. He noted that, in the aftermath of the COVID-19 pandemic, executive organs in different national constitutional systems had assumed the power to operate at an unusually high level of autonomy, at times assuming functions normally attached to legislatures or overriding constraints imposed on their functions by basic rights contained in national constitutional law and in international law. In many countries, treating the pandemic crisis as a national security emergency and the consequent prioritization of security over human rights had almost universally provided justification for the weakening of both procedural and substantive rights. The former was self-evident, especially in its effect on rights regarding good governance and accountable use of police authority. The weakening of political rights was also a visible consequence of the pandemic, as the basic rights of political association, peaceful protest and participation had not been safeguarded. The impact on social rights was more complex, but downward pressure on health rights and, above all, education rights was tangible. Democracy was only likely to be restabilized if executives used their heightened powers to reconnect their functions to members of society, promoting basic rights as lines of attachment between government and citizens.

29.   Ms. Escobar Mejía shared her views on empowering judges and fostering reliable judicial institutions, based on her experience of working as a judge in Guatemala. She noted that establishing the genuine independence of the judiciary was particularly challenging for young democracies and countries that had experienced armed conflict. For societies to live in peace and harmony and to ensure the human rights of the most vulnerable populations, access to justice needed to be prioritized. International human rights norms, as well as the 2030 Agenda for Sustainable Development, recognized access to justice as a fundamental right and an enabler for all other human rights. Full realization of Sustainable Development Goal 16 required Governments to identify and address gaps within the judicial system that hindered access to justice, such as financial constraints, cumbersome bureaucratic barriers and a lack of coordination, independence and integrity, all leading to the flourishing of corruption and impunity and the subsequent loss of credibility of the judiciary. She highlighted the positive effect of technical assistance provided by the United Nations to strengthen the judiciary in Guatemala.

30.   Ms. Widya Putri noted that the current crisis was a good opportunity to focus on creating more inclusive and sustainable recovery solutions. In that context, she highlighted the need to strengthen parliamentary oversight, in particular, in terms of diversity and representation. She argued that, although democracy did not necessarily require institutions to reflect demographics, enhancing the participation of women and youth in parliaments was essential for ensuring a diversity of views in decision-making, incorporating a variety of experiences and skills in policy solutions and designing sustainable policies representing the needs of all citizens. Although women made up almost half of Indonesia's population and young people constituted about 24 per cent of the population, representation of both in the Parliament of Indonesia fluctuated at about 20 per cent. The number of women in the Parliament had been growing steadily, thanks to a number of legislative initiatives, in particular the requirement that political parties ensured that at least 30 per cent of their

members were women, and that for every three potential candidates, there was at least one female candidate. She concluded by suggesting that, apart from ensuring balanced representation, the strengthening of the oversight role of parliament could also be achieved through collective action by parliamentarians across nations.

31.   In the course of the discussion, many participants mentioned trust as being crucial for finding collective responses to the crisis and, in that context, highlighted the importance of trust in health authorities, in science, in the media and in the separation of powers as one of fundamental principles of democracy. Many speakers mentioned the pandemic-induced trust deficit between people and their government, which had exacerbated a sense of disenfranchisement, injustice and discrimination. Some were of the opinion that the solution to the trust crisis was effective and responsive justice systems based on the rule of law, the protection of human rights and the placing of people at the centre of justice, in particular the most vulnerable groups, including national minorities and linguistic minorities. A number of participants believed that strengthening democratic institutions and increasing citizens' trust in them was only possible through constructive scientific debate and scientifically justified government policies. Another solution suggested during the discussion was to prioritize addressing economic and social problems to reach those left further behind first, as the least educated and the poorest people would have the least trust in institutions.

32.   Participants highlighted the need to fight corruption in all its forms and to increase the participation of citizens in the public domain, in particular through constitutional guarantees of the inclusion of women and youth in decision-making, in both the electoral context and participatory mechanisms. Some speakers mentioned the use of digital platforms to facilitate communication between citizens and authorities as an example of good participatory practice.

33.   In closing, the panellists emphasized the impact of the pandemic on young people and the importance of reconsolidating a system of social rights, in particular education rights; the dangerous tendency toward militarization in post-pandemic societies; the role of the international community in raising the capacity of countries to fight corruption in the judiciary and to counter organized criminal groups taking over judicial institutions; and the role of civil society in consolidating national efforts to bring about change.

B.   Recommendations

34.   **States should adopt robust constitutional and legislative frameworks ensuring prompt, effective and efficient response to emergency situations, backed by strong oversight. This requires ensuring that parliament is allowed to discharge its oversight functions, and a firm commitment to respecting the independence of the judiciary and providing the courts with the necessary human resources and infrastructure. Emergency measures need to be set out in full consultation with civil society organizations as part of an open and transparent process.**

35.   **States should use the lessons learned from the pandemic to review and adjust the operating procedures of essential institutions, such as courts and parliaments, to prepare for future crises.**

36.   **To strengthen institutions, States, international organizations and other actors need to foster participation by individuals in decisions related to their lives, promote and support people-centred justice, invest in justice services and protect the integrity of justice mechanisms, formulate national laws and policies in alignment with international human rights standards and support the enforcement thereof.**

37.   **States should 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.**

38.   **States should improve women's access to justice through both formal and informal systems and increase women's representation in justice institutions.**

39.   **The digitalization of courts, including online submission of court documentation and remote hearings, and the provision of necessary equipment to courts should be prioritized now to avoid protection gaps in the future. Equitable justice innovation should be fostered, including through e-justice tools, while bridging the digital divide to avoid alienating the vulnerable.**

40.   **States should guarantee the genuine independence of the judiciary through ensuring that judicial appointments are based on merit and that their work is free of any external influence.**

41.   **Parliament must strive to assert and exercise its powers of oversight and scrutiny more rigorously to ensure that other branches do not abuse their powers or use periods of crisis to undermine democratic accountability, transparency, legitimacy and respect for the rule of law. Inter-parliamentary cooperation and knowledge transfer should be used to strengthen parliamentary oversight.**

42.   **The international community should consider democratic practices of security governance, not only in the context of democratic oversight of security forces, but also through the role of security governance in slowing down democratic backsliding.**

V. All in this together: social cohesion and community-led resilience and response systems

A. Discussion

43.   During the discussion on agenda item 4, the panellists were the Head of the "Transformation of political (dis-)order" Department at the German Institute of Development and Sustainability, member of the advisory board of International Institute for Democracy and Electoral Assistance and board member of the Foundation for Peace and Development, Julia Leininger; the Deputy Ombudswoman of Croatia, Tatjana Vlašić; the Executive Director of the non-governmental organization Youth and Society, Charles Kajoloweka; and the Deputy Director of the Resource Center for Gender Equality, Mohamad Mansour.

44.   The panel discussion was focused on specific tools and measures aimed at strengthening social cohesion and inclusion to contribute to peaceful and just societies and to leave no one behind, in line with the United Nations comprehensive response to COVID-19, which included promoting social cohesion and investing in community-led resilience and response systems as a key step towards transformative and sustainable recovery.[4] Panellists discussed the relevance of the renewed social contract in tackling the widening socioeconomic disparities resulting from the pandemic, which distorted economic justice and threatened social and political stability.

45.   Ms. Leininger shared her views on fostering social cohesion through social policies and on the relationship between social cohesion and democracy. She noted that the COVID-19 pandemic had increased social inequality, while national policies aimed at containing the pandemic had divided societies from within. Taking note of growing polarization, States, civil society organizations and multilateral organizations had made fostering social cohesion a priority. However, more evidence was needed to identify the most efficient tools for building social cohesion, considering its intangible nature. In an attempt to define social cohesion, Ms. Leininger highlighted its three key elements: (a) inclusive identity or a sense of belonging to a larger entity that went beyond a person's peer group; (b) trust in each other and the State; and (c) cooperation for the common good, beyond a person's particular interest. She cautioned about the dark side of social cohesion, which carried an inherent danger of creating strong bonds within as opposed to between communities, which could lead to social fragmentation. Another risk of extreme reliance on social cohesion was the withdrawal of the State from delivering on its social obligations. Social cohesion could soften external shocks, but it could not replace the leading role of the State in the full realization of social and

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[4] *United Nations Comprehensive Response to COVID-19: Saving Lives, Protecting Societies, Recovering Better*, 3rd ed. (2021).

economic rights to the maximum of its available resources. She noted that the proper functioning of democratic institutions, creating an environment conducive to pluralism, was a precondition for social cohesion. During the pandemic, the stringency of measures aimed at containing the virus had been lower in societies with higher social cohesion, and they had been lifted more quickly as people cooperated better with each other and the State authorities.

46.   Ms. Vlašić highlighted the role of a vibrant civil society in responding to crises and noted that civic space in all its diversity was a key element in building trust, amplifying the voices of those not heard and developing social cohesion. She mentioned various ways in which civil society organizations contributed to the rule of law and democracy through their activities, including by contributing and maintaining media pluralism, enabling access to judicial and non-judicial mechanisms for victims of human rights violations, supporting authorities in countering discrimination, hate crime and hate speech, combating disinformation and fostering media literacy, contributing to law-making and policymaking and monitoring implementation of legislation and judicial decisions. She noted the crucial role that civil society had played during recent crises, such as assisting persons who were homeless during the COVID-19 pandemic, establishing a grass-roots humanitarian coordination unit delivering food and medicine during an earthquake in one of the poorest regions of Croatia and helping refugees seeking safety in Croatia. She concluded by underlining the vital role of national human rights institutions in protecting, promoting and supporting individual human rights defenders and civil society organizations in their human rights work and recalled the Marrakech declaration on expanding civil space and promoting and protecting human rights defenders, with a specific focus on women, adopted at the thirteenth international conference of the Global Alliance of National Human Rights Institutions, held in Marrakech, Morocco, from 10 to 12 October 2018, as a tool for efficient collaboration between national human rights institutions and civil society.

47.   Mr. Kajoloweka focused on the role of youth in shaping the tools of political accountability. He introduced the "youth manifesto" model championed by the youth in Malawi and highlighted the best practices and success stories of youth participation and its role in strengthening democracies. In 2019, 65 youth non-governmental organizations were mobilized and had formed a national youth movement, the "Youth-Decide Campaign", to strengthen the capacity of Malawian youth in influencing better political governance and economic transformation and to address weak youth agency, limited dialogue on youth issues and limited opportunities for youth to influence development policy and governance in between election cycles. Developed through extensive consultations and subsequently endorsed by the elected President of Malawi, the National Youth Manifesto spelled out development policy issues affecting youth with a view to making them a priority for political actors in the 2019–2024 electoral cycle. As a form of social contract and an accountability tool, the Manifesto informed government policies on youth, gave a unified voice to youth in their advocacy efforts and established a communication channel between youth and public officials. In particular, it provided a vision of policies concerning education, health, youth employment and vocational training, environment and climate change, mining and energy, sports, culture, arts, youth living with disabilities, youth leadership in political and civic life, business entrepreneurship, information and communications technologies and infrastructure development, water and sanitation, and combating corruption. Among the achievements of the youth movement, Mr. Kajoloweka mentioned the successful advocacy for a 30 per cent reduction in nomination fees for all youth candidates taking part in elections, the formation of the youth caucus in the Parliament and the establishment of the national association of youth councillors.

48.   Mr. Mansour shared his views on gender-inclusive citizenship and the importance of social dialogue for recovering better and enhancing resilience to future shocks. He highlighted the disproportionate impact on women of economic and social measures aimed at containing the pandemic, primarily as the outbreak had exacerbated pre-existing structural inequalities, such as patriarchal societies, gendered social roles and expectations, the finance gap among women-led businesses and their disproportionate representation in lower-margin sectors. He noted that, during times of quarantine and social distancing, women were more susceptible to domestic violence and abuse, while it also became more difficult for victims to access justice and other social support networks. He referred to the Sendai Framework for Disaster Risk Reduction 2015–2030, in which it was recognized that women, children and

people in vulnerable situations had been disproportionately affected by disasters over the decade 2005–2015 and addressed both vulnerabilities and capabilities while capturing important concerns of gender and social inclusion at the policy and practice levels. He called for the recognition of the crucial role of gender equality and social inclusion in building resilience and encouraged political actors to prioritize the genuine participation of all stakeholders in the policymaking process.

49.   During the ensuing discussion, participants highlighted the important role of social cohesion in building healthy and resilient societies and examined various factors contributing to strengthening societies, such as independent media operating in transparency and credibility on the basis of the full realization of freedoms of expression and association; the genuine participation of vulnerable groups, including Indigenous Peoples, in decision-making; support for minority languages; a robust legal framework to contain extremism and hate speech, in particular through inclusive education, digital literacy and support for social workers in schools; and a focus on social and economic rights and the social solidarity required for equal enjoyment of those rights.

50.   Many speakers highlighted the essential role of civil society in fostering social cohesion, including by helping communities identify and navigate global challenges, creating links between the Government and citizens, deploying efforts for good leadership, promoting fundamental rights and freedoms and ensuring strong participation of the most vulnerable, in particular in remote areas. It was noted that a healthy civil society was instrumental for strengthening the rule of law, social inclusion, economic development and combating exclusion and discrimination.

51.   Some participants reiterated the need to ensure women's participation in decision-making to ensure social cohesion, noting that economic disparities resulting from the pandemic had had long-lasting implications on the economic development of women and girls and that they needed to be analysed to inform effective future methods of prevention. Some participants expressed strong support for the role of youth participation in the consolidation of democracy and in the facilitation of major political and social changes.

52.   In responding to questions, the panellists underscored the importance of working on social cohesion ahead of potential conflicts or crises. The role of the media, in particular online media, in the polarization and fragmentation of society was also highlighted. Exporting best practices to regulate the online space in a democratic and inclusive way was just as important as exporting technologies. The importance of safe civic space, free from online or offline harassment, assaults or hate campaigns, was mentioned as a way to increase social cohesion and the credibility of democratic institutions.

B.   Recommendations

53.   **States should focus on fostering social cohesion as a preventive measure, ahead of potential conflicts or crises. As important as it is, social cohesion should not be seen as replacing the State or lead to the withdrawal of the State from delivering on its social obligations. Tolerance for pluralism is a precondition for social cohesion; States should therefore prioritize eliminating inequalities, which are drivers of societal fragmentation and polarization.**

54.   **States should recognize civil society and national human rights institutions as key partners in safeguarding human rights on a daily basis, in particular in times of crisis. To achieve progress, States should strengthen their 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. Civil society and national human rights institutions should work together to uphold human rights and the rule of law.**

55.   **States should increase efforts to address poverty and economic marginalization among youth and strengthen resource and technical support for youth organizations and movements.**

56.   **States should ensure the genuine representation of young people in decision-making forums. Specific tools include lowering the voting age, aligning the eligibility age to run for office with the voting age and increasing youth representation in formal governance structures, such as through youth councils, climate advisory boards, budgetary committees and similar.**

57.   **The United Nations should strengthen engagement with Member States on the implementation of national youth policies that are key in responding to country-specific needs of youth and strengthen intergenerational dialogue on youth issues through various engagement platforms at the local, national, regional and global levels.**

58.   **The United Nations and regional human rights mechanisms should establish monitoring mandates focusing on the situation and welfare of youth and youth human rights defenders, such as a special rapporteur on youth, to increase State responsiveness to and accountability on the needs of youth.**

59.   **The United Nations and its agencies should continue strengthening the capacity of youth civil society organizations at the local level through targeted training programmes.**

60.   **Gender equality and social inclusion are crucial for building resilience in preparation for future crises. In order to ensure the integration of gender considerations into policymaking and recovery strategies, States should collect data disaggregated by sex and/or gender to ensure that both rapid responses and recovery strategies are informed by the best available evidence.**

61.   **States should ensure gender expertise in emergency and recovery decision-making structures to generate better policy outcomes. Adequate and consistent technical and financial capacity, awareness and knowledge at the critical decision-making, planning and implementation levels, supportive policies and effectiveness and coordination of institutional mechanisms are also essential measures to ensure gender-sensitive policies.**

VI.   Strengthening safeguards against future crises: inspiring examples to drive change

A.   Discussion

62.   During the discussion on agenda item 5, the panellists were Professor Emeritus at the National University of Colombia, founder and senior researcher at the research and advocacy organization Dejusticia, member of the International Commission of Jurists and member of the Committee on Economic, Social and Cultural Rights, Rodrigo Uprimny; founder and Chief Executive Officer of DemocracyNext and former Innovative Citizen Participation Lead at the Organisation for Economic Co-operation and Development, Claudia Chwalisz; founder of the Digital Rights Foundation, member of the Information and Democracy Commission and member of the Oversight Board of Meta, Nighat Dad; and Senior Advocacy Advisor at STOPAIDS and Project Manager at the Platform for ACT-A Civil Society and Community Representatives, Courtenay Howe.

63.   The panel discussion was focused on specific tools, best practices and new initiatives aimed at strengthening democratic safeguards, while improving preparedness for future crises. Participants assessed the benefits and the risks for democracies of accelerated digital transformation and discussed best practices that were compliant with international human rights standards. The discussion also covered ways of enhancing social protection systems in order to strengthen the resilience of societies against future shocks.

64.   Mr. Uprimny analysed the ways of strengthening the protection of economic, social and cultural rights and the rule of law with a view to tackling the widening socioeconomic disparities and authoritarian attitudes resulting from the pandemic. He stressed that, in turbulent times and emergencies, human rights and the rule of law became central because the human dignity of the most vulnerable individuals and groups was most at risk and there was a greater risk of democratic breakdown. Countries that had taken human rights and the rule of law seriously during the pandemic had had better results in managing the crisis and had preserved, strengthened and deepened democratic governance. The use of emergency powers might be justified when there were major threats to society; however, such measures could only be temporary and proportionate, otherwise they might lead to the reinforcement of authoritarianism. The principles of transparency, free access to information and access to justice also needed to be prioritized in an emergency in order for citizens to be fully informed of the reasons for decisions potentially limiting their human rights. Extreme inequalities were incompatible with the preservation of democracy and that all human rights should be considered in their indivisibility and interdependence.

65.   Ms. Chwalisz shared her ideas about innovative citizen participation and new democratic institutions. She questioned the traditional role of elections as the only basis for the formation of democratic institutions and noted their inherent short-termism and polarization. She discussed practices of shifting political and legislative power to everyday people, such as the democratic practice of selecting assemblies by lot instead of by election.[5] The outcome of her analysis of over 600 examples of citizens' assemblies around the world had demonstrated that democratic principles of participation, representation by lottery and deliberation were not new and that the ideas of democracy as deliberation and democracy entailing equal rights and power were widespread and at the heart of democratic practices in Indigenous communities and many non-Western cultures. Recent European examples of deliberative democratic practices included the French Citizens' Convention on Climate, citizens' assemblies in Ireland, the citizens' council in Ostbelgien, home of the German-speaking community of Belgium, the Paris Citizens' Assembly and the Citizens' Assembly on Climate in the Brussels region.

66.   Ms. Dad discussed accelerated digital transformation and its benefits and risks for democracies. She noted that online space and technologies provided an unparalleled catalyst for global connection and conversation and had the ability to educate, unite and mobilize, as well as to widen democratic participation and discourse. However, digital transformation carried with it the risks of exclusion of marginalized populations, the gender digital divide and online gender-based violence, the weaponization of misinformation and disinformation and hate speech and other factors threatening democratic foundations through censorship undermining the freedom of expression and intimidation of journalists, activists and political opponents. Absence of accountability and transparency of regulation of digital space left important decisions affecting human rights and democratic participation to private companies. As an example of a practice aimed at counteracting that threat, Ms. Dad shared her experience of being a member of the Oversight Board of Meta. That accountability body operated on the basis of the international human rights framework, including the Guiding Principles on Business and Human Rights, and provided independent content moderation, making binding judgments and policy recommendations on some of the most complex and challenging issues, from hate speech to bullying and harassment and the protection of minorities and vulnerable users and groups.

67.   Ms. Howe focused on the promotion of human rights principles in the forthcoming international treaty on pandemic prevention and preparedness developed by the World Health Organization and, in particular, on civil society demands, expectations and limitations during the negotiation process. She noted that it was important that the draft treaty enhanced and complemented existing obligations in international human rights law pertaining to global health, in particular by ensuring that pandemic preparedness and response measures were necessary and time-bound, did not discriminate and complied with States' international human rights law obligations. The treaty should reaffirm States' obligations relating to the

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[5]   See Organisation for Economic Co-operation and Development (OECD) "Good practice principles for deliberative processes for public decision making".

right to health and ensure that health products and services were available in a timely manner, accessible to all and affordable for everyone. As digital technologies became increasingly central to pandemic preparedness, the treaty should promote a human rights-based approach affirming States' obligations to optimize the benefits and mitigate risks such as data breaches, intrusive surveillance, bias and discrimination and unequal access. She called for the full and meaningful participation of civil society and communities at the global, regional, national and local levels in the development and the negotiation of the treaty, as well as in designing its future accountability mechanisms. Such participation was essential for ensuring that the treaty was fit for purpose, gender equitable and grounded in human rights.

68.   During the ensuing discussion, many participants recognized the important role of international solidarity and cooperation in the prevention of future crises of similar magnitude, in particular in terms of combating poverty and unemployment, providing support to vulnerable groups and promoting the participation of such groups in decision-making. International cooperation was also essential in combating corruption at all levels. No country alone could manage the enormous challenges of a cross-boundary crisis; equity and justice therefore needed to be observed as the main principles of collaboration between States. Safeguards against future crises could be achieved not only through stronger national institutions and trust in Government at the national level, but also through more responsive international financial institutions. Developing countries needed international support and cooperation to bolster their resource gaps. Multilateral efforts aimed at strengthening collective resilience and preparedness, including through a new international pandemic treaty, needed to be firmly based in human rights and the rule of law.

69.   Participants noted that the integration of digital technologies had strengthened democracy through the increased participation of citizens in public debate and the adoption of more transparent e-services, but had also uncovered threats to democracy. New technologies needed to be supported where they could contribute to the protection and promotion of human rights and democracy, including by bridging digital divides, making public participation more effective, increasing access to public services and to education, facilitating the documentation of violations and abuses and supporting human rights defenders online. On the other hand, effective protection was required against misuse of technology such as through disinformation, hate speech, violation of the rights to privacy, online intimidation and harassment and abuse of surveillance limiting freedom of expression and reducing civil society space. Some participants expressed concern that rational human decision-making in many spheres was being replaced with big data and artificial intelligence with uncontrolled algorithms.

70.   The panellists stressed the need to recognize and address the challenges posed by the digital revolution and artificial intelligence, in line with Committee on Economic, Social, and Cultural Rights general comment No. 25 (2020), in particular those relating to the non-transparent use of surveillance technologies or the enactment of legislation disproportionately curbing freedom of expression under the pretext of tackling disinformation, as well as to training the judges, lawyers and law enforcement agencies interpreting those laws and regulations. They reiterated their concerns relating to the ongoing democratic crisis, which required an innovative approach, including building and empowering genuinely democratic institutions beyond elections and adopting radical measures to break down some of the existing barriers to participation.

B.   Recommendations

71.   **States should guarantee access to scientific information; public policies should be based on scientific evidence and the benefits of science, including vaccines, should be accessed equally and without discrimination.**

72.   **In order to address the global crisis of democracy at the national and local levels, States could consider adopting innovative democratic practices that shift political and legislative power to everyday people.**

73.   **States should recognize the benefits and the risks of rapidly accelerating digitalization in all spheres of life. They should 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.

74. **States should base their regulation of the Internet on international human rights law, which is instrumental in finding the right balance between freedom of expression and other human rights, in particular during conflict and crises. Particular attention needs to be given to the relationship of social media platforms with law enforcement agencies, which sometimes creates the potential to exacerbate abusive or discriminatory government practices. Such relationship needs to be fully transparent, as disproportionate or undue censorship can contribute to a climate of misinformation.**

75. **In setting democratic standards on the use of technologies and social media, States should ensure accountability for State and private actors and consider adopting a multi-stakeholder approach inclusive of civil society, which should be empowered to participate in this work.**

76. **The international community should consider adopting a declaration on digital rights that would prioritize commitments to Internet freedoms and obligations for States to uphold these freedoms through mechanisms of accountability, transparency and inclusive consultation with all relevant stakeholders, in particular civil society.**

77. **In deliberations on the draft treaty on pandemic preparedness, the international community should ensure the full, equal, meaningful and effective participation of civil society and communities, in particular those that are traditionally underrepresented, including through enabling access to public hearings through a transparent and fair accreditation process, as well as access to all relevant documents and publications relating to the negotiations process. Their full participation in the implementation of the treaty needs to be included in the governance structure envisaged in the draft. The draft treaty should be guided by a human rights-based approach, including by recognizing equity as a core principle, indicator and outcome of pandemic preparedness and responses.**

VII.   Focused discussions

78.   The first focused discussion, on the state of democracy worldwide in the post-pandemic context, was held during the second meeting of the Forum, on 24 November 2022. The keynote presentation was delivered by Professor in the Department of Political Sciences, University of Gothenburg, Sweden, Founding Director of the Varieties of Democracy (V-Dem) Institute and the Principal Investigator of the V-Dem Project, Staffan Ingemar Lindberg.

79.   In his presentation, Mr. Lindberg shared his observations on democratic erosion in the form of autocratization, the process opposite to democratization, on the basis of the evidence collected by the V-Dem Institute and consisting of 500 indicators of democracy, measured in all countries of the world from 1900 to the present, collected by 3,700 experts from over 180 countries.[6] The dataset developed by the Institute distinguished between four types of regime: (a) liberal democracy; (b) electoral democracy; (c) electoral autocracy; and (d) dictatorship. On the basis of the dataset, it was possible to conclude that the level of democracy enjoyed by the average global citizen in 2021 was down to 1989 levels, having declined over the past 10 to 15 years, while dictatorships were on the rise: 70 per cent of the world's population – 5.4 billion people – lived under such a regime. It was also possible to observe the changing nature of autocratization, which was marked by toxic polarization, a term applied to national rhetoric classifying political opponents as enemies of the State and thus justifying limitations of their rights and liberties. An increased level of polarization usually corresponded to an increased use of misinformation or disinformation, both internally and abroad. Mr. Lindberg stressed the importance of counteracting the process of autocratization and highlighted instrumental values of democracy based on the V-Dem dataset in combination with other sets of empirical evidence. For instance, countries classified as democracies tended to achieve

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6   See https://www.v-dem.net/data/the-v-dem-dataset/.

higher economic growth and avoid the worst economic crises; they also spent significantly more on social protection systems benefiting poor and marginalized groups. In democracies, more tended to be spent on health protection and health systems in a way that increased life expectancy and decreased infant mortality. Finally, in democracies, stronger commitments to climate change mitigation strategies and the implementation thereof were expressed.

80. During the ensuing discussion, participants reiterated the importance of promoting the common values of justice, development, freedom, democracy and respect for diverse global civilizations, explored the relationship between democratization and military conflict and considered how liberal democracies could prevent States from spreading disinformation abroad.

81. The second focused discussion, on the implementation of the recommendations of the Forum's previous sessions, was held during the third meeting of the Forum, on 25 November 2022. The keynote presentations were delivered by the Envoy of the Secretary-General on Youth, Jayathma Wickramanayake; Human Rights Programme Manager of the Inter-Parliamentary Union, Rogier Huizenga; and the Permanent Observer of the International Development Law Organization to the United Nations and other international organizations in Geneva, Mark Cassayre.

82. Ms. Wickramanayake informed the participants about the work of her office in implementing the recommendations of the first session of the Forum, which had been held in 2016 and had been focused on the role of youth in public decision-making.[7] She observed that, compared with 2016, young people's participation could no longer be questioned: young people had an inalienable right to be represented when laws were adopted, budgets negotiated and Governments held to account. Their exclusion from those processes was a violation of their right to participate in public affairs and undermined the valuable contributions they brought for the good of all people in the present day and for the good of future generations. Since the first session of the Forum, the political recognition of and investment in increased and meaningful youth participation had evolved significantly. She stressed that, despite positive initiatives and progress achieved, young people still encountered multiple and multifaceted challenges and the COVID-19 pandemic had exacerbated many existing human rights insecurities. In particular, underrepresentation of young people in parliaments contributed to their disillusionment with politics and sense of mistrust towards formal institutions and political systems. She shared a few recent initiatives aimed at enhancing youth participation in United Nations mechanisms,[8] ensuring safe digital space for youth in general[9] and for human rights activists in particular,[10] condemning instances of arbitrary detention, unfair trial, police brutality and harassment of young people participating in peaceful protests,[11] facilitating the participation of youth in peace processes,[12] transforming education[13] and advocating for the implementation of the Sustainable Development Goals.[14]

83. Mr. Huizenga informed participants about the progress achieved since the second session of the Forum, which had been held in 2018 and had been focused on the role of

[7] See A/HRC/34/46.

[8] United Nations Youth Strategy.

[9] Office of the Secretary-General's Envoy on Youth, *If I Disappear: Global Report on Protecting Young People in Civic Space* (2021).

[10] Office of the Secretary-General's Envoy on Youth, "Staying safe with Twitter: youth activist checklist – guidance on digital safety and online protection of young people" (July 2022).

[11] Joint statement by the Envoy of the Secretary-General on Youth, the Special Rapporteur on the promotion and protection of the right of freedom of opinion and expression, the Special Rapporteur on the rights to freedom of peaceful assembly and of association and the Special Rapporteur on extrajudicial, summary or arbitrary executions on recent violent escalations during youth-led protests around the world (30 October 2020).

[12] Global Coalition on Youth, Peace and Security, *Implementing the Youth, Peace and Security Agenda at Country-level: A Guide for Public Officials* (New York, Office of the Secretary-General's Envoy on Youth, 2022); and Global Coalition on Youth, Peace and Security, "We are in this together: operationalizing a five-year strategic action plan for youth-inclusive peace processes" (2022).

[13] Youth Declaration on Transforming Education.

[14] See https://www.un.org/youthenvoy/about-the-young-leaders-for-the-sdgs/.

parliaments in the promotion of human rights, democracy and the rule of law.[15] He observed, with reference to the *Global Parliamentary Report 2022*,[16] that the impact of the COVID-19 pandemic had been a catalyst for change: 87 per cent of the parliaments surveyed had reported that they had increased their resilience and that digital technologies had gained in importance and were seen as strategic to the future of their work. On the issue of the engagement of parliaments with the public, he noted that committee hearings, including sessions conducted in local communities, were the most widespread and established form of consulting the public to generate evidence that supported parliamentary work and legislation. The creation of dedicated parliamentary human rights committees remained an important tool for mainstreaming human rights through the parliamentary process. Since 2019, the number of such committees in parliaments around the world had doubled. He reported slow but steady progress in ensuring the representation of women in parliaments: it had increased to 26.4 per cent. That progress was largely the result of quotas; however, in order to be effective, such quotas needed to be clear, well drafted, supported by enforcement mechanisms and seen as the minimum requirement, rather than the ceiling, for women's participation. Protecting female parliamentarians against reprisals and intimidation was of vital importance for genuine gender parity. He stressed the essential role of parliaments in engaging with United Nations human rights mechanisms, in particular the universal periodic review. The guidance on the preparation of national reports now included a specific request for States to include details on parliamentary involvement in the preparation of the reports and in the implementation of previous recommendations. Some treaty bodies also recognized the importance of engaging with parliaments in their work and included specific requests for parliamentary involvement in their concluding observations.[17]

84.   Mr. Cassayre outlined action taken to implement the recommendations of the third session of the Forum, which had been held in 2021 and had been focused on equal access to justice for all as a necessary element of democracy, rule of law and human rights protection.[18] He stressed the dire need to make the rule of law and access to justice a priority, starting with adequate national funding, and called upon States to make that a recurrent theme echoed in as many international instruments as possible. Strong rule of law mechanisms, including access to justice, served as a key tool for the prevention of conflict, human rights abuses and displacement. He listed some of the recent initiatives aimed at raising the profile of the rule of law and the legal profession in international forums, such as Human Rights Council resolution 50/5, on the independence and impartiality of the judiciary, and the partnership of the International Development Law Organization with Governments and civil society groups to support the strengthening of justice institutions, including through anti-corruption efforts. He highlighted some recent initiatives aimed at addressing inequalities, discrimination and marginalization in access to justice that, in particular, contributed to people-centred justice[19] and to climate justice,[20] and were focused on gendered aspects of access to justice.[21] He recommended that Member States promote action on specific conclusions of the third session of the Forum, incorporate language supportive of access to justice, the rule of law and protection of lawyers and legal professionals in resolutions of the Human Rights Council, promote anti-corruption initiatives, increase the participation of vulnerable actors in discussions on the rule of law and access to justice, raise the profile of Sustainable

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[15] See A/HRC/40/65.

[16] Inter-Parliamentary Union and United Nations Development Programme, *Global Parliamentary Report 2022: Public Engagement in the Work of Parliament* (Inter-Parliamentary Union, Geneva, 2022).

[17] See, for example, the joint statement on the role of parliaments in the implementation of the Convention of the Rights of the Child and its Optional Protocols by the Committee on the Rights of the Child and the Inter-Parliamentary Union (2022).

[18] See A/HRC/49/80.

[19] Organisation for Economic Co-operation and Development, *OECD Framework and Good Practice Principles for People-Centred Justice* (Paris, 2021); and International Development Law Organization, "Strategic plan 2021–2024" (Rome, 2020). See also A/77/162.

[20] International Development Law Organization, "Climate justice for women and girls: a rule of law approach to feminist climate action" (Rome, 2022). See also A/HRC/50/57.

[21] United Nations Development Programme and United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women), Gender Justice Platform.

Development Goal 16, promote links between formal justice mechanisms and customary and informal justice systems and continue efforts to identify ways to bridge the digital divide and ensure that new technologies enhanced access to justice and did not undermine people's rights.

VIII. Conclusions

85.   **In her concluding remarks, the Chair for the fourth session noted the main points arising from the discussions, which could serve as an impetus for further action. She noted, as a key conclusion, that it was not the time for democracy to be restricted. On the contrary, strengthening of democracy was key for sustainable recovery from crises and for increasing resilience in the face of ongoing and future emergencies such as the COVID-19 pandemic and climate change. Sustainable recovery meant reaching the most marginalized first. In order to ensure that, marginalized and the most vulnerable persons need to be included at all stages of policy design and implementation.**

86.   **The Chair stressed that multilateralism remained an essential approach for sustainable recovery from global crises. The Forum and other United Nations forums provided an important space for strengthening democratic solidarity through multilateral actions.**

87.   **The Chair highlighted that increasing digitalization had its advantages and its risks. There was a need for more transparency and inclusion in relation to digitalization in all spheres of public life. There was also a need to bridge the digital divides and ensure that new technologies enhanced people's rights and did not limit them.**

88.   **Summarizing the observations made by many speakers during the Forum, the Chair underlined the urgent need to move young people from the periphery to the centre of democratic dialogue. The lack of representation of youth in politics contributed to mistrust in Government at a time when it was needed most. Examples from around the world showed that young people were not apolitical. In fact, they took the lead and were eager to participate in a meaningful way and to have their voice heard. Youth participation must be institutionalized, facilitated and sustained. She noted that the central role of women and civic space in sustainable recovery was among the main cross-cutting issues raised during the Forum and recalled that an inclusive, safe and enabling environment for women and for civil society actors was key for exercising public freedoms.**

89.   **In conclusion, the Chair expressed the need to focus on social cohesion beyond the crisis, which seemed to be the best way to prepare for future emergencies and to reduce the likelihood of authoritarianism emerging or strengthening. Part of social cohesion was a renewed social contract based on the elimination of inequalities. There was a direct link between robust social policies and stronger democracies, while the failure of democracy to deliver on economic transformation was a threat to democracy itself. In order to protect democracy, the rule of law and access to justice needed to become a priority and needed to be supported, including through national funding and international humanitarian assistance.**