



Intersessional workshop on the implementation of the right to participate in public affairs in the context of the Covid-19 pandemic and the post-pandemic recovery

Wednesday 31 May 2023, 10:00 – 13:00 CET & 15:00 – 18:00 CET

Interpretation available in all UN official languages
Palais de Nations, Room XIX, Geneva, and remote participation via Zoom

Registration: <https://indico.un.org/event/1004703/>

CONCEPT NOTE

I. INTRODUCTION

1. The Human Rights Council, in its resolution 48/2 on “Equal participation in political and public affairs” of 7 October 2021, expressed concern about the continuing obstacles faced by many people in the enjoyment of their right to participate in the public affairs of their countries.¹ The Council emphasized the need for further work on the full and effective implementation of the right to participate in public affairs, in the context of Article 25 of the International Covenant on Civil and Political Rights (ICCPR) and the 2030 Agenda for Sustainable Development, including in the context of the COVID-19 pandemic and the recovery from its impact.²
2. In its operative paragraph 10 of the resolution 48/2, the Human Rights Council requested the Office of the United Nations High Commissioner for Human Rights to organize, before the fifty-fourth session of the Council, “a one-day intersessional workshop to discuss challenges, good practices, and experiences in implementing the right to participate in public affairs, notably in the context of the COVID-19 pandemic and the post-pandemic recovery, including the role of participation in securing public health”.

II. BACKGROUND

3. The right to participate in political and public affairs, as enshrined in Article 21 of the Universal Declaration of Human Rights and Article 25 of the ICCPR, and further elaborated upon in other international instruments, plays a crucial role in the promotion of democracy, the rule of law, social inclusion, economic growth, and sustainable development, as well as in the advancement of gender equality and of all human rights. Effective and meaningful participation is critical also in securing public health as it empowers individuals and communities to take responsibility for their health, enables the identification of health risks and challenges, reduces health inequalities and fosters trust and health system resilience and accountability. The Committee on Economic, Social and Cultural Rights (CESCR) interprets the participation of the population in all health-related decision-making at the community, national and international levels as an important aspect of the right to health, as defined in Article 12(1) of the International Covenant on Economic, Social and Cultural Rights (ICESCR).³ While acknowledging the progress made toward the full implementation, the Human Rights Council expressed its concern in its resolution 48/2 over

¹ A/HRC/RES/48/2, operative paragraph 1

² *Ibid.*, preambular paragraph 10.

³ CESCR General Comment No. 14: The Right to the Highest Attainable Standard of Health (Art. 12), para.11. see also paras.17, 34 and 54.

persistent obstacles, such as discrimination, including multiple and intersecting forms of discrimination, faced by many people in the enjoyment of their right to participate in political and public affairs, as well as in the enjoyment of other human rights that enables it.

4. The unprecedented and multiple crises brought about by the COVID-19 pandemic and the many responsive measures taken by States to curb its spread have hurt all sectors of society worldwide, exacerbating the erosion of trust in public institutions and governance structures, as well as the existing inequalities and undermining the enjoyment of human rights including the right to participate in public affairs. In a number of countries, the pandemic went hand in hand with divisive rhetoric, hate speech, and incitement to hatred and violence.
5. Meaningful and broad-based participation of citizens and civil society actors in decision-making surrounding the recovery from the pandemic is a critical element of restoring trust between the governments and the people and ensuring that the recovery measures taken better respond to the needs of the people leaving no one behind. Inclusive, diverse, and safe participation could be ensured by addressing existing discrimination and inequalities and giving voice to those most affected and most underrepresented, including women, young people, LGBTIQ+ people, persons with disabilities, and members of other marginalized groups, while creating a secure environment for civil society actors. At the same time, the pandemic provided Member States with an opportunity to reflect on what makes their health systems and institutional infrastructures vulnerable, how to reinforce them, and how to strengthen the resilience of electoral and non-electoral processes and institutions, and it resulted in development of innovative spaces and means to ensure meaningful public participation of their population in decision making. Distilling good practices from this particularly challenging period and advocating for their sustained and effective use could help ensure better recovery and overcome some of the systemic barriers people face in exercising their right to participate in public affairs. Some may be pursued well beyond the pandemic recovery and constitute a guide in developing effective and institutionalised responses to future public health emergencies and a far-reaching and lasting impact on the effective implementation of the right to participate in public affairs in securing public health.

III. INTERSESSIONAL WORKSHOP

III.1. Goal

6. The aim of the workshop will be to discuss in detail the challenges, experiences, and good practices for the equal and effective implementation of the right to participate in public affairs in the context of the COVID-19 pandemic and the post-pandemic recovery. Another goal of the workshop will be exploring the role of participation in securing public health. In addition, the intersessional workshop will seek to discuss the challenges to the inclusive, diverse and safe participation faced by individuals and groups, including women, youth and children, minorities, persons with disabilities, indigenous peoples, people of African descent, LGBTIQ+ people, people living in poverty, refugees, migrants, internally displaced persons and other persons belonging to marginalized groups, who suffered most from limited access to health services and emergency benefits, increased violence, exclusion, and socioeconomic vulnerability. On the other hand, the workshop and the recommendations stemming therefrom will be instrumental in taking forward some of the issues discussed also at the Fourth Session of the Forum on Human Rights, Democracy and the Rule of Law⁴.
7. The intersessional workshop will bring together States, relevant United Nations bodies, funds, and programmes, intergovernmental organizations, treaty bodies, special procedures, regional human rights mechanisms, civil society organizations, academia, national human rights institutions, and other relevant stakeholders. The participation of experts with specific expertise on the right to participate in public affairs will be encouraged.
8. As per resolution 48/2 of the Council, the Office of the High Commissioner for Human Rights will present a summary report of the discussions held during the inter-sessional workshop,

⁴ See. A/HRC/52/72.

including pertinent recommendations stemming therefrom, to the Human Rights Council at its 54th session, in September 2023.

III. 2. Methodology

9. In order to ensure the broadest participation of stakeholders, the intersessional workshop will be held in a hybrid format. Interpretation will be available in all UN official languages. As per the relevant interpretation rules, interventions via Zoom will be limited to 30 minutes at the end of each 3-hour -meeting.

III. 3. Sessions

10. The intersessional workshop is structured in three sessions. Each session will have one moderator, and panellists. Panellists with diverse backgrounds and perspectives will deliver statements highlighting key aspects of the topic of the relevant session. The last part of each session will be devoted to comments and questions from all other participants, followed by brief closing remarks from the moderator.
11. The workshop will commence with discussions seeking to outline the impact of the COVID-19 pandemic and pandemic-related responses, and the challenges in implementing the right to participate in public affairs at the local, national, and supranational levels. Next, the workshop will delve into an overview of experiences and good practices, including innovative participatory spaces and means developed and used during the Covid-19 pandemic to secure public health through inclusive, diverse, and representative participation of individuals, civil society actors, and communities with a particular focus on marginalised and disadvantaged individuals and groups. Finally, the workshop will conclude with a discussion on the way forward, namely the necessary conditions conducive to an enabling environment for the effective exercise of the right to participate in decision-making, the ways in which the innovative participatory spaces developed during the COVID-19 pandemic at local, national or supranational levels could be sustained, strengthened, and institutionalised, as well as the role of international cooperation in this regard.

12. For more details on the sessions, see the following explanations:

Session 1: Challenges, experiences and good practices in ensuring the right to participate in public affairs during the COVID-19 pandemic

13. With a view to seeking to outline the impact of the COVID-19 pandemic on the right to public participation, the Session will focus on challenges and good practices in securing the effective and meaningful exercise of the right to participate in public affairs and related rights, in electoral and non-electoral contexts, including at the local, national and supranational level, in the face of various restrictions that affected civic space resulting from emergency measures taken during the pandemic and the post-pandemic recovery.

14. Session discussions will touch upon questions such as the following:

- How have the COVID-19 pandemic and emergency measures taken on grounds of protecting public health affected the enjoyment of the right to participate in public affairs, and civic space, in electoral and non-electoral contexts, including at the local, national, and supranational levels, during the pandemic? How has the right to participation of the most underrepresented groups, marginalised people and people in vulnerable situations been affected?
- What are the applicable international standards governing permissible limitations on fundamental rights and derogations during a health crisis such as the COVID-19 pandemic? How compatible have been those measures with international standards and principles? How effectively has the right to participate been implemented in the formulation, implementation, and review of emergency measures, and in the development of pandemic response measures? How has the right to access to justice for possible violations been ensured?

- What measures have been taken during the COVID-19 pandemic and post-pandemic recovery to address negative effects of pandemic-related restrictions on the right to participate in public affairs and to ensure a safe civic space and social cohesion by countering online and offline harassment, attacks or hate speech and campaigns targeting marginalised people and people in vulnerable situations in particular?
- What safeguards have States put in place to mitigate the negative impact of disruptions in the functioning of oversight mechanisms, including the judiciary and parliaments, on participation? How adaptable were their operational procedures and infrastructures for exercising their oversight and control powers?

Session 2: The role of participation in securing public health, including in the context of the COVID-19 pandemic and the post-pandemic recovery: experiences and good practices

15. In this session, the participants will focus on experiences and good practices at the local, national and supranational levels in implementing the right to public participation with a view to securing public health, in particular ensuring effective and meaningful participation of individuals, civil society and communities, including those who are traditionally marginalized and discriminated against, in the formulation and implementation of responses to public health crises, including the COVID-19 pandemic and post-pandemic recovery. The Session will also seek to explore the experiences related to innovative participatory spaces, means, and methods, including ICTs, employed to foster meaningful participation and to maximize access to information and the proper management of health-related and other personal data collected, during the COVID-19 pandemic and the post-pandemic recovery.

16. Questions considered will include, for example:

- What is the role of public participation in the effective realisation of the right to health, including in times of health crises?
- What specific measures have been taken to ensure safe, meaningful and broad-based participation of individuals, especially specific population groups which have been traditionally underrepresented and civil society actors in decision-making forums, including parliamentary scrutiny committees, task forces, and scientific or technical expert spaces, in the development of health policy measures with a view to achieving true health and health equity, including during the pandemic and the post-pandemic? What efforts have been made by governments to inform the public, and specific or hard-to-reach groups, about the policy measures taken to mitigate the effects of the crisis?
- What innovative participatory spaces have been developed or utilised for ensuring civil society participation in COVID-19-related policy development and decision-making? How did pre-existing participatory mechanisms before the onset of the pandemic and oversight mechanisms, including national human rights institutions, affect the public participation in pandemic related decision-making? What have been the main challenges in implementing the right to participate through ICTs, including for traditionally underrepresented groups and civil society actors, and ensuring privacy and digital security?
- How effective have the results of participation been in contributing to the development of policies that respond to the real needs of these specific population groups?

Session 3: The way forward: building trust through institutionalised participatory spaces and an enabling environment for improved response to the pandemic and future health crises

17. To better respond to the pandemic and future health crises, the session will seek to discuss ways forward by exploring the key issues related to conditions conducive to an enabling environment for more effective, meaningful, and broad-based social participation and for ensuring the legitimacy of and building trust in participatory processes, including through institutionalised, well-reflecting format, design, legal framework and infrastructure of participatory processes, capacity building of government officials and civil society, and overcoming existing barriers such as digital divide, language, and education.

18. Aspects to discuss will include:

- What factors have been crucial in creating an enabling and supportive environment that could foster truly inclusive, effective, and diverse public participation in developing COVID-19-related policy responses? How such an enabling environment could be created for an inclusive, diverse empowered participation of civil society and human rights defenders at the national, regional, and supranational levels, by also ensuring a protective environment?
- What have been the most favourable communication strategies to ensure access to information at all levels of the decision-making process and to increase public trust and acceptance of policies? What could be the most favourable and efficient tools and means, including strong judicial and parliamentary oversight mechanisms, to foster and mobilize social cohesion and inclusive participation during the development and implementation of health emergency measures? What are the lessons learned from the COVID-19 pandemic?
- Have the innovative participatory spaces developed during the COVID-19 pandemic at local, national, or supranational levels been effectively sustained, strengthened, and institutionalised? How could the increased momentum attained during the COVID-19 could be leveraged following the pandemic to advance and institutionalise meaningful and broad-based social participation in public affairs in health-related or other crises?
- What role can international solidarity and cooperation play in promoting broad-based public participation in securing the right to health and in developing better responses to future health crises?

IV. BACKGROUND DOCUMENTS

- Human Rights Council resolution 48/2 of 7 October 2021 entitled “Equal participation in political and public affairs”
- Report of the Chair on the Fourth Session of the Forum on Human Rights, Democracy and the Rule of Law ([A/HRC/52/72](#))
- Report of the High Commissioner on ‘Civil society space: COVID-19: the road to recovery and the essential role of civil society’ ([A/HRC/51/13](#))
- Report of the High Commissioner on the good practices and challenges faced by States in using the guidelines on the effective implementation of the right to participate in public affairs ([A/HRC/49/42](#))
- Report of the High Commissioner on the human rights implications of the lack of affordable, timely, equitable and universal access and distribution of coronavirus disease (COVID-19) vaccines and the deepening inequalities between States ([A/HRC/49/35](#))
- Report of the High Commissioner on the impact of the coronavirus disease (COVID-19) pandemic on the enjoyment of human rights around the world, including good practices and areas of concern ([A/HRC/46/19](#))
- Report of the High Commissioner on the promotion, protection and implementation of the right to participate in public affairs in the context of the existing human rights law: best practices, experiences, challenges and ways to overcome them ([A/HRC/30/26](#))
- UN OHCHR Guidelines for States on the effective implementation of the right to participate in public affairs
- Voice, agency, empowerment – handbook on social participation for universal health coverage. World Health Organization; 2021 CESCR General Comment No. 14: The Right to the Highest Attainable Standard of Health (Art. 12)