

DID YOU KNOW?

In 2019 the Task Force on Justice *found* that **5.1 billion people (two-thirds of the world’s population) lack meaningful access to justice**, with the global justice gap disproportionately affecting marginalized and vulnerable populations.

A FOCUS ON ACCESS TO JUSTICE

The Forum considered the centrality of access to justice – a basic principle of the rule of law – to democratic governance, protection of human rights and prevention of human rights violations. It explored how to make justice truly accessible to all, including in the context of emergencies, ensuring a people-centred approach to build trust and address global challenges. It explored how to broaden the horizons of access to justice and ensure access for all through technological innovation.

“To rebuild from the pandemic on a sound foundation of respect and equality, it is urgent – and feasible – to both improve the functioning of the judiciary and make justice truly accessible to all.”

– Michelle Bachelet, United Nations High Commissioner for Human Rights

The President of the Human Rights Council, Nazhat Shameem Khan, and the United Nations High Commissioner for Human Rights, Michelle Bachelet launched the discussions with strong appeals for justice to be accessible to all, equally. They highlighted the importance of building fair, independent institutions based on people’s needs.

A dynamic group of panellists and Forum participants acknowledged the role of access to justice and the rule of law to:

advance human rights

improve people’s trust in governance

ensure the integrity of the judiciary

tackle corruption

combat inequality (including multiple intersecting and overlapping layers of discrimination)

address climate change

strengthen preparedness for future health and other crises

help restore the social contract within and between States

achieve peace and sustainable development

The Forum Chair, Director-General of the International Development Law Organization (IDLO) Jan Beagle, identified key findings from the two-day event. **All stakeholders are encouraged to take up these issues at the Council and in their broader engagements.** For a full list of recommendations, see the [report of the Chair](#).

What is the UN Human Rights Council’s Forum on Human Rights, Democracy and the Rule of Law?

The Forum provides a platform for dialogue and cooperation and for discussing best practices, challenges and opportunities for States in their efforts to secure respect for human rights, democracy and the rule of law.

Member States, United Nations specialized agencies, regional and intergovernmental bodies, national human rights institutions academics, experts and non-governmental organizations participate in the Forum.



Jan Beagle, IDLO Director-General, Chair of the Forum, welcomes Human Rights Council President, Ambassador Nazhat Shameem Khan.

The Forum’s theme for 2021 was **“Equal access to justice for all: a necessary element of democracy, rule of law and human rights protection.”** Jan Beagle, Director-General of the International Development Law Organization, chaired the 2021 Forum.



United Nations Forum on
HUMAN RIGHTS, DEMOCRACY
and the RULE OF LAW
GENEVA, 16-17 NOVEMBER 2021

“Together with the rule of law, access to justice offers a concrete pathway to peace, good governance, human rights, democracy, and sustainable development.”

– Jan Beagle, IDLO Director-General

SELECTED RECOMMENDATIONS FROM THE FORUM*

Heighten investments in and attention to the rule of law and access to justice

- The Human Rights Council (HRC) should address more regularly issues relating to the rule of law and access to justice, including by requesting existing HRC mandates to consider the issues and by exploring new avenues to advance discussions on the rule of law and access to justice (73)
- Consider holding a meeting of those donors that contribute to the financing of access to justice initiatives to identify underfunded areas and how best to pool resources and strategically leverage existing programmes (74)

Strengthen institutions, independence, transparency, integrity, anti-corruption, and trust

- Adopt measures to protect the independence of the judiciary in line with the Basic Principles on the Independence of the Judiciary (14)
- Strengthen the integrity of and prevent opportunities for corruption among members of the judiciary (15)
- Ensure that violations and abuses of the rights to freedom of peaceful assembly and of association and any alleged violence and threats against journalists and media workers are systematically and independently investigated (16)
- Ensure the recognition in constitutional and other legal provisions of the principle of legal pluralism (35)

Make access to justice a lived reality for all: a people-centred approach to close the justice gap (61)

- Tackle inequalities faced by racial, ethnic and religious minorities (including people of African descent), women, persons with disabilities, LGBTI persons and marginalized groups:
 - » *guarantee equal treatment in the criminal justice system by addressing prejudice and stereotypes (27)*
 - » *construct legal and institutional frameworks that ensure a fair outcome for those seeking redress, without discrimination of any kind (36)*
 - » *ensure that all communities can participate in defining the criminal justice system, with the aim of developing trust in institutions (29)*
 - » *establish compulsory training, education and capacity-building programmes in human rights for law enforcement and judicial officials (30)*

(continued)

- Ensure the collection of disaggregated data, including on access to legal aid (32)
- Establish effective, accessible legal aid schemes that provide both civil and criminal legal services (33)
- Ensure the rights of indigenous peoples to maintain and operate their own legal systems (35)
- Ensure an empowering, enabling and safe environment for civil society and recognize civil society actors who provide legal empowerment and aid services as essential workers in the context of a crisis (49-50)
- Ensure continued access to justice and to protection structures and services for victims of gender-based violence (51)
- Capitalize on the availability and public legitimacy of customary and informal justice systems, ensuring their alignment with international human rights standards (62)
- With regard to justice for families of victims of African descent who die at the hands of law enforcement officials, close trust deficits, strengthen institutional oversight, and ensure that law enforcement officials are held accountable (66)

Face emerging challenges through the justice lens

- In the context of emergencies:
 - » *continue to guarantee the right to a remedy, to equality before the courts and tribunals, and to a fair trial (44)*
 - » *develop clear, non-discriminatory, and transparent criteria for the prioritization of cases (45)*
 - » *develop justice sector crisis preparedness plans with the participation of civil society (46)*
 - » *make use of ICTs to enhance access to justice through clear frameworks respectful of international human rights law, in particular with regard to gender equality, taking into account the digital divide (47)*
 - » *ensure the continued and safe provision of legal aid (48).*
- Judges, lawyers and all those involved in climate litigation should make use of widely accepted state-of-the-art scientific evidence and of all existing international legal frameworks (64)
- Recognize justice systems not only as a mechanism for redress but also as a preventive, problem-solving and anti-grievance mechanism. (71)

* The numbers in parenthesis refer to paragraphs in report A/HRC/49/80.