



INTERNATIONAL DEVELOPMENT LAW ORGANIZATION
STATEMENT BY THE DIRECTOR-GENERAL, MS JAN BEAGLE

**REPORT OF THE CHAIR OF THE THIRD SESSION OF THE FORUM ON
HUMAN RIGHTS, DEMOCRACY AND THE RULE OF LAW**

HUMAN RIGHTS COUNCIL

22 March 2022

Mr. President, Distinguished Delegates,

It is a pleasure to present the report of the third session of the Forum on Human Rights, Democracy and the Rule of Law, which took place in November on the theme of "Equal access to justice for all."

I would like to thank the Office of the High Commissioner for Human Rights for their excellent work in the organization of the Forum and the development of its report.

The Council's growing attention to the symbiotic relationship between rule of law, human rights and democratic governance is much needed at a time when all three are under assault.

New and ongoing conflicts have destroyed the lives of people in many parts of the world.

The rise in instability and violence is the most visible manifestation of increased fragility which affects all countries, and to which none of us are immune.

IDLO works in all regions, including in some of the poorest and most conflict affected areas, to promote peace and sustainable development through the rule of law.

We have seen that some of the worst violations of human rights take place where the rule of law is absent or has broken down.

Several years on from the adoption of the Sustainable Development Goals and their promise to leave no one behind, two-thirds of the world's population lacks meaningful access to justice.

This global justice gap affects everyone, but is most pronounced for the world's most vulnerable.

COVID-19 has exacerbated these trends, creating new justice challenges, compounding existing inequalities and deepening social divides.

Against this backdrop, the Forum is an essential platform to exchange experiences and good practices, and agree on shared approaches to advancing access to justice, and achieving respect for human rights, democracy and the rule of law.



Through four panel discussions, the Forum considered the centrality of the ability to access justice to realizing human rights, promoting inclusive and participatory governance, and building resilient societies.

It explored how to make justice truly accessible to all, including in the context of emergencies, by putting people at its centre, and how to broaden the horizons of access to justice through technological innovation.

During the rich and engaging discussion, a diverse range of participants acknowledged the essential role of access to justice and the rule of law to advance human rights, ensure the integrity of the judiciary, counter corruption, and combat inequality.

They noted the importance of access to justice and the rule of law in addressing the root causes of global challenges such as climate change, and strengthening preparedness for future health crises.

Importantly, they highlighted that in order to improve people's trust in governance, we must invest in the rule of law.

The full list of the Forum's recommendations is available in the Chair's report, which is available online on the OHCHR website.

I would like to share some of the key findings from the Forum with you today.

First, the Forum stressed that the Council should address issues relating to the rule of law and access to justice more regularly, including by requesting existing Human Rights Council mandate holders to consider the issues, and by exploring new avenues to advance discussions on these subjects.

It suggested that in view of the importance of financing of access to justice initiatives, the Council should consider holding a meeting to identify underfunded areas and how best to pool resources and strategically leverage existing programmes.

Second, the Forum emphasised the importance of strong, independent, transparent institutions that foster integrity, counter corruption, and build trust.

In particular, the Forum recommended adopting measures to protect the independence of the judiciary, in line with the Basic Principles on the Independence of the Judiciary.

In support of reforms at the institutional level, the Forum also stressed the importance of protecting civic space, including by ensuring that violations of the right to freedom of peaceful assembly and association, and threats against journalists and media workers, are systematically and independently investigated.

Third, the Forum recognised that in order to make access to justice a lived reality for all, justice institutions must be based on, and respond to, people's needs. It therefore called for a people-centred approach to justice in order to close the justice gap.



Addressing inequalities faced by racial, ethnic and religious minorities, including people of African descent, women, persons with disabilities, LGBTQI persons, and marginalized groups, was recognised as crucial to this process.

The Forum recommended that equal treatment in the criminal justice system should be guaranteed by addressing prejudice and stereotypes, and constructing legal and institutional frameworks that ensure a fair outcome for those seeking redress, without discrimination of any kind.

Forum participants underscored the importance of participatory approaches which ensure that all communities can participate in shaping the criminal justice system, with the aim of developing trust in institutions.

In this context, they noted the rights of indigenous peoples to maintain and operate their own legal systems.

They also stressed the need to capitalise on the availability and legitimacy of customary and informal justice systems, while ensuring their alignment with international human rights standards, particularly to ensure that they do not discriminate against women and girls and other vulnerable groups.

In addition, the Forum recommended that compulsory training, education and capacity-building programmes in human rights be established for law enforcement and judicial officials, together with strengthened institutional oversight and accountability.

The Forum also underlined the importance of ensuring an empowering, enabling, and safe environment for civil society.

It recommended that civil society actors who provide legal empowerment and aid services should be recognised as essential workers in crisis contexts, and that survivors of gender-based violence should have continued access to justice and to protection structures and services.

Finally, the Forum recommended prioritizing justice during emergencies. In crisis contexts, the rights to remedy, including the ability to access courts and tribunals, and the right to a fair trial, should be guaranteed.

Justice sector crisis preparedness plans should be developed with the participation of civil society.

And justice systems should make use of technology to enhance access to justice, through clear frameworks respectful of international human rights law, in particular with regard to gender equality, and taking into account the digital divide.

The need for strong, coherent evidence bases, and the collection of desegregated data, was also recognised.

IDLO and OHCHR have developed a two-page briefer that outlines many of the key recommendations I have highlighted today.



It was circulated prior to this meeting, and I invite you to use it as part of your own advocacy.

As Chair of the Forum, I encourage all stakeholders to take up these issues at the Council and in their broader work. They need to be addressed using multidisciplinary and multistakeholder approaches.

Mr. President, Distinguished Delegates,

Now, more than ever, we must harness the transformative potential of the rule of law and people centred justice to help restore the social contract within and between states.

Effective laws and institutions can strengthen preparedness for future crises; address root causes of conflict, corruption, fragility and inequality; support post conflict reconstruction; and help the transition towards a greener and more climate resilient development model.

IDLO stands ready to partner with you to make justice truly accessible to all and to help build a more peaceful, just, and sustainable world, grounded in human rights, democracy, and the rule of law.