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ACCESS TO JUSTICE FOR ALL

*In support of the United Nations Human Rights Council
FORUM ON HUMAN RIGHTS, DEMOCRACY AND THE RULE OF LAW*

25 March 2021

15:00-17:00 Geneva

Special Virtual Discussion

Background

Now, more than ever, people in countries everywhere depend upon good governance to protect their health and well-being, and economic livelihoods. The COVID-19 pandemic continues to challenge governments the world over, of countries large and small, rich and poor.

Access to justice is a human right in itself and, together with the rule of law, offers a concrete pathway to peace, good governance, human rights, democracy, and sustainable development. Thus, Sustainable Development Goal 16 - on access to justice and accountable institutions - is not only an end itself but is a cross-cutting enabler of all the other Sustainable Development Goals.

Forum on Human Rights, Democracy and the Rule of Law

In March 2015, the United Nations Human Rights Council (Resolution A/HRC/28/14) established a 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 these areas.”

The Core Group for the Forum includes Morocco, Norway, Peru, Republic of Korea, Romania, and Tunisia. The resolution was supported by 70 co-sponsors, including several Member Parties of the International Development Law Organization (IDLO): Australia, Bulgaria, El Salvador, Italy, Norway, Peru, Romania, Tunisia, and the United States. The two-day Forum was planned to take place every two years.

To date, two editions of the Forum have been convened, the first in November 2016 with the theme “Widening the democratic space: the role of youth in public decision-making”, and the second in November 2018 on the role of parliaments in promoting human rights, democracy, and the rule of law.

In its Resolution 40/9 of March 2019, the Council explicitly recognized “the link between human rights, democracy, the rule of law, and good governance” and decided that the theme of its next Forum on Human Rights, Democracy and the Rule of Law will be “*Equal access to justice for all: a necessary element of democracy, rule of law and human rights protection*”.

This marked the first time that the Council decided to focus the Forum specifically on justice and the rule of law. The Council emphasized that the independence and impartiality of the judiciary, the integrity of the judicial system and an

independent legal profession are essential prerequisites for the protection of human rights, good governance and for ensuring that there is no discrimination in the administration of justice, and should therefore be respected. (Resolution 40/9, pp 1-2).

Although this next edition of the Forum had been planned for November 2020, in view of the ongoing COVID-19 crisis the next session of the Forum was postponed to 2021.

Objectives

With the postponement of the Forum to 16-17 November 2021, IDLO in cooperation with the Office of the High Commissioner for Human Rights (OHCHR) is offering this virtual high-level event to further develop ideas and proposals for the content and organization of the next Forum on the theme of *access to justice for all* and to highlight the link between justice and the rule of law, good governance and accountable, effective public institutions. The event is being cosponsored by the above-mentioned HRC Core Group for the Forum on Human Rights, Democracy and the Rule of Law.

The event will identify and analyze best practices, challenges and opportunities through an open and wide participation of actors from different sectors and levels, showcasing examples of concrete rule of law and justice programmes in countries and communities. It will also be an opportunity for participants to suggest topics under the theme “Access to Justice” to be included in the agenda of the Forum.

Specific areas of focus will include:

- Identifying opportunities and challenges to ensuring independence and impartiality of the judiciary, the integrity of the judicial system and an independent legal profession;
- Highlighting best practices in adapting justice systems (including customary systems and alternative dispute resolution) to the needs of specific populations, including women, children and young people, and other key populations such as trafficked persons, persons with disabilities, refugees and migrants, indigenous peoples, the poor, among others;
- Exploring the role of parliamentarians, National Human Rights Institutions (NHRIs), ombudspersons and civil society in supporting *access to justice for all*;
- Highlighting examples of measures to increase legal awareness, legal empowerment, open justice, and access to legal remedies for people affected by public health emergencies such as COVID-19, including e-Justice mechanisms;
- Exploring avenues to promote awareness in the perceptions and commitment of policymakers, thought leaders and the public to prioritize equal access to justice.

Programme

The format of the event will be the opening and keynote address, followed by a roundtable panel discussion, with questions and commentary available for virtual audience participants.

The event will be opened and moderated by Jan Beagle, Director-General, IDLO.

A Keynote Address will be provided by Hon. Michael Kirby, President, International Bar Association Human Rights Institute (IBAHRI) and formerly Justice of the High Court Justice of Australia.

Panelists will include:

- Mona Rishmawi, Chief, Rule of Law, Equality and Non-Discrimination Branch, OHCHR
- Åsa Regnér, Deputy Executive Director, UN Women
- Diahann Gordon Harrison, Attorney-at-Law and Children’s Advocate of Jamaica
- Gerald Abila, Barefoot Law, Uganda
- Diego García Sayán, Special Rapporteur on the independence of judges and lawyers

About IDLO

IDLO is the only global intergovernmental organization exclusively devoted to promoting the rule of law and access to justice. IDLO has its headquarters in Rome, Italy, liaison offices in New York and Geneva, a branch office in The Hague, and country offices carrying out rule of law and justice programmes in every region of the world.

About OHCHR

OHCHR is mandated to promote and protect the enjoyment and full realization, by all people, of all rights established in the Charter of the United Nations and in international human rights laws and treaties. OHCHR is guided in its work by the mandate provided by the General Assembly in resolution 48/141, the Charter of the United Nations, the Universal Declaration of Human Rights and subsequent human rights instruments.