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

Albania,* Argentina, Australia,* Austria, Belgium,* Bosnia and Herzegovina,* Botswana,* Bulgaria, Chile,* Croatia,* Cyprus,* Czechia, Denmark, Ecuador,* Estonia,* Fiji, Finland,* France, Georgia,* Germany, Greece,* Hungary,* Iceland,* Indonesia, Iraq,* Ireland,* Israel,* Italy, Latvia,* Lithuania,* Luxembourg,* Malta,* Marshall Islands, Mexico, Montenegro,* Netherlands, New Zealand,* North Macedonia,* Peru,* Poland, Portugal,* Romania,* San Marino,* Slovakia,* Slovenia,* Spain,* Sweden,* Turkey,* Ukraine, United States of America* and Uruguay: draft resolution

48/... Equal participation in political and public affairs

The Human Rights Council,

Guided by the Charter of the United Nations and the Universal Declaration of Human Rights,

Recalling all relevant international human rights treaties, in particular the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights,

Recalling also all relevant Human Rights Council resolutions on equal participation in political and public affairs, in particular resolutions 24/8 of 26 September 2013 on equal political participation, and 27/24 of 26 September 2014, 30/9 of 1 October 2015, 33/22 of 30 September 2016 and 39/11 of 28 September 2018,

Recalling further all relevant Human Rights Council resolutions on human rights, democracy and the rule of law, in particular resolution 46/4 of 23 March 2021,

Recalling all relevant General Assembly resolutions on strengthening the role of the United Nations in enhancing periodic and genuine elections and the promotion of democratization, in particular resolution 74/158 of 18 December 2019,

Reaffirming that all citizens shall have the right and the opportunity, without any of the distinctions stipulated in the International Covenant on Civil and Political Rights and without unreasonable restrictions, to take part in the conduct of public affairs, directly or through freely chosen representatives, and to have access, on general terms of equality, to public service in their country, and to vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and held by secret ballot, guaranteeing the free expression of the will of the electors, and reaffirming also, as set forth in article 21 (3)

* State not a member of the Human Rights Council.



of the Universal Declaration of Human Rights, that the will of the people shall be the basis of the authority of government,

Reaffirming also that no distinctions are permitted among citizens in the enjoyment of the right to participate in the conduct of public affairs on the grounds of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, or on the basis of disability,

Reaffirming further that the full, equal and meaningful participation of women at all levels of decision-making, as well as that of girls, free from violence and discrimination, is essential to the achievement of gender equality, inclusive economic growth and sustainable development, the rule of law, peace and democracy,

Underlining the importance of the active, meaningful and inclusive participation of youth in decision-making and the important role that youth can play in the promotion of sustainable development and the promotion, protection and fulfilment of all human rights, and the importance of removing barriers that prevent the meaningful participation of youth in public affairs,

Recognizing that the rights of everyone to freedom of expression, to peaceful assembly, to freedom of association and to education, access to information, and inclusive economic empowerment are among the essential conditions for equal participation in political and public affairs and must be promoted and protected, both online and offline,

Emphasizing the critical importance of full and effective participation in political and public affairs for democracy, the rule of law, social inclusion, economic growth, sustainable development and the advancement of gender equality, as well as for the realization of all human rights and fundamental freedoms,

Bearing in mind that measures necessary to contain the coronavirus disease (COVID-19) pandemic have had a considerable impact on public participation, including through restrictions on the rights to freedom of expression, to peaceful assembly and to freedom of association, and on access to information, affecting particularly the work of the media and civil society, including women's rights organizations and organizations of persons with disabilities, and direct participation in decision-making and leading to restrictions in the context of electoral processes,

Reaffirming that emergency measures taken by Governments in response to the COVID-19 pandemic must be necessary, proportionate to the evaluated risk and applied in a non-discriminatory way, have a specific focus and duration, and be in accordance with the State's obligations under applicable international human rights law,

Bearing in mind the crucial importance of full, equal and meaningful participation for the recovery from the impact of the pandemic and recognizing that the broad-based participation by civil society actors can help to ensure that the recovery responds to real needs and leaves no one behind,

Recognizing that participation and involvement in decision-making may contribute to effective and inclusive vaccine policies ensuring unhindered, timely, fair and equitable access to vaccines, including for people living in the least developed countries, bearing in mind that immunization against COVID-19 is a global public good for health,

Recognizing also the importance of free, fair, transparent, inclusive, genuine and periodic elections by universal and equal suffrage, including in new democracies and countries in democratic transition, in order to empower citizens to express their will and to promote a successful transition to long-term sustainable democracies,

Recognizing further that Member States are responsible for ensuring transparent, periodic, free and fair elections, free of intimidation, coercion and tampering with counting of the votes,

Emphasizing 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 and the 2030 Agenda for Sustainable Development, including in the context of the COVID-19 pandemic and the recovery from its impact ,

Welcoming the work of the Office of the United Nations High Commissioner for Human Rights, the special procedures, the treaty bodies and other relevant human rights mechanisms on identifying and addressing obstacles to the full implementation of the right to participate in public affairs, including in the context of the COVID-19 pandemic,

Noting with interest the work of the Office of the High Commissioner to disseminate and promote the use of the guidelines on the effective implementation of the right to participate in public affairs, and to provide technical cooperation and capacity-building to States upon their request regarding the use of the guidelines,

Encouraging Governments, local authorities, relevant United Nations bodies, specialized agencies, funds and programmes, other intergovernmental organizations, national human rights institutions and civil society actors to give due consideration to the guidelines, as a set of orientations for States, in the formulation and implementation of their policies and measures concerning equal participation in political and public affairs,

1. *Expresses concern* that, despite progress made towards the full implementation of the right to participate in public affairs worldwide, many people continue to face obstacles, such as discrimination, including multiple and intersecting forms of discrimination, in the enjoyment of their right to participate in the public affairs of their countries as well as in the enjoyment of other human rights that enable it;

2. *Recognizes* that women and girls, persons belonging to marginalized groups or minorities, and persons in vulnerable situations are among those who are most affected by discrimination in participation in political and public affairs, including inter alia, violence against women participating in political and public affairs;

3. *Reaffirms* the obligation of States to take all appropriate measures to ensure that every citizen has an effective right to and opportunity for equal participation in public affairs, including participation in elections on an equal basis;

4. *Urges* all States to ensure that every citizen can participate fully, equally and meaningfully in political and public affairs, including by, inter alia:

(a) Complying fully with their international human rights obligations and commitments and working to implement all accepted universal periodic review recommendations with regard to equal participation in political and public affairs, including by reflecting them in their national legislative framework;

(b) Consider signing and ratifying or acceding to the International Covenant on Civil and Political Rights and other relevant international human rights treaties;

(c) Taking all necessary measures to eliminate laws, regulations and practices that discriminate, directly or indirectly, against citizens in their right to participate in public affairs, online and offline, on the grounds of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, or on the basis of disability;

(d) Taking proactive measures to eliminate all barriers in law and in practice that prevent or hinder citizens, in particular women, persons belonging to marginalized groups or minorities, persons with disabilities, persons in vulnerable situations and indigenous peoples, from participating fully, equally and meaningfully in political and public affairs, including, inter alia, reviewing and repealing measures that unreasonably restrict the right to participate in public affairs, and considering adopting, on the basis of reliable disaggregated data on participation, temporary special measures, including legislative acts, aimed at increasing the participation of underrepresented groups in all aspects of political and public life;

(e) Taking steps to promote and protect the voting rights of all those entitled to vote without any discrimination, including facilitation of voter registration and participation and the provision of electoral information and materials in accessible formats and languages, as appropriate;

(f) Exploring new forms of participation and opportunities brought about by new information and communications technology and social media as a means to improve and widen, online and offline, the ability to exercise the right to participate in public affairs, and

other rights directly supporting and enabling it, and recognizing and addressing the digital divide, including for women and girls and persons with disabilities, while mitigating the risks, including tackling online harms;

(g) Ensuring the rights of everyone to freedom of expression, including to seek, receive and impart information, freedoms of peaceful assembly and association, education and development, and facilitating equal and effective access to information, media and communications technology in order to enable pluralistic debates fostering inclusive and effective participation in political and public affairs;

(h) Creating a safe and enabling environment for human rights defenders, journalists, media workers, or other civil society actors, online and offline, which together with other actors play a key role in the effective promotion, protection and realization of all human rights;

(i) Providing full and effective access to justice and redress mechanisms to those citizens whose right to participate in public affairs has been violated, including, as appropriate, by developing effective, independent and pluralistic national human rights institutions, in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles);

5. *Calls upon* all Member States to enhance the political participation of all women, to address violence against women participating in political and public affairs, to accelerate the achievement of gender equality and, in all situations, to promote and protect the full and equal enjoyment by women of all human rights with respect to voting in elections and public referendums and being eligible for election to publicly elected bodies;

6. *Recognizes* the impact of the COVID-19 pandemic on public participation, with many channels for engagement moving online, posing obstacles for those segments of the population who have limited or no Internet access or who face other barriers to digital inclusion, such as affordability of the Internet, and encourages States to ensure that all stakeholders, including women and girls, persons living in rural communities and persons with disabilities, have access to timely and accurate information and are fully involved in decisions that affect them;

7. *Underscores* that an effective response to the pandemic and post-pandemic recovery depends on every person being able to contribute fully to that effort, and encourages States to create effective channels for civil society participation in policy development and decision-making at all levels and to protect the space, online and offline, for journalists, media workers, human rights defenders and experts to speak freely without any reprisals;

8. *Strongly condemns* any manipulation of election processes, coercion and tampering with vote counts, particularly when done by States, as well as by other actors, and calls upon all Member States to respect the rule of law and the human rights and fundamental freedoms of all persons, including the right of every citizen to vote and to be elected at genuine periodic elections, which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors, thereby fostering conditions in which all citizens, regardless of how they voted, whom they supported or whether their candidates prevailed, have the motivation and incentive, as well as the right and opportunity, to continue to participate directly or through elected representatives in the conduct of public affairs and their Government;

9. *Calls upon* Member States to continuously strengthen and develop their electoral institutions and processes;

10. *Requests* the Office of the United Nations High Commissioner for Human Rights:

(a) To organize, prior to the fifty-fourth session of the Human Rights 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;

(b) To invite 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 to participate actively in the workshop;

(c) To prepare a summary report on the workshop, including any recommendations stemming therefrom, with a view to ensuring better recovery, and to submit it to the Human Rights Council at its fifty-fourth session.
