



General Assembly

Distr.: General
6 December 2019

Original: English

Human Rights Council

Forty-third session

24 February–20 March 2020

Agenda items 2 and 3

Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General

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

Intersessional seminar on the role of good governance in the promotion and protection of human rights and best practices in the implementation of the Sustainable Development Goals, including Goal 16 in this regard

Report of the Office of the United Nations High Commissioner for Human Rights

Summary

Without good governance at all levels, it will not be possible to fully realize human rights and achieve the Sustainable Development Goals. Goal 16 is particularly relevant in this regard, as it enshrines the commitment to promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels. Measuring progress in the implementation of this Goal will therefore be crucial, also with a view to achieving the other Goals.



I. Introduction

1. In its resolution 37/6 of 22 March 2018, the Human Rights Council requested the United Nations High Commissioner for Human Rights to convene, before the forty-first session of the Human Rights Council, a half-day intersessional seminar on the role of good governance in the promotion and protection of human rights, and on sharing best practices in the implementation of the Sustainable Development Goals, including Goal 16 in that regard. The seminar was held in Geneva on 14 June 2019, with the participation of experts on good governance and human rights.
2. Background documents for the seminar included a note and a report of the High Commissioner for Human Rights to the Commission on Human Rights (E/CN.4/2003/103 and E/CN.4/2005/97), a study by the Office of the United Nations High Commissioner for Human Rights (OHCHR) (*Good Governance Practices for the Protection of Human Rights*, United Nations publication, Sales No. E.07.XIV.10) and a report of the High Commissioner to the Human Rights Council (A/HRC/34/28).
3. The objectives of the intersessional seminar were:
 - (a) To discuss the importance of good governance for the realization of human rights and the Sustainable Development Goals, including Goal 16;
 - (b) To identify governance challenges faced by countries in realizing human rights and the Sustainable Development Goals, including Goal 16;
 - (c) To share best practices, including relating to international cooperation, in support of good governance;
 - (d) To identify challenges and share best practices for measuring good governance;
 - (e) To recommend action that might be taken by the United Nations system, including the Human Rights Council, to support States in their efforts to strengthen good governance.
4. The intersessional seminar was chaired by the Permanent Representative of Poland to the United Nations Office and other international organizations in Geneva, Zbigniew Czech, and moderated by a member of the Human Rights Council Advisory Committee, Changrok Soh. The Chief of the Right to Development Section of OHCHR, Ayush Bat-Erdene, delivered opening remarks on behalf of OHCHR.
5. The panel comprised Bureau member and Rapporteur of the Committee of Experts on Public Administration, Louis Meuleman; Director of the United Nations Development Programme (UNDP) Office in Geneva, Maria Luisa Silva; Policy Advisor at the Organization for Economic Cooperation and Development (OECD) Directorate for Public Governance, Carina Lindberg; and member of the Committee on Economic, Social and Cultural Rights, Zdzislaw Kedzia.

II. Opening

6. In his opening remarks, the Chair emphasized that good governance was a cornerstone of democratic stability, and an indispensable element for achieving sustainable development. Citing general comment No. 12 (1999) on the right to food, of the Committee on Economic, Social and Cultural Rights, the Chair reiterated that good governance was essential to the realization of all human rights, including the elimination of poverty and ensuring a satisfactory livelihood for all. Good governance played a key role in ensuring an environment in which the promotion and protection of human rights and sustainable development could be achieved.
7. Mr. Bat-Erdene asserted that Sustainable Development Goal 16 encapsulated the essence of good governance, as it recognized the importance of ensuring the rule of law, reducing corruption, enhancing participation, ensuring effective, accountable and transparent institutions, increasing access to information and protecting fundamental

freedoms. Progress on Goal 16 could enable and accelerate progress on the entire 2030 Agenda for Sustainable Development. Conversely, stagnation in progress on Goal 16 would result in the increasing vulnerability and marginalization of those impacted by poor governance, and impede progress in other areas of the 2030 Agenda. Human rights and good governance were mutually reinforcing, since international human rights law provided for a set of standards to guide governance processes and assess performance outcomes. As such, good governance served as an indispensable condition for the full realization of human rights. Both were necessary to build peaceful, just and inclusive societies and to realize sustainable development.

8. He stressed that good governance required an independent and impartial judiciary, a free press, access to information, expansive civic space, effective efforts to combat corruption and the protection of anti-corruption actors and whistle-blowers. It also required diligent and responsive public servants, and an accountable private sector that undertook human rights due diligence. The seminar would provide the opportunity to identify governance challenges, and to exchange experiences and good practices to support good governance institutions and processes that were based upon and respectful of international human rights standards.

9. Mr. Soh described the 2030 Agenda as the most ambitious to-do list for humankind. He echoed former Secretary-General Ban Ki-moon, who had stressed that effective, accountable and inclusive institutions were enablers of sustainable development (A/69/700). In order to attain Goal 16, genuinely inclusive multi-stakeholder partnerships would be required, whereby all stakeholders participated, worked and shared the benefits together. Greater stakeholder engagement was key to policy development, and it was particularly important to include the voices of the vulnerable and marginalized.

10. He stressed that without good governance at all levels of government, it would not be possible to fully realize human rights and achieve the Sustainable Development Goals. Goal 16 was particularly relevant in that regard, as it enshrined the commitment to promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels. However, good systems required strengthening of the people's capacity to participate, as they were the beneficiaries of good governance.

III. Summary of the panel discussion

11. After the opening segment, the panellists delivered their presentations. Mr. Meuleman gave a presentation on the principles of responsive and effective governance for sustainable development. Ms. Silva spoke about the experience of UNDP in building capacity in support of good governance. Ms. Lindberg addressed the governance challenges of implementing the Sustainable Development Goals and identifying governance mechanisms to address them. Mr. Kedzia presented the view of the Committee on Economic, Social and Cultural Rights on good governance, the Sustainable Development Goals and the realization of economic, social and cultural rights.

A. Contributions of the panellists

12. Mr. Meuleman addressed the critical importance of responsive and effective governance for sustainable development, and the associated challenges. Governance was normative as it was based on a set of values. Three types of public governance styles could be combined to either undermine or support each other: (a) hierarchical, or top-down, governance; (b) network governance; and (c) market-style governance. Creating contextualized combinations of the three approaches could be identified as "meta-governance" or "governance of governance". The Sustainable Development Goals were an example of "meta-policy" and, as such, required meta-governance.

13. Eleven principles had been identified by the Committee of Experts on Public Administration to secure effective governance for sustainable development, and had been endorsed by the Economic and Social Council in July 2018. They were rooted in Goal 16

but extended to all the other Sustainable Development Goals. The 11 principles came under three categories:

- (a) Effectiveness: competence, sound policymaking and collaboration;
- (b) Accountability: integrity, transparency and independent oversight;
- (c) Inclusiveness: leaving no one behind, non-discrimination, participation, subsidiarity and intergenerational equity.

14. The principles must be integrated into commonly used strategies for operationalizing responsive and effective governance, and many of them had been recognized and validated by United Nations forums, resolutions and treaties. In addition, the principles could be applied to different governance structures, national realities, capacities and levels of development, respecting national policies and priorities. Furthermore, the principles could be used as guidance for building effective governance, but also to analyse existing governance frameworks. In terms of challenges, the third cluster of principles, on inclusiveness, was often the weakest, and was clearly related to or reflected human rights principles. However, all of the principles of effective governance were relevant for ensuring human rights and should be used as a reference for the design and evaluation of governance for human rights.

15. Ms. Silva asserted that efforts to implement the Sustainable Development Goals had to begin with work on good governance. With good governance, it was clear that peoples' lives were better when peace, freedom and human rights were guaranteed. Good governance was an enabler for all the Sustainable Development Goals and was crucial for human security. Capacity development was also crucial to advancing Goal 16, in addition to the need to create and strengthen inclusive political processes, anti-corruption agencies, the rule of law and solid core government structures.

16. She shared three examples of areas of practice for advancing good governance, namely: (a) strong democratic institutions and venues for citizen participation, crucial for consolidating democratic gains; (b) improvement of the quality of governance by enhancing and aiding Governments' anti-corruption policies, crucial for preventing conflict; and (c) support for the restoration of inclusive and accountable core public institutions, crucial for enabling inclusiveness and accountability and providing equal opportunities.

17. In all of those action areas, UNDP strove to ensure that no one was left behind. Furthermore, it worked to ensure gender equality, which was both a human right and a prerequisite for achieving inclusive and prosperous societies and economies. Gender equality was also an accelerator for all the other Sustainable Development Goals. UNDP had observed Governments introducing gender equality strategies and policies to narrow remaining gender gaps. However, despite those policies, government efforts might fall short if not supported by effective governance, implementation, and accountability and monitoring. As such, structural and systematic approaches were needed to mainstream the 2030 Agenda perspective into policies, regulations, budgets and other structural reforms.

18. Ms. Lindberg highlighted the enormous governance challenges encountered by Governments in their efforts to achieve the Sustainable Development Goals. In particular, Goal 16 required Governments:

- (a) To coordinate, consult and work across policy areas in a whole-of-government approach, so that policy coherence could be ensured in order to address the multidimensional challenges that characterized the Sustainable Development Goals;
- (b) To build their capacity to integrate the Sustainable Development Goals into their day-to-day management systems, in which more collaborative leadership styles were needed when working with citizens and collaborating with networks of stakeholders;
- (c) To adapt budget systems and processes to promote policy integration and ensure continuity of policy objectives that occurred in multiple policy areas, levels of government and electoral cycles;
- (d) To build innovative measurements and databases to assess the merit and achievements of policy initiatives in support of the Sustainable Development Goals.

19. On the governance challenges related to human rights, she emphasized in particular the difficulties regarding access to justice and gender equality. She introduced the people-centred service design and delivery criteria described in an OECD flagship publication entitled *Equal Access to Justice for Inclusive Growth: Putting People at the Centre*. Those criteria included evidence-based planning, equality and inclusion; availability, accessibility, prevention, proactivity and timeliness; appropriateness and responsiveness; outcome focus and fairness collaboration; and integration and effectiveness. To foster public governance dimensions of gender equality, gender-based analyses and impact assessments were important in order to help embed a “gender lens” in government decision-making and structural reforms. Approximately half of OECD countries had already used or planned to introduce gender budgeting. Tools such as public procurement and regulatory policies should also be adapted to address specific barriers faced by women in accessing financial support and government contracts.

20. Some countries, such as the Netherlands and Germany, had put in place institutional mechanisms to deliver on the Sustainable Development Goals and integrate them into their national planning frameworks. However, most countries still needed to build their capacity to integrate the 2030 Agenda into their day-to-day management systems. In OECD countries, the Sustainable Development Goals were often integrated into national strategies (73 per cent of countries) but less so into national budget systems (57 per cent of countries). States should be bold in developing partnerships for implementation at the local, national, regional and global levels, and connect the practitioners whose day-to-day experience shaped the ways in which the Sustainable Development Goals were put into practice.

21. Mr. Kedzia addressed the relationship between good governance, Goal 16 and the realization of economic, social and cultural rights from the perspective of the Committee on Economic, Social and Cultural Rights. The International Covenant on Economic, Social and Cultural Rights neither required nor precluded any particular form of government or economic system, provided only that it was democratic and that all human rights were thereby respected.¹ Nevertheless, the Committee had stressed the linkage between democracy and respect for human rights. That linkage was supported by the preamble of the Covenant, which emphasized the interdependence and indivisibility of the two sets of human rights (economic, social and cultural and civil and political). As set out in the Committee’s general comment No. 12, specific criteria for good governance and human rights included accountability, transparency, people’s participation, decentralization, legislative capacity and the independence of the judiciary. The development of strategies aimed at the implementation of rights should be based on representative processes, drawing on all available domestic expertise. The Committee had also linked good governance to the elimination of poverty and social exclusion, and called for the building of inclusive societies.

22. In the view of the Committee, broad participation in decision-making processes, in particular by groups affected by a State’s policies and decisions, was among the essential features of good governance. Independent judicial mechanisms and national human rights institutions were also essential.

23. He highlighted other aspects of governance in terms of understanding States parties’ obligation under the Covenant to use the maximum of their available resources for the progressive realization of economic, social and cultural rights. For example, the Committee had developed its own “emergency doctrine”, which recognized that in times of crisis some adjustments in the implementation of certain Covenant rights might be inevitable. However, the Committee had also identified certain requirements that States had to meet to be in compliance with the Covenant even when austerity measures were imposed. Such measures must be temporary; be necessary and proportionate; ensure that the rights of disadvantaged and marginalized individuals and groups were not disproportionately affected; and determine the minimum core content of rights or a social protection floor, and ensure the protection of that core content under all circumstances.

¹ See Committee on Economic, Social and Cultural Rights, general comment No. 3 (1990) on the nature of States parties’ obligations.

24. The Committee had paid attention to illicit financial flows, corruption and related impunity, calling on States parties to redouble their efforts to combat those phenomena, ensure transparency in the conduct of public affairs, hold perpetrators accountable and guarantee remedies and compensation to victims.

25. In addition, the Committee had addressed the human rights responsibilities of borrowing and lending States, as well as those of international organizations and other lenders. The Committee disagreed with any interpretations suggesting that the statutory documents of organizations such as the International Monetary Fund and the International Bank for Reconstruction and Development did not give those organizations the power to include human rights considerations in their decision-making.

26. Given that no country had unlimited wealth, a tool was needed to assess whether the policies of States parties based on choices between different objectives were commensurate with the Covenant rights and related obligations, including the obligation to use the maximum available resources for the progressive realization of economic, social and cultural rights.

B. Interactive discussion

27. During the plenary discussion, representatives of the European Union, Azerbaijan, Iraq, the Netherlands and Romania delivered statements. In addition, representatives of the following non-governmental organizations spoke: Association for the Prevention of Torture, Centre pour le développement socio-économique, Indian Movement “Tupaj Amaru” and New Humanity.

28. The speakers welcomed the opportunity to share good practices, lessons learned and challenges in the implementation of the 2030 Agenda, as well as the particular focus of the seminar on good governance and Sustainable Development Goal 16. They agreed on the importance of good governance in the promotion and protection of human rights and peace, security and sustainable development. Some speakers highlighted the intrinsically interlinked and interdependent relationships between human rights and good governance, and supported stressing the links between good governance and the Sustainable Development Goals, particularly as the latter referred, *inter alia*, to the building of effective, accountable and inclusive institutions at all levels.

29. Delegations presented good practices with regard to good governance and the promotion and protection of human rights. For example, the Council of the European Union had adopted a new European consensus on development, entitled “Our world, our dignity, our future”, which set out a rights-based approach for development cooperation for the European Union and its member States. That approach entailed promoting the human rights dimensions of the Sustainable Development Goals while also promoting inclusion and participation, non-discrimination, equality, equity, transparency and accountability as cross-cutting principles in their implementation.

30. The Government of Azerbaijan had established the Azerbaijan Service and Assessment Network, which was a user-friendly, citizen-centred, responsive and digitally advanced public service delivery system for efficient and transparent access to key public and private services for citizens and foreign residents. The Network had been awarded the United Nations Public Service Award for being one of the best public service delivery mechanisms worldwide. In 2018, the Government of Azerbaijan, together with those of other countries, had submitted a draft resolution to the Human Rights Council in which it had stressed the importance of non-discrimination and of efficient, accessible, accountable and transparent public service delivery systems in building a corruption-free environment.

31. The Government of Romania, through its participation in the Open Government Partnership and its related national plan covering the period 2018–2020, had stepped up its efforts to promote transparency, openness and effectiveness in its governing processes, and to encourage civic participation in public life and the use of new technologies in its administration.

32. Best practices were also presented by the delegation from Iraq in terms of how to ensure good governance in countries that lacked adequate resources and had suffered from major difficulties such as terrorism and dictatorship. For example, the Government of Iraq had been able to organize a peaceful transition of power through parliamentary elections that took place in difficult security conditions. It also ensured the continued functioning of its institutions, which were the foundation of good governance. Those achievements provided a positive example for countries facing political and security problems by promoting and protecting human rights through good governance.

33. Speakers also emphasized that since the Sustainable Development Goals were a prevention agenda, investing in them meant investing in further development, preserving peace and preventing conflict in fragile and unstable regions. Scrutiny of cases of structural poverty, conflict and instability had revealed that patterns of human rights violations often lay at their heart. As such, speakers suggested that Goal 16 reflected the human rights dimension of the 2030 Agenda. However, they also indicated that good governance was a critical precondition for the successful achievement of the Sustainable Development Goals.

34. Since human rights principles underlay the content and process of good governance efforts, they informed the development of legislative frameworks, policies, programmes, budgetary allocation and other governance measures. Thus, not only was good governance a precondition for the realization of human rights, but it could also provide a set of performance standards against which government actors could be held accountable. Drawing upon the panellists' statements, speakers agreed that a human rights-based approach to policies and strategies related to the Sustainable Development Goals was critical for promoting social cohesion, preventing conflict and ensuring peaceful, just and inclusive societies.

35. The representatives of New Humanity drew upon Sustainable Development Goal 11, on sustainable cities and communities, and said that innovative versions of democratic processes emerged in cities and participation was greatly valued. Other speakers remarked that cities could enable a new system of governance, called "co-governance" where cooperation and exchange of knowledge could strengthen democracy.

36. The representative of the Association for the Prevention of Torture asserted that sustainable development and torture prevention were interdependent. Sustainable Development Goal 16 included the targets of significantly reducing all forms of violence and ending torture of children, and thus promoting the rule of law and ensuring equal access to justice, as well as developing effective, accountable and transparent institutions at all levels. Institutions such as national mechanisms with a mandate to prevent torture and other ill-treatment had to be reinforced. With those reinforcements, the institutions could contribute to creating peaceful and inclusive societies, with a focus on increased transparency and accountability.

C. Responses and concluding remarks

37. In her concluding remarks, Ms. Lindberg underlined the need for more and better data on Sustainable Development Goal 16. While statistics relating to different governance aspects did exist, the range of institutions, concept and labels varied across countries: a common conceptual framework for governance would support the gathering of more robust and useful statistics. Currently, only 4 of the 44 measurable indicators for Goal 16 and Goal 16+ had data for 163 or more countries. More efforts should be devoted to thoroughly assessing the quality of existing governance statistics, as a preliminary step towards providing general advice to statistic producers and users. Lastly, she encouraged national statistics offices to consider governance statistics as part of their routine products, subject to the same quality standards and requirements that applied to other social, economic and environmental statistics. To support the development and collection of more robust data for monitoring the implementation of Goal 16, OECD was contributing to the Praia Group on Governance Statistics, in particular on measurements related to responsiveness, trust, openness and justice.

38. Mr. Meuleman recalled the importance of context when promoting the Sustainable Development Goals and human rights. Effective governance for the Goals and for human rights had to be contextual. As governance was based on values, it was normative, and its effectiveness depended on a mindful match with the context in which a governance framework should be applied. The 11 principles of effective governance for sustainable development, developed by the Committee of Experts on Public Administration and endorsed by the Economic and Social Council, should be used as a reference for the design and evaluation of governance for human rights. Human rights were universal, but the manner in which to implement and ensure them should be contextual. In his opinion, the principle of common but differentiated responsibility also applied to human rights.

39. On the question of challenges for good governance, panellists pointed to a need to focus on fighting disempowerment. That would require investment in the quality of the public sector and training of those involved in its operations, and a specific focus on empowering local authorities and civil society groups, as they possessed the best knowledge of the problems and challenges.

40. Regarding changes in governance structures, panellists highlighted the need to gather more information and data. In addition, States should invest in all sectors of the State, such as the parliament and the civil service, but also civic actors and movements, such as the youth.

41. Ms. Silva said that States should focus on the 2030 Agenda by identifying policies that allowed for acceleration. Other actions to consider would be processes of democratization and inclusion of those left behind. Special attention should be given to good governance principles and the special needs of fragile countries.

42. Mr. Soh highlighted the links between new technologies and good governance. New digital technologies such as artificial intelligence, blockchain and cloud computing were fundamentally transforming the nature of governance. While the possible benefits of such technologies were infinite, so too were the potential dangers, including to privacy rights. He suggested that new tools should be approached with restraint and careful study, particularly at the national level.

IV. Conclusions and recommendations

A. Conclusions

43. **Participants underlined that good governance, human rights and the achievement of the Sustainable Development Goals were interrelated and mutually reinforcing, and that good governance was a prerequisite for the promotion, protection and fulfilment of human rights.**

44. **The realization of human rights and the implementation of the appropriate governance model had to be context-specific. Good governance and human rights required transparency, participation, responsiveness, effectiveness and non-discrimination, as well as accountability mechanisms that were able to address poor performance, mismanagement and criminal activity. Good governance and Goal 16 were the cornerstones of the 2030 Agenda.**

45. **Regional and international organizations could promote good governance and the Sustainable Development Goals by working with States to build strong democratic institutions and venues for citizen participation, improve the quality of governance, and build inclusive and accountable public institutions.**

B. Recommendations

46. **States and regional and international organizations should consider ways in which to improve data collection and indicators on good governance.**

47. The same stakeholders and the private sector should share best practices in using new technologies to advance good governance while bearing in mind the risks that such technologies could pose to privacy rights.
48. In order to secure effective governance for sustainable development, the following 11 principles, endorsed by the Economic and Social Council, should be integrated into all strategies operationalizing responsive and effective governance: (a) under the category of effectiveness, competence, sound policy-making and collaboration; (b) under the category of accountability, integrity, transparency and independent oversight; and (c) under the category of inclusiveness, leaving no one behind, non-discrimination, participation, subsidiarity and intergenerational equity.
49. States should conduct human rights impact assessments, including gender-based analyses to help embed a human rights and gender lens in government decision-making and structural reforms.
50. States should bear in mind that innovation in good governance often began at the local level, and should identify and share good practices. Action at the local level would be critical to effectively target those furthest behind.
51. Robust anti-corruption strategies must be integrated into all good governance initiatives.
52. States should integrate human rights principles and obligations into all stages of their budgeting cycles: formulation, approval, execution, evaluation and audit.
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