

# SUMMARY\* OF GUIDELINES FOR *States*

on the effective  
implementation of

*the Right to Participate  
in Public Affairs*





\* This summary does not replace or supersede the Guidelines on Participation in A/HRC/39/28 as presented to member states by the Human Rights Council through resolution 39/11.; by its very nature, it cannot include every detail covered in the Guidelines.

In 2018, the United Nations Office of the High Commissioner for Human Rights released new Guidelines on Participation providing practical recommendations on how States can put in practice the right to participate in public affairs. The Guidelines were requested by the UN Human Rights Council and were drafted following a wide global consultation process. The Guidelines outline the basic principles and essential preconditions of the right to participate in public affairs and include practical recommendations that cover participation in electoral and non-electoral contexts, both at national and international level.

*PARTICIPATION IS A LONG TERM COMMITMENT*

Meaningful participation requires a long-term commitment by public authorities, together with their genuine political will and trust.

*TECHNOLOGY IS A COMPLEMENTARY TOOL FOR PARTICIPATION*

Information and communication technologies (ICT) offer new mechanisms and tools for participation, expanding the space for engagement and promoting more responsible governments.

## WHY PARTICIPATION MATTERS:

- Participation enables the advancement of all human rights. It plays a crucial role in the promotion of *democracy, the rule of law, social inclusion & economic development.*
- Participation is essential for *reducing inequalities and social conflict.*
- Participation is central for empowering individuals and groups and contributes to *eliminating marginalization and discrimination.*
- While the responsibility and accountability for taking decisions ultimately rests with public authorities, the participation of various sectors of society *improves the quality of decisions.*
- As a consequence of participation, *decision-making is more informed and sustainable,* and public institutions are more effective, accountable and transparent. This in turn *enhances the legitimacy of States' decisions and their ownership by all members of society.*



# BASIC PRECONDITIONS FOR PARTICIPATION

*WHAT ARE THE ESSENTIAL PRECONDITIONS FOR PARTICIPATION?*

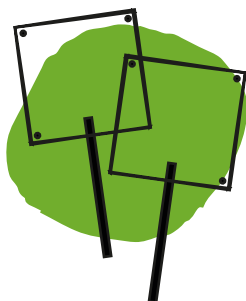
Participation requires an environment where everyone fully respects and enjoys all human rights, including:



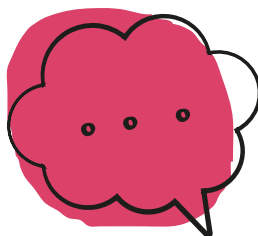
PROTECTION OF LIFE,  
PHYSICAL INTEGRITY



LIBERTY, SECURITY AND  
PRIVACY OF ALL INDIVIDUALS



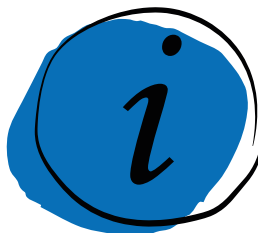
FREEDOM OF PEACEFUL ASSEMBLY  
AND OF ASSOCIATION



FREEDOM OF OPINION AND  
EXPRESSION

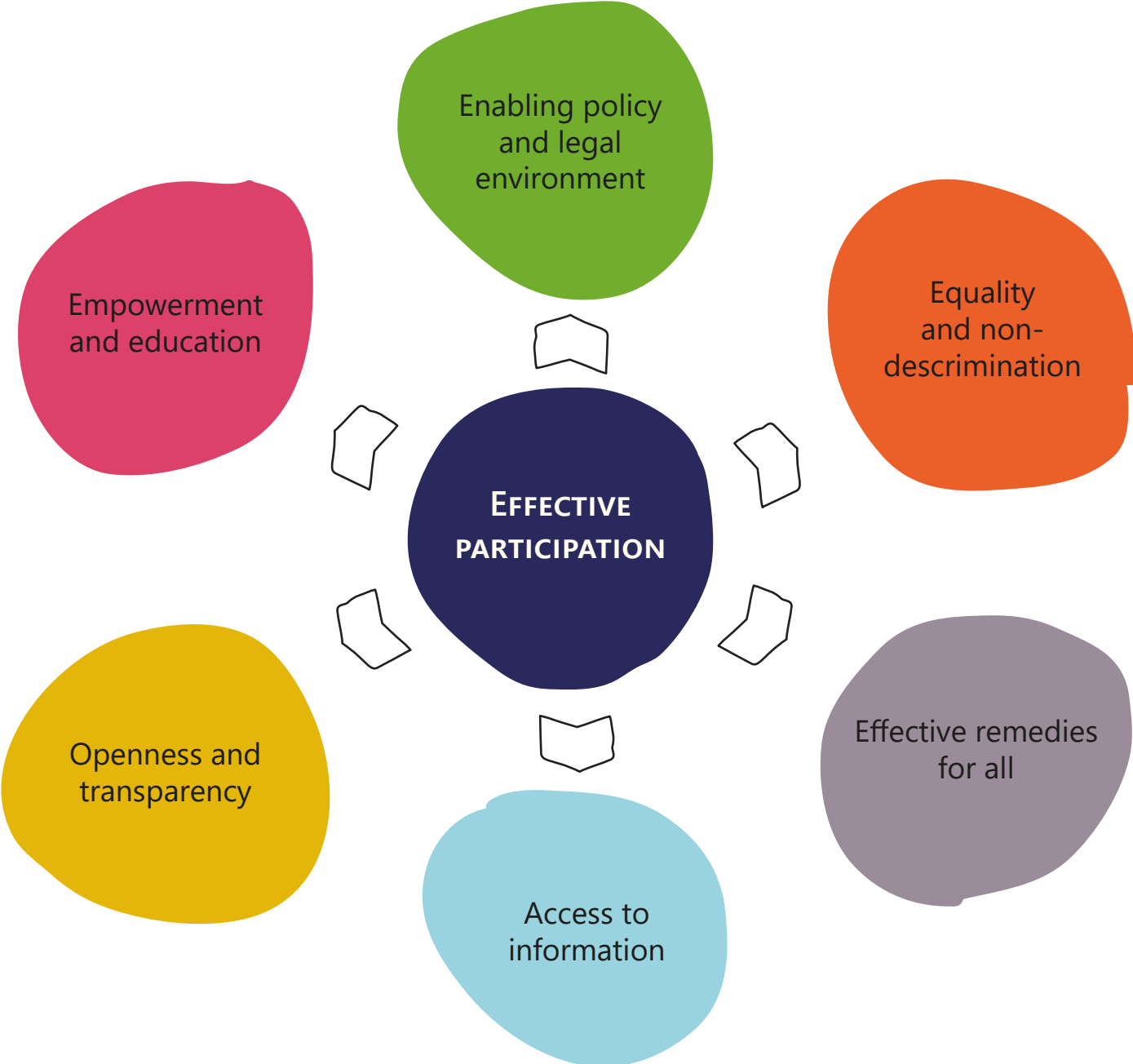


RIGHTS TO EQUALITY AND  
NON-DISCRIMINATION



ACCESS TO INFORMATION

*WHAT SHOULD STATES DO TO ENSURE THESE PRECONDITIONS?*



## *Enabling policy and legal environment*

- Adopt constitutional and legal framework to give effect to the right to participate in public affairs, including effective remedies;
- Protect the rights to freedom of opinion and expression, including the right of access to information and the rights to freedom of peaceful assembly and of association. Provide effective remedies if these rights are violated;
- Support the independence and pluralism of civil society actors;
- Do not impose undue restrictions on civil society's ability to access funding from domestic, foreign or international sources;
- Protect the freedom and independence of the media from government interventions;
- Protect civil society actors, including human rights defenders and journalists, in particular women human rights defenders and women journalists, from all threats, attacks, reprisals and acts of intimidation;
- Recognise that participation requires open and honest interaction and the building of mutual respect and trust between public authorities and all members of society.

## *Equality and non-discrimination*

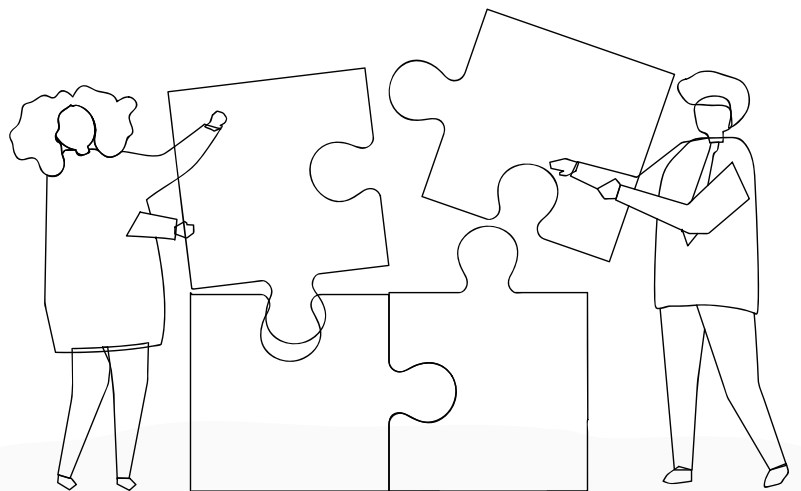
- Protect the rights to equality and non-discrimination and prohibit all forms of discrimination, through constitutions, laws, policies and programmes;
- Recognize negative impact of discrimination in particular for women and girls, young people, persons with disabilities, indigenous peoples, older persons, persons belonging to minority groups, persons with albinism, lesbian,

gay, bisexual, transgender and intersex persons and other groups that are discriminated against;

- Adopt legislation, policy and institutional arrangements to promote and ensure equal participation of individuals and groups that are marginalized or discriminated against;
- Consult with indigenous peoples, especially when adopting or implementing measures that may affect them.

### *Effective remedies for all*

- Make sure everyone has access to judicial, administrative or legislative remedies;
- Give information regarding available processes and procedures concerning access to justice and redress mechanisms;
- Facilitate capacity-building and training programmes in international human rights law, regarding the right to participate in public affairs, for members of the judiciary and legal professionals;
- Support the functioning of national human rights institutions, providing them with the mandate and resources to receive complaints and to monitor, report and act on violations of rights.





*Ensure the right of access to information held by public authorities or private entities that perform public functions*

- Protect the right of access to information in constitutions and legal frameworks, in line with international human rights law;
- Establish procedures for facilitating access to information, particularly for individuals and groups that are marginalized or discriminated against;
- Create an independent and impartial oversight mechanism to monitor and report publicly on the implementation of the right of access to information.

*Promote openness and transparency in all aspects of decision-making processes, and accountability of public authorities*

- Ensure openness, transparency and accountability at all stages of decision-making by public authorities;
- Create effective mechanisms for the accountability of non-State actors, such as business enterprises, which are involved in public decision-making;
- Promote a culture of openness and transparency.

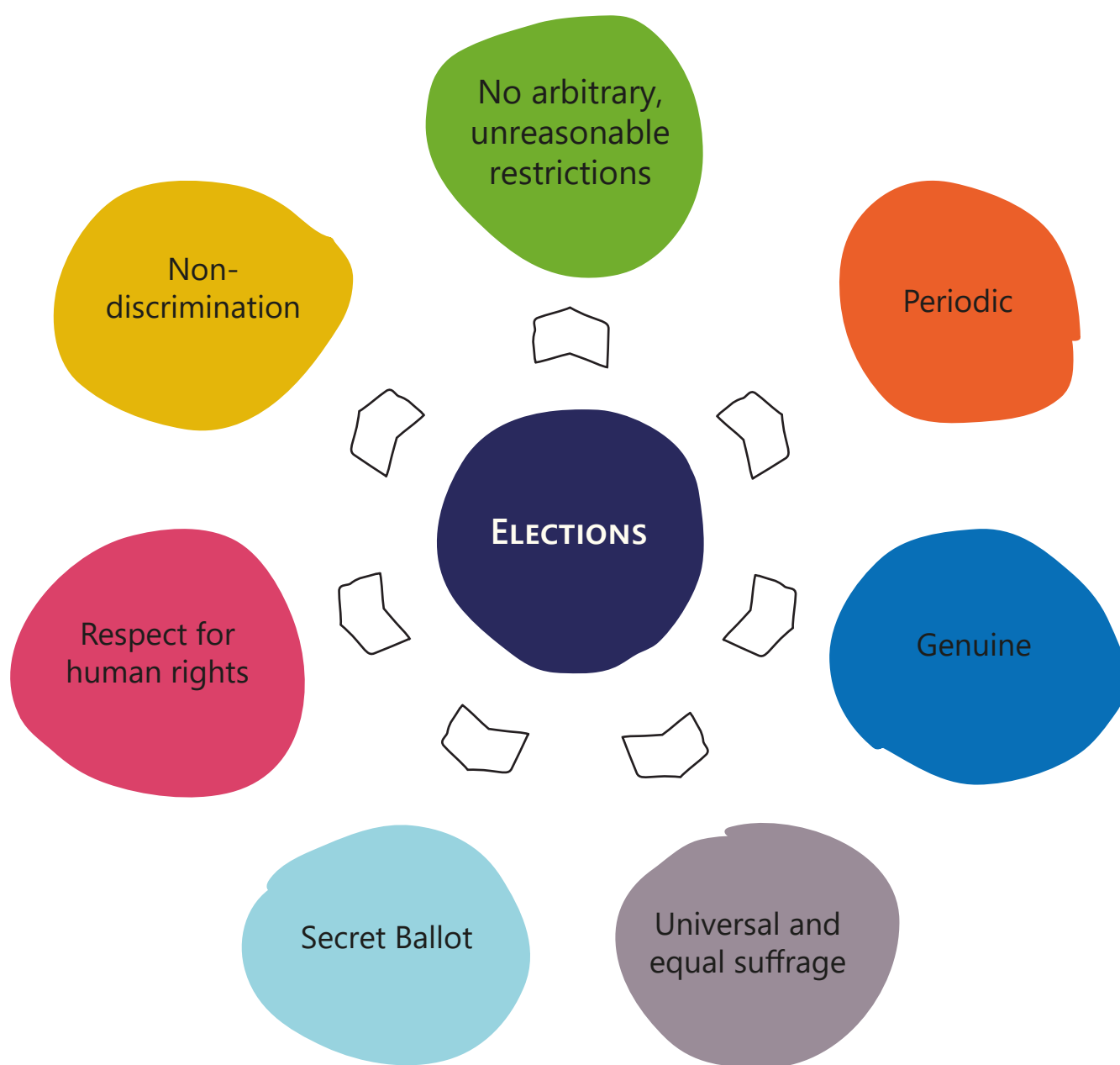
*Empower and educate to effectively exercise the right to participate in public affairs*

- Carry out civic education programmes aimed at promoting a culture of participation and developing knowledge of human rights, the electoral and political system and legislative, policy and institutional frameworks;
- Offer capacity-building and education programmes for individuals and groups that are marginalized or discriminated against, taking into account specific challenges such as illiteracy and language and cultural barriers.



## PARTICIPATION IN ELECTIONS

The Universal Declaration of Human Rights highlights that “periodic and genuine elections” ensure everyone’s ability to take part in the public affairs of their country. International law provides citizens with the right to vote and to be elected. It underlines elections should involve universal and equal suffrage and be held by secret ballot to guarantee free expression of the will of the people. Elections should be held in an environment respecting human rights.



## RECOMMENDATIONS FOR THE EXERCISE OF THE RIGHT TO VOTE AND BE ELECTED

- Develop an **effective legal framework** in line with international human rights law and participatory principles;
- Strengthen the representation and equal participation of **women and discriminated groups** in elections, including by:
  - › Implementing **quota systems** and **reserved seats** in elected bodies;
  - › Adopting other temporary special measures such as **adjustments to campaign finance regulations** to level the playing field, **financial incentives** for political parties that achieve targets for gender-balance among their nominated or elected candidates;
  - › Adopting **mechanisms for monitoring compliance** with binding quotas or reserved seats and imposing sanctions for non-compliance;
  - › Developing **initiatives to challenge discriminatory attitudes and practices**, harmful gender stereotypes, and negative assumptions around the capacity of women, young people, minorities and persons with disabilities to contribute to public affairs.
- Ensure **equal conditions for independent candidates** to stand for elections;
- Make sure that public-service **broadcasting and media regulations** provide for equal opportunity and that all candidates have access to significant media airtime during electoral campaigns;
- Remove barriers to **voter registration**;
- Protect **candidates' safety** during the electoral process;
- Change laws that limit the right to vote because of legal capacity and adopt the legal measures necessary to ensure that all **persons with disabilities**, especially those with intellectual or psychosocial disabilities, **may vote**;

- Take measures to ensure *full accessibility for persons with disabilities* in all aspects of the electoral process including by:
  - Allowing *assistance* in enabling a person with disabilities ***to cast their vote;***
  - Ensuring *accessible voting procedures* and facilities;
  - Providing *training for electoral officials* on the rights of persons with disabilities;
  - Ensuring that *electoral and voting materials* are appropriate, accessible and easy to use.
- Consider aligning the *minimum voting age and the minimum age for standing for elections;*
- Do not to exclude *persons in pre-trial detention* from voting;
- Do not impose automatic bans on the right to vote for *persons serving or having completed a custodial sentence;*
- Facilitate *independent scrutiny of voting and counting*, including by providing access to places of voting, counting and tabulation of results;
- Make sure that candidates can *effectively challenge elections results.* Remedies should be prompt, adequate and effective, and enforceable within the context of the electoral calendar;
- Consider allowing *citizens who are abroad* or temporarily out of the country to vote.
- Consider extending the right to vote to *non-citizens after a period of lawful and habitual, long-term residence,* at least for local elections.

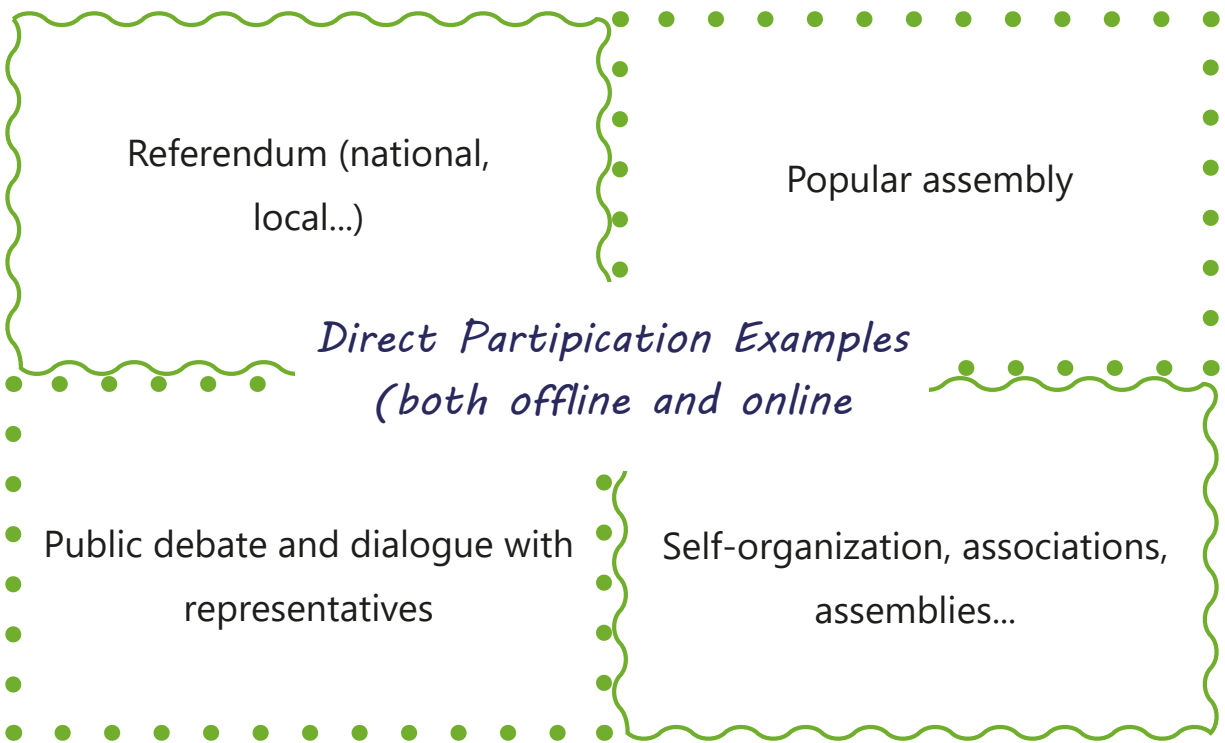
# PARTICIPATION OUTSIDE OF ELECTION

## *WHAT IS THE CONDUCT OF PUBLIC AFFAIRS?*

The conduct of public affairs is a broad concept that covers all aspects of public administration and policy formulation and implementation at international, national, regional and local levels. Direct participation in the conduct of public affairs may take place in different contexts and using a variety of mechanisms or tools, such as:

- › designated websites or platforms
- › public campaigns
- › multi-stakeholder committees or councils / advisory bodies
- › public hearings
- › conferences and discussions
- › consultations
- › working groups





*a) Institutions to ensure participation in decision-making of public authorities*

States should develop permanent consultative structures that are accessible to marginalized individuals and groups. Examples include:

- coordinating bodies for participation in the Government;
- participation coordinators or facilitators in ministries;
- joint councils with public institutions and civil society;
- committees or working groups and other bodies;
- framework agreements between public authorities and civil society actors to support participation.

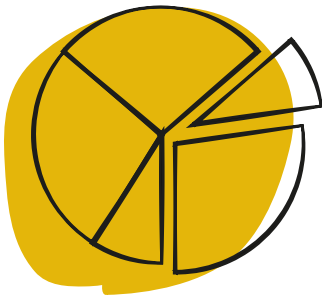
These structures can ensure that participation in decision-making processes is understood, accepted and actively implemented both by public authorities and the public. In other words, these structures should:



- ▶ Be co-designed with public participation



- ▶ Channel the views of public into decision-making process



- ▶ Be accessible, inclusive, gender-balanced and representative



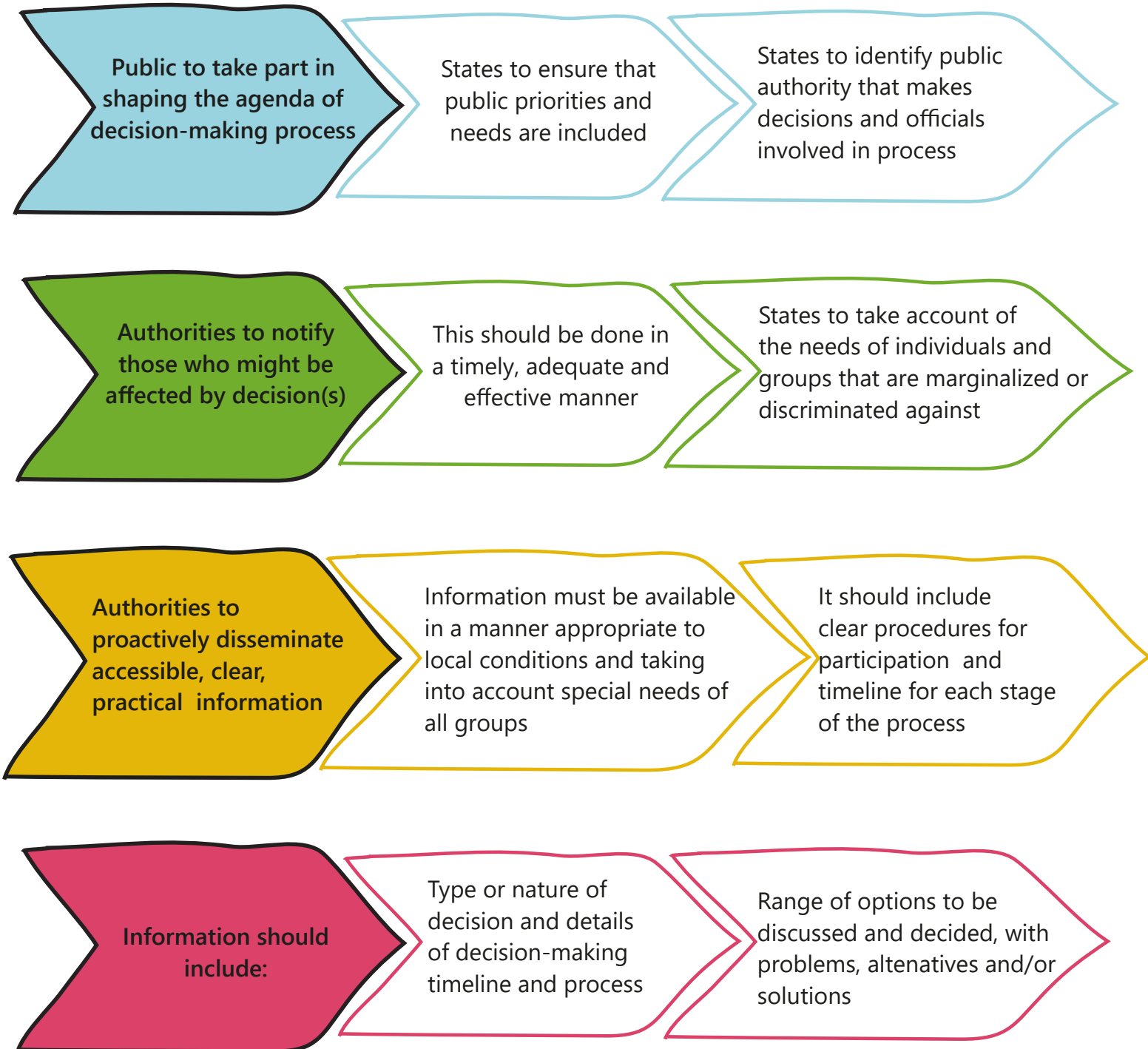
- ▶ Include financial and human resources and support

States should always ensure the right of children to express their views freely and to be heard, including by establishing child-friendly, age-appropriate, gender-sensitive, inclusive and safe mechanisms for their meaningful engagement.

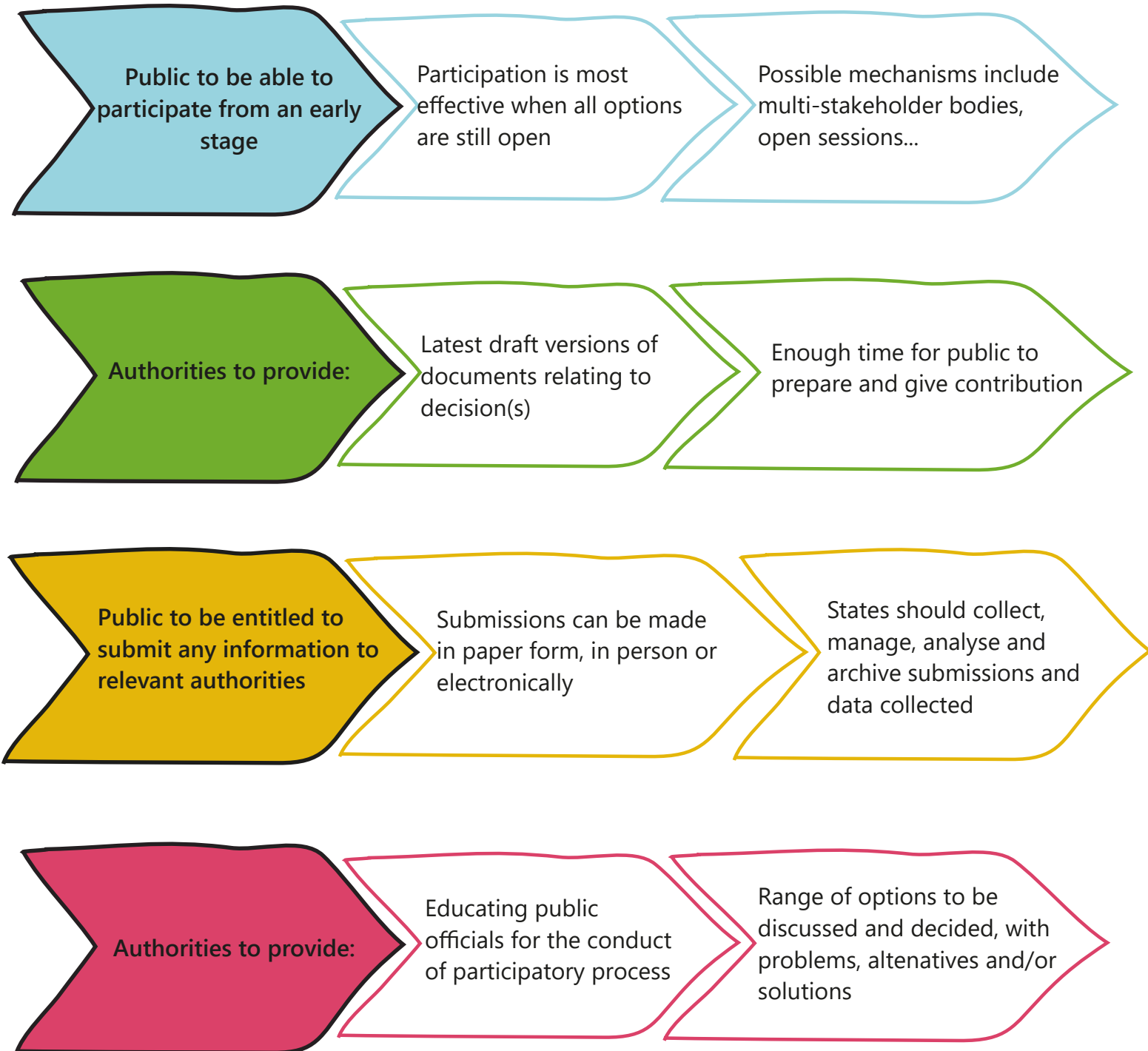


*b) Measures for meaningful participation at different stages*

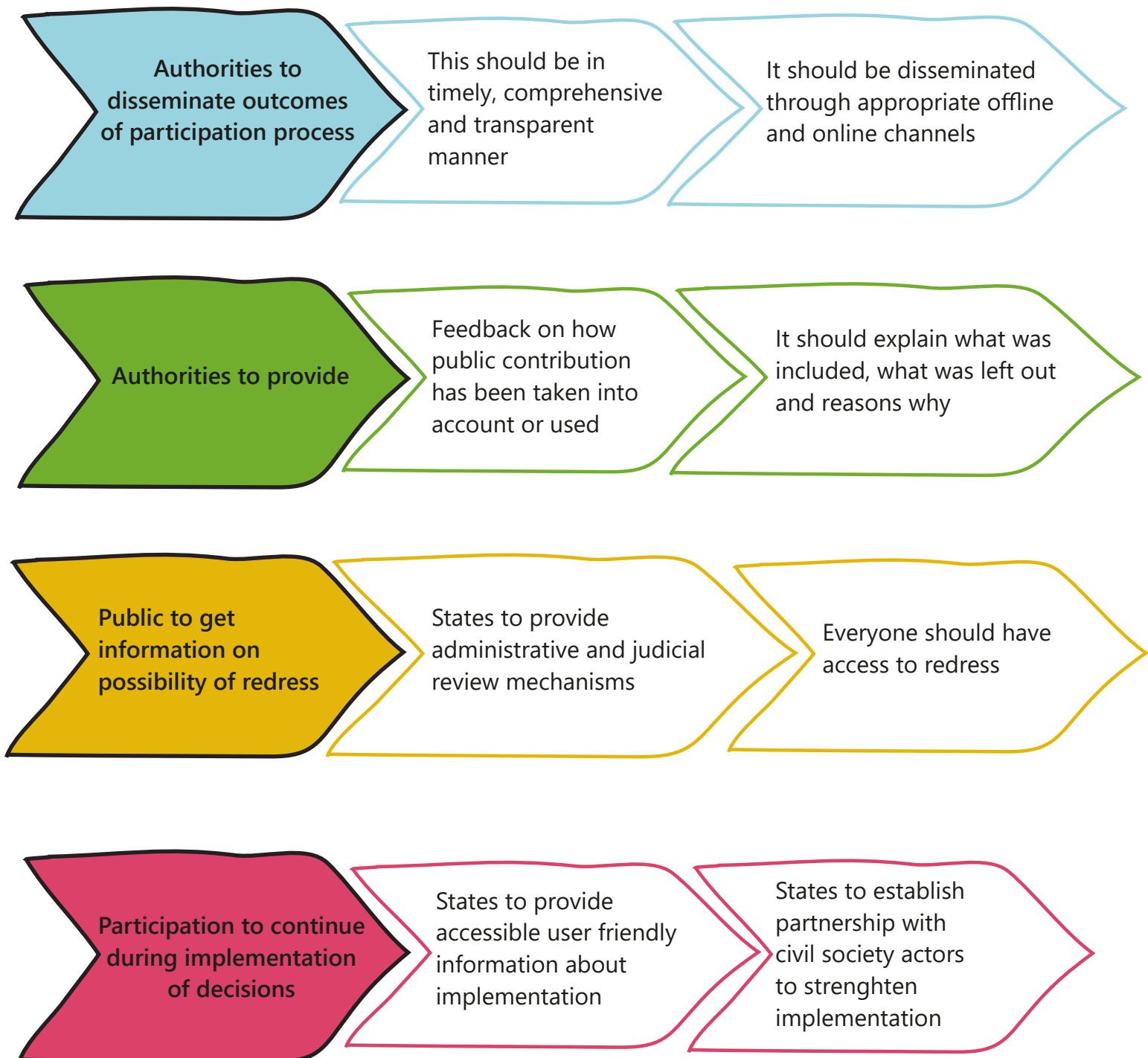
Participation *before* decision-making



## Participation *during* decision-making



## Participation *after* decision-making

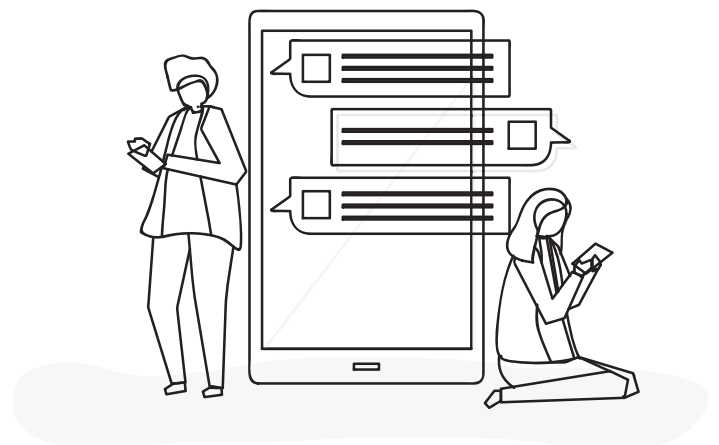


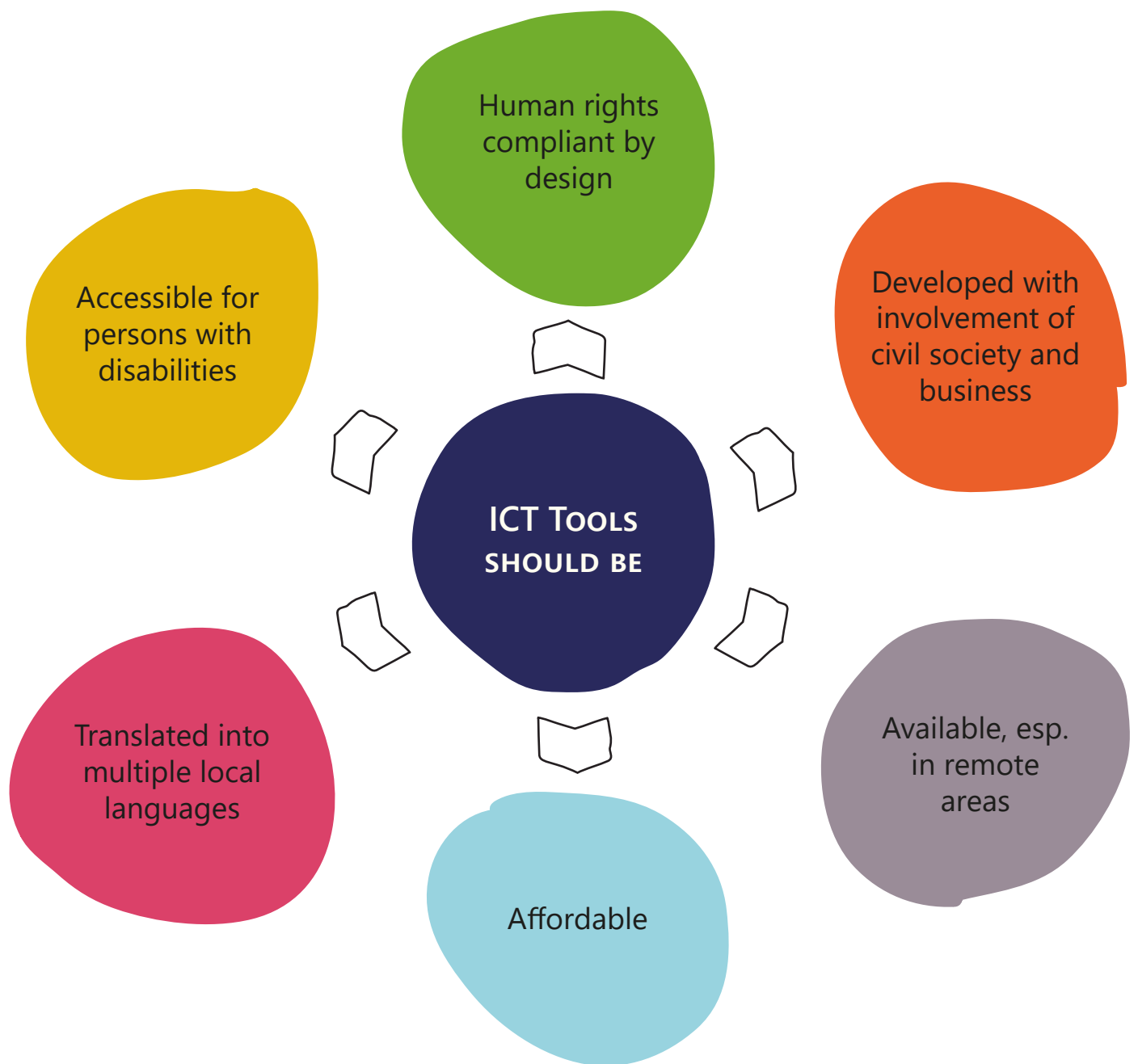
## *Monitoring and evaluation of the decision implementation*

- Appropriate frameworks should be developed to evaluate States' performance in the implementation of relevant laws, policies, projects or programmes.
- Public should have access to key information to allow effective participation in monitoring and evaluating progress in the implementation of decisions.
- Participation in monitoring and evaluation should include the use of social accountability tools, such as social audits, public expenditure tracking surveys, community score cards, social audits, transparency portals, community media and public hearings.

## *c) Use of information and communication technologies to strengthen participation*

Participation through information and communication technologies (ICT) should follow the same principles as offline participation. ICT should be used to create spaces and opportunities for the public to take part meaningfully in a variety of activities e.g. submitting, commenting and voting on, legislative and policy proposals. Effective measures should be developed and implemented to make ICT widely available, especially for women, persons with disabilities, older persons, persons living in rural areas and indigenous peoples.





*Media education and digital literacy programmes* should be included in formal and non-formal education to allow meaningful participation online. Public officials responsible for implementing participatory processes should receive media and information and communication technologies (ICT) literacy training programmes.



## **RIGHT TO PARTICIPATE IN PUBLIC AFFAIRS - INTERNATIONAL AND REGIONAL LEVEL**

The right to take part in the conduct of public affairs also covers the formulation and implementation of policy at the international and regional levels. Decision-making at the regional and international levels may have a significant effect on the realization of human rights because such decision-making has an impact on national legislation, policies and practices. Therefore, such decisions should be made in a transparent and accountable manner, with the participation of those who will be affected by those decisions. Civil society actors should be encouraged to take part in meetings of international organizations, mechanisms and forums at all stages of decision-making.



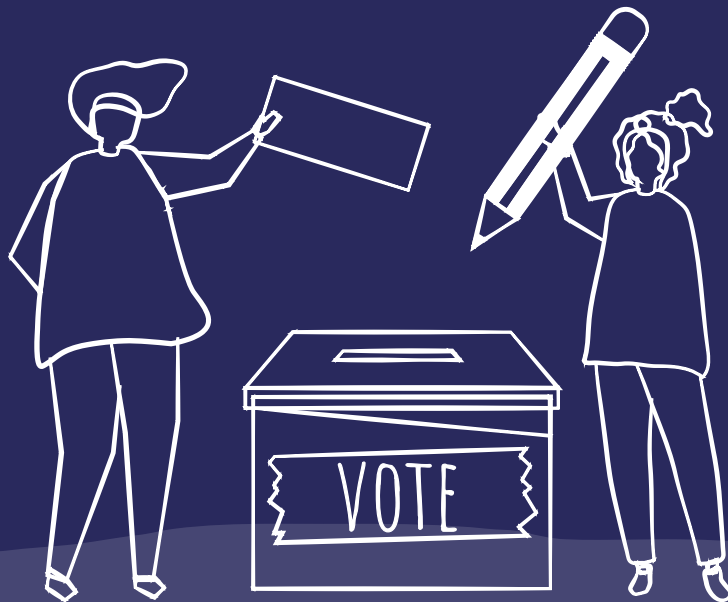
- States should respect, protect and facilitate the rights to *freedom of expression and freedom of peaceful assembly and association* as well as the exercise of the right to participate at the international and regional levels.
- States should encourage international forums to make widely available *clear and transparent set of policies and procedures* on participation.

- Criteria for *accreditation to meetings* should be objective and broad. Registration procedures should be *easily understandable*.
- Participants should have *access to information*, documents, drafts for comments and websites relevant to the process. International organizations should adopt access-to-information policies *in line with international human rights law*.
- International and regional forums should give *access to participation without discrimination*. States should refrain from unduly preventing civil society actors from being accredited by international organizations, arbitrarily withdrawing accreditation or deferring examination of accreditation requests.
- Civil society actors who take part meetings must be *safe and must not suffer reprisals*. When intimidation or reprisals take place, States should investigate all allegations, provide effective remedies and adopt measures to prevent their recurrence.
- There should be *objective, consistent and transparent criteria for granting observer, consultative or participatory status* to civil society organizations.
- Funds should be made available to *facilitate meaningful and equal participation* in international forums, particularly by women human rights defenders and community-based civil society.
- The *capacity* of the public to participate in international forums should be *strengthened*, particularly for those who are less aware of procedures governing international meetings e.g. grass-roots organizations working with those who are marginalized or discriminated against.
- The *outcomes* of decisions made at all international forums should be *disseminated* in accessible formats and local languages.



**GOOD PRACTICE - CIVIL SOCIETY PARTICIPATION:** Some UN treaty bodies offer several avenues for participation that do not require ECOSOC status. For example The Committee against Torture (CAT) and the Committee on Economic, Social and Cultural Rights (CESCR) allow public briefings and informal lunchtime meetings for CSOs that have submitted written information, while the Committee on the Elimination of Racial Discrimination (CERD) holds regular thematic discussions where States parties, intergovernmental and non-governmental organisations can express their views on the subject in a public plenary meeting.

**GOOD PRACTICE - USE OF ICT:** Taking into account that logistical and financial constraints, sometimes, limits the possibility for CSOs to attend sessions in Geneva or New York, some UN treaty bodies allow CSOs to engage with the respective Committee via video message, teleconference or videoconference.



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