**23rd session of the Human Rights Council**

**Panel discussion on**

**common challenges facing States in their efforts to secure democracy and the rule of law from a human rights perspective, and lessons learned and best practices in the engagement of the State with the international community to support such processes**

**CONCEPT NOTE**

**Date and venue**

11 June 2013, 3 pm to 6 pm

Room XX, Palais des Nations, Geneva

**Mandate and background**

1. At its 19th session, the Human Rights Council (HRC) adopted resolution 19/36 reaffirming that democracy, development and respect for all human rights and fundamental freedoms are interdependent and mutually reinforcing and that priority should be given to national and international action aimed at their promotion and strengthening. The Council recalled that the interdependence between a functioning democracy, strong and accountable institutions, transparent and inclusive decision-making and effective rule of law is essential for a legitimate and effective Government that is respectful of human rights.

2. By the same resolution, the HRC requested the Office of the High Commissioner for Human Rights (OHCHR), in consultation with States, national human rights institutions, civil society, relevant intergovernmental bodies and international organizations, to draft a study on common challenges facing States in their efforts to secure democracy and the rule of law from a human rights perspective, as well as on lessons learned and best practices in the engagement of the State with the international community to support such processes, and to present the study to the Human Rights Council at its twenty-second session. The study is contained in the report of the High Commissioner for Human Rights (A/HRC/22/29), submitted to the 22nd session of the HRC.

3. Moreover, the Council decided to organize, at its twenty-third session, *a panel discussion on common challenges facing States in their efforts to secure democracy and the rule of law from a human rights perspective, as well as on lessons learned and best practices in the engagement of the State with the international community to support such processes.*

**Focus and objectives**

4. Pursuant to the request of the HRC, the debate will focus on two main themes, namely (i) *the common, salient challenges to democracy and the rule of law in both, settled democracies and States transitioning towards democracy*”, and (ii) *best practices/ strategies* *to address these challenges at the national, regional and global levels.*

5. Based on the findings of the study submitted to the 22nd session of the HRC, the Panel will address the security, political, social and economic challenges to securing democracy and the rule of law from the human rights perspective[[1]](#footnote-1). It will also offer a platform for an interactive dialogue for States, relevant intergovernmental and international organizations, National Human Rights Institutions, and civil society organizations, to share views on lessons learnt from national and regional experiences with respect to specific measures adopted to address these challenges and promote democracy and the rule of law.

6. The ensuing discussion will address, among others, the following questions:

* What measures should Governments take in order to prevent democratic deficits (checks and balances mechanisms; education and awareness raising; special measures in the context of economic crisis) and to promote and strengthen democracy and rule of law?
* How can other national actors contribute to reinforcing democracy and the rule of law: role of media as a watchdog of democracy; the special role of NHRIs; the effective participation of civil society?
* How could the international community develop a strategic framework of accompaniment of nascent democracies, beyond electoral assistance and observation?
* What mechanisms could the HRC set up in order to promote and consolidate democracy and rule of law, from a human rights perspective?
* How could the UN and regional organizations strengthen their role in promoting and consolidating democracy and rule of law, from a human rights perspective?

7. The panel will provide a solid basis for formulating recommendations for the Council’s consideration with respect to commitments by Member States and the international community to human rights, democracy and the rule of law.

**8. Speakers and panelists**

**Opening statement**: Ms. Navi Pillay, High Commissioner for Human Rights

**Moderator**: Ms Imogen Foulkes, BBC correspondent to Geneva

**Panelists**:

**H.E. Mr. Bogdan Aurescu,** Secretary of State, Ministry of Foreign Affairs (**Romania)**

**H.E. Mr. Manuel Rodríguez Cuadros**, Ambassador to UNESCO in Paris (Peru)

**Mr. Vidar Helgesen**, Secretary General of International IDEA (Norway**)**

**Mr. Driss el-Yazami,** President of the Moroccan National Human Rights Council **(**Morocco)

Dr. Aisha Al-Mannai, Vice-President of Arab Parliament, League of the Arab States (Qatar)- TBC

Mrs. Brigitte Balipou, Member of the Executive Board of FAS (Central African Republic)TBC

**Format**

9. The duration of the panel is of 3 hours. The opening addresses and the presentations by the panelists will be followed by an interactive discussion.

10. Panelists will have 5-7 minutes for their initial presentation and will react to specific questions from the floor. The interactive discussion will be divided into two segments of 60 minutes each (45 minutes for comments and questions from the floor from States, NHRIs and NGOs, followed by 15 minutes for comments and replies by panellists). The interactive discussion will be followed by concluding remarks by the panellists.

**Accessibility**

11. In an effort to render the Human Rights Council more accessible to persons with disabilities and to allow them to participate in the work of the Council on an equal basis with others, this panel will be made accessible to persons with disabilities. During the debate, sign language interpretation and captioning will be provided and webcasted. Physical accessibility will be promoted by making room facilities wheelchair friendly.

**Outcome**

12. As requested in para. 27 of resolution 19/36, a summary of the panel discussion will be prepared by the OHCHR. In accordance with the request formulated by the Core Group of Member States, the summary is envisaged to be submitted to the 24th HRC session.

13. The discussion is intended to be action-oriented, in order to support the implementation of the provisions of the resolution at the international, regional and national levels. Conclusions will include recommendations on the topics addressed during the panel.

14**. Background documents**

* Human Rights Council resolution 19/36 on “Human rights, democracy and the rule of law”, (2012);
* Commission on Human Rights resolution 2005/32 on “Democracy and rule of law”;
* Study on common challenges facing States in their efforts to secure democracy and the rule of law from a human rights perspective, A/HRC/22/29.

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1. The study concluded that securing democracy is a continuous exercise. Challenges to democracy can arise in both settled and transitional democracies. Human rights and the rule of law can be endangered in both contexts in different ways. These challenges can be manifested by the absence, interruption, or abridgement of democratic rules and processes. Democracy is rendered insecure by encroachments on human rights, the lack of empowerment opportunities for all, limits to participation, and poor or absent public debate. More profoundly, democracy is challenged at the political, security and social levels, domestically and globally, by weak or dysfunctional institutions, the erosion of the rule of law, poor leadership, violence, sectarianism, radicalism, extremism, terrorism, intolerance, corruption and impunity. [↑](#footnote-ref-1)