

UN HUMAN RIGHTS COUNCIL GUIDELINES



ON THE EFFECTIVE IMPLEMENTATION OF THE RIGHT TO PARTICIPATE IN PUBLIC AFFAIRS

In October 2018, the United Nations Office of the High Commissioner for Human Rights released new guidelines ([available here](#)) providing practical recommendations on how States can effectively implement the right to participate in public affairs. The Guidelines, which were requested by the Human Rights Council, outline the right's basic principles and cover participation both in electoral processes and in non-electoral contexts.

Basic principles & requirements

The guidelines set forth the following basic principles and requirements for the effective implementation of the UN ICCPR Article 25 right to take part in the conduct of public affairs, directly or through freely chosen representatives:

ENABLING ENVIRONMENT



Requires states to create and maintain an environment where all human rights, particularly the rights to equality and non-discrimination, freedom of opinion and expression, and freedom of peaceful assembly and association, are fully respected and enjoyed by all individuals.

SAFETY



Requires that life, physical integrity, liberty, security and privacy of all individuals, including journalists and human rights defenders, be protected at all times.

EQUALITY



Rights to equality and non-discrimination should be protected and implemented to ensure inclusiveness in the exercise of the right to participate in public affairs.

EMPOWERMENT



Requires support and encouragement of individuals, empowered and equipped with the knowledge and capacity to claim and exercise their rights to participate. States should encourage this through civic education programs at all levels.

OPENNESS



Requires promoting transparency in all aspects of decision-making processes and ensuring accountability for public authorities.

Take action

The general public should use these Guidelines to advocate a more strategic, coherent and robust approach by States towards implementing the right to participate in public affairs. ECNL recommends the following for more effective promotion and protection of the right:

UNDERSTAND

Increase understanding of the principles and practical recommendations in the Guidelines and the capacity of individuals, organizations and authorities to use them.

ENGAGE

Participation in public affairs is not just about voting – it includes non-electoral contexts as well. As such, participation in decision-making processes can take many forms, from providing information to participating in consultations to co-drafting laws. Consider the context and stage of decision-making when deciding on the best mode of participation.

FACILITATE

There are a multitude of ways to facilitate participation, such as websites, platforms, campaigns, multi-stakeholders committees, public hearings, conferences, consultations, working groups, ICT tools, etc. It is worth exploring several of these and learn, as the utility of each mechanism will vary depending on the context and stage of the decision-making process.

Practical recommendations to ensure participation in all phases of decision making



BEFORE

- The equal right to participate in public affairs should be recognized, protected and implemented in national constitutions and legal frameworks. States should develop institutional frameworks, including formal permanent structures, to ensure participation in decision-making by public authorities.
- Participation before decision-making should be ensured, in terms of shaping the agenda of decision-making processes and ensuring that a diversity of priorities and needs are included. Discriminated or marginalized groups should be particularly encouraged to participate.
- Relevant information regarding the decision-making process should be proactively and timely disseminated in a manner appropriate to local conditions and to the needs of marginalized or discriminated individuals and groups.



DURING

- Participation during decision-making process should be enabled from an early stage, when all options are still open, and sufficient time should be given for preparations and contributions.
- Effective measures to close digital divides should be developed and implemented to ensure meaningful opportunities for participation to all groups, especially women, persons with disabilities, older persons, people living in rural areas and indigenous peoples.
- Civil society participation in meetings of international organizations, mechanisms and other forums should be allowed and proactively encouraged at all stages, without discrimination of any kind.



AFTER

- Outcomes of decision-making processes should be disseminated in a timely, comprehensive and transparent manner through appropriate offline and online means.
- When appropriate, States should consider establishing strategic partnerships with civil society actors, while respecting their independence, to strengthen participation at all stages, including during the implementation of decisions.
- Public participation in monitoring and evaluation of implemented decisions should be encouraged.