



IDLO'S¹ INPUT TO THE HIGH-LEVEL POLITICAL FORUM 2021

The present input draws on the deliberations of IDLO's Assembly of Parties and its Standing Committee, as well as the consultations with governments and partners for the elaboration of IDLO's Strategic Plan for 2021-2024 adopted by IDLO's Member Parties at the meeting of the Assembly in November 2020.

In line with IDLO's mandate to promote the rule of law to advance peace and sustainable development, these consultations and deliberations within IDLO's governance focused during the past year on the pandemic's impact on SDG 16 and its broader implications for progress on the entire 2030 Agenda for Sustainable Development.

A. Impacts of the COVID-19 pandemic on progress towards SDG 16 and the 2030 Agenda

The following considerations guided the deliberations and directions imparted to IDLO's work by IDLO's governing bodies in contributing to the global response to the pandemic:

- As highlighted by the SDG Summit in 2019, the world is not on track to achieve the 2030 Agenda.² COVID-19 and its impact threaten not just to interrupt progress on the SDGs but also jeopardize the hard-won gains across many different aspects of the social, economic, and environmental pillars of sustainable development.
- The 2030 Agenda for Sustainable Development – particularly Sustainable Development Goal (SDG) 16 and its emphasis on the rule of law as an enabler of peace, justice, and inclusion – provide an essential roadmap to achieve stronger institutions, reduce inequalities, and promote more successful government action for preventing and mitigating disease outbreaks such as COVID-19.
- The values and principles enshrined in SDG 16 and Agenda 2030 remain highly relevant to overcome the ongoing crisis and ensure a just, equitable, and sustainable recovery for all.
- The socio-economic and human rights crises spawned by the pandemic have exacerbated inequalities, undermining development gains, public trust and confidence in institutions.

¹ The International Development Law Organization (IDLO) is an intergovernmental organization dedicated to the promotion of the rule of law. It enables governments and empowers people to reform laws and strengthen institutions to promote peace, justice, sustainable development, and economic opportunity. IDLO works in more than 90 countries around the world with various legal systems. It collaborates closely with the United Nations system and its network includes thousands of alumni and experts worldwide. Established as an intergovernmental organization in 1988, IDLO has, since 2001, been granted Observer status with the United Nations General Assembly.

² [United Nations, Report of the Secretary-General on SDG Progress \(2019\)](#)

- Conflict and fragility pose one of the most significant challenges to sustainable development. A report by the World Bank estimated that by 2030 over two-thirds of the world’s poor may be living in fragile and conflict-affected States.³ COVID-19 is exacerbating existing fault lines in societies and generating grievances that if not addressed could lead to greater fragility, instability, and violence.
- Even before COVID-19, approximately two-thirds of the world’s population lacked the ability to meaningfully access justice. While the business case for investing in justice is clear and compelling, justice sector allocations have declined in both national and development assistance budgets. Justice systems have been hard hit by the pandemic, as new restrictions on physical access to courts and tribunals have coincided with a sharp rise in the need for legal protection and services.
- Justice systems can help tackle inequalities by constraining the arbitrary and unfair exercise of power and ensuring everyone is able to enjoy their human rights, including persons in marginalized or vulnerable situations. They are also essential for upholding democratic principles, and challenging the discriminatory laws, policies, social norms, and stereotypes that hold people back from realizing their development potential.
- The rule of law can play a key role in sustaining peace by helping to address the root causes of conflict and insecurity, which often lie in discrimination and marginalization, lack of respect for human rights, unequal distribution of public goods and services, corruption, impunity, and lack of accountability.

In view of these considerations, IDLO’s contribution to the global response to COVID-19 under the guidance of its governing bodies has focused, during the past 12 months, on the following three priority areas:

1. Strengthening the legal and policy frameworks for managing COVID-19 response and recovery and preparing for future global health emergencies;
2. Mitigating the impact of the crisis on justice systems and justice seekers with a specific focus on those most vulnerable, women, girls, and marginalized groups, ensuring that no one is left behind; and
3. Supporting and investing in a culture of justice to protect the rights and dignity of people everywhere.

IDLO’s Policy Brief: [Rule of Law and COVID-19](#) highlights eight priority actions that governments, policymakers and practitioners can take to support and effectively manage the crisis, protect the most vulnerable and promote a just, inclusive and sustainable recovery:

1. **Ensure that emergency restrictions are anchored in the rule of law:** Rule of law-based legal frameworks allow for carefully balanced health emergency measures consistent with the International Health Regulations (2005) as well as with human rights standards. In the context of COVID-19, States have introduced broad measures curbing freedoms of movement, speech, and assembly in the name of public health.

³ [World Bank, Fragility and Conflict: On the Front Lines of the Fight against Poverty \(2020\)](#)

Adherence to the rule of law requires that restrictions be clearly defined in national law without ambiguity or misinterpretation by officials, preventing the arbitrary or excessive use of power. Where rights violations do occur, adherence to the rule of law ensures individuals can challenge violations and receive redress through an independent judiciary.

2. **Foster participation, involve and empower individuals in decision-making processes:** In designing COVID-19 responses, it is not enough for measures to be proportional, necessary, and non-discriminatory. Public health measures must be understood and supported, and this is best assured by having individuals participate in decisions related to their health at local, national, and international levels. It is important that the perspectives and voices of women and marginalized groups are present in government and incorporated in the COVID-19 response.
3. **Promote fair laws and policies for recovery:** The adoption of just and equitable legislative measures in line with state obligations to progress economic, social, and cultural rights, such as essential primary health care, is an essential step to support recovery and help build resiliency for the next global health emergency.
4. **Invest in justice services and expand legal aid:** Where rights violations occur, individuals must be able to access remedies and receive redress through an independent judiciary or other justice mechanism. Expanded legal aid helps to protect the rights of vulnerable and marginalized groups, empowering their actions while achieving high benefit relative to cost. It is important to support justice institutions and services with adequate and sustained financial investment.
5. **Foster equitable justice innovation:** The value that technology and innovation can offer is clear, streamlining justice sector operations and improving the efficiency, timeliness, and transparency of justice. Ethical challenges must be addressed however, to ensure fair and equitable access to technology and mitigate the digital divide that risks leaving the most vulnerable groups behind.
6. **Engage with alternative dispute resolution and customary and informal justice in line with international standards:** Justice stakeholders must evaluate possibilities to enhance service delivery for justice seekers, whether individuals or businesses. To ensure access to justice for all, justice systems must meet justice needs in appropriate ways, including through alternate justice services, provided safeguards are in place to uphold basic rights.
7. **Enhance justice for women and girls:** Exacerbated risks of gender-based violence, including domestic violence and intimate partner violence, require effective prevention and response. Discriminatory laws must be repealed, and response strategies must provide access to survivor-centered social, psycho-social, economic, as well as legal services.
8. **Promote a renewed spirit of multilateralism in alignment with the SDGs:** Effectively addressing pressing global challenges requires international cooperation, support, and solidarity. The SDGs incorporate a strong emphasis on the rule of law and human rights

and provide a universally accepted framework to foster global collaboration, including technical assistance, exchanges of information, and good practices. Agenda 2030 can help promote renewed multilateralism and a framework for the international community to work collectively to tackle shared challenges, build resilience to common threats, and achieve global goals towards peace and development.

Addressing the COVID-19 crisis effectively requires responses founded on fairness and inclusivity. The principles of inclusion and the rule of law, embodied in Agenda 2030, remain essential elements to reduce inequalities and injustices.

IDLO places gender equality at the center of its work. Addressing the disproportionate impact of COVID-19 on women and girls is a key priority. Our joint report on [Justice for Women Amidst COVID-19](#) documents major threats to women's lives and livelihoods associated with COVID-19 – namely, curtailed access to justice institutions, rising intimate partner violence, hazards to women's rights to sexual and reproductive health, growing injustice for workers, discriminatory laws and lack of legal identity, as well as repercussions on forcibly displaced women and those deprived of their liberty. In the absence of justice institutions that respond effectively to needs of all population groups, the report argues, global problems, including COVID-19, cannot be solved in a manner that leaves no one behind.

The nature of these interconnected and growing global challenges reaffirm the need for innovative and inclusive forms of multilateral cooperation. As part of IDLO's efforts to promote advocacy on the 2030 Agenda and a rule of law-based response to COVID-19, IDLO has launched a [Crisis Governance Forum](#), a series of online dialogues to share insights and good practices among policymakers and other stakeholders involved in COVID-19 crisis management. Inaugurated in 2020, the Forum is a multi-stakeholder platform to exchange policy-making experiences in COVID-19 response and recovery aligned with the principles of equity and inclusiveness embodied in the rule of law.

Building on the outcomes of the Crisis Governance Forum series as well as the first SDG 16 Conference held in Rome, Italy, in May 2019, IDLO is partnering with UNDESA and the Government of Italy to organize a [Conference on SDG 16](#) in Rome in April 2021. This event will be the first of a series of thematic conferences to be held throughout the UN-proclaimed "Decade of Action" to advance progress in the realization of the SDGs.

The 2021 Rome Conference will consider the impact of the COVID-19 pandemic on SDG 16 as well as the transformative contribution SDG 16 can make in helping to safeguard and accelerate progress on the 2030 Agenda for Sustainable Development. It will contribute to the deliberations of the 2021 High-level Political Forum on Sustainable Development (HLPF), while aligning itself to the vision for the United Nations System and the wider international system in the years to come as mandated by the Declaration on the 75th Anniversary of the Organization.

The Conference will also promote exchanges on governance innovations that have emerged during the pandemic. The Conference will share knowledge, success stories and good practices, and identify areas of concern and opportunities for transformation. It will suggest ways forward in terms of policies, partnerships and coordinated actions at all levels as well as recommendations to leverage the interlinkages between SDG 16 and the other Goals during and after the pandemic.

B. Rule of law as a driver of peace and sustainable development: IDLO's Strategic Plan 2021-2024

A key way in which IDLO and its governance will engage with the international community in the period ahead will be through the implementation of its new [Strategic Plan 2021-2024](#), discussed and adopted by the IDLO Assembly of Parties in November 2020. Developed following a series of broad global consultations with IDLO's stakeholders and governing bodies, the Plan conceives of the rule of law as a cross-cutting enabler for all 17 SDGs.

Over its next strategic cycle, IDLO will promote the rule of law's contribution to peace and the 2030 Agenda through the essential enabling role played by the Plan's two Strategic Goals:

- Justice systems are more effective and responsive to people's needs
- Rule of law drives peace and sustainable development

IDLO believes that putting justice and the rule of law at the heart of recovery efforts will enable policy makers to act quickly and effectively while respecting and protecting human rights. It will ensure that those in the most vulnerable situations can access essential services and the protection of the law and safeguard hard-won gains on peace and development while laying the foundation for *Building Back Better*.

With slow progress towards the Global Goals—and in some areas, retrogression—IDLO recognizes the absolute necessity of such efforts, and looks forward to working with its partners around the world towards a more equitable, just and sustainable future.

C. Proposed key messages for inclusion in the outcome document of the 2021 HLPF

In light of the above, IDLO proposes that the following messages be reflected in the conclusions of High-level Political Forum:

- SDG 16 is both an outcome and enabler for sustainable development and plays a crucial role in catalyzing progress on the other sixteen SDGs.
- Despite widespread acknowledgement of its importance, there has been a sharp deterioration in several dimensions of SDG 16 since the 2030 Agenda was adopted.
- This includes an increase in violence and armed conflict, large-scale humanitarian crises, growing authoritarianism, rising inequalities, intolerance, and social tensions. There is growing pressure on international norms and standards, and there are increasing attacks on human rights, the independence of the judiciary, and civil society.
- Spending on the legal and justice sector as a share of ODA and national budget allocations have also declined and are likely to be further affected by the economic crisis generated by the pandemic.
- COVID-19 has the potential to aggravate these trends dramatically. The pandemic encountered a deeply divided and unequal world, faced with a set of pre-existing,

interrelated challenges including climate change, entrenched conflict, and technological transformation.

- National and international institutions are struggling to meet the rising demand for justice and good governance. Frustrations with corruption, inequality, and inaction on pressing concerns have undermined trust in government and helped fuel and aggravate conflicts and humanitarian crises. They have also contributed to a broader backlash against international norms, authoritarianism and democratic backsliding.
- These trends have grave implications not just for progress towards SDG 16 but also for the achievement of the entire 2030 Agenda.
- Putting justice and the rule of law at the heart of recovery efforts will enable policy makers to act quickly and effectively while respecting and protecting human rights. It will ensure that those in the most vulnerable situations can access essential services and the protection of the law and safeguard hard-won gains on peace and development while laying the foundation for a peaceful, just, and sustainable recovery.
- This requires “whole of society” efforts. IDLO places a high value on working collaboratively with a wide range of actors at the international, regional, and national levels to pool expertise and resources, strengthen our convening power and maximize impact.
- Governments should prioritize justice in their national plans and budgets, and report on their progress on SDG 16 as part of their Voluntary National Reviews on an annual basis.
- Development partners should promote increased investment in nationally led, people-centered justice reforms to reverse the steep decline in investment in recent years.
- Investing in a culture of justice is the surest way to manage the current crisis, build resilience to future shocks, and work towards a more peaceful, just, and inclusive future.

/Ends