



SOUTHERN VOICE



COVID-19 and the Crisis of Governance:

The impact of the Pandemic on Peace, Justice and Inclusion (SDG 16)



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FOREWORD

The world today is very different than when we undertook this exercise a year ago to understand the impact of the COVID-19 pandemic on governance systems worldwide. But even then, the cracks were evident and positions hardening within and between countries. We saw a multilateral system under incredible pressure and governance paradigms, once taken for granted, actively being re-interpreted and re-defined, often to the detriment of human rights and the rule of law across different contexts.

Over the course of 2021, as we listened to experts and researchers across different regions, particularly from the Global South, the undercurrents of rising authoritarianism, shrinking civic space and erosion of democratic institutions and values was cause for significant concern. Across all regions we saw that the COVID-19 pandemic resulted in exacerbating and amplifying pre-existing negative governance trends.

We heard of many attempts by the executive to consolidate power under the pretext of COVID-19 response measures. In the Arab States, for example, the securitized response to the pandemic meant that marginalized populations bore the brunt of the violent enforcement of curfew measures as well as the severe economic consequences of the pandemic. In Asia, pandemic measures were used to constrict civic space and silence opposition and dissent, including in the digital sphere.

We also heard of a paradox emerging: the clear centrality of the role of the state in providing public services such as health, education and other social services, and, at the same time, a growing public distrust in state institutions. Low state capacity to deliver services is only part of the explanation. Across most regions, the very legitimacy of the state has been called to question due to severe inequality in access to services, rampant corruption and the lack of transparency and access to information. Civic mobilization in Africa and Latin America, for example, have centered on the demand accountability, transparency and an end to corruption.

The pandemic has disproportionately impacted marginalized groups and intensified existing social inequalities. Across all regions, women bore the brunt of the burden of care and an increase in the rates of gender-based violence was recorded in many countries at the start of the pandemic.

And yet, there were opportunities identified as well. In Latin America, the resilience of democratic institutions was able to push back against the excesses of the executive. Digitalization can bring opportunities to level the playing field and increase access to platforms for participation, information and services, if risks are managed appropriately. Investing in social cohesion and building inter-and intra-group trust through platforms for dialogue and discussion can be critical to overcome the polarization and spread of misinformation across many contexts.

These lessons gathered over the last year are even more relevant today. Assumptions that have been in place for decades no longer hold. The rule of law is being challenged not only within nations, but between nations. The social contract is being renegotiated and global paradigms evolving. At the heart of this is the contestation over power, the rules of the game, and how we organize ourselves at national and global levels.

Whether we are able to emerge out of the crisis of governance today with a new social contract that protects the most marginalized and upholds human rights and the rule of law has yet to be seen. The UN Secretary General's Our Common Agenda helps to outline some ways forward. We hope that this publication, drawing on the research and perspectives emerging from the Global South, can be a call to action to address some of the structural causes of inequality, violence and exclusion that are impediments in achieving more peaceful, just and inclusive societies.

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ACRONYMS AND ABBREVIATIONS

ACLED	Armed Conflict Location and Event Data Project
ASEAN	The Association of Southeast Asian Nations
CDC	Centres for Disease Control and Prevention
CIPPEC	Center for the Implementation of Public Policies for Equity and Growth
COVAX	COVID-19 Global Vaccine Access
COVID-19	Coronavirus Disease 2019
CSO	Civil Society Organization
EAC	East African Community
ECIS	Europe and Central Asia
ECLAC	The United Nations Economic Commission for Latin America and the Caribbean
FGM	Female Genital Mutilation
GBV	Gender-based Violence
GDP	Gross Domestic Product
ICT	Information and Communication Technologies
LGBTQ+	Lesbian, gay, bisexual, transgender and queer or questioning
LNOB	Leaving No One Behind
MENA	Middle East and North Africa
NEPAD	New Partnership for Africa's Development
NGO	Non-Governmental Organization
OGC	Oslo Governance Centre
PHEIC	Public Health Emergency of International Concern
SAARC	The South Asian Association for Regional Cooperation
SDG	Sustainable Development Goal
TI	Transparency International
UN	United Nations
UNDP	United Nations Development Programme
V-DEM	Varieties of Democracy
VNR	Voluntary National Review
WHO	World Health Organization
WTO	World Trade Organization



EXECUTIVE SUMMARY

The COVID-19 pandemic has had significant health and economic consequences worldwide and is presenting unprecedented challenges to governance systems. In many contexts, the social contract between the state and its population is being strained, with diminishing levels of trust in governance systems; democratic political processes are being disrupted as the pandemic is used as a means of centralizing and consolidating power; and accountability and the rule of law are being undermined. Alongside the health and socio-economic effects of the pandemic, its impact on governance has been corrosive and is likely to require a longer time frame for recovery.

In this context, the 2030 Agenda for Sustainable Development, with its ambition to achieve more peaceful, just and inclusive societies (SDG 16), has become even more relevant. With less than a decade left to achieve the 2030 Agenda, there is a real urgency in working towards achieving the goals and targets – many of which have faced setbacks because of the COVID-19 pandemic, but which can be the basis upon which to “build forward better”. This is especially relevant in terms of SDG 16 and the need to embed the principles of SDG 16 in COVID-19 recovery processes, whether this means inclusive and quality delivery of services, reducing violence or ensuring better access to justice for all.

The following outline the key findings and recommendations emerging from this study:

COVID-19 HAS REVEALED THAT THE APPROPRIATE DISTRIBUTION, USE AND OVERSIGHT OF POWER IS THE CORNERSTONE FOR SUSTAINABLE DEVELOPMENT. Power dynamics are at the heart of the emerging trends on SDG 16, including the relationships between citizens and state, between different arms of government, between state and non-state actors and between states at the global level. In many contexts, the social contract between the state and its population is under strain, with diminishing levels of trust in governance systems, and democratic political processes are being disrupted as the pandemic is used to centralize and consolidate power. To recover from the COVID-19 pandemic and to “build forward better” and more equitably, we must put people at the centre and reinforce the aspirations for peace, justice and inclusion articulated in the 2030 Agenda.

THE ROLE OF THE PUBLIC SECTOR IN MANAGING THE PANDEMIC AND FACILITATING ACCESS TO SERVICES IS FUNDAMENTAL TO AN EFFECTIVE RESPONSE. The need for investment in effective and responsive governance in order to facilitate more equitable access to health, education, social protection and other public services has been highlighted by the pandemic. The role of local government and investment in the systems that provide accessible and quality services is crucial to building resilience to future pandemics. The pandemic has demonstrated that a failure to address bottlenecks such as corruption and mismanagement of the public sector can result in devastating loss of lives.

THE PANDEMIC CANNOT BE AN EXCUSE TO ABUSE STATE POWER AND RESTRICT CIVIC SPACE. COVID-19 policies have accelerated some authoritarian trends that existed prior to the pandemic and have been used to undermine dissent, target human rights defenders and the media, and erode oversight institutions, including the judiciary and legislative and national human rights institutions. While states have responsibility for exercising their powers to manage the pandemic, there is concern across all regions that in some cases states have abused the use of emergency laws to actively close civic space. At the same time, the pandemic has also brought about new forms of collaboration among civil society actors, inspiring social movements and promoting solidarity to resist the abuse of state authority. Government willingness to collaborate with civil society has been key to a successful strategy to respond to the pandemic.

SOCIAL EXCLUSION HAS BEEN INSTRUMENTALIZED AS A POLITICAL STRATEGY. Inequalities and social exclusion have increased over the last two years due to uneven responses to the COVID-19 pandemic. This is in part due to policy decisions that have disenfranchised some communities and disproportionately affected them. This includes inequalities in access to social protection programmes and other social services, enabling corruption at all levels and promoting political fragmentation.



Exclusion and marginalization have been active strategies to perpetrate everyday violence on poor and marginalized populations. For example, overzealous enforcement of pandemic measures disproportionately affects those who live in the margins of poverty, including migrant workers, day labourers and indigenous peoples. Particular attention needs to be paid to the brand of politics that has silenced opposition voices and attacked minority rights.

THE FALLOUT FROM THE PANDEMIC IS HITTING WOMEN ESPECIALLY HARD. Gender-based violence has increased worldwide during the pandemic – justice systems have struggled to provide the necessary access to legal services, and access to comprehensive social services has also been limited due to pandemic restrictions. It is also important to look at how the repercussions of the pandemic on women, in particular their increased burden of labour, have affected their participation in the economy and in public life. At the same time, women have been at the forefront of many of the protest movements calling for accountability and social justice. The impact of the crisis on women and their role in leading responses and recovery at local and national level needs to be further recognized and supported.

THE CURRENT RISE IN INEQUALITY AND POVERTY CAN BE ROOT CAUSES OF FUTURE CONFLICTS. There have been reversals across the board on targets related to peace, justice and inclusion, especially in crisis settings. While in some cases there are signs of both resilience within communities and a reduction in violence, there are high levels of mistrust of governments, which can lead to social unrest. These remain potential drivers of future conflict, as some communities may be disproportionately affected by the pandemic, and the government is not able to respond to those communities' priorities.

THE RAPID MOVE TO ONLINE SPACES DURING THE PANDEMIC HAS HIGHLIGHTED THE ENORMOUS POTENTIAL OF DIGITALIZATION, BUT ALSO THE ASSOCIATED RISKS. Digital spaces have become an alternative, yet potent, tool for political participation. Young people, in particular, have been able to effectively use the digital sphere and social media to politically mobilize and to take part in the political discourse. Although the digital space can be used to improve transparency and access to information and services and to promote debate, it can at the same time be used to promote misinformation or disinformation, to attack and target opposition, activists and civil society, particularly women, and to disempower and silence them. The digital divide remains a challenge, as it reinforces inequalities, pushing those who are furthest behind even further back, as difficulty in accessing technology acts as an additional stumbling block to accessing services and political participation.



INTRODUCTION

The COVID-19 pandemic has clearly shown how inter-linked governance and SDG 16-related issues of peace, justice and inclusive institutions are with the rest of the 2030 Agenda – from ensuring effective and inclusive service delivery to enabling equitable access to health and education services, to addressing issues of integrity and corruption in public sector procurement processes, to putting in place safeguards to uphold human rights and the rule of law. As countries adopt COVID-19 response-and-recovery plans, there is an opportunity to envision a recovery that aims for achieving more peaceful and just societies with more inclusive, accountable and responsive institutions.

The pandemic has laid bare deep structural inequalities and is increasingly requiring a nuanced understanding of who has decision-making power and who is at risk of being left

behind – both key to making progress on SDG 16. Social movements have emerged to contest entrenched systems of power as they seek to address rising inequalities and demand social justice. They have inspired global movements but at the same time have been rooted in local realities. In some cases, they have unleashed populist movements stoked by fear, xenophobia and misinformation. In others, they have demanded accountability for the rampant corruption and abuse of power evident during the pandemic.

Effective, accountable and responsive state institutions are critical to any successful pandemic response. Equally important will be the role of non-state actors. At a time when the foundations of the social contract are being challenged in countries around the world, it is fundamentally important to map and analyse the role of civil society, including religious leaders and associations of youth, women and

BOX 1: What is SDG 16?

Sustainable Development Goal (SDG) 16 as established by the United Nations in 2015 focuses on “promoting peaceful and inclusive societies for sustainable development, providing access to justice for all and building effective, accountable and inclusive institutions at all levels” by the year 2030 (United Nations, 2015).

There are 12 targets for SDG-16:

Target 16.1: Significantly reduce all forms of violence and related death rates everywhere.

Target 16.2: End abuse, exploitation, trafficking and all forms of violence against and torture of children.

Target 16.3: Promote the rule of law at the national and international levels and ensure equal access to justice for all.

Target 16.4: By 2030, significantly reduce illicit financial and arms flows, strengthen the recovery and return of stolen assets and combat all forms of organized crime.

Target 16.5: Substantially reduce corruption and bribery in all their forms.

Target 16.6: Develop effective, accountable and transparent institutions at all levels.

Target 16.7: Ensure responsive, inclusive, participatory and representative decision-making at all levels.

Target 16.8: Broaden and strengthen the participation of developing countries in the institutions of global governance.

Target 16.9: By 2030, provide legal identity for all, including birth registration.

Target 16.10: Ensure public access to information and protect fundamental freedoms, in accordance with national legislation and international agreements.

Target 16.11: Strengthen relevant national institutions, including through international cooperation, for building capacity at all levels in developing countries, to prevent violence and combat terrorism and crime.

Target 16.12: Promote and enforce non-discriminatory laws and policies for sustainable development.



indigenous people. This is also especially critical in contexts where there are increasing trends towards authoritarianism and shrinking civic space. An approach based on the whole of society, in addition to the whole of government, is therefore key to ensure that no one is left behind.

In order to fully understand the current global and regional trends and the impact of the COVID-19 pandemic on achieving peace, justice and inclusion, the UNDP Oslo Governance Centre and Southern Voice embarked on a series of dialogues in 2021. This included, for example, unpacking how COVID-19 has impacted governance systems and political processes and what that has meant for putting in place inclusive and accountable processes for more equitable delivery of services. It also meant trying to understand how lockdown measures have impacted the rights of different population groups, from being left behind in accessing services during the pandemic to actively being targeted by political actors as political and civic spaces have shrunk. Increasingly, this has also meant addressing an erosion of trust in public institutions across the globe.

This report captures key findings and policy recommendations on SDG 16 in the context of the COVID-19 pandemic, with regional inputs and perspectives from Africa, the Arab States, Asia, Europe and Central Asia and Latin America. It also aims to amplify the voice of Southern actors in regional and global policy spaces on the thematic issues of peace, justice and inclusion.

While providing a picture of challenges and opportunities in each region, the report also helps to illustrate trends that are similar across regions. Key issues have emerged that go beyond specific regions, countries and borders, including the following:

- Strong oversight measures and functioning democratic processes are required to ensure an appropriate distribution of power.
- A more proactive approach is needed to prevent the restriction of civic space and measures aimed at suppressing opposition and dissent.
- An effective and accountable public sector is critical to efforts promoting access to services and social protection.
- Emergency measures necessitated by the pandemic have opened up spaces for corruption, fuelling dissatisfaction and mistrust in government.

- The pandemic has disproportionately impacted marginalized groups and intensified existing social inequalities, laying potential fault lines for future conflicts.
- Women have faced particular challenges during the pandemic, especially in terms of gender-based violence and the increased burden of unpaid care.
- While the accelerated take-up of digital tools has offered an unprecedented opportunity to broaden public participation in and decentralize decision-making processes, it is also threatening to accentuate the pre-existing digital divide and exacerbate existing inequalities.
- The spread of mis/disinformation has contributed to mounting public distrust of the state and its loss of legitimacy, further threatening social cohesion.

In responding to these challenges and opportunities, policy makers can identify a way forward where the achievement of SDG 16 can be the foundation for a more inclusive and just recovery from the pandemic.

Methodology

A series of regional roundtables drawing on research and analysis from leading think tanks, academics, and experts was held in the first half of 2021. These virtual regional roundtables were organized in Africa, South Asia, Southeast Asia, the Arab States, Latin America, and Europe and Central Asia to encourage participants to reflect on and share their analysis on key issues, challenges and policy priorities affecting their region in achieving peaceful, just, and inclusive societies, particularly in the context of the pandemic.

The roundtables were organized around the following questions:

- What global and regional trends are impacting the achievement of SDG 16?
- How has the COVID-19 pandemic affected the achievement of SDG 16? In what ways can supporting SDG 16 be used to inform COVID-19 recovery processes?
- What constraints and trade-offs need to be considered to make informed policy decisions on promoting SDG 16?
- What are some key policy recommendations on furthering the achievement of SDG 16?



In addition, the SDG 16 Hub (sdg16hub.org) served as a virtual forum for open discussion on thematic issues to complement the findings emerging out of the regional roundtables. The SDG 16 Hub hosted four online e-discussions that were conducted over the course of eight weeks to explore the multi-layered impact of COVID-19 on achieving different dimensions of peace, justice and inclusion. The specific themes for the e-discussion were Peace and Security; Accountability, Rule of Law and Human Rights; Civic Engagement and Civic Space; and Transparent, Inclusive

and Responsive Public Service Delivery. The findings from these forums have been further supplemented by a review of secondary sources and literature on these themes.

This report compiles the findings and policy recommendations emerging out of this process. The following sections include specific findings from each region. Each regional brief teases out ongoing trends and provides some suggestions for recommendations to move forward.



AFRICA: Opportunities for a robust COVID-19 recovery grounded on SDG 16

Adedeji Adeniran

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The COVID-19 pandemic has posed significant challenges for the African continent in achieving peace, justice and inclusive and effective institutions, including significant negative effects on economic, social and political conditions. This policy brief presents and discusses key trends on SDG 16 on the African continent, including: an increasing concentration and strengthening of executive power; shrinking civic space and enlarged restrictions on civil liberties and media independence; disproportionate effects for women and other vulnerable groups; the worsening of conflict triggers; and declining trust in institutions and rising corruption. To reverse these trends and strengthen progress towards the goal, this policy brief recommends that the digitalization process must be accelerated; social protection of vulnerable groups must be ensured; and institutional accountability structures must be built to strengthen public trust as a means to better support inclusive recovery efforts.

Introduction

As affirmed when the 2030 Agenda for Sustainable Development was adopted in 2015, sustainable development depends on peace, stability, respect for human rights and effective governance based on the rule of law (SDG 16). The COVID-19 crisis, however, has exacerbated many worrying trends that are stalling progress across the various dimensions of SDG 16 in the African region and as a result impeding progress on the 2030 Agenda as a whole.

COVID-19 was declared a Public Health Emergency of International Concern (PHEIC) on 30 January 2020, and a pandemic on 11 March 2020. As of July 2021, there were over 5.6 million confirmed cases of COVID-19 across Africa, with over 146,404 confirmed deaths caused by the virus (Africa CDC, 2021). The COVID-19 pandemic has, however, proved to be much more than a health crisis, with significant negative impacts on all facets of society—including political, economic and social, as well as security—and it threatens to leave deep scars for years to come. The pandemic has noticeably slowed the implementation of the 2030 Agenda and the United Nations (UN) Sustainable Development Goals (SDGs), and in certain cases, even led to a reversal of progress made over the years.

Even before the onset of the pandemic, progress on SDG 16 in Africa was slow. Violence, conflict, terrorism and weak

state capacity across many countries resulted in negatively impacting the delivery of quality governance services and democratic dividends to the population. Understanding the extent to which the COVID-19 pandemic exacerbated these factors is crucial to inform an effective recovery.

The power dynamics evolving across Africa are another important issue. Emergency powers and authorizations given to national and local governments to contain the pandemic are increasingly being misused and abused. Government responses to the pandemic have had significant human, economic and social consequences on the objectives of peace, justice and accountable institutions, especially in Africa, with potential long-term implications for civil liberties. The pandemic has undermined accountability and integrity, weakened democratic institutions, increased restrictions on the freedom of movement, led to the curtailment of basic freedoms, and created greater opportunities for fraud and corruption.

Despite the scale of the challenges, the threats emerging from the COVID-19 pandemic can also be transformed into an opportunity for the African region. For example, it represents an opportunity to rebuild trust, reinforce state capacity and chart a new pathway for development built on inclusive and responsive institutions. On the negative side, however, the emergency restrictions imposed because of COVID-19 represent a threat, where authoritarian power structures are



being consolidated by undercutting opposition voices and reducing media freedoms. These developments will lead to more exclusionary and less accountable institutions, undermining democratic processes and outcomes.

While the opportunities and threats to building inclusive institutions exist side-by-side, the pathway that African countries will follow is less clear and requires more analytical insight.

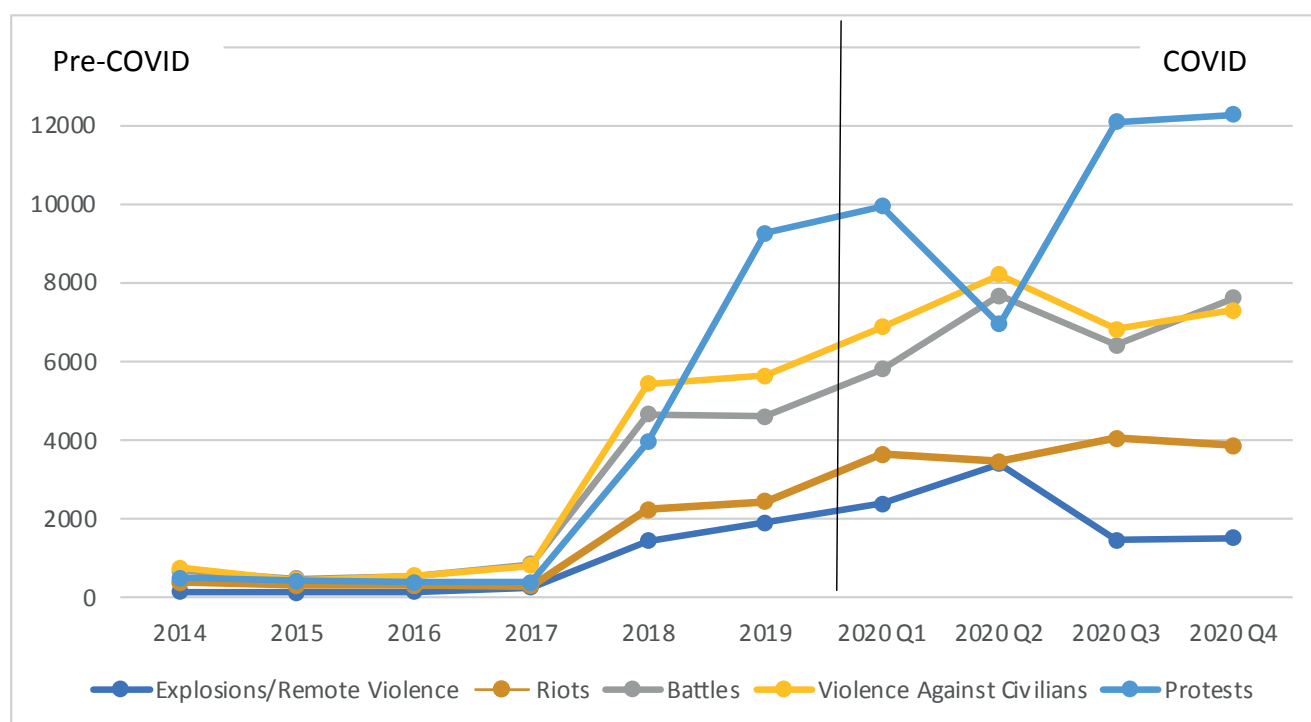
This policy brief evaluates emerging trends around SDG 16 arising from the COVID-19 pandemic within the African region. The brief also delves into how SDG 16 can act as a catalyst for robust recovery and resetting the path for progressive achievement of the SDGs. The brief draws on data generated from a series of stakeholder engagements across the continent, combined with the analysis of recent literature on COVID-19's impact on the African region. The African region's performance on SDG 16 prior to the COVID-19 pandemic is examined, followed by a look into the emerging trends around COVID-19 for Africa and key factors driving the observed trends. It concludes with recommendations for national and global actors on how to strengthen progress on SDG 16 and use it as a scaffold for recovery.

The African region's performance on SDG 16 (pre-pandemic)

Progress on SDG 16 in the African region was poor also prior to COVID-19. Between 2016 and 2019, public protests increased five-fold, violence against citizens ten-fold, explosions/remote violence twelve-fold and riots eight-fold (**Figure 1**). The trends in the incidence of violent conflicts and fatalities continued to increase in 2020 despite COVID-19 and containment measures that reduced mobility. According to the Stockholm International Peace Research Institute (2020), violent conflicts in Africa are mainly driven by weak state capacity, corruption, ineffective delivery of basic services, competition over natural resources, inequality and a sense of marginalization. Contestation over power and the legitimacy of the state is another driver of conflict in Africa. This signals that the conflicts are manifestations of multiple institutional failures and fragilities.

There has also been uneven progress across other areas of SDG 16 in the region. **Table 1** shows the data from the *Global State of Democracy* report (2019) illustrating the

Figure 1: Incidence of Violence and Conflicts in Africa 2014-2020



Source: Armed Conflict Location and Event Data Project (2020). <https://acleddata.com/dashboard/#/dashboard>. Note that the quarterly data are annualized.



TABLE 1:

Trends in gains and declines related to SDG 16 targets in Africa between 2015 and 2018

		Number of African countries experiencing gains	Number of African countries experiencing declines
SDG 16.1 Significantly reduce all forms of violence and related death rates everywhere	Personal Integrity and Security	3	1
SDG 16.3 Promote the rule of law at the national and international levels and ensure equal access to justice for all	Access to Justice	8	4
	Judicial Independence	4	6
	Predictable Enforcement	8	2
SDG 16.5 Substantially reduce corruption and bribery in all their forms	Absence of Corruption	7	2
SDG 16.6 Develop effective, accountable and transparent institutions at all levels	Judicial Independence	4	6
	Effective Parliament	4	3
	Free Political Parties	1	1
	Civil Society Participation	1	3
SDG 16.7 Ensure responsive, inclusive, participatory and representative decision-making at all levels	Elected Government	1	0
	Clean Election	2	5
	Electoral Participation	4	5
	Effective Parliament	4	3
	Local Democracy	8	6
	Social Group Equality	3	2
SDG 16.10 Ensure public access to information and protect fundamental freedoms, in accordance with national legislation and international agreements	Freedom of Expression	2	7
	Media Integrity	3	4
	Freedom of Movement	2	6
	Freedom of Religion	1	2
	Freedom of Association and Assembly	3	6

Source: International IDEA (2019), The Global State of Democracy. <https://www.idea.int/publications/catalogue/global-state-of-democracy-2019>

number of African countries experiencing either a gain or decline on various SDG indicators between 2015 and 2018.¹ Indicators where more countries recorded gains than declines include personal integrity and security,² access to justice, the predictability of enforcement by public

officials, control of corruption, and the effectiveness of parliament and local democracy. Some of the countries experiencing positive gains include The Gambia, which transitioned from an authoritarian to a more democratic regime.

¹ For ease of interpretation, the cells are coloured green if the number of countries that recorded gains is higher than those experiencing declines; red if the number of countries that recorded declines is higher; and yellow if equal numbers of countries recorded gains and declines.

² This captures individuals' freedom from torture, forced labour and political killings.



However, there are more countries experiencing declines than gains in areas such as the independence of the judiciary, electoral management and civil liberties (media integrity and freedom of expression, of movement and of association). Overall, there are more declines (10) recorded than gains (9) on the SDG 16 indicators reviewed. Another way to view the results in **Table 1** is that the majority of African countries were not making progress on SDG 16 prior to the pandemic. Of the 54 African countries, a maximum of eight countries experienced a positive change on any of the indicators, and most experienced a decline or no progress. The concern therefore is that COVID-19 could derail these modest gains, while dragging down performance even further in other countries where progress has stalled or reversed.

The COVID-19 “African Paradox” and the role of institutions

COVID-19 has impacted the African region in two major ways. First is the health impact, which contrary to most expert predictions has not been as severe as expected. The other aspect is the severe effect of the pandemic on economic, social and political conditions, the repercussions of which are still emerging.

At the onset of the COVID-19 pandemic, assumptions were made about the effects the pandemic would have on the African continent. It was estimated that up to 190,000 African lives could be lost to the virus and that 29 million to 44 million people could get infected in the first year alone (WHO, 2020). By mid-June 2021, COVID-19 had infected only about 5.6 million people in Africa, less in per capita terms than any other region. At the end of 2021, as the Omicron variant spread, the number of cases increased significantly on the continent, but severe cases remained low (WHO, 2021).

This is being referred to as the “COVID-19 African Paradox”, in that, despite Africa’s developmental context and the pre-COVID slowdown of economic growth, its limited medical capacity and its already strained health sector, the countries in the region have been relatively successful in responding to the COVID-19 pandemic. Several theories exist that attempt to explain this paradox. Some argue that limited testing is behind the reduced COVID numbers, and others speculate that the population has higher immunity. In some countries, governments continue to outright deny the

existence of COVID-19. The later arrival of the virus in Africa, a younger population, lower rates of co-morbidities and a favourable climate are also often cited as factors for the relatively reduced mortality rates on the continent. Despite the initial low prevalence of COVID-19 in the region, what is increasingly clear is that disparities in access to vaccines remain a challenge to the region, but this problem also has a significant impact globally.

While there has been no conclusive study on the initial low prevalence of COVID-19 in Africa, there is some consensus that quick and effective institutional responses to the crisis were a critical factor in minimizing the health impact on the continent. It is worth noting the prompt response of African nations at the onset of the pandemic. Following the announcement of the first COVID-19 case in Africa and catastrophic projections of the pandemic on the continent, governments across the region rushed to implement strict health measures. Some of the public health measures introduced included national lockdowns, closing borders, social distancing and the wearing of masks. The Africa Centres for Disease Control and Prevention (CDC) established the Africa Task Force for Novel Coronavirus with the aim of continental and regional collaboration in mitigating COVID-19 (African Union, 2020). The Task Force was established in early February 2020, even before the first case in Africa was detected.

The lessons from the Ebola epidemic and the subsequent adaptation of national health infrastructures have also enabled African countries to better prepare and deploy effective contact tracing and other mitigating factors. It can also be argued that the inclusion of Africans in the rooms of major decision-making has had positive outcomes for the continent. With African leadership roles in major organizations such as the World Health Organization, COVAX and the World Trade Organization (WTO), there is better coordination at the global and regional level. This highlights the importance of making progress around SDG 16.8 regarding broadening the participation of developing countries in the institutions of global governance.

However, the management of the spill-over effects of the lockdowns has been less effective. The economic and institutional ramifications of COVID-19 have been severe on the continent. This could mean that the types of institutional framework needed for managing other aspects of the pandemic are lacking. For example, lockdowns require effective social protection, especially for the large informal



sector, which relies on a daily income. A limited fiscal space has also constrained pandemic policy responses across the region. For example, most African countries entered the COVID-19 pandemic under severe fiscal limitations, with high debt levels and revenue shortfalls. The pandemic further affected the continent's economic capacity, with weaker global demand and crashes in commodity prices. The economic response of governments in Africa has been subdued due to their limited financial capacity. The scale of spending to deal with the pandemic in African countries has differed greatly with the level in more developed regions. In February 2021, for example, the aggregate fiscal response by African governments amounted to US\$1.3 billion (2.9% of GDP), a meagre amount compared to about US\$5.2 trillion that the United States spent.

Public trust in government actions is essential, which in turn requires non-politicization of governance processes, broader inclusion of all relevant stakeholders in decision-making, and responsive and transparent provision of public services to mitigate lockdown effects. An inability to meet these needs has led to public protests and other violence in the region. The next section discusses the key emerging trends observed on SDG 16 in the African region following the onset of the COVID-19 pandemic.

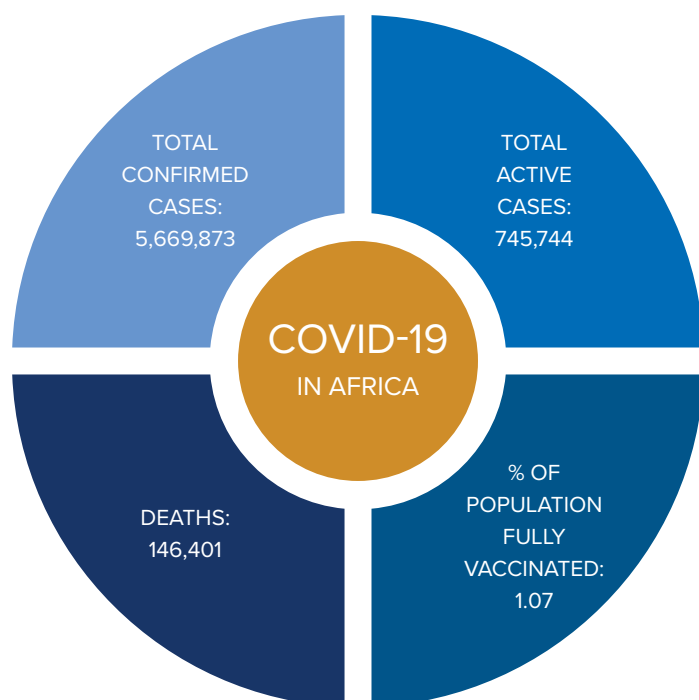
Emerging trends around SDG 16 in Africa since the pandemic

Several trends have emerged in Africa since the onset of the pandemic, highlighting how the pandemic has exacerbated pre-existing conditions across the continent, such as increasing conflict and corruption. Some of the key emerging trends around SDG 16 include:

Centralization of power and opacity of rules

In many African countries, the outbreak of the COVID-19 pandemic necessitated the imposition of some emergency rules and containment measures. However, enforcement and opacity in the rules of engagement have created lapses and limited consideration for human rights and citizens' voice in COVID-19 control measures. As shown in **Figure 1**, the existing trends in violence, conflict and fatalities were not significantly altered in 2020 despite restrictions on movement and on economic and social activities in the period. However, higher incidences of violence and conflict were recorded in the first quarter of 2020, which coincided with a period of complete lockdown in many countries. The Armed Conflict Location and Event Data Project (ACLED, 2020) noted that the pandemic has, however, altered the motivation for violence

Figure 2: Snapshot of COVID-19 in Africa on 05 July 2021



Source: Africa Centres for Disease Control and Prevention. <https://africacdc.org/COVID-19/>



and demonstrations in Africa. Most incidents reported in the ACLED database in 2020 involved popular mobilization to protest against the harsh enforcement of new government regulations or to object to corrupt practices that limited delivery of and access to medical supplies or services.

The COVID-19 outbreak also affected electoral processes in Africa. More than 20 African countries were due to hold elections in 2020, but only a few did, with many local and national elections delayed (Africa News, 2020). Some elections and referenda were either held or postponed to favour outcomes benefiting those in power, based on considerations of strategic and political advantage. Most of the elections held were marked by low turnout and protests. The pandemic appears to have also resulted in strengthening the power of the executive branch over that of the parliamentary and judicial arms of government. Furthermore, the increase in the use of virtual courts to support the continued functioning of the justice systems may have unintentionally resulted in some cases in undermining accountability and limiting access to justice. In Nigeria, Uganda and Kenya, virtual court procedures are being used to resolve legal matters (Mayomi, 2020; Wanyonyi and Naeku, 2021), but there are concerns that virtual deliberations could negatively impact the quality of justice delivered when there may be significant learning lags for some groups and where access to virtual hearings may not be equal for all. Overall, these developments have implications for progress on SDG 16.1 (reduce all forms of violence), SDG 16.3 (rule of law and access to justice for all) and 16.7 (responsive, inclusive, participatory and representative decision-making) in Africa and may result in the reversal of democratic gains on the continent.

Threats to civil liberties

Implementing the national lockdowns and other restrictive measures to curb the spread of the virus has required stronger state involvement, and several governments in Africa have exploited these extraordinary measures for political purposes. In some cases, COVID-19 has been weaponized against opposition political parties and perceived critics in order to strengthen the position of the continent's executive strongmen. For example, in some cases, pandemic regulations have been heavily enforced with the objective of restricting freedom of expression and civil liberties and compromising media integrity.

In some countries, social distancing rules were enforced at times through a heavy-handed approach by security forces

(Sperber, 2020; Chabalala, 2020). There were many instances of police using excessive force to enforce lockdown rules, as armed violence against civilians in Africa increased and youth clashed with the police (ACLED, 2020). Shrinking civic space, uncontrolled state repression and the use of violence to suppress dissent using COVID-19 responses as a pretext have further undermined peace and human rights in Africa (Muhwezi et al., 2020).

In tracking COVID-19 enforcement in Africa, the 2019 Global State of Democracy report identified a major spike in threats to media freedom and independence. Some governments in the region sought to quell opposition by deploying strong measures targeting media houses critical of their COVID-19 response. One major concern is that trends to adopt tactics that abuse civil liberties will remain at high levels, despite a gradual recovery from the pandemic. The socio-political shifts seen due to COVID-19 have fundamentally changed power dynamics in many countries, further strengthening those already in power. This may result in a situation in many contexts where power is retained and consolidated by entrenched groups—and this situation becomes the new normal.

Disproportionate effects on women

The pandemic has affected different population groups disproportionately as a result of pre-existing structural inequalities that render some groups more vulnerable than others. Women were already exposed to different forms of violence before the pandemic—globally, an estimated one in three women have experienced physical or sexual violence inflicted by an intimate partner or non-partner at some point in their life. The COVID-19 pandemic has only intensified this gendered violence across the world, especially during lockdowns, a phenomenon that United Nations Women refer to as the “shadow pandemic” (UNWomen, 2020).

At the start of the pandemic, the East African Community (EAC) Partner States reported a sharp rise in the number of gender-based violence (GBV) cases (East African Community, 2021). Ministries responsible for gender across the region saw a 48 percent increase in GBV cases reported to the police or through GBV toll-free lines. In the Central African Republic, reported injuries to women and children spiked by 69%; GBV increased by an estimated 10% from April to December 2020; rape by 27%; and other assaults by 45%. In Egypt, there was a 19% increase in violence against family members linked to the strict measures being implemented to limit the spread of COVID-19, according to a survey by UN



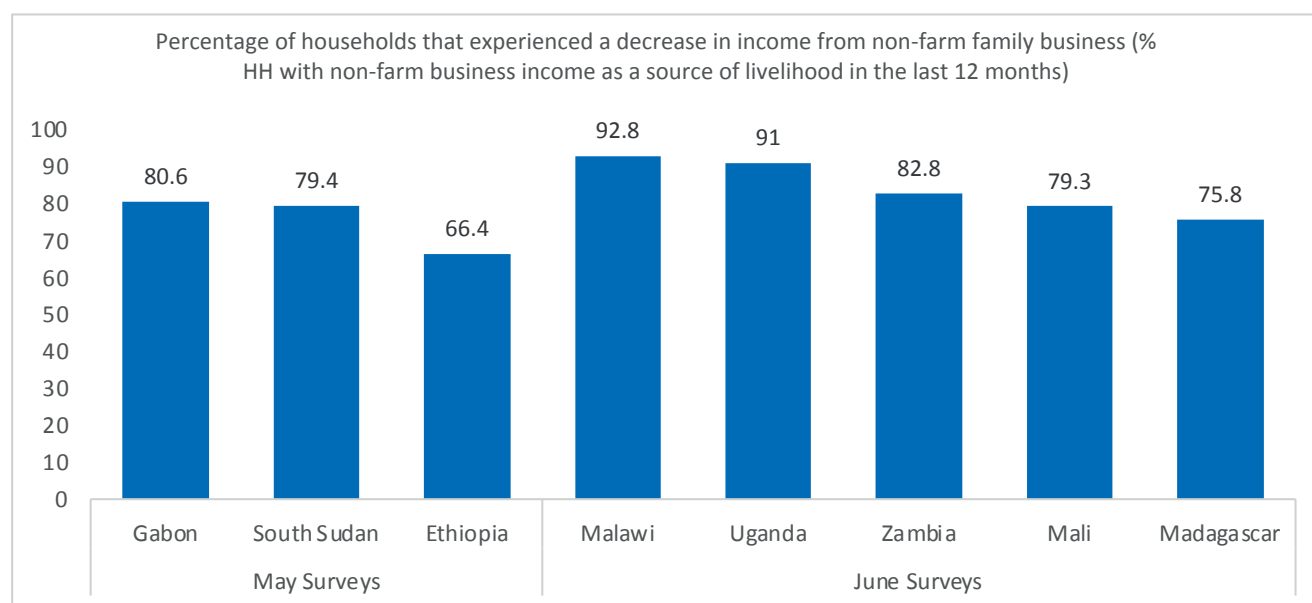
Women Egypt and Baseera. In South Africa, official reports show that, within the first week of a strict lockdown, South African Police Services received 2,320 complaints of gender-based violence, with only 148 related charges made. In Nigeria, reports from 24 states across the country showed that, after lockdown measures were enacted on 31 March, the number of reported incidents of domestic violence spiked by 56% during the first two weeks of April compared with the same period in March. (African Union et al., 2020).

The pandemic has been considerably more detrimental to the informal sector, as workers there are less equipped than in the formal sector to adapt to changes forced by the pandemic, such as digitalization. Numerous individuals in the informal sector lost jobs due to this immobility and the difficulty to adapt. Women are heavily concentrated in the informal sector, and the restrictions on movement have disrupted their income sources. Out-of-school girls and adolescents also face a greater risk of early and forced marriage, sexual abuse and unintended pregnancy during such emergencies (Iversen, 2020). Thus, the pandemic has worsened gender inequalities and escalated social injustices (GAPS, 2020). With online learning, cases of online abuse, harassment and the exploitation of children have been on the increase as well.

Triggers and stressors of conflict are rising

Worsening gender inequality, deepening social and economic inequalities, poor human capital development, poverty, unemployment and food insecurity are among the major causes of rising violent extremism in Africa, and all of these conflict triggers have worsened in the wake of the global COVID-19 outbreak. Lockdown and movement restrictions imposed to reduce the transmission of coronavirus have disrupted production, transport and access to affordable food, effectively turning pre-existing food crises into disasters. In Ethiopia, two-thirds of households witnessed a decline in their source of income and the quantity of food purchased (Abay et al., 2020), while in Kenya, 88 percent of the surveyed households from informal settlements had little access to food during the lockdown measures (Shupler et al., 2020). In Nigeria, a monthly rapid phone survey conducted during a COVID-19 lockdown shows that more than half of the surveyed households were unable to purchase two key staple foods: rice and cassava (Ekeruche and Adeniran, 2021). As of April 2021, the World Bank estimated that 40 million Africans have been pushed into extreme poverty during the pandemic (World Bank, 2021). **Figure 3** also shows that at least a third of the population in non-farm business have experienced an income loss during COVID-19. This has implications for conflict, and especially for violent extremism,

Figure 3: Household income losses in COVID-19 times



Source: World Bank (2021), COVID-19 High-Frequency Monitoring Dashboard.
<https://www.worldbank.org/en/data/interactive/2020/11/11/covid-19-high-frequency-monitoring-dashboard>



as the decline in income and legitimate livelihoods may result in increased vulnerability to recruitment (Graff, 2010).

The economic response from governments is limited by their fiscal capacity, and social protection coverage is minimal across the continent. In fact, initial lockdown measures were reversed in many African countries due to the inability to sufficiently support vulnerable populations. Such conditions and challenges, if not well addressed, will further aggravate vulnerabilities and grievances, thus creating conditions that can quickly spark violence.

Declining trust in institutions and rising corruption practices

The perception of and satisfaction with public services and institutional performance is an important indicator for SDG 16 (World Bank, 2021), and, as with other parts of the world, Africa has not fared very well in this regard. Public trust in key governance institutions was declining even before COVID-19, and the pandemic has only accelerated the trend. This is mainly because the urgency of measures meant to mitigate the crisis created more opportunities for corruption among public officials, while the need to expedite procurement and lower budgetary oversight have been exploited in some countries to enrich those in power. For example, there were reported cases of poor utilization of COVID-19 funds across Africa, as response measures were marred by gross irregularities, poor planning, dubious contracts and corruption scandals (Reuters, 2020). Occurrences of impropriety regarding COVID-19 funds were found across all the different global regions, including in Africa where cases of corruption in four countries alone amounted to \$7.7 million (Transparency International, 2020).

Apart from procurement-related corruption, there were reported irregularities in identifying beneficiaries of COVID-19 relief items such as food and masks. The lack of transparency and increasing corruption even amid the ongoing global health crisis has eroded public trust in government institutions. In many instances, this degenerated into violent public demonstrations. In Nigeria, for example, anger over police brutality and the unequal distribution of palliatives and relief packages related to COVID-19 resulted in widespread youth-led protests (Orjinmo, 2020). Public trust in institutions in the region appears to be at an all-time low, and this is likely to negatively affect the achievement of the SDGs by 2030, including SDG 16 (Afrobarometer, 2021). This not only impedes the effectiveness of crisis response measures to

the pandemic but also undermines the legitimacy of government leaders and democratic institutions. All this signals that post-pandemic institutions might be weaker, thereby creating cracks that could reverse progress on SDG 16.

Policy recommendations

Adopting digitalization to support recovery efforts

The pace of recovery in different countries will often be dependent on the quality of economic and social support structures in place, including digital and technological infrastructure. This is especially important in the wake of the coronavirus crisis and the impact it has had on digitalization in Africa, including the role technology can play in improving governance and boosting public participation. Perhaps the most important upside of the pandemic is the widespread rapid transformation occurring on the continent in the realm of information and communication technologies (ICT). Businesses have had to leverage digital tools for continued economic activities amid movement restrictions, and even government institutions have relied on ICT infrastructure for communication and public education, court processes and governance. This trend has sparked some optimism regarding the potential for technology to further support institutional development for open data, accountability and transparency, as well as greater civil society participation. The use of ICT holds promise for ensuring transparency and accountability in governance and for improving the way governments interact with their citizens. It can help leaders renew the social contract, reduce corruption and rebuild trust with their people. However, for society to maximize the gains from technology, the digital divide facing different population groups in access to and the adoption of technology must be addressed so that this does not become another driver of inequality.

Deploying social protection for vulnerable populations and businesses

In Africa, there have been significant gaps in social protection coverage, particularly for those working in the informal sector where insecurity has been exacerbated during the pandemic lockdowns. Low-income households, the elderly, women and other members of the population who are particularly vulnerable to financial difficulties need to be adequately covered by comprehensive social protection



schemes. While economic growth remains an important factor in national poverty reduction and recovery efforts, targeted social protection will be required especially for the vulnerable population who may not directly benefit from any dividends from economic growth.

Beyond support for households, social welfare measures should also extend to businesses, especially small and medium enterprises, in order to sustain livelihoods and employment. This is necessary particularly in the informal economy, as informal workers do not have access to most of the financial protection afforded to formal workers in crises like the pandemic.

The COVID-19 pandemic has also spurred innovation in the social protection landscape in Africa, such as the use of tax relief (as in Senegal and Madagascar), a freeze on utility bills and a waiver of fees for basic services (Niger), and the use of digital platforms for delivery (Nigeria). These innovations can strengthen social protection frameworks post-COVID-19 and help to limit potential abuse and corruption in the system.

Strengthening the accountability of state institutions

Across the region, corruption and trust in institutions remain major challenges that have been aggravated by the pandemic. This requires institutional reforms that reinforce systems of accountability as well as checks-and-balances in government operations. A systematic assessment of government responses to the pandemic is also needed to identify key strengths and weaknesses. Just as most African countries relied on systems established to respond to the Ebola virus epidemic to address the COVID-19 pandemic, there should likewise be institutional learning from the current crisis to inform future response systems. The review process should also be able to identify sources of tension and distrust and indicate ways to rebuild state capacity so as to help to restore public confidence that governance systems really can deliver for people. This will require independent processes of auditing and assessment, for example, through regional accountability initiatives like the New Partnership for Africa's Development (NEPAD).

Reinforcing inclusive institutions and processes

The pandemic has had disproportionate effects on different marginalized groups across the continent, reinforcing

pre-existing structural inequalities and the unequal distribution of power. The exclusion of groups like youth and ethnic and religious minorities from decision-making has often exacerbated distrust and social disunity. For example, across several African countries, youth populations have risen in protest against the state. Institutions must be inclusive in decision-making to ensure that any measures taken can adequately respond to the priorities of marginalized groups. Inclusivity and the amplification of a diversity of voices will aid in building trust and reducing corruption. Empowering marginalized groups and making their voices count in decision-making processes will be crucial in developing inclusive institutions. Also, deepening democracy and bringing fairness to electoral processes is another dimension of strengthening institutions. Therefore, the emerging threat to electoral management and efforts to circumvent election processes should be stemmed by putting in place stronger oversight mechanisms.

In Africa, it is critical to redefine and rebuild the social contract between governments and the population. The rise in violence in the recent period points to a breakdown in the existing social contracts and in trust. In this sense, ensuring the necessary social investments, forging effective collaboration and combating pervasive corruption are all critical. Responding to the COVID-19 crisis by delivering health care and social protection via equitable, open and accountable systems may help governments build trust with citizens. To strengthen the social contract, effective communication is vital. Civil society also has a role to play through supporting accountability and openness in government activities.

Enhancing policy and institutional coordination

Policy and institutional coordination are extremely important for several reasons, most especially for the clarity and speed of effective government action. The coordination witnessed in Africa at the start of the pandemic was a major contributing factor to Africa's successful response and its low death toll. Fostering transparency and alignment between institutions on a local, national and international scale will ensure not only that any actions taken are effective but also that they benefit from experience and knowledge across similar contexts. As the region moves into the recovery phase, institutional coordination remains vital for success. Building and leveraging existing regional multilateral institutions will support regional coordination. Regional coordination in health responses through the Africa Taskforce



for Novel Coronavirus and economic cooperation through the creation of a Continental Solidarity Anti-COVID-19 Fund are two important collaborative efforts that can be replicated at the subregional and national level. As for the local level, replicating this means creating an institutional framework for various segments of the society to exchange information and share solutions.

Drawing on global resources

There are tangible ways that the broader global community can help strengthen institutional development in Africa. One way is through supporting mechanisms for data and evidence generation to improve the quality of public policy. The global community can also support independent actors who are involved in knowledge generation, especially actors and voices based within the region. In addition, given the growing importance of digitalization for African recovery and the comparative advantage that developed countries have in this aspect, providing technical and financial support, technological exchange and access to global markets can help to fast-track development in this area.

Gender equality and women's participation in decision-making

Women's absence in leadership, decision-making and peacekeeping in Africa continues to be a serious problem. Recovery efforts will be weakened without an inclusive structure for women's voices in decision-making and implementation. Given that the economic effect of the pandemic is greater in the informal sector where women are predominant, targeted support to such jobs will be crucial. Stronger implementation and enforcement of existing laws against gender-based violence are also needed to support women's empowerment and deliver on SDG 16.

Author

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ARAB STATES: Overcoming the fragilities of governance systems for sustainable recovery

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In the Arab States region, the COVID-19 pandemic has exposed many of the fragilities of the governance systems and their constrained capacities for responding to public needs, which is worsening already pre-existing negative trends such as deteriorating public trust and falling levels of institutional legitimacy and accountability. This policy brief presents key trends on SDG 16 on peace, justice and inclusive institutions in the region and assesses how a lack of responsiveness of government institutions is weakening the social contract and public trust; how uneven effects of COVID-19 measures have tightened restrictions on women, youth and persons with disabilities; and how concern about the increasing centralization of decision-making is growing. The brief highlights that there is a need to improve state responsiveness for a stronger social contract, to build more transparent and accountable institutions, and to better ensure inclusiveness in the governance system so as to leave no one behind and to build forward better from the pandemic.

Introduction

The Arab region has been subject to multiple and protracted crises and conflicts, with the COVID-19 pandemic adding an additional layer of complexity for development challenges in the region. An additional 14.3 million people, many from the middle class, are expected to fall into poverty due to the economic impact of the pandemic, including an increase in inequality (UNESCWA, 2020). Even prior to the pandemic, there was strong popular demand to address socio-economic disparities, political exclusion and discrimination, as well as to reduce corruption. The pandemic has only further exposed structural weaknesses across the region's political and economic systems and made ever more urgent concerns over low levels of trust and confidence in the state, unresponsive governance systems and increasingly restricted civic space. Under the impact of the pandemic, institutions are buckling under increased demand, and governance reforms have stalled.

The pandemic's impact is most evident in the challenges in delivering health services in countries where health systems are inadequate, and weak governance systems have resulted in severe consequences and the loss of lives. In Iraq, for example, the health system faces intense pressure due to widespread corruption and neglect as well as the impact

of years of international sanctions. In fragile contexts, with overstretched health systems, the ability of today's systems to cope with the onslaught of the pandemic has been extremely limited (Deutsche Welle, 2020).

Limited capacities to respond to the population's health needs, accompanied by severe strains on the social, economic and political systems, alongside increased levels of systemic corruption, have all combined to generate widespread disillusionment and the deterioration of trust in the political system for many countries in the region. As noted in the UN Brief on the impact of COVID-19 in the region, "The legacy of violent political transitions in some countries of this region, continued conflict in others and massive social protests, reflect a deep structural crisis of confidence, vertically between citizens and the state and horizontally, among groups of citizens themselves" (UNESCWA, 2020).

This brief highlights the fragility of the social contract in the region and how this is detrimental to the achievement of peace and justice, with potentially severe consequences for regional stability. While weak institutional capacities in the region predate the pandemic, the significant consequences of unresponsive public institutions have been clearly illustrated in the fallout from the pandemic. The prevalence of corruption and the politicization and heavy-handedness of the measures taken in some countries has meant that



governments have struggled to respond effectively to the pandemic. In some cases, the pandemic has actively been used to consolidate power and undermine opposition. As the social contract frays further, public trust and the legitimacy of the state is being eroded. The path to “build forward better” from the pandemic thus necessitates going beyond addressing health-related aspects of the pandemic to identify ways in which more resilient, inclusive and accountable institutions can be built.

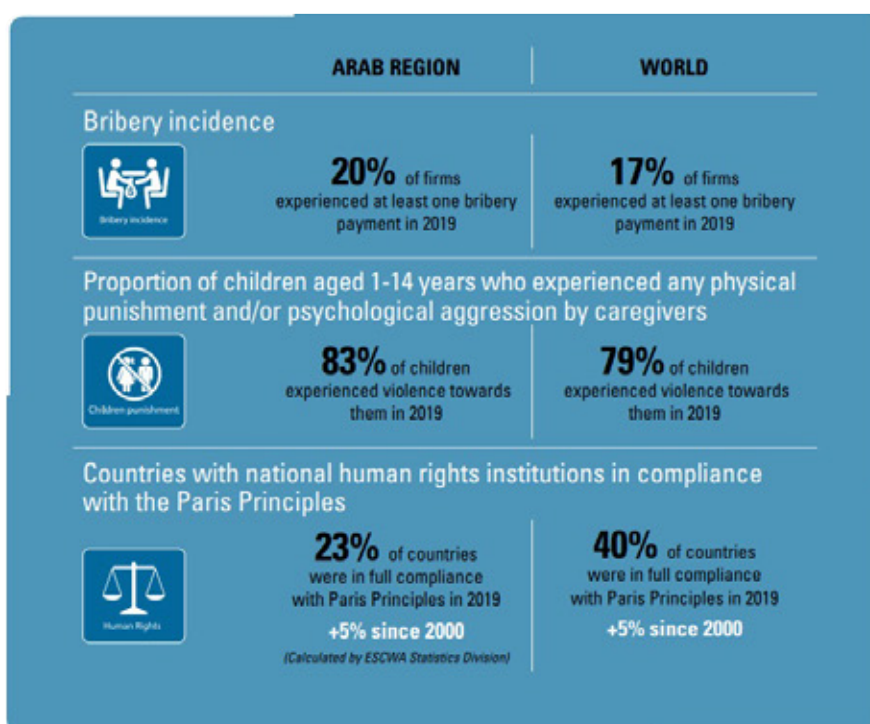
Even before the COVID-19 pandemic, “weak rule of law, low adherence to universal human rights treaties and conventions, lack of accountability, increasing lack of trust, and protracted conflict and occupation already impeded Arab countries’ ability to achieve SDG 16 and all the other SDGs” (UNESCWA et al., 2021). The pandemic has exacerbated this negative trend, as COVID-19 has put severe pressure on effective governance. The graphic below shows data from the Arab SDG Monitor (UNESCWA, 2021), which indicates how the Arab States are lagging behind in progress on key SDG 16 indicators, such as 16.2.1 on children experiencing physical punishment and/or psychological aggression; 16.5.1

on the incidence of bribery; and 16.a.1 on the existence of national human rights institutions.

This regional policy brief presents key and emerging trends on peace, justice and inclusion in the Arab States region. It derives information and analytical perspectives from consultations held with experts from academia and think tanks from the region on how COVID-19 has impacted progress on SDG 16. The regional roundtable convened governance experts in the Arab States region and was co-organized by the UNDP Regional Hub for Arab States and the UNDP Oslo Governance Centre, as part of an initiative with Southern Voice on understanding how the pandemic has impacted progress on SDG 16, particularly in the Global South.

Policy recommendations highlight the need for a responsive state in order to rebuild the social contract, to invest in transparent and accountable systems and to promote inclusion and social protection. Interlinked in nature, these clusters provide a clear picture of how the foundations of the region’s governance systems require urgent support if progress is to be made by 2030. Effective, accountable and inclusive governance—which lies at the heart of SDG 16—has been

Figure 4: SDG 16 in the Arab Region



Source: UNESCWA Arab SDG Monitor. <https://arabsdgmonitor.unescwa.org/>



central to determining the effectiveness of response-and-recovery efforts during the pandemic, and it continues to be a critical enabler for sustainable development.

Emerging trends around SDG 16 in the Arab States since the pandemic

The following section summarizes the discussion and highlights key findings from recent studies.

Limited government responsiveness undermining the trust in and legitimacy of governments

Weak governance systems, entrenched political biases and widespread corruption in the region have been key obstacles to development. While the Arab Spring protests that swept the region in the early 2010s had provided some hope that political regime shifts would result in more responsive governance systems, the reality has been that continued capacity constraints as well as elite capture of political and economic systems has resulted in very little change in the lives of poor and marginalized populations. Slow progress on SDG 16 issues of peace, justice and inclusion, combined with a lack of political will in addressing such issues, has resulted in deteriorating state-society relations and a growing risk that development gains will be reversed.

COVID-19 has further amplified these negative trends and, as expectations have not been met in responding to the pandemic, citizens' already low level of confidence and trust in their governments has only been reduced further (Brookings, 2020). For many countries in the region, the pandemic emphasized the lack of preparedness and institutional fragility in dealing with crises—a product of the lack of investment in the public sector and its limited capacity (Brookings, 2020). In Lebanon, where multiple crises have been layered on top of each other, it has often been NGOs that have provided support for the community. Although this situation is not sustainable, long-term systemic reform of the economic and political sphere has yet to be delivered.

The main driver of reduced trust in the region's governments is the high level of corruption and cronyism prevalent across most countries (Transparency International, 2021). Combined with ineffective measures to combat corruption at all levels of society, including in the public service, corruption

constitutes a key concern, and it is a serious hindrance to building the foundations for a strong social contract.

Transparency International reports that, “[d]espite small gains by civil society in the last decade towards building stronger, more sustainable laws to combat corruption and promote transparency, the COVID-19 crisis and resulting emergency measures essentially cancelled these efforts, setting the region back by years” (2021). The report lists, among others, the following issues: corruption entrenched in some state apparatuses, lack of transparency in decision-making, and the arrests and imprisonment of journalists who criticise public authorities and investigate corruption. Another report notes that a “lack of oversight during the pandemic has opened up space for corruption and nepotism in areas such as public procurement and execution of public health measures” (Brookings, 2020). For instance, the implementation of curfews was not as strict in wealthy neighbourhoods and was more rigidly enforced in poorer neighbourhoods in Egypt (ibid.).

During the COVID-19 pandemic, favouritism in vaccine distribution has further amplified citizens' discontent and their declining trust in governments' ability and interest in responding to their needs. Vaccine inequity poses a real threat to the achievement of the SDGs and risks reversing important progress towards equality (UNDP, 2021b). Corruption of governmental institutions thus serves as a key issue and a genuine danger to democratic principles. There were for instance several incidences of corruption reported in relation to COVID-19 measures across the region, including bribes to allow hotels to avoid quarantine measures (Rahel, 2020). Legal reforms that can encourage more accountability and transparency along with efforts to create a culture of good governance to combat corruption and its normalization are necessary.

Lack of transparency, limited data availability and unequal digitalization, all impeding access to information and services

Transparency serves as a cornerstone for accountability but continues to be deprioritized in the region. One reflection of this is the limited availability of data. Timely, reliable and disaggregated data are a prerequisite for effective policy planning. However, “[...] MENA stands out as the only region that has dropped in data capacity and transparency since 2005, as many countries have either lagged in their ability to generate data or have prevented access to data altogether”



(Belhaj, 2020). In order for states to be responsive to the emerging needs of citizens, institutions must adapt plans and forecasts based on current rather than historical data. Data is also a key contributing factor for measuring progress on the SDGs, including for evidence-based decision-making on peace, justice and inclusive institutions.

The lack of both transparency and access to reliable and timely information only further undermines trust in governance systems. Although several countries in the region have made extensive efforts to raise awareness on health and safety measures in order to limit the spread of the virus, for example through public communications campaigns on TV, radio and social media (OECD, 2020), the pandemic has even further widened the already existing gap in information and in the transparency of governance systems. Civil society has often stepped in to play an important role in demanding accountability and transparency, especially in addressing the COVID-19 pandemic.

Efforts towards the digitalization and automation of public services can improve access to information and to public services: the use of digitalized health management and supply systems during the pandemic, for example, has been considered efficient for the health-care system, especially when cases have resurged (UNDP, 2021a). Nevertheless, the digital divide in the Arab States region continues to pose a significant barrier, and the wave of digitalization in the region has primarily been related to an increase in the use of social media, whereas e-governance is lagging behind (Belhaj and Gatti, 2021). The success of digitalized governance requires a legal framework to guarantee equal access to services for all, including at the community level. There is furthermore a need to activate laws and policies that provide protection for the most vulnerable and marginalized, who risk becoming further left behind by the digitalization of governance systems.

With increasingly digitalized societies, the ever growing social, economic and political interactions in online space further heighten the risk that freedom of speech will be misused, through the proliferation of fake news, misinformation and hate speech. The so-called “weaponization” of the digital agenda has become a real threat to an open and equitable online space, with political violence against women serving as one of many examples of this worrying trend in the Arab States. Efforts need to be accelerated to establish regulatory frameworks to stop the spread of misinformation and the targeting of individuals online. At the same time,

there remains the risk of limiting space for civic engagement in digital spaces by restricting Internet freedom in the name of addressing misinformation. Fundamental digital freedoms and access to the Internet must be protected to allow for an inclusive digital agenda based on human rights.

Shrinking space for civic engagement

There is concern that the COVID-19 pandemic has had severe effects on human rights, freedom of expression and access to information and has been used as a pretext to limit participation in decision-making and space for political engagement (Amnesty, 2020). Ten years after the Arab Spring revolutions, the underlying causes of the revolutions have not been addressed. Inequalities have widened, and the socio-economic situation has worsened across the region due to the pandemic. Instead of dealing with these critical concerns, governments have utilized COVID-19 as a means of tightening control over the population, including to limit freedom of movement, prevent mass gatherings and step up surveillance. As the legitimacy of government authorities comes into question and new demands emerge for reforms and an end to corruption, some are resorting to the use of force to maintain power and curb protests.

The space for civil society and the media in the region to raise questions or criticize authorities has been increasingly reduced, as journalists, human rights defenders and opposition actors face censorship, harassment and detention. Youth as well have been significantly affected. One in five of the region’s population are estimated to be under 24 years of age, and this younger generation has often been at the forefront of demanding accountability and space for political engagement. In Tunisia, for example, demonstrations in early 2021 stemmed from the crushing economic impact of the pandemic, with protestors demanding an end to police repression and corruption. Many protestors were youth who, given the way pandemic conditions are being handled, see little prospect for employment (France 24, 2021).

Women’s increasing burden of care, the violence they face, and their limited space for public participation

COVID-19 measures such as social distancing, confinement and lockdowns are new realities impacting everyone, but they have had a disproportionate impact on women. Women often work in the informal sector and in small businesses that were heavily hit by the pandemic, and they were generally



obliged to take on the burden of care in families (Afouaiz, 2021; Moghadam, 2021; Herbert and Marquette, 2021). A study from Morocco, Tunisia and Egypt (Alayli, 2020) found that while overall unemployment rates rose during the pandemic, the rates were much higher for women. “[B]y November 2020, total unemployment rates in Morocco were 30%, in Tunisia 22%, and in Egypt 9%. However, they were much worse for women: 52% in Morocco; 41% in Tunisia, and 16% in Egypt” (Moghadam, 2021). In addition, school closures negatively affected many working women, who either lost their jobs or were forced to work less or leave the labour market due to increased household and care work (ibid).

The pandemic has also led to a rise in gender-based violence in the region while at the same time shrinking the space for women’s participation in public life (UNDP, 2021c). Referred to as a “shadow pandemic”, this increase in sexual and gender-based violence has been seen across all regions as a result of the measures taken to address COVID-19 (Peterman and O’Donnell, 2020). Significant drivers of gender-based violence during the pandemic include its economic impact (Herbert and Marquette, 2021) as well as women’s limited avenues to escape violence or seek support due to lockdown restrictions. Forced isolation with abusers or new abuse triggered by stress and fear or loss of household income/livelihood, among other factors, continue to fuel this shadow pandemic (UNDP, 2020b).

In Lebanon, upon the onset of the pandemic 57% of women and girls reported feeling less safe in their communities and 44% in their homes (UN, 2020). In Yemen, the number of cases of violence against women has continued to remain high despite less access to services or mechanisms for reporting (Searle et al., 2020). As in other regions, the onset of the pandemic saw the reported figures on gender-based violence initially increase significantly.

The lack of women’s representation in decision-making, including in designing COVID-19 responses, has also meant a lack of inclusivity in the measures adopted, which can result in an unequal recovery from the pandemic (UNDP, 2021d). In the Arab region, women’s representation in pandemic taskforces clearly illustrates the gender gap in representation in decision-making. Of the 23 COVID-19 taskforces in the region with data, 96% were male-dominated (UNDP and UN Women, 2021).

Weak social protection systems to support marginalized populations

An absence of social protection systems or weak ones with limited resources, organization and structures have even further increased the vulnerability of marginalized groups in the region. The Ministerial Declaration on The Future of Social Protection in the Arab Region recognized that there is a significant deficit in the region’s social protection systems and that more needs to be done to address their coverage, adequacy and comprehensiveness and respond to the challenges of governance, coordination and financing (UN, 2021). It will thus be important for social protection systems and tools to be established that are based on proper analyses of long-term socio-economic impacts and development, particularly for marginalized groups.

For persons with disabilities, for example, although many countries in the region adopted the *Convention on the Rights of Persons with Disabilities (A/RES/61/106)*, a clear commitment to implement its principles is still lacking. Egypt, Tunisia and Jordan are stepping up work to improve access to public services, strategic developments and inclusive policies, yet the path to achieving full inclusion and equality in practice is long. A first step would be to address the significant lack of disaggregated data on persons with disabilities so as to be able to better plan and monitor the delivery of services and access to social protection schemes. This, accompanied with measures to improve the inclusion and participation of persons with disabilities in decision-making processes, is key to strengthen agency and empowerment and support the full realization of human rights.

Displaced populations in the Arab States region are another population group that needs to be supported in accessing social protection. The region currently hosts about 14 million displaced persons, many of whom are young people. Limited availability of water, sanitation, hygiene and access to health services compound the challenges facing refugees in the region. Most female refugees also face additional challenges, including economic constraints, gender-based violence and limited access to services (including education) as well as increased risks such as female genital mutilation (FGM) and early marriage (OECD, 2020). Targeted support for displaced populations that traverses the humanitarian, peace and development pillars is necessary to support refugees and internally displaced people in accessing compensation



schemes, health services and income-generating opportunities and social protection.

Centralization of decision-making and securitization of the pandemic response

Despite efforts to better coordinate the response to the pandemic with the establishment of inter-ministerial structures and institutional coordination mechanisms, decision-making on Covid-19 responses largely remains centralized in the region. Although the central government must play a key role in coordinating the response to a nationwide crisis, the pandemic has illustrated that local governments need to be at the forefront of developing tailored measures that are responsive to community needs (OECD, 2020). The pandemic has reinforced the tendency in the region to centralize decision-making, which has often hindered the ability of communities to apply locally driven responses to the pandemic.

In many cases, the response to the pandemic has been securitized, from the language used to the tactics applied. The calls for national unity in face of the pandemic, the heavy-handed implementation of curfews by security forces, and the use of surveillance technology for tracking movement, for example, risk becoming the new normal and a standard means of reinforcing those in power and eliminating dissent (POMEPS, 2020).

Policy Recommendations

Renew the social contract and strengthen the state's legitimacy

A state that is responsive to the needs and priorities of its people is the basis upon which the social contract can be built. In the Arab region, there is an urgent need to focus on strengthening citizens' trust in the state, so that state actors and politicians are not seen as predatory and exploitative, but rather as citizen-oriented and focused on providing access to quality services. The COVID-19 pandemic has weakened the already fragile social contract and ultimately put even greater pressure on the state to establish its legitimacy. There is a need to invest in the capacities of the state and the public sector to deliver equitable health services and other public services. At the same time, while strengthening public service delivery, investment is also needed in oversight and accountability mechanisms to counter the risk of the abuse of authority.

Facilitate political reforms for meaningful change

Some governments are exploiting the exceptional measures put in place during the pandemic for their own benefit. This may include interfering in the health sector's delivery of vaccines, services and advice or extending COVID-19-related temporary measures in order to limit civic space and freedom of expression. In some instances, the pandemic has provided a convenient excuse to target protestors, journalists and political activists and to delay calls for economic and political reform. State capture by elites and politicians, i.e. clientelism and patronage, are key concerns in the region. A transformation of governance and the political process is needed to ensure that decisions are made with a long-term perspective and that they are based on principles of inclusion and responsiveness.

Establish reporting and monitoring systems to increase transparency

Lack of transparency serves as a key obstacle to credible and legitimate governance systems, and it contributes to low levels of trust in the government. The emergence of the Covid-19 pandemic called for greater transparency, especially in the context of deep polarization and the spread of misinformation. Despite this urgent need for accountable, responsive and transparent state structures, proper mechanisms to increase insight into governance systems are largely lacking in the region. There is thus a pressing need for the establishment of internal accountability mechanisms and oversight bodies for the public sector and to promote access to information.

Create a culture to combat corruption at all levels of society

Corruption remains one of the main obstacles to development, and it has been further amplified in the pandemic, with unequal vaccine distribution based on payoffs or personal connections becoming one of many examples of widespread favouritism. This issue is grounded in poor governance, and bribes have grown into a standard means for ensuring access to services in the region. This only serves to reinforce the deep inequalities in the region and leads to disillusionment with the government. Corruption and the lack of transparency, which are deeply rooted in government institutions, pose challenges to government accountability. There is thus a need to create a culture of good governance



to combat corruption and fight for integrity at all levels of government and within governmental institutions generally.

Adopt an inclusive, participatory and whole-of-society approach to achieve the SDGs

Governments continue to make policies with a siloed approach, even though the core idea of the SDGs is the interlinkages between various targets. A comprehensive and integrated approach that explores interlinkages is thus required to help solve the problem of the incoherence of public policies. In order to make progress on sustainable development, to expand access to education and health care, and to address poverty and inequality, achieving SDG 16 is a must. Without the requisite political reforms to combat corruption and enhance accountability and transparency and to uphold the rule of law and promote inclusive institutions, there can be little progress on other development outcomes. Undertaking systematic assessments of public policies that engage whole governments can help in promoting development policies that are grounded in human rights and freedoms and protect against restrictive and exploitative measures.

Activate laws and social protection schemes to protect marginalized groups and leave no one behind

Beyond merely a health crisis, the pandemic has evolved into a governance crisis. This is evident in the Arab region, where resilient social protection systems are predominantly absent. Marginalized and vulnerable groups have been further exposed to the risks of the virus, and given the region's weak protection systems, these groups have been even further left behind. The increased transition to online technology for government service delivery during the pandemic also poses a threat of leaving some groups behind due to the vast digital divide. There is therefore a need for governments to activate laws and strengthen their substance to take into consideration the perspectives of marginalized groups, grounded in disaggregated, timely and credible data.

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ASIA: Reversing inequalities in power distribution to achieve SDG 16

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Across the Asia region, COVID-19 has exposed unequal power distributions and their impact on the effective functioning of democratic institutions. This brief explores trends related to the independence of institutions (including legislative and judicial functions), accountability and corruption, public access to information, and data transparency. Pre-existing imbalances in power distribution have resulted in an increasing shift towards repressive and authoritarian governance, often under the pretext of pandemic management. The abuse of power and its impact on the protection of fundamental rights is apparent in the widespread shrinkage of democratic spaces. Finally, the brief analyses how vulnerable communities are being further disempowered during the pandemic, and it explores themes of economic justice, social protection and basic services, as well as the pandemic's impact on different population groups, such as undocumented persons, migrant workers and refugees, and the implications for women, children and LGBTQ+ persons. Policy recommendations highlight the importance of SDG 16 localization, the need to reinforce independent institutions including at global, regional and national levels to safeguard the democratic space, and the need for increased investment in strengthening democratic actors and institutions. It recognizes that, despite the challenges, the current context also provides an opportunity for collective action towards "Our Common Agenda", as outlined by the UN Secretary General, to reinforce the global social contract.

Introduction

Over the last several years, noteworthy progress has been made towards SDG 16 (peace, justice and inclusive institutions) in the Asia region on issues such as access to information, resilient institutions and an engaged citizenry. However, while SDG 16 is a foundational goal for the overall sustainable development agenda, achieving it in the region by the 2030 deadline remains a challenge, and COVID-19 has made the prospect of reaching this goal even more daunting. In the last year, Southeast Asia and South Asia have witnessed a decline in all the indicators under SDG 16 where data are available, while data availability itself remains a persistent and recurring barrier across the region (UNESCAP, 2021). Available data on the SDGs overall indicate that the region is on route to reach only nine out of 112 measurable indicators (UNESCAP, 2021), and nearly 40

per cent of the SDG targets cannot be measured due to the lack of data.

On the SDG 16 targets more specifically, available data indicate that the region is not on track. Faster progress in reducing violence and related deaths is essential in order to achieve SDG 16.1 by 2030. The indicators on human trafficking (SDG 16.2), justice for all (SDG 16.3) and effective institutions (SDG16.6) show a negative trajectory that needs to be reversed to achieve these targets by 2030. And alongside SDG 5 (gender equality) and SDG 14 (life below water), SDG 16 has the poorest data availability, with fewer than one-third of its indicators being reported on by countries in the region (UNESCAP, 2021).

In Southeast Asia, there is a need to urgently reverse current trends on intentional homicide, unsentenced detainees and victims of human trafficking (UNESCAP, 2021). In South Asia, the past year alone has seen an increase in violence, including, for example, the military coup in Myanmar³ and

³ On 1 February 2021, Myanmar's military launched a coup following the country's elections, in which the National League for Democracy—headed by Aung San Suu Kyi, the de facto civilian leader since 2015—won by a landslide. The coup has returned the country to full military rule following a short span of quasi-democracy (Goldman, 2021).



violence related to the protests by farmers⁴ and students⁵ in India. Additionally, throughout the region, laws and policies are failing to address gender-based violence and violence against children and women. Since the outbreak of COVID-19 and the accompanying lockdown measures, reports from frontline workers indicate that all types of violence against women and girls, particularly family violence, have intensified, while access to life-saving services, as well as justice services, has been reduced (UNESCAP, 2021). Moreover, the issue of democratic backsliding is an increasingly potent challenge in the region, further undermining the pace towards achieving SDG 16.

Whilst the pandemic has stalled progress towards the achievement of SDG 16, it has also underscored the pertinence of governance principles: transparency, decentralization, accountability and inclusive institutions. While there is a continuing gap in terms of data availability for official reporting on SDG 16 indicators, this brief explores other data sources and the experiences of civil society actors that can help to identify overall trends in the region under the overarching theme of “power”. It also considers how the resultant dynamics have impacted the achievement of SDG 16.

The distribution of power and the way in which we organize society is at the core of governance and plays a critical role in shaping social relationships. While the conceptual understanding of power has become more nuanced over time, at its core is the understanding that it is the way in which “man” or a group of “men” realise their will in communal action, even against the resistance of others who are participating in the action (Weber, Henderson and Parsons, 2012). In relation to development, this definition translates into an understanding of how the dynamics of power concentration between various stakeholders assist or impede the achievement of development targets. As such, when analysing development goals through the lens of power, it becomes evident that inequalities in the power distribution within state structures, and between the state and its citizens, impact progress towards the achievement of these goals.

In this context, this policy brief discusses how pre-existing inequalities in power distribution within South and Southeast Asia have been exacerbated by the COVID-19 pandemic, and it will outline opportunities and recommendations to

address these imbalances for better policy-making in relation to SDG 16. The primary source of data for this brief was a series of virtual expert roundtables on SDG 16 emerging trends in the context of COVID-19 held in May 2021 together with online discussions on the SDG 16 Hub. The three main issues examined are:

1. The implications of unequal power distribution between state structures for the effective functioning of democratic institutions;
2. The abuse of power and the impact on fundamental rights; and
3. The further disempowerment of vulnerable communities due to the pandemic.

Emerging trends in Asia around SDG 16 since the pandemic

The unequal distribution of power is undermining the effective functioning of institutions

The unequal distribution of power within states in the region has several implications for the effective functioning of institutions and for responsive people-centred governance. The erosion of democratic institutions has facilitated a gradual shift towards repressive and authoritarian governance across the region. This is particularly revealing when looking at the following: 1) the independence of institutions (including the legislative and judicial arms of government); 2) accountability and corruption; and 3) public access to information (or data transparency).

Countries in the region have witnessed a democratic decline over the last few years, with the compromised independence of democratic institutions of foremost concern (Sahoo, 2021). At the beginning of the pandemic, some countries suspended parliamentary sittings as part of measures to address the COVID-19 pandemic. The closure of legislative bodies exacerbated concerns over the oversight of executive power and accountable and transparent governance. In many of the region’s countries, this was also accompanied by a weakened judicial sector that lacked

⁴ Farmers protested the new agricultural laws that reform the sale, pricing and storage of farm produce, which have protected Indian farmers from the free market for decades. The reforms outline rules for contract farming and allow private buyers to stockpile essential commodities for anticipated sales, which was previously allowed for government-authorized agencies only (Biswas, 2020).

⁵ Students in India protested after Jawaharlal Nehru University (JNU) in Delhi was attacked by a masked mob. The attack was preceded by a nationwide campaign led by JNU students against the citizenship law, which is widely seen as targeting Muslims (Dhillon, 2020).



independence. This meant that decisions on budgeting and the pandemic response were made without the usual checks-and-balances, raising concerns about transparency and accountability and increasing room for corruption.

In Sri Lanka, parliamentary sittings were not conducted for five months following the outbreak of the pandemic per an executive decision (Fonseka, 2021), while India, Malaysia and Pakistan halted the functions of their legislative arms (Kamala-Chirani, 2021; Jayasooriya, 2021; Afiq, 2021; Sahoo, 2021). In Malaysia and the Philippines, the executive further consolidated power by way of executive orders, especially with limited systems of checks-and-balances in place (Afiq, 2021; Joaquin and Biana, 2021; Human Rights Watch, 2021a). In the absence of institutionalized platforms to raise concerns about pandemic response measures, legislators from opposition parties often lacked the opportunity to scrutinize stimulus packages or other responses to the pandemic. Without sufficient oversight, the risk of the abuse of power in the guise of maintaining stability has increased significantly (Nixon, 2020), and as the region rolls out plans for the procurement and distribution of vaccines, concerns pertaining to accountability, transparency and corruption have amplified (Bhargava, 2021).

As the region's countries adapted to online and virtual measures during the pandemic, they had an opportunity to make data and information more readily available and accessible to the public. However, information availability and dissemination appear instead to have become even more opaque (Acharya, 2021), despite the vital need for access to information on public financing and public budgeting, where limited resources have been reallocated for the purpose of the pandemic response (Wending et al., 2020). Many countries in South Asia lie below the global average in terms of the transparency and accountability of how budgets are allocated and spent and how standard budget documents are disseminated (Open Budget Index, 2019; Acharya, 2021). With parliamentary proceedings deprioritized, and with the undermining of the rule of law and the independence of institutions, particularly the judiciary, both data transparency and public access to information have been further stifled (Fonseka, 2021).

The Asian region has already faced democratic regression over the past decade, with some countries gradually adopting more right-wing, authoritarian or "strong man" politics reminiscent of other parts of the world (Sahoo, 2021). Three key trends observed in this regard include: i) the

consolidation of power, ii) authoritarian governance and iii) militarization. For example, in Sri Lanka, constitutional amendments with lasting impacts on the functioning of democratic institutions and an expanded role for the military in civilian institutions are a concern (Ruwanpathirana, 2021). In Myanmar and the Philippines, there have been unprecedented attacks on trade unions and other civil society actors. In many cases, the measures put in place to respond to the pandemic are being co-opted to reinforce pre-existing authoritarian trends, with the military at the forefront of pandemic management (Lappin, 2021). Excessive use of force, unwarranted fines, restrictions on a disproportionate scale and the criminalization of non-adherence to pandemic regulations are tactics used in the region to suppress opposition and dissent. These laws are also often unequally applied, disproportionately penalizing poor and marginalized populations and benefiting those in power.

The abuse of power impacts the realization of fundamental rights

While the Asian region has been grappling with the issue of shrinking democratic spaces over the years, the pandemic has accelerated the pace. Democratic space is not merely in regression, but actively being closed (Fernando, 2021). Movement restrictions and limitations on assembly imposed due to the pandemic have curtailed the ability and space to protest and engage in public civil action. Where in-person gatherings have been limited, conversations and activism have moved to virtual spaces. While this transition circumvented some of the limitations imposed by the pandemic, it poses other challenges, such as creating more exclusion due to the digital divide or adding additional barriers to participation for persons with disabilities and other marginalized communities. This has resulted in fragmentation in the dissemination of and access to information, hindering the cohesiveness and collective action required on issues affecting a broad range of communities. These factors have amplified existing inequalities in power dynamics between differently abled populations as well as between those with and without access to information and to the Internet (SDG 16 Hub, 2021).

Civil society groups and experts in the region have raised significant concerns over how the pandemic is being used as a smokescreen, with freedom of speech being actively curtailed under the pretext of curbing mis/disinformation (Fernando, 2021). In many countries, following several years



of debate, governments have used the pandemic as an opportunity to assertively push for the criminalization of mis/disinformation (The Guardian, 2020). In Sri Lanka and Malaysia, serious ramifications are in place for people spreading mis/disinformation about the pandemic on social media platforms (Ganguly, 2021b; Ruwanpathirana, 2021; Article 19, 2021). However, without clear definitions of what constitutes mis/disinformation, this can be highly discretionary, and this step is ringing alarm bells on issues related to surveillance and the privacy of individuals participating in online discussions (Newswire, 2021).

In some countries in the region, such as Bangladesh and Indonesia, states are actively monitoring online social media platforms, and legal action has been brought against activists and civil society organizations (CSOs) who are demanding accountability and advocating on governance issues on these platforms (Civicus, 2021; Ganguly, 2021a). In others, states appear to be using strategies such as the “spiral of silence”⁶ and counterterrorism laws to reduce dissent and criticism (SDG 16 Hub, 2021). The use of tracking and surveillance techniques has been problematized for not adhering to privacy laws (Human Rights Watch, 2021b), and the use of these techniques by several states has affected journalists and human rights activists particularly hard. For example, anti-corruption activists in Indonesia have been subjected to cyberattacks and surveillance (Sukarsa, 2021), and journalists in Myanmar have been prosecuted for allegedly posting false information about the pandemic online (Reporters Without Borders, 2020; Article 19, 2020). The measures to curb freedom of expression on virtual spaces have exacerbated the pre-existing imbalance of power, further suppressing dissent and shrinking the democratic space, with a disproportionate impact on activists and interest groups working on social issues.

With weak democratic institutions and a lack of judicial independence across many countries in the region, there has also been a noticeable uptick in the rate of arrests (Wen, 2021; Human Rights Watch, 2021; The Wire, 2020), leading to overcrowded jails, adding to court backlogs, and disproportionately affecting the poor. For instance, in the Philippines, a public directive was issued under which refusing a vaccination could result in arrest (Cabato, 2021). People unable to post bail are detained in overcrowded prisons and face weeks in prison due to backlogs in processing cases

(Buan, 2021). These regulations appear to have amplified the existing inequalities in countries, especially since in practice these laws are being applied differentially depending on people’s access to power and their position in society (Santos, 2020).

Vulnerable communities further disempowered

The pandemic has led to the further disempowerment of vulnerable communities, by deepening poverty and exacerbating pre-existing social inequalities. The pandemic’s economic impact has pushed those living at the margins of poverty further down, revitalizing calls for revising the conceptual understanding of justice to include economic and social justice (Haagh, 2020). The pandemic has depressed economic growth rates in the region, affecting even the most robust economies. Pakistan, India and Sri Lanka were grappling with widening inequalities and debt commitments even prior to the pandemic, and they now face even more acute economic challenges. Pre-existing fiscal weaknesses such as low financing and the inadequate allocation of funds to health services have amplified the effects of COVID-19. For example, the 70% of Pakistan’s approximately 220 million population who live in rural areas and in poverty are being disproportionately affected by the pandemic (Kamala-Chirani, 2021). Disparities between public and private health-care facilities have widened. Those employed in the informal sector—especially women—have been adversely impacted due to a fall in disposable income, lack of savings and inadequate social protection. The reduction in income, coupled with the added burden of unpaid domestic and care work, are just some of the pandemic’s consequences that disproportionately affect women (The Asia Foundation, 2021).

As the pandemic escalated, the region’s health-care systems, which already lacked adequate resources and financial support, were rapidly inundated. Public health systems diverted all their resources towards the pandemic response and no longer have the capacity to be responsive to the population’s other needs. While certain countries in the region such as Malaysia handled the challenges of the first wave of the pandemic well, the subsequent waves tested countries’ readiness to face the situation (Walden, 2021). In others, governance challenges impacted the availability of medical services. In Myanmar, medics who have resisted

⁶ The “spiral of silence” theorizes that people’s willingness to express their opinions on controversial public issues is affected by their perception of whether their opinions are popular or unpopular (Noelle-Neumann, 1980).



the military government have been arrested and attacked, with others have been compelled into hiding despite the critical need for medical professionals during the pandemic (Gelineau and Milko, 2021; International Crisis Group, 2020; Lappin, 2021).

Further, inequity in global vaccine rollout has compounded these challenges and raised questions about the disparities in access to vaccines between states as well as the role of corporate interests impacting the distribution of vaccines globally (UN Economic and Social Council, 2021). Inequalities in the distribution of vaccines have also been manifested at a local level, where in some countries a limited number of vaccines were dispersed to the public in a way that favoured individuals with connections to those in power (Kazmin, 2021).

Undocumented persons, migrant workers and refugees are another key demographic that has been disproportionately affected by the pandemic (Jayasooriya, 2021). While these communities were subject to stigmatization and other forms of discrimination and marginalization prior to the pandemic, their lack of social protection has resulted in even greater deprivation of both income support and the provision of basic services during the pandemic. For instance, the migrant community in Malaysia, approximately 30% of whom are undocumented (Too, 2021), has been under duress due to the circumstances brought on by the pandemic. However, as Malaysia is not a signatory to the International Convention on Migrant Workers, migrants have little access to redress mechanisms (Jayasooriya, 2021). Furthermore, rising xenophobia against migrants has meant more intense stigmatization and discrimination, which has limited their access to vaccines, health-care services and birth registrations.

The pandemic period has also recorded an uptick in human rights abuses, with an especially negative impact on women, youth in the informal sector, persons with disabilities and people suffering from chronic illnesses. A distinct correlation is observed between pandemic-related lockdown measures and the burden of violence, including in particular: rising levels of gender-based violence; increasing crackdowns on protests; and mounting attacks against civilians by state actors in certain regions. Women, children and LGBTQ+ persons are also key among those disproportionately impacted by the pandemic. The marginalization and discrimination that these communities already suffered prior to the pandemic has been intensified, while access to support has been restricted (The Equity Initiative, 2020).

Women have been at the forefront of providing health-care services, and thus have been hit especially hard by the pandemic (Fernando, 2021). For example, women are often over-represented in the health and informal sectors and also often bear a disproportionate share of the burden of unpaid care. In addition, reported incidents of domestic violence have also increased during the pandemic, with little to no protective measures or access to services during the lockdowns (Kamala-Chirani, 2021; Sukarsa, 2021). In Sri Lanka, the police cited the redirection of limited public resources to pandemic management as the reason for turning away victims who sought help, raising alarms across the community and among activists (Thomas, 2021). This occurred in a context where the country was recording a rise in instances of domestic violence and the abuse of both women and children (UNFPA, 2020). Indonesia likewise reported a significant increase in violence against women and children (Sukarsa, 2021). Similarly, in Pakistan a study revealed that a fall in income during the COVID-19 lockdown increased partner violence (Munir et al., 2021), although it is not evident whether incidents of domestic violence and gender-based violence have increased or whether the reporting of incidents has become more robust during the pandemic (Zaman, 2021). Nevertheless, there is little doubt that the impact of pre-existing volatile conditions and inequalities vis-à-vis vulnerable communities have been reinforced and exacerbated due to the pandemic, with long-term consequences carried forward into the foreseeable future (Changyong and Svirydzenka, 2021).

Policy recommendations

The pandemic has exacerbated the pre-existing power imbalances in the region, adversely impacting the effective functioning of democratic institutions and fundamental rights, particularly in regard to vulnerable communities. Powerful stakeholders have used the pandemic as a means of consolidating more power, while vulnerable groups have been further marginalized due to unequal responses to the pandemic and shrinking access to services. In many of the region's countries, governments have sidelined the legislature and judiciary, a process that has been accompanied by an increase in violations of fundamental rights and the further marginalization of vulnerable communities. Consequently, progress on achieving peaceful, just and inclusive societies has been reversed in much of the region.



The following policy recommendations have been derived from the findings outlined above in this brief.

Strengthen independent commissions to protect fundamental rights and advocate for the rights of women and marginalized groups

The protection of independent oversight mechanisms is critical for achieving SDG 16. Specific indicators under SDG 16 focus on the protection of national human rights institutions (SDG 16.b.1), but also recognize the role of civil society, the media and human rights defenders in protecting fundamental rights (16.10.1). This includes enabling measures to protect whistle-blowers. Ensuring that the media remains independent can contribute to increasing transparency and accountability in the region. Independent commissions also have an important role to play to combat discrimination and advocate for addressing systematic changes to deal with concerns such as deepening gender inequality due to the pandemic or the further marginalization of poor and informal sector workers.

Reinforce the role of oversight institutions for checks on executive power

To prevent democratic backsliding, it is critical to protect the independence of institutions such as the judiciary and civil services, including the police, especially given trends in the region towards the politicization and militarization of independent actors. Linked to this is the need to support the continuation of oversight by legislative bodies to curb the over-reach of executive power in putting in place pandemic regulations that risk undermining fundamental rights. This can also be critical to stemming the increasing militarization taking place across the region. Addressing these factors can help to redress some of the imbalances in the distribution of power.

Protect digital civic space and promote access to information

In an age where information is power, the lack of information available to the public is disempowering citizens and reinforcing the pre-existing imbalances of power between state and citizen. With the pandemic came a shift globally to digital spaces, which should allow governments to become more transparent and provide greater access to information. This can include providing means of participating online in

policy-making decisions, sharing information on budgets, and transparency on procurement and other processes. At the same time, safeguards also need to be put in place in terms of data privacy and protection as well as to prevent the censorship and targeting of online activists. The protection of fundamental freedoms and space for dialogue and debate online must also be actively promoted. While mitigating the spread of misinformation and hate speech is necessary, oversight is needed to ensure that these concerns are not used to undermine freedom of expression.

Understand the risks and opportunities of large-scale digitalization

The COVID-19 pandemic has also presented more opportunities for engagement with CSOs and policy makers across the region, as virtual platforms have proliferated and become more accessible. Information and communication technologies can assist decision-making and political participation by bringing together citizens and representatives and improving levels of transparency, responsiveness and accountability. Potential risks, such as unequal access to technology, must be kept in mind in order not to exacerbate existing inequalities. In addition, governments can renew the social contract, reduce corruption and rebuild trust through the use of technology to promote access to information and to encourage participation in decision-making processes. However, the use of technology must be complemented by collective action so that access to information leads to measurable change.

Link SDG 16 with international human rights frameworks

A national commitment to SDG 16 as an instrument of accountability can be strengthened, both as a means of achieving sustainable development goals but also, as the pandemic has illustrated, to better respond to the significant negative impact on people's lives and livelihoods that an absence of effective governance can have. Aligning SDG 16 with international human rights commitments can be one way to reinforce accountability. This includes monitoring progress on SDG 16 as a means of holding governments accountable, including by aligning Voluntary National Reviews (VNRs) with the Universal Periodic Review. Mainstreaming human rights into SDG 16 reporting can strengthen the process further, and this can also increase gender sensitivity and sharpen a focus on the rights of marginalized groups. Adopting a rights-based approach to SDG 16 can assist in



further scrutinizing the abuse of power and in finding new avenues for reinforcing accountability.

Establish a regional human rights mechanism

While many countries in the region have national human rights institutions that aim to ensure accountability for human rights violations and actively safeguard the space for other human rights defenders, the region does not have an independent regional human rights mechanism (the Association of Southeast Asian Nations [ASEAN] subregion has an inter-governmental human rights mechanism). There is a need for a robust regional mechanism that complements national-level independent human rights institutions. A regional mechanism could foster better regional cooperation and support the expansion of civic space and the protection of media freedom and human rights, while strongly advocating for leaving no one behind. Regional mechanisms such as ASEAN and the South Asian Association for Regional Cooperation (SAARC) can also play a role in supporting intra-regional cooperation and encourage countries to prioritize support for the achievement of peace, justice and inclusion across the region. This can help to develop effective and inclusive governance, safeguard civic space and empower citizens and civil society.

Improve local ownership to help achieve SDG 16

Localizing SDG 16 by incorporating SDG 16 targets in strategic plans and/or national policy-making processes is necessary to renew national commitment and move the agenda forward. Local planning and the strengthening of local governance structures can be entry points for localization, with a focus on facilitating local ownership of goals, including SDG 16, and their inclusive implementation. A sense of local ownership can be fostered by raising public awareness regarding the SDGs overall and SDG 16 in particular. One way to do this is to develop a communication strategy in partnership with local civil society organizations, so as to empower citizens to contribute to the achievement of the goal.

Invest in data partnerships on SDG 16

Lack of data on SDG 16 indicators has consistently been a major issue for the region. While correlations have been made between a sustainable and resilient recovery from COVID-19 and the availability of data, in practice the pandemic has further diverted and subverted the region's ability to

collect reliable data (Afiq, 2021). Data partnerships between national statistical systems, youth organizations, civil society, local and regional governments, international organizations and others are necessary if the data gap is to be bridged. Disaggregated data (based on gender, disability, rural communities, indigenous populations, etc.) should be recognized and incorporated into Voluntary National Reviews (VNRs). Given the lack of data to measure the achievement of SDG 16, supporting subnational actors to collect and analyse data using more localized capacity through partnerships between the UN, local communities and CSOs can be effective. This would allow for more inclusive involvement of local communities in data collection processes, and more granular, grassroots data can be accessed, thus giving a more accurate representation of the ground situation on SDG 16. This data can then also be better used to inform local-level policy-making. In doing so, horizontal and vertical linkages between and within the region can also be improved.

Strengthen policy-making through partnering with civil society and building social movements

Local and national governments can be more effective by building partnerships with CSOs, who are often more connected with marginalized communities. By adopting a multi-stakeholder approach, governments can work together with local NGOs/CSOs in the development and implementation of policies. Building these partnerships is necessary to prevent the further closing of civic space in the region. Active collaboration and collective action among different CSOs are also necessary in political environments where there may be hostility to oppositional views. Promoting inclusive policy-making processes that involve marginalized communities in decision-making is not without controversy, especially as many of the region's countries are becoming increasingly polarized. However, it can be a significant step in redressing power imbalances.

Prioritize funding aimed at achieving SDG 16, especially at the local level

The lack of capacity of most governments in the region has challenged the reporting, reviewing and achievement of the SDGs. In order to boost the institutional capability of local governments and other local actors, the international community should prioritize funding towards decentralized and localized initiatives to support progress on SDG 16 as well as to ensure an effective pandemic recovery. Grassroots actors



are often on the frontline of pandemic response and recovery, and investing in their capacities to respond can have a significant impact on human welfare at the local level. Moreover, a coordinated approach to supporting SDG 16 can help maximize the impact of the resources allocated as well as facilitate learning among partners. Addressing the gap in resources promotes a level playing field for the realization of SDG 16 goals locally and internationally.

Facilitate cohesion between international and domestic agendas

Localizing efforts towards achieving SDG 16 will not be fruitful unless there is international cooperation. Multilateralism should be re-invigorated by strengthening the global social contract. To this end, it is imperative to facilitate cohesion between international and domestic mechanisms regarding SDG 16. Going forward, it is pivotal that SDG 16 and its corresponding targets and indicators are integrated into national development processes, fostering horizontal linkages at a national and regional level, while reiterating national commitments on sustainable development by 2030. The pandemic has presented an opportune moment to advance “our common agenda” and reinforce the global social contract. Seizing this opportunity to strengthen regional cooperation as well as international cooperation and multilateralism can advance the achievement of SDG 16 and the 2030 Agenda for Sustainable Development overall.

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EUROPE AND CENTRAL ASIA: Investing to rebuild trust in public institutions and local and national levels

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COVID-19 has led to significant consequences to the health and economic systems in the Europe and Central Asia region, and it is also presenting unprecedented challenges to governance systems. The social contract is straining, with diminishing levels of trust in governance systems as the pandemic is used as a means of centralizing and consolidating power. Furthermore, as political polarization intensifies, the risk of violence is becoming even more apparent in a region shaped by several protracted conflicts. This policy brief highlights trends on peace, justice, and strong institutions in the Europe and Central Asia region in the context of COVID-19 and presents key policy recommendations for accelerating progress on SDG 16. Rebuilding public trust, strengthening the social contract, and improving government and institutional responsiveness are of fundamental importance for recovery from the pandemic. Furthermore, the brief shows how one key way to respond to community needs is to decentralize decision-making and strengthen local authorities. In order to build forward better from COVID-19, the protection of human rights and the rights of marginalized groups must be ensured to leave no one behind.

Introduction

The health and economic impact of COVID-19 on the Europe and Central Asia (ECIS) region⁷ also has significant political and social ramifications, as increasing inequalities are exacerbating vulnerabilities, health infrastructures are struggling to cope with the pandemic, and governance challenges are impacting the effective and responsive handling of the pandemic. As indicated in the 2021 SDG report (UNDESA, 2021), the world still has a long way to go to achieve the targets for peace, justice and inclusion by 2030, and this remains a challenge also for the ECIS region. The findings identified in this brief highlight trends on achieving SDG 16 and how the COVID-19 crisis has stalled and even reversed progress towards this goal. The findings indicate some reason for concern, with the growing centralization of executive power, legislative changes that are hampering freedom of expression, and heightening polarization that is undermining social cohesion. However, the findings also point to some opportunities arising in the current context, including widespread digitalization, a renewed focus on strengthening service delivery at

local levels, and calls for enhancing efforts towards anti-corruption and accountability to strengthen the social contract.

Europe and Central Asia is a diverse region with predominantly middle-income countries and several governance systems in transition. Stringent lockdown measures put in place at the beginning of the pandemic, while effective in lowering infection rates, have led to a significant slowing of the economy and rising poverty and inequality. At the same time, the public health infrastructure in some countries has struggled to cope with the unprecedentedly high number of infections (UNESCAP, 2020). Frozen conflicts in the region have flared up, such as Nagorno-Karabakh in September 2020 (Crisis Group, 2021), and concern remains about the use of emergency powers to silence opposition and dissent (Human Rights Watch, 2021). Reports of domestic violence have also increased, with WHO reporting up to a 60 per cent increase in emergency calls by women subjected to violence by their intimate partners in April 2020 compared to the previous year, as well as a five-fold increase in online enquires and hotlines for violence prevention (WHO, 2020). The lack of representation of certain population groups,

⁷ The countries in this region include Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, Uzbekistan, Armenia, Azerbaijan, Georgia, Belarus, Moldova, Ukraine, Albania, Bosnia and Herzegovina, Kosovo*, Montenegro, Serbia, North Macedonia and Turkey. * All references to Kosovo shall be understood to be in the context of UN Security Council Resolution 1244 (1999).



including women and minority groups, in designing government responses and measures has meant that institutions often do not address their priorities and needs.

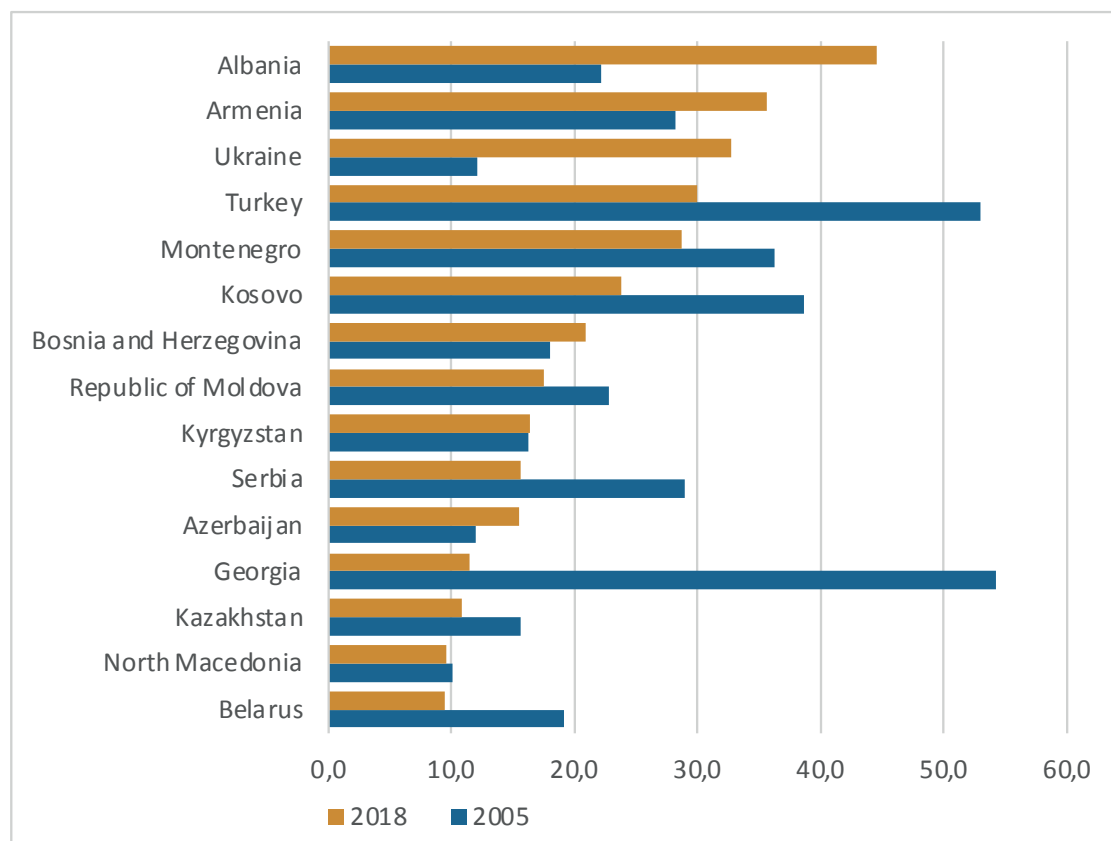
A year into the pandemic, a shrinking and more restricted civic space along with lower levels of citizen trust in the state risk increasing the spread of mis/disinformation and fake news, which could pose significant risks to the region. The role of non-state actors—journalists, activists and CSOs—is gaining in importance, as they seek to expand civic space and call for greater freedom of expression, transparency and accountability. The pandemic has highlighted both structural weaknesses in governments’ ability to respond to crises and the need for extensive efforts and recovery measures that focus on strengthening the institutional capacity to respond to citizens’ needs. In particular, the prevalence of corruption and the widespread lack of transparency in Covid-19 response measures have led to greater demand for accountability to rebuild citizens’ trust in their governments.

In many countries in the region, decision-making is centralized, and the COVID-19 response measures put in place

have often reinforced the consolidation of power in the political and economic elite at the national level. There is a growing need to re-establish the balance between the central and local authorities and institutions in recovery efforts. The decentralization of national efforts and the devolution of power to local-level decision makers can be a significant way to accelerate progress towards peace, justice and inclusion as well as to put in place more targeted and responsive response-and-recovery measures.

In the ECIS region, as in other regions, there is a risk that pandemic measures are being imposed with excessive force and used to target opposition and dissent, including through digital surveillance and the misuse of misinformation laws as a means of censorship. While many measures enacted during the pandemic (curfews, lockdowns, contact tracing) have been necessary to curtail the spread of the virus, they require constant re-examination to ensure that they meet international standards. Specifically, this includes requirements that restrictions be legal, necessary, proportional, non-discriminatory and time-bound (OHCHR, 2020).

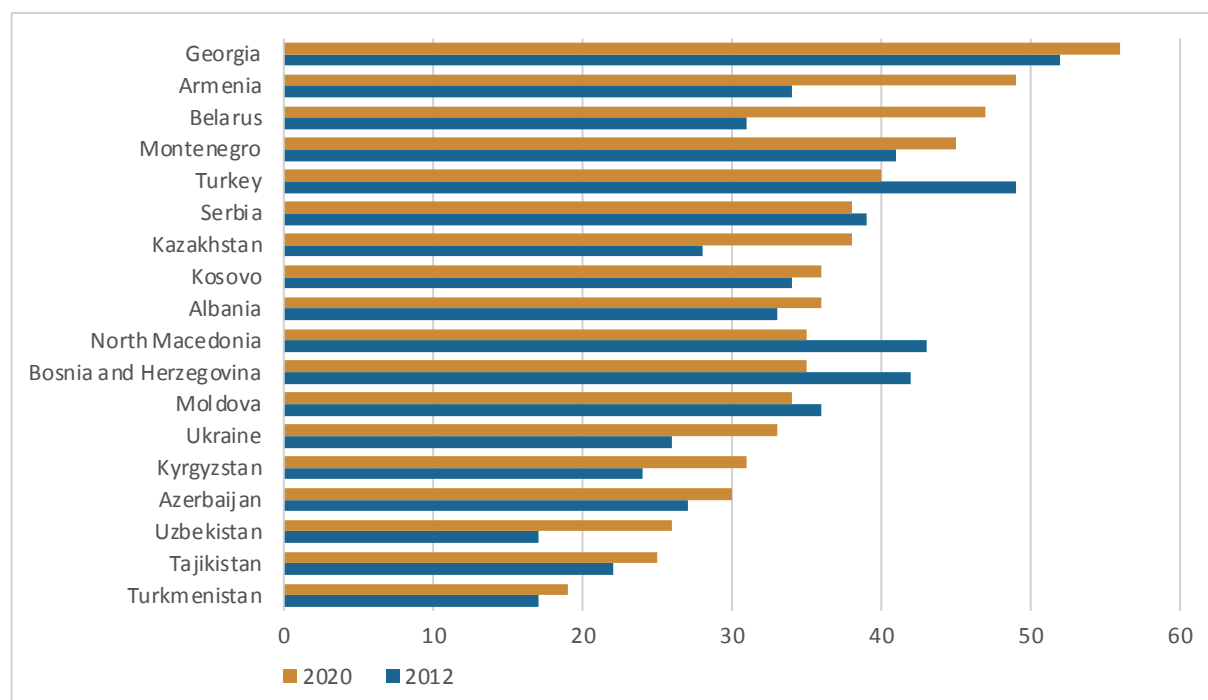
Figure 5: Unsentenced detainees as a proportion of overall prison population (%), 2005, 2018



Source: UNDESA, SDG Indicators Database. <https://unstats.un.org/sdgs/unsdg>



Figure 6: Corruption Perceptions Index (0-100), 2012, Transparency International



Source: Transparency International Corruption Perception Index (2020). <https://www.transparency.org/en/cpi/2020>

SDG 16 is a key building block for regional and national development and stability in the region. However, progress towards achieving SDG 16 was already slow prior to the pandemic, and the limited availability of data on targets and indicators remains a challenge. One of the few SDG 16 indicators where data are prevalent is on rates of unsentenced detainees (see Figure 5). Across many countries the rates of pretrial detention appear to be falling, however, there are still a few where the rates increased from 2005 to 2018, affecting progress towards SDG 16.

Over the last years, many opportunities have arisen to help promote inclusive governance and SDG 16 in the region. Transparency and access to information has been improving in many countries in the region, partly due to growing political participation and the emerging introduction of digital tools. This has in turn generated an increasing flow and spread of information, which can ultimately lead to enhancing the accountability of government institutions. However, as illustrated in the graph below, the perception of corruption remains a challenge in the region.

This policy brief summarizes key findings from the region on the impact of COVID-19 on progress towards SDG 16 and makes policy recommendations aimed at strengthening local

governance and promoting stakeholder collaboration, addressing gender-based violence and improving government responsiveness to rebuild institutional trust. The brief has been developed based on inputs from experts from the region who participated in a roundtable discussion hosted by the UNDP Oslo Governance Centre with the UNDP Regional Hub in Istanbul. The consultations were held in the context of a joint initiative with the Southern Voice network that is aimed at assessing the emerging challenges and opportunities for achieving SDG 16 in the current context of a global pandemic.

Emerging trends around SDG 16 in Europe and Central Asia since the pandemic

The following section summarizes the discussion and highlights key findings from recent studies.

Improving transparency and access to information to increase government accountability

In the Europe and Central Asia region, governments have to a large extent committed to embedding the principles



of transparency in fulfilling their obligations towards their national development action plans. Access to information laws and policies has been expanded to support transparency on government functioning. Access to information is particularly crucial during a time of crisis to avoid mistrust and the spread of false information. It helps to promote insight into decision-making processes as well as into budgets and expenditures, and it is key to enhance government legitimacy.

COVID-19 has accentuated the importance of access to information not just as an end in itself, but as a foundation for sustainable development and post-pandemic recovery. In Armenia, at the onset of the pandemic, the government posed restrictions on the publication of certain information and news articles as a measure to reduce the spread of fake news. This, however, proved to have negative consequences on the media landscape and freedom of expression overall, as it undermined the mandate of journalists to exercise the right to media freedom. A lack of transparency and insight into government pandemic response plans and measures ultimately caused growing mistrust of the government among the citizens (Heinrich Böll Stiftung, 2020).

Access to information constitutes a key requirement to ensure transparency, and despite the overall negative impact of the COVID-19 pandemic, in some countries in the region there has been an increase in the general public's access to information. In Ukraine, data on SDG indicator 16.10.2 (on countries adopting access to information laws and policies) from 2018 to 2020 indicate that the rate of proactive disclosure of official information rose from approximately 76% to 84%. The overall progress in the implementation of SDG indicator 16.10.2 (including the assessment of information request processing) increased from 70% in 2018 to approximately 85% in 2020. The results show a higher level of official information disclosure in Ukraine compared to the pre-pandemic period, demonstrating the efforts of the public authorities to ensure access to information of public interest (Oleksiyuk, 2021).

Lack of disaggregated data to understand complexities beyond national averages

The Europe and Central Asia region lacks national data registries that disaggregate information on informal, unregistered and vulnerable groups. This has particular consequences during a pandemic, where marginalized groups

have been disproportionately impacted but were largely invisible. Many countries have been attempting to set up proper mechanisms and measures to curtail the spread of COVID-19 but have been hampered by the lack of data. In addition, the absence of data on vulnerable and marginalized groups in the region has further undermined the ability to accurately respond to the needs of citizens. As a consequence, unregistered and informal workers have, like other vulnerable groups, been highly affected, as aid and services have failed to reach them.

As poor communities are being left further behind due in part to the absence of data on their specific needs, there is a growing urgency for countries to systematize data collection and further disaggregate data. For example, in Serbia, the lack of comprehensive, disaggregated data on vulnerable and minority populations is seen as one of the main reasons for the increasingly challenging environment facing Roma women and men, especially during the pandemic (OHCHR, 2020). Further work is thus needed to ensure that data on poor and vulnerable groups is registered systematically as an important step in crisis and risk management. COVID-19 has even further emphasized the need for countries to establish accurate, timely and reliable data systems that ensure systematic registries of the population, disaggregated by societal groups, including age, gender and ethnicity, among other items.

Harnessing digitalization and digital tools for ensuring transparent governance systems

Harnessing the many opportunities arising in an increasingly digital era is crucial, yet technology also presents several potential risks to inclusion. Online surveillance by governments without adequate checks in place can compromise privacy and affect freedom of expression. In Central Asia, surveillance techniques, such as facial recognition cameras, have been widely used during the pandemic as a way of tracking people's movements and monitoring breaches of lockdowns, quarantines and curfews (Clement, 2020). While such measures can be potentially effective in limiting the spread of the virus, adequate safeguards need to be put in place so that technology is not exploited to undermine human rights and freedoms. In Armenia, a controversial law was passed to allow governments to track mobile phone data on people's movement on the grounds of a state of emergency. The law is time-bound, to be valid only during the emergency period; however, there is widespread concern that the new



law could be used as a tool to exercise excessive control and power over citizens (Heinrich Böll Stiftung, 2020).

The digitalization of governance processes is on the rise in the region, which has helped increase overall transparency and insight into these processes. Figure 7 indicates a trend towards a significant focus on digital and technological tools for governance systems (World Bank, 2021). The South Caucasus, Eastern Europe and Turkey are at the forefront in this field in the region (Heinrich Böll Stiftung, 2020). Digital tools and systems for e-governance, health, education and other public services provide an efficient platform for inclusiveness for the whole population. In an era of digital transformation, and with the countries in Europe and Central Asia increasingly adapting to digital governance systems, digital tools are instrumental for accelerating efforts to increase transparency, a need that has become even more prominent in a time of pandemic.

Increased centralization of executive power

In the region many countries already have highly centralized governance systems, and the COVID-19 pandemic has served to reinforce the concentration of power in central government. This has often undermined local-level responses to the pandemic and hampered local ownership in managing community recovery processes. To recover more effectively, it is necessary to rebuild trust in local governmental institutions, in addition to ensuring a balance between central and local government structures and power. The role of the local authorities must therefore be emphasized and strengthened, in terms of both capacity and resources, in order to ensure an effective recovery process at the local and community levels.

A lack of confidence and trust in public institutions increases the pressure on local authorities to deliver aid and public services. Furthermore, existing inequalities within local communities heighten the demand to provide services by national government bodies (Chala, 2021). It is thus key to empower local institutions with greater capacity, resources and ownership to manage the local recovery process. As an example, the capacity-building of local institutions could be enhanced through establishing networks of social service providers that specifically focus on empowering vulnerable and marginalized groups. In Ukraine, a decentralization reform has increased the capacity of local budgets and “accordingly, small, financially insolvent communities were united with more powerful communities” (Chala, 2021, p. 12).

In addition, the centralized response to the pandemic up to now has often led to stringent COVID-19 lockdown measures. Critics warn that some of the measures being used to respond to the crisis can undermine the rule of law (Hoxhaj and Zhilla, 2021) and that adequate safeguards need to be in place to balance human rights principles with the health regulations enacted to control the spread of the coronavirus (Radojevic, 2020; Amnesty International, 2020b).

Combatting corruption to enhance trust for a strong social contract

Trust in government, both at local and central levels, has been shrinking as a result of the COVID-19 pandemic, due partly to socio-economic issues, unemployment, and the inefficient and unequal delivery of aid to the most vulnerable groups. In the South Caucasus, as in other subregions in Europe and Central Asia, the pandemic hit at a time when governments were already struggling with geopolitical, political and economic challenges, all of which were exacerbated by the crisis (Sammut, 2020). Similarly, in the Western Balkans, the pandemic amplified existing cracks in governance and the rule of law (Dafa et al, 2020).

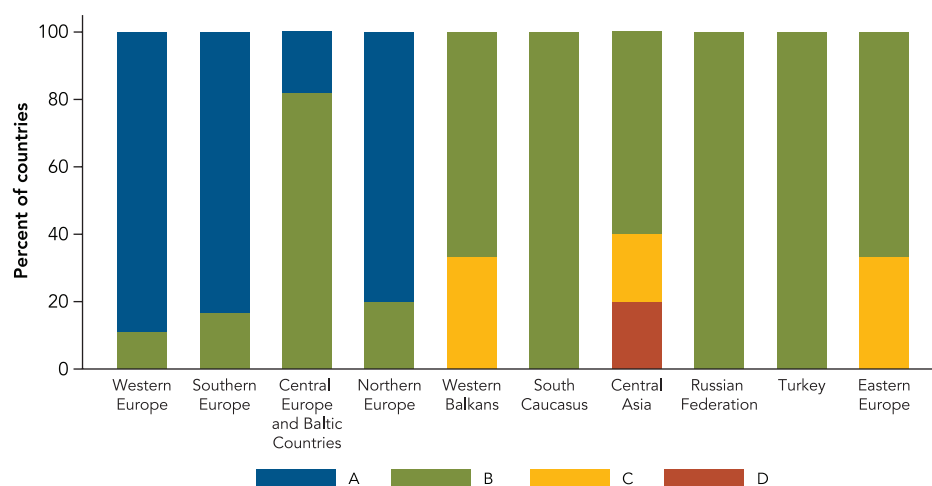
Widespread corruption in governments and institutions can partly explain the reason for the decreasing levels of trust and a weakened social contract. Transparency International found that ongoing structural governance challenges were accentuated by the COVID-19 pandemic as “[s]ome political leaders used the crisis to increase their power, add restrictions to already limited access to information, eliminate transparency requirements from public procurement rules and renounce public accountability mechanisms” (2020). Rebuilding trust will require enhancing stakeholder collaboration as well as addressing a number of issues, such as increased polarization and the strain on existing resources.

In Kazakhstan, the risk of corruption has increased due to the pandemic’s impact on the accessibility of resources and services, including in the health-care sector. However, the intervention of special monitoring groups, consisting of community representatives, has helped to prevent the unequal distribution of medicine and medical supplies in the regions and remote areas. In Ukraine, a coalition of NGOs led by the Ombudsman have coordinated activities in an effort to improve public transparency, information access and trust in the authorities. This initiative, among others, can serve as a useful example for replication in other countries in the region.



Figure 7: Trends in GovTech in Countries in the Europe and Central Asia Region

Group	Description	Countries in ECA
A	GovTech leader countries that use advanced/innovative digital solutions and demonstrate good practices in all four GovTech focus areas.	Most of Northern, Western, and Southern Europe and some countries in Central Europe and the Baltic (19)
B	Countries with a significant focus on GovTech	Russian Federation, Turkey, South Caucasus, and most countries in Central and Eastern Europe (26)
C	Countries with some focus on GovTech	Belarus, Bosnia and Herzegovina, Kosovo, and Tajikistan (4)
D	Countries with minimal focus on GovTech	Turkmenistan (1)



Source: GovTech Maturity Index (GTMI), World Bank, 2021. <https://openknowledge.worldbank.org/handle/10986/35273>

In Bosnia and Herzegovina, civil society has also proved instrumental to detect corruption in the procedures for the public procurement of ventilators. However, despite the positive role that civil society can play to increase the transparency of government institutions, which serve as one of the cornerstones for a strong social contract, its influence and its ability to hold governments to account have been weakened by smear campaigns and the threat of financial constraints, such as seen in the Western Balkans during the pandemic (Dafa et. al., 2020).

Strengthening social cohesion as a means for sustaining peace

The region has also experienced increased isolation at the national and community levels because of the pandemic, along with a rise in xenophobia and reduced levels of connectedness and trust between groups. In Bulgaria, restrictions put in place targeting the Roma community raised concern from the international community that not only do these

reinforce inequalities, but they can also exacerbate anti-Roma sentiment among the population (OHCHR, 2020). The rise of hate speech and dis/misinformation through social media has also served to lower levels of intra-group trust. However, there are also some examples of inter-community collaboration being strengthened during the pandemic. Serbia and Kosovo, for example, saw increasing collaboration between their medical institutions as the Covid-19 pandemic peaked in the two countries (Partnership for Peace Consortium of Defense Academies and Security Studies Institutes, 2020).

At the same time, greater solidarity with friends and family and a focus on the community have strengthened intra-community bonds and improved in-group cohesion during the pandemic. This includes increased solidarity across local community groups, civil society and local governments as they have sought to devise ways to work together to respond to the pandemic. Building on this solidarity and expanding it across different communities will be critical to



enhance trust and connectedness and recover effectively from the pandemic—both to achieve sustainable development and, given the multiple protracted conflicts in the Europe and Central Asia region, to sustain peace.

Ensuring streamlined international support based on coordination with national actors

As national budgets have been increasingly strained due to the pandemic, governments in the region have been stepping up their requests for international funding for their operations and priorities. In Kyrgyzstan, international aid and support stepped in significantly when medical supplies and protective gear were lacking at the country's health care centres (Stronski, 2020). In the future, however, international support and development aid will require a firmer commitment to ensuring the achievement of the SDGs, including in relation to gender and environmental standards. Coordination and collaboration between international and national actors are crucial to avoid duplicating efforts, and a more coordinated and streamlined delivery of support is also necessary.

Addressing the increased burden of labour on women during the pandemic

In terms of gender inequalities, the region's recovery efforts should move beyond simply returning to the pre-pandemic status and seek to more fundamentally address gender inequalities (UN Women, 2021). The Covid-19 pandemic has caused an increase in poverty in the region, with a disproportionate impact on women and vulnerable groups, with the "risk that inequalities across the region will worsen, with women, migrants, informal workers and rural dwellers all likely to be significantly affected" (OECD, 2020). Both informal and low-skilled workers have been particularly affected by containment measures, as they have fewer protection systems and less chance of working remotely (OECD, 2020). Women have faced reduced employment as the burden of unpaid care rises (OECD, 2020). While many countries have ongoing social protection systems, limitations and cracks in these systems have surfaced during the crisis, for example in responding to the growing prevalence of informal work in the region (UNDP, 2021).

Gender-based and domestic violence peaked as restrictions were implemented during the Covid-19 pandemic, including confinements, lockdowns and curfews (UNDP, 2021). In Kosovo, the lockdown severely impacted the well-being

of women. This included significantly increasing the burden of care on women, as lockdown measures, remote working arrangements and social distancing led to increasing women's responsibilities for taking care of children, the sick and elderly as well as carrying out the majority of household chores (Dafa et al., 2020). These trends reflect the heavy burden being shouldered by women during the pandemic as well as the heightened risk they face of financial vulnerability and domestic violence.

Measures to increase access to justice for gender-based violence

The increasing prevalence of gender-based and domestic violence means that the region's justice systems should be prepared to hold perpetrators accountable. However, the lack of awareness and skills needed to manage cases of discrimination as well as gender-based violence continues to be a challenge. This is compounded by the fact that access to legal services for victims of domestic violence has been reduced due to the pandemic.

Lockdown measures have meant that legal offices have shifted online, and victims are often confined to their homes, reducing their access to legal services. In addition, legal and judicial systems are not well equipped to adapt to this situation, and they have been trying to identify ways in which to support remote hearings and more sensitive and comprehensive support services for survivors of domestic violence. It is also essential to expand the capacity of legal aid workers and raise their knowledge of digital justice systems and tools. Protocols on managing gender-based violence during a pandemic or in other extraordinary circumstances exist in some countries, such as Albania, and can be replicated elsewhere. Civil society also has an important role to play to amplify the voices of survivors, share accurate information and help connect to support services, including access to free legal services.

Policy recommendations

Ensure people-centric perspectives for development

A whole-of-society approach, which includes a people-centric perspective in line with the Leaving No One Behind (LNOB) principles, is key to ensure an inclusive and participatory recovery process post-COVID-19, in an effort to "build



forward better". In addition, given the weak social protection systems and structures in the region, there is a risk that marginalized and vulnerable groups fall even further behind in development. There is therefore an emerging need to develop stronger systems and structures for social protection that benefit all societal groups. This requires promoting the representation of marginalized groups in decision-making processes, increasing the collection and use of disaggregated data and widening avenues for participation in decision-making (UNDP and UNWomen, 2020).

Address the root causes of gender-based violence

The increasing prevalence of gender-based and domestic violence is a growing concern in the region (UNDP, 2021). This requires that adequate support services be in place, including access to justice services. Legal aid providers, for example, should be better equipped to manage the growing number of cases. With the transition towards remote and digital platforms following the restrictions of the COVID-19 pandemic, there is growing demand for increasing the capacities of legal aid workers and their digital skills and learning. Addressing the root causes of the rising levels of domestic violence also requires additional attention, with a special focus on how lockdown measures and the pandemic's economic consequences can drive a rise in intimate partner violence.

Rebuild trust in institutions through increasing institutional capacity, priorities and funding

The pandemic has highlighted the central role of governments in protecting and providing services for citizens in the face of a global crisis. More inclusive, responsive and effective institutions can ultimately strengthen the public's trust in government, which is a key building block in a strong social contract. In particular, the accessibility of public services, including health and education services, is crucial to increase trust in the government (see SDG 16.6.2 on satisfaction with public services). Institutional capacities to ensure that the delivery of aid and services reaches vulnerable and minority groups must be strengthened. It will also be important both to adopt a human rights-based approach to service delivery and to build the capacity of key institutions, including through technical and financial support, so as to improve their responsiveness.

Develop and implement legal frameworks that guarantee equal digital access to services

The importance of timely information cannot be overstated, and COVID-19 has reinforced this. Increasing the availability of information in many countries in the region, including through the expansion of the digitalization and automation of government services, can enhance the transparency and accountability of governments in their provision of services.

As countries adopt digitalization, digital tools are being used to modernize governance systems. However, a greater effort is needed to tackle the digital divide, which still constitutes a major issue, in order to ensure inclusive and participatory societies. Women, youth and persons with disabilities risk being left even further behind if digitalization does not become more inclusive and accessible to all.

Ensure representative, timely and credible data and expand access to information

Data serves as a key determinant for governments to comprehend the needs of their citizens. However, appropriately disaggregated data are largely absent or weak in many of the region's countries. Data that are representative, timely and credible are therefore needed for governments and institutions to accurately identify and respond to the needs of their citizens. The COVID-19 pandemic has clearly illustrated the need for timely and accurate data to better tailor responses to the pandemic. In addition, the pandemic has affected different population groups differently, with some groups more at risk (e.g. the elderly), and other factors, e.g. access to hospitals and medical services or access to information, also significantly shape how hard the pandemic hits different groups.

Prevent the exploitation of data and uphold data privacy and protection

Safeguards on data protection and privacy are necessary to prevent the exploitation and misuse of data. This is of particular importance for vulnerable population groups, whose personal data are more at risk of unauthorized use, for example, data collected on otherwise justifiable grounds of contact tracing and social distancing that are expropriated for other purposes. Using citizens' personal data as location data that are then used to track the spread of the COVID-19 outbreak could intensify the stigmatization of specific minority groups.



For example, the use of digital apps that highlight specific communities or groups that may be affected could potentially lead to further stigma and targeted violence (IHEID, 2020). Data laws that protect marginalized groups and ensure data privacy and protection need to be developed and enforced across the region.

Strengthen local government capacities and the localization of SDG 16

Since the onset of the pandemic, there has been a growing imbalance between the central and local level response-and-recovery processes. The predominant centralization of decision-making, as witnessed in most countries in the region, has ultimately weakened the position of local governments and their ownership of their own local recovery. It will therefore be important to build trust and ensure an appropriate balance of power between central and local government levels. This will require increased consideration of the decentralization and devolution of authority to local levels for more tailored pandemic responses.

In addition, increased investment in measuring progress towards SDG 16 at the local level is needed in the region to take stock and accelerate progress towards peace, justice and inclusion. A highly centralized focus in countries' plans for SDG 16 implementation has ultimately caused a greater disconnect between central and local levels. However, nationwide ownership of SDG 16 implementation, including whole-of-society and whole-of-government approaches, meaning all levels of government, is key to ensure that the set targets and indicators are reached by 2030. Therefore, a greater focus on the localization of SDG 16 is crucial in order to ensure an inclusive and participatory process for sustainable development, where local and regional governments and stakeholders play an equal role.

Protect human rights and fundamental freedoms, especially the rights of marginalized groups

In times of crisis, upholding and safeguarding human rights and fundamental freedoms becomes increasingly important as the impacts of the crisis on marginalized populations are often differentiated and existing risks and vulnerabilities are heightened. Accountability mechanisms are often weakened at a time when there is a great need to respond quickly to a crisis, and the risk of an abuse of authority heightens. With the spread of the COVID-19 pandemic, governments in the ECIS

region moved quickly to put in place stringent measures to counter the pandemic and enforce public health measures to protect their citizens. At the same time, questions have been raised about whether some countries in the region have used these measures to target journalists, health-care providers and activists and curb opposition and dissent. Civil society groups have also raised concerns that some measures are disproportionately impacting marginalized populations: "Central Asian governments should ensure that citizens have access to timely accurate information about how to prevent the spread of Covid-19. They should ensure that restrictions responding to the pandemic are not carried out in ways that violate or undermine protection of rights" (Human Rights Watch, 2020). As the region considers how to "build forward better" from the pandemic, it will not be sufficient to revert to the pre-pandemic status quo; what is needed instead is to consider how respect for and the protection of human rights is a central building block for recovery.

Strengthen intra-group connectedness

Social cohesion, often referred to as the glue that holds societies together, is fraying as a result of the pandemic. Increasingly centralized decision-making has disempowered citizens, and societies are becoming introverted as social cohesion, connectedness, trust in others and institutions erode in the region. People in the region increasingly believe that their societies lack fairness and equality and that merit is not properly recognized. As a result, there is a widespread distrust and weakening of social cohesion between groups. Efforts to strengthen intra-group connectedness, trust and cohesion are needed in order to recover from the pandemic and build the foundation for stability. This can be achieved through "stakeholder engagement protocols, communication plans between government and the public, careful evaluation of government measures that affect public freedoms and local-regional context" (Jewett et al., 2021), with a particular focus on marginalized groups, in an effort to leave no one behind.

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LATIN AMERICA: Reinforcing democratic institutions to achieve peace, justice and inclusion

Carolina Tchintian, Gerardo Scherlis and Manuel Bertazzo

CIPPEC

Latin America has been deeply impacted by the COVID-19 pandemic. On a positive side, with a few notable exceptions, the region has avoided democratic breakdowns: electoral institutions have shown resilience, and states have been generally able to adapt to the new and unprecedented situation. In many cases, technology has played a central role in the response to the pandemic. At the same time, the pandemic has substantially exacerbated pre-existing negative trends of democratic erosion. State capacities have been significantly affected, social exclusion and marginalization have increased, and civic space is shrinking in some contexts. The pandemic has led to the region moving even further away from achieving SDG 16 in two inter-related ways: i) by starkly exposing and deepening state fragilities, and ii) by reinforcing divisive and polarized politics. This policy brief analyses the current status of SDG 16 in the region in light of the COVID-19 pandemic and calls for a rethink of the social contract to tackle the redistribution of power and opportunities both horizontally and vertically. This requires first, putting accountable, effective and responsive institutions grounded in the rule of law at the centre of “building forward better” from the pandemic, and second, generating incentives that foster cooperative and inclusive policy-making to put the region on track to achieve SDG 16.

Introduction

Since the adoption of the 2030 Agenda, Latin America, like other regions, has made insufficient progress towards the goal to “build just, peaceful and inclusive societies which provide accountable and effective institutions”. Indeed, by 2019 Latin America stood out as the world’s most unequal region, with the rule of law often weak in most of its countries (World Bank, 2019; World Justice Project, 2020). The process of democratic erosion that has been underway in recent years throughout the region further undermined progress on SDG 16 (Latinobarometro, 2018; Sapienza, 2020). The COVID-19 pandemic has exacerbated many of the negative trends already present in the region, raising new obstacles to the attainment of the sustainable development goals, including SDG 16 (UNDP, 2021).

The health and socio-economic impact of COVID-19 in Latin America continues to be significant. The region, which represents only 8% of the world’s population, has registered more than 30% of the world’s total deaths (ECLAC, 2021). Towards the end of 2021, however, despite the multiple challenges facing the region and the devastating impact of the

pandemic, Latin America has been relatively successful in its campaign to vaccinate its population, with approximately 63.3% of the population fully vaccinated (Slattery and Geist, 2021). COVID-19, however, continues to constitute a “protracted health crisis”, with significant investment needed in health systems to address the socio-economic disparities reflected in the infection and mortality rates (ECLAC, 2021).

The pandemic led to a significant drop in GDP of 7% in 2020, with 22 million more Latin Americans falling below the poverty line (Werner et al., 2021). The 33.7% poverty rate estimated by ECLAC for 2020 in the region represents the worst record in the last 12 years, while the 12.5% level of extreme poverty is the worst in the last 20 years. In 2021, the region experienced higher than expected growth of 6.2%, but 30% of the jobs lost in 2020 were not recuperated in 2021, and inequalities could continue to grow, with an expected deceleration of GDP growth in 2022 as well as significant rises in the cost of living (ECLAC, 2021). Additionally, while 47 million children resumed in-person learning in the region in 2021, two out of three children still remain out of school (UNICEF, 2021). These figures suggest that making progress on sustainable development, including SDG 16, will be a major challenge. It is urgent to rethink what is needed



to put SDG 16 on track in Latin America and how to avoid the failed strategies of the past.

This document aims to identify the main trends regarding SDG 16 and to make policy recommendations that contribute to achieving it. It shows how the COVID-19 crisis is deepening the region's existing crisis of democratic legitimacy. This erosion of democratic legitimacy is being fuelled by two inter-related factors that became apparent and intensified in the course of the pandemic: i) structural poor governance and state fragility, which can result in failure to deliver public services and to guarantee civil, political, economic and social rights; and ii) divisive and polarized political dynamics, which undermine consensus-based and inclusive decision-making processes.

This brief calls for urgent action to reverse these trends in order to push forward the establishment of more peaceful, just and inclusive institutions in the COVID-19 recovery period and beyond.

Emerging trends around SDG 16 in Latin America since the pandemic

In this section the major trends regarding SDG 16 and the pandemic are analysed, considering the following dimensions: i) Democracy, checks and balances, and rule of law; ii) Effective governance, transparency, gender equality and the reduction of violence; and iii) Inclusive and representative decision-making processes.

Resilient, but threatened, oversight mechanisms and the deteriorating rule of law

The outbreak of the COVID-19 pandemic and the subsequent state of emergency declared in many of the region's countries initially resulted in a concentration of power in the executive, as countries raced to put in place measures to curb the pandemic. Some observers warned that these measures would push forward an autocratic trend in the region (Lührmann et al., 2020). Other analysts, in contrast, underlined that the crisis could raise institutional alarms and invigorate efforts to put democratic limits on executive power, such as by legislatures, the judiciary and local governments (i.e. Levy Yeyati and Malamud, 2020).

More than a year later both arguments hold—partially—true. The majority of the region's countries have respected electoral processes and avoided democratic breakdowns. Elections

were mostly held in a relatively free and fair manner across the region, and the official results were eventually recognized by the relevant political actors, including in highly contested cases. The strength and capacities of electoral management bodies in the region have been critical to this achievement.

In that sense, as the V-Dem 2020 report claims, “the most pessimistic predictions did not materialize”, and only a few countries in the region saw the executive seek to more permanently centralize power. It appears that the pandemic has served more as an accelerant in a few countries where democratic backsliding was already underway rather than as a driver of wholesale autocratization across the entire region. In most countries, the executive did not become “unbound” in fighting the virus, and instead legislative and judicial oversight played an important role in holding the executive in check (Ginsburg and Versteeg, 2020). In some countries, courts have played a strong role in stopping the executive from overstepping constitutionally mandated provisions, and in others they have ruled against measures deemed to be disproportionate or a violation of human dignity.

Subnational governments have also been key actors in counterbalancing any executive overreach of authority. This has been the case especially in big federal countries, where federal and local authorities often had different perspectives on the measures that needed to be put in place to deal with the pandemic. In some countries, local authorities questioned the decisions of the central government to impose local lockdown measures or school closures, which required going to court to adjudicate the dispute and interpret constitutional powers (Murillo, 2020; Ginsburg and Versteeg, 2020:30).

Parliaments have also managed to fulfil their roles as legislators and oversight bodies. Some Congresses were particularly active in this regard, either maintaining face-to-face activities, as in the case of Uruguay, or immediately incorporating virtual sessions, as in the case of Brazil, where the Senate held what might have been the world's first completely virtual legislative session. In several other cases there were difficulties in resuming legislative activities after an initial paralysis during the lockdowns. In general, however, the legislative branches in Latin America have been flexible and adaptable to the new circumstances and continued fulfilling their critical functions (Abdala et al., 2020).

Despite the resilience of governance institutions in many countries, which staved off the worst outcomes, it is clear that the COVID-19 crisis has negatively impacted the rule of



law and the human rights situation in the region. Prior to the pandemic, there was already concern over the weakening of the rule of law in the region (World Justice Project 2020). The pandemic appears to have further deteriorated the situation where the “abusive enforcement” of measures, such as confinements, was widespread, and security actors resorted to excessive force to enforce emergency measures (V-Dem Institute, 2021).

Weak state capacities impacting delivery of services, especially for marginalized groups

When the COVID-19 crisis hit the region, there was an expectation that the role of the state would become more important and that it would return to centre stage as the main provider of public goods. However, the pandemic ended up laying bare multiple facets of what experts have long identified as structural weaknesses of the Latin American states (Brinks et al., 2019): poorly informed and arbitrary decision-making, inefficient and poorly prepared bureaucracies, weak coordination capacities, lack of transparency and accountability, rent-seeking and cronyism.

While no state in the world was fully prepared to face this cataclysm, poor governance, at least in part, explains why this region has been hit so hard by the pandemic (Hernández,

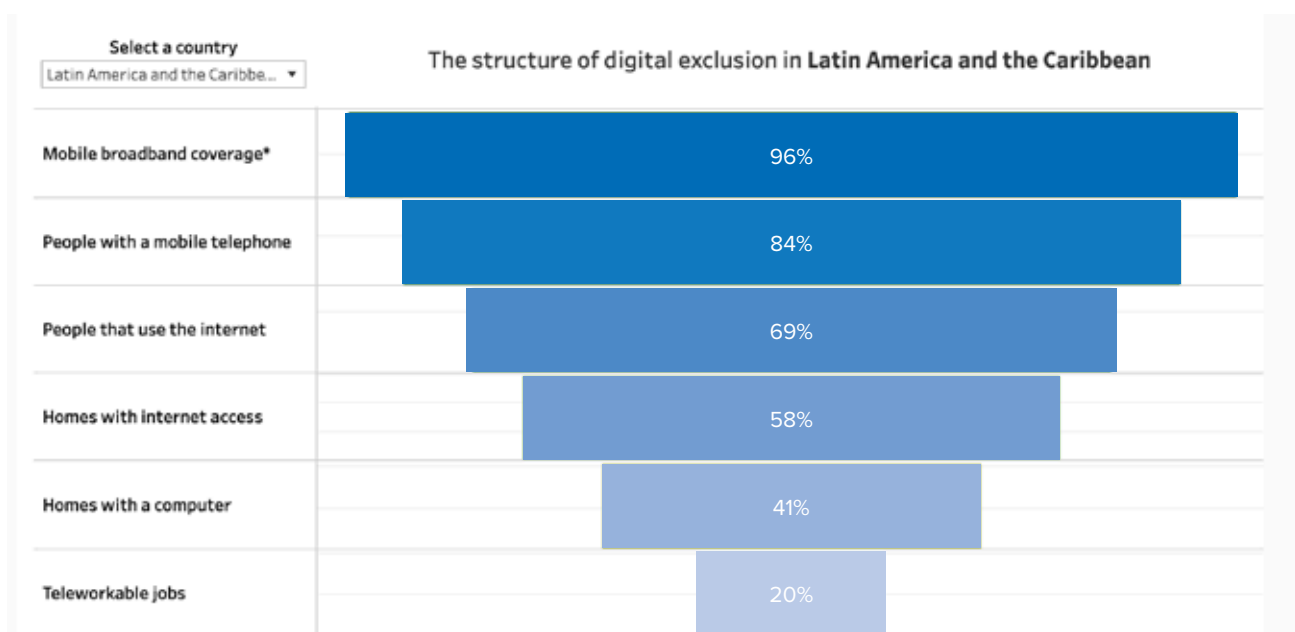
2021). Poor state performance has meant that vulnerable populations have suffered disproportionately and been even further disempowered. Unequal and ill-prepared health and welfare systems aggravated previously existing inequalities, and, beyond socio-economic factors, weak state capacity to deliver these services has had a wide-ranging impact on people’s lives, including on civil and political rights.

The digital gap in a time of crisis

Many Latin American governments have taken significant steps to carry out their own digital transformation, including by recreating their physical presence online. This digital transformation nevertheless also risks deepening the digital divide and aggravating other existing social inequalities. So even though many governments have made a commitment to open government initiatives (OECD et al., 2020), many of the challenges that affect states in the physical realm will also need to be addressed in the digital arena.

Lockdowns and curfews have meant that people are required to home-school or work remotely. However, this is a privilege of a few, especially when access to good quality digital services and education online is not available to all (see Figure 8). Political participation has also been undermined for those who lack quality digital resources. By 2019,

Figure 8: Digitalization in Latin America and the Caribbean takes the shape of an inverted pyramid, in which each step leaves millions of more people behind



Source: “You are on Mute”: Why internet access is not enough for ensuring inclusive digitalization in Latin America and the Caribbean (Lopez-Calva, 2021). https://www.latinamerica.undp.org/content/rblac/en/home/presscenter/director-s-graph-for-thought/_you-are-on-mute--because-internet-access-is-not-enough-for-the-htm



only 22.2% of Nicaraguans, 23.9% of Guatemalans and 25.1% of Hondurans had access to Internet service in their homes. Most other countries were not in a much better condition: the percentage is 37.5 for Peruvians, 42.1 for Bolivians and 45.7 for Mexicans (Zechmeister and Lupu, 2019). Under these circumstances, the digital gap should be conceived not just as a problem of inequality, but as a tool of social and political exclusion. Digital access impacts people's ability to be recognized as citizens and to exercise their fundamental rights. In the current context, the lack of access to quality digital services undermines access to information and participation in inclusive decision-making processes. In other words, without equitable access to technology and digital capabilities, it becomes increasingly difficult to advance on SDG 16.

Widening gender inequalities and increasing violence against women

During the last decades, many Latin American countries have had gender equality on their agendas and have adopted targeted social assistance measures and promoted gender-inclusive political representation. Yet government interventions in the context of the pandemic have often been limited, fragmentary and insufficient (Bergallo et al., 2021). The COVID-19 crisis has hit women harder in different ways. It has devastated feminized labour sectors, such as cleaning and caregiving. The comparatively high levels of informality of the labour market in general, and of these sectors in particular, make Latin American women especially vulnerable (UN Women, 2020). Women have also been disproportionately affected by the need to assume family care tasks as a consequence of school closures. This has resulted in many resigning from their jobs or facing an increased burden of juggling care tasks and their work at home. All in all, women's share of participation in the region's labour market dropped from 52% in 2019 to 46% in 2020 (CEPAL, 2021).

Finally, lockdown measures appear to have led to a rise of the "shadow pandemic" of domestic violence. In Latin America, the lifetime prevalence of intimate partner violence against women aged 15-49 was at 25% even before the onset of the pandemic (WHO, 2021). During the pandemic, data available on some specific countries show a noticeable increase in calls to domestic violence helplines, for example in Mexico, Chile, Argentina and Colombia (Mundosur, 2021; UNODC 2021). In other countries, there was an initial increase in calls when lockdown measures were put in place, but this fell back to pre-lockdown levels shortly afterwards. In addition, there was an increase in the gender-related killing of

women and girls in 2020, by 5% in South America and 3% in Central America, following an ascending trend in previous years (UNODC, 2021). While there is insufficient data on the extent to which COVID-19 confinement measures have directly resulted in an increase of gender-related violence, it is clear that the measures taken have enabled new forms of violence that mainly affect women. For example, an increasing number of domestic workers (mainly women) reported the imposition of illegal restrictions on their freedom of movement, as they were confined in their employers' homes in a form of quasi-servitude (OAS-CIM, 2020).

Increased opportunity for corruption and organized crime

Corruption is another major structural problem in Latin America, and most countries in the region (with the notable exception of Uruguay) do not perform well on transparency and anti-corruption measures. Even prior to the onset of COVID-19, the weakening of democratic institutions and the rise of populism in the region were hindering anti-corruption measures. Media manipulation and reduced checks on the executive, for example, have accelerated the erosion of the rule of law and undermined independent oversight mechanisms (TI, 2019).

The initial and temporary concentration of power in the early stage of lockdowns and its adverse consequences on accountability and control mechanisms created new opportunities for corruption. In Latin America, as with other regions, the urgent need to raise public expenditures and procure supplies in response to the pandemic led to multiple cases of embezzlement and the mismanagement of funds (Kitroeff and Taj, 2020). Political scandals emerged across the region, as corruption, the over-procurement of medical supplies and accusations of nepotism in the distribution of vaccines led to the resignations of officials, from local authorities to national ministers. Given the scarcity of vaccines in the region, their distribution has been a particularly volatile issue (BBC News, 2021).

The social and economic crisis resulting from the pandemic, along with these corruption scandals, has reinforced the perception of a distant state, captured by a privileged elite. As the gap between those in power and ordinary citizens grows, civil unrest has begun to erupt across the region. In 2020, for example, while four countries in the region recorded improvements in the Global Peace Index, six declined in their ranking, primarily due to an increase in violent



demonstrations (IEP, 2021). Increasing inequality and the precarious social and economic situation due to extended lockdowns have been met by protest movements. In Colombia, protests over the proposal for a tax reform in April 2021 resulted in the death of more than 60 people. The state's excessive use of force in responding to protests and demonstrations was also a significant factor in undermining peace in the region (IEP, 2021).

Finally, organized crime poses a mounting threat to good governance in the post-pandemic period. The presence of criminal groups controlling territories, many times in collusion with different levels of state authorities, has been long reported in various countries in the region (Briscoe et al., 2014). The situation of massive social exclusion as a result of the pandemic, along with corrupt and weak institutions, has provided criminal organizations optimal conditions to thrive.

Divisive politics is hindering inclusive and responsive decision-making

Power-sharing institutions as well as inclusive and cooperative decision-making processes are critical for democratic legitimacy and for the quality, stability and overall efficacy of public policies (Kittilson and Schwindt-Bayer, 2010). While there have always been challenges in promoting inclusive policy-making processes in Latin America, the emergency situation has eliminated any progress made in this area.

Between March and April 2020, a “rallying around the flag” effect was present in several countries, as national governments enjoyed high levels of approval. This spirit of cooperation did not last long. To the contrary, as Carothers and Feldmann (2021) note, public policy to deal with the emergency constituted “not just another major policy issue to fight over, but the driver of deeper divisions”. All in all, the pandemic has accelerated the confrontational political dynamics that were already escalating in the region before the pandemic.

While some polarization is inherent to the democratic system, and a moderate polarization is usually seen as beneficial for democratic equality (Somer and McCoy, 2018), there are both theoretical reasons and empirical evidence showing that high levels of political polarization are dangerous for democratic institutions (Casal Bértoa and Rama, 2021). Divisive politics seriously affect the quality of public policies by encouraging the concentration of power, the politicization of bureaucracies and the delegitimization of accountability

agencies (Xezonakis, 2012: 15). Extreme polarization also affects the overall legitimacy of key political decisions, which require agreement and consensus (McCoy, Rahman and Somer, 2018). It encourages the dissemination of disinformation, pollutes the civic sphere and undermines the possibility of civilized deliberation. Recent experiences have led experts to think of high levels of social and political polarization as the leading factor putting democracy at risk today (Ginsburg and Verstagen, 2020:49; Levitsky and Ziblatt, 2018).

A crisis like the one produced by the pandemic—spread over time and dispersed across the territory, disproportionately affecting in different ways specific geographic areas and groups—requires a response that is based on an inclusive process and addresses the priorities of the most marginalized populations. However, the quality of the political discourse and the relationship between state actors in many countries in the region have ended up being, at times, confrontational, divisive and polarized. Opposition groups in several countries vocally criticize the government for handling the crisis in an authoritarian manner, while governments often respond by claiming to be the only ones working for the common good (Malamud and Nuñez, 2021). This mutual delegitimization has accentuated polarization across Latin American political systems and also led to attacks on independent actors (such as courts, electoral bodies and media, among others). The overall consequence is the erosion of confidence in institutions and the delegitimization of the core functions of the state.

High levels of political polarization have hindered the chance to implement successful responses to the pandemic. Divisive politics have debilitated the already shaky state capacities in the region and fostered distrust of and cynicism about democratic institutions (Carothers and Feldmann, 2021:36). The combination of polarized and factional political dynamics along with weak state capacity has been identified in recent Latin American history as the source of a crisis of democratic legitimacy (Handlin, 2018). Polarization might initially galvanize and reinforce political identities, but when it coexists with a prolonged perception of state failure, there is a risk of political disaffection, cynicism and the erosion of democratic legitimacy.

Policy recommendations

SDG 16 is critical to “build forward better” from the pandemic. This brief has focused on state fragility and divisive



politics as two main trends that can take us further away from the path towards achieving SDG 16. These problems largely predated the onset of COVID-19, but the pandemic has exacerbated them and aggravated their effects.

Social exclusion accompanied by limited fiscal margins and weak state capacities are testing the strength of democratic institutions throughout Latin America. This is also reflected in the shrinking civic space across the region, as human rights defenders are targeted, and marginalized populations are further disempowered and denied their rights. Added to this is the extremely polarized and confrontational political climate, which is leading to the erosion of democratic legitimacy and trust in institutions, resulting in a weakening social contract.

Efforts to get back on track for SDG 16 should be focused on forging a new social contract and reversing the negative trends in the region. This calls for addressing the skewed balance of power and forging institutions that adhere to and uphold human rights.

The following policy priorities are organized around three major objectives:

Strengthening governance and the effectiveness of the rule of law

A responsive state that upholds the rule of law and human rights and effectively and equitably delivers services requires:

- **Investing in a more people-centred and responsive public service.** Avoiding politicization and polarization within the civil service must be a priority, and the focus must be on making the state and services more accessible to the population. Some areas for intervention include the increased digitalization of public services, accompanied by efforts to narrow the digital divide. Attention is also needed to making services accessible in terms of language and disability status, as well as reaching remote and marginalized populations in order to “leave no one behind”. Using a human rights-based approach, the state can seek to transform the public administration for a more “service-oriented approach” in order to broaden its reach and provide greater access and effectiveness in delivering services.
- **Strengthening internal and horizontal accountability and transparency mechanisms.** The independence

of oversight bodies needs to be upheld and their decisions enforced so as to hold all political and social actors accountable for their actions. This includes parliamentary oversight bodies and the judiciary, but also supreme audit institutions, anti-corruption bodies and national human rights institutions.

- **Closing the gender gap and putting women and girls on centre stage.** States must adopt consistent multi-dimensional policies to fight exclusion and inequality based on gender. A more inclusive society needs both to address women’s disadvantaged position in different and diverse aspects of social and political life, such as labour markets, education systems and political parties, and to expand their access to opportunities. This can be a critical means of also addressing gender-based violence, even while such violence needs to be tackled by specific measures as well.

Promoting inclusive and participatory decision-making processes to achieve legitimate and efficacious public policies

Participatory and inclusive policy-making processes are critical for the quality, legitimacy, stability and overall efficacy of public policy. This is crucial to strengthening democratic legitimacy. Consultative processes that are based on power-sharing and inclusive decision-making, while slower, may in the long run result in more sustainable policies and generate greater satisfaction with democracy (Anderson et al., 2005). Policies that can help facilitate this include:

- **Supporting legislatures that encourage consultations and public participation in decision-making processes** and seeking to forge consensus on the way forward. This can help counter the risk of the centralization of power that has emerged due to emergency regulations put in place during the pandemic.
- **Enhancing institutionalized coordination mechanisms** among multiple levels of government, based on transparent criteria, is also crucial in terms of both public policy legitimacy and efficacy.
- **Enforcing political finance reform.** While regulations are in place in many countries in the region on political financing, additional efforts are needed to enforce the regulations, as lack of transparency in political financing can undermine democratic legitimacy.



- **De-escalating polarization.** Working with political parties to support a more positive political engagement is necessary, avoiding opportunism and demagoguery. This includes committing to the values of mutual tolerance and rejecting both the delegitimization of the opposition and the attacking of independent institutions such as electoral management bodies.
- **Avoiding the diffusion and weaponization of disinformation.** Promoting and fuelling a vibrant public sphere that hosts a tolerant public debate is also key to upholding a social commitment to democracy and its legitimacy. Codes of conduct on disinformation and hate speech, with credible monitoring and enforcement mechanisms, can be developed to ensure that political parties adhere to them.
- **Encouraging civic engagement.** This includes promoting different voices and perspectives and encouraging participation in public discourse and debate among political parties and civil society. It is necessary to pay particular attention to populations in peripheral areas and to vulnerable populations, who are often excluded from participation in the public sphere. It will be important to take into account new forms of political participation in the age of new technologies and to be especially attentive to promoting the participation of women and youth.
- **The education system and the media** also have a critical role to play in presenting democracy as a pluralistic game in which **respect and tolerance** are essential.

Improving regional and global cooperation

The pandemic has reminded us just how small and interconnected the world is. Neither problems nor solutions can be isolated, because problems easily find a path to spread, and solutions that are isolated will not suffice. Latin American countries have in the last decades repeatedly expressed the goal of regional integration and created multiple regional institutions. However, there has been little done to develop the technical or functional cooperation necessary to deal

with global threats, such as the pandemic. When functional cooperation is most needed, Latin American states face this need in a mostly isolated, and thus inefficient, manner.

Latin American countries must focus on strategic cooperation with other states on issues of mutual interest where there is increasing interdependence, irrespective of the ideological orientation of their circumstantial leaders. Regional integration must include a strong functional and technical context to deal with a myriad of transnational issues, such as refugees and migration, medical research, supplies and vaccines, tax evasion, corruption, money laundering, organized crime and information pollution, among others. Likewise, regional financial cooperation should be strengthened as a major tool for economic development.

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