



**Economic and Social
Council**

Distr.
LIMITED

E/CN.4/2000/L.45
13 April 2000

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Fifty-sixth session
Agenda item 11

CIVIL AND POLITICAL RIGHTS

Albania*, Australia*, Brazil, Bulgaria*, Denmark*, Georgia*, Germany, Greece*, Hungary*, Japan, Latvia, Lithuania*, Luxembourg, Madagascar, Nepal, Netherlands*, New Zealand*, Norway*, Peru, Poland, Portugal, Republic of Moldova*, Romania, San Marino*, South Africa*, Spain, Sweden*, Switzerland*, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution

2000/... Promoting and consolidating democracy

The Commission on Human Rights,

Bearing in mind the purposes and principles of the Charter of the United Nations, and reaffirming that one of the basic aims of the United Nations is to promote and encourage respect for human rights and fundamental freedoms for all, without distinction as to race, colour, sex, language or religion, political or other opinion, national or social origin, property, disability, birth or other status,

Recalling its resolution 1999/57 of 27 April 1999 on promotion of the right to democracy,

* In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

Reaffirming the indissoluble link between human rights as enshrined in the Universal Declaration of Human Rights and in the international human rights treaties and the foundation of any democratic society,

Recalling that all peoples have the right of self-determination, by virtue of which they can freely determine their political status and freely pursue their economic, social and cultural development,

Recalling also that in the Vienna Declaration and Programme of Action, the World Conference on Human Rights recommended that priority be given to national and international action to promote democracy, development and human rights,

Reaffirming its commitment to the process of democratization of States, and recognizing that democracy, development and respect for human rights and fundamental freedoms are interdependent and mutually reinforcing, and that democracy is based on the freely expressed will of the people to determine their own political, economic, social and cultural systems and their full participation in all aspects of their lives,

Reaffirming also that good governance is indispensable for building peaceful, prosperous and democratic societies,

Aware of the crucial importance of active involvement of all members of civil society - individuals, groups and associations - in processes of governance that affect the life of people,

Recalling existing commitments for the promotion of democracy and the rule of law, within the framework of the United Nations and other international organizations,

Welcoming measures such as resolution 1080 of the Organization of American States, decision 12/XXV of the Organization of African Unity and the 1991 Moscow Document on the Human Dimension of the Conference for Security and Cooperation in Europe, which commit member States to take certain steps in the event of an interruption of democratic government, as well as the 1991 Harare Commonwealth Declaration which commits members to fundamental democratic principles,

Encouraged by the wish of an increasing number of countries all over the world to devote their energy, means and political will to the building of democratic societies where individuals have the opportunity to shape their own destiny,

Commending the initiatives taken by the countries that participated in the International Conferences of New or Restored Democracies, held in Manila in June 1988, in Managua in July 1994 and in Bucharest in September 1997,

Noting that the Fourth International Conference of New or Restored Democracies is scheduled to be held in Cotonou in December 2000, as well as the initiative taken by Poland to host a meeting of Governments committed to the democratic path in Warsaw in June 2000,

1. Calls upon States:

(a) To consolidate democracy through the promotion of pluralism, the protection of human rights and fundamental freedoms, maximizing the participation of individuals in decision-making and the development of competent and public institutions, including an independent judiciary, a responsible legislature and public service and an electoral system that ensures periodic, free and fair elections;

(b) To promote, protect and respect all human rights and fundamental freedoms, in particular:

- (i) Freedom of thought, conscience, religion, belief, peaceful assembly and association, as well as freedom of expression, freedom of opinion, and free, independent and pluralistic media;
- (ii) The rights of persons belonging to national, ethnic, religious or linguistic minorities, including the right freely to express, preserve and develop their identity without any discrimination and in full equality before the law;
- (iii) The rights of indigenous people;
- (iv) The rights of children, the elderly and persons with physical or mental disabilities;
- (v) By actively promoting gender equality with the aim of achieving full equality between men and women;
- (vi) By considering becoming parties to international human rights instruments;
- (vii) By fulfilling their obligations under international human rights instruments;

(c) To strengthen the rule of law by:

- (i) Ensuring equality before the law and equal protection under the law;
- (ii) Ensuring the right to liberty and security of person, to equal access to justice, and to be brought promptly before a judge in the case of detention, to avoid arbitrary arrest;
- (iii) Guaranteeing the right to a fair trial;

- (iv) Ensuring due process of law and the right to be presumed innocent until proven guilty in a court of law;
 - (v) Promoting continuously the independence and integrity of the judiciary and, by means of appropriate education, selection, support and allocation of resources, strengthening its capacity to render justice with fairness and efficiency, free from improper or corrupt outside influence;
 - (vi) Guaranteeing that persons who are deprived of their liberty are treated with humanity and dignity;
 - (vii) Ensuring appropriate civil and administrative remedies and criminal sanctions for violations of human rights, as well as effective protection for human rights defenders;
 - (viii) Including information on human rights obligations in training for civil servants, police forces and the military;
 - (ix) Ensuring that the military remains accountable to democratically elected civilian government;
- (d) To develop an electoral system that provides for the free and fair expression of the people's will through genuine and periodic elections, in particular by:
- (i) Ensuring the right of everyone to take part in the government of his/her country, directly or through freely chosen representatives;
 - (ii) Guaranteeing the right freely to vote and to be elected at regular intervals, by universal and equal suffrage, open to multiple parties, conducted by secret ballot and free from fraud and intimidation;
 - (iii) Taking measures to address the representation of under-represented segments of society;
 - (iv) Ensuring, through legislation, institutions and mechanisms, the freedom to form democratic political parties as well as transparency and fairness of the electoral process, including through appropriate access to funds and free, independent and pluralistic media;

(e) To create and improve the legal framework and necessary mechanisms for enabling the participation of all members of civil society - individuals, groups and associations - in the development of democracy, by:

- (i) Respecting the diversity of society by promoting associations, dialogue structures, mass media and their interaction as a means of strengthening and developing democracy;
- (ii) Fostering, through education and other means, awareness and respect for democratic values;
- (iii) Encouraging the exercise of the right to form, join and participate in non-governmental organizations, associations or groups, including trade unions;
- (iv) Guaranteeing mechanisms for the involvement of civil society in processes of governance and developing cooperation between local authorities and non-governmental organizations;
- (v) Providing or improving the legal and administrative framework for non-governmental, community-based and other civil society organizations;
- (vi) Promoting active civil education and education on human rights, inter alia by organizations of civil society;

(f) To strengthen democracy through good governance by:

- (i) Improving the transparency of public institutions and policy-making procedures and enhancing the accountability of public officials;
- (ii) Taking legal, administrative and political measures against corruption and disclosing and punishing the corruption of public officials;
- (iii) Bringing government closer to the people by appropriate levels of devolution;
- (iv) Promoting the widest possible public access to information about the activities of national and local authorities, as well as ensuring access by all to administrative remedies, without discrimination;
- (v) Fostering high levels of competence, ethics and professionalism within the civil service, and its cooperation with the public, inter alia by providing appropriate training to the civil service;

- (g) To strengthen democracy by promoting sustainable development, in particular by:
 - (i) Taking effective measures aimed at ensuring the realization of economic, social and cultural rights, such as the right to education and the right to a standard of living adequate for health and well-being, including food, clothing, housing and medical care and necessary social services;
 - (ii) Also taking effective measures aimed at overcoming social inequalities and eliminating poverty;
 - (iii) Promoting economic freedom and pursuing active policies to provide opportunities for productive employment and sustainable livelihood;
 - (iv) Ensuring equal access to economic opportunities and equal pay and other rewards for work of equal value;
 - (v) Creating a legislative and regulatory framework with a view to promoting sound and sustainable economic development;
- (h) To enhance social cohesion and solidarity by:
 - (i) Developing and strengthening institutional and educational capabilities, at local and national levels, to mediate conflicts, to resolve disputes peacefully, and to prevent and eliminate the use of violence in addressing societal tensions and disputes;
 - (ii) Improving social protection systems and working towards ensuring basic social services for all;
 - (iii) Encouraging social dialogue and tripartite cooperation with respect to labour relations among government, trade unions and employer organizations;

2. Requests the Office of the United Nations High Commissioner for Human Rights and human rights mechanisms of the Commission on Human Rights and the Sub-Commission on the Promotion and Protection of Human Rights to pay due attention, within their mandates, to the content of paragraph 1;

3. Requests the High Commissioner, in her report to the Commission at its fifty-seventh session, to reflect progress on the implementation of the present resolution;

4. Requests the Secretary-General, the High Commissioner and the Department of Public Information of the Secretariat to bring the present resolution to the attention of member States, the competent United Nations organs and intergovernmental and non-governmental organizations and to disseminate it on the widest possible basis, including on the Web site of the Office of the High Commissioner;

5. Decides to continue consideration of the matter at its fifty-seventh session under the same agenda item.
