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CIVIL AND POLITICAL RIGHTS

Written statement* submitted by the International Centre for Human Rights and Democratic
Development (Rights & Democracy), a non-governmental organization in special
consultative status

The Secretary-General has received the following written statement which is
circulated in accordance with Economic and Social Council resolution 1996/31.

[31 January 2003]

*This written statement is issued, unedited, in the language(s) received from the
submitting non-governmental organization(s).

Further Measures to Promote and Consolidate Democracy

1. Rights & Democracy, as a Canadian institution with a parliamentary mandate to promote the adoption and implementation of international instruments for human rights and democracy, welcomes the growing interest in the interdependence between human rights and democracy, as manifested in the series of resolutions adopted by the UN Commission on Human Rights since 1995.¹ Fully cognizant of the diversity of issues and perspectives underlying the existence of three separate sets of resolutions on the question, those of us concerned first and foremost with the core problem of developing rights and democracy cannot but deplore the resistance on all sides to adopt a more comprehensive approach. Clearly, each set of resolutions contains valuable criteria; equally clearly, however, all three sets are incomplete. Each requires complementing by the other two.

2. Rights & Democracy, throughout its 12 year existence, has consistently advocated a conception of democracy based on the entire family of human rights. Our experience in numerous countries throughout the developing world and in the international realm has time and again supported that view. Independent evidence from around the world, and especially from the experience of new democracies over the past decade, points to a necessary link between democratic development and the realization of all human rights. It is conceptually unfounded to frame democracy exclusively in terms of civil and political rights, despite the importance of the latter in ensuring the existence of the institutions of democracy and the development of a political sphere.

3. Additionally, recent scholarship and concrete developments in the field of globalization have revealed significant new challenges for democracy. The growing democratic deficit at the national level, occasioned by processes of globalization, has rendered unviable an approach to developing democracy which does not address this phenomenon.

4. The United Nations human rights system has taken steps to actively integrate much of this emerging body of knowledge, for example through the working papers produced by Mr. Manuel Rodriguez Cuadros at the request of the Sub-Commission (E/CN.4/Sub.2/2001/32 and E/CN.4/Sub.2/2002/36) as well as the expert seminar on the interdependence between human rights and democracy organized at the request of the Commission by the OHCHR in November 2002, and the report on which is being presented to the Commission. Some movement towards convergence in the three separate sets of resolutions is evident in the introduction of new concepts into each of them in their 2001 and 2002 versions. This trend should be enhanced in order to ensure the adoption of a resolution at the Commission that sets out, in a comprehensive manner, the full set of human rights criteria for defining and promoting democracy.

¹ Resolutions 1995/60, 1999/57, 2000/47, 2001/36, 2001/41, 2001/65, 2002/34, 2002/46, 2002/72.

Recommendations

1. The basis for the text of the Commission resolution in 2003 should be resolution 2002/46. The resolution should not, however, be considered under the agenda item “Civil and Political Rights”, since clearly democracy requires the full set of human rights. The resolution should therefore be considered under the agenda item “Promotion and protection of human rights”².

2. The text of the resolution should be expanded and completed on the basis of recent independent findings concerning the inter-dependency between human rights and democracy.

3. Reference should be made with particular emphasis to the findings of the Expert Seminar on the Interdependence between Human Rights and Democracy organized at the Commission’s request by the HCHR, November 25-26, 2002. Such conclusions are, inter alia – and above and beyond those elements already affirmed in Resolution 2002/46-, the following:

- a. Democracy is a continuous and evolving process which is never complete, and no country can presume to be a perfect democracy;
- b. The two core defining elements of democracy as a political system are popular control and political equality;
- c. In an increasingly globalized world, democracy must be conceived as a continuum, and democratization must take place at all levels, from the local to the global;
- d. Experience has shown that the degradation of economic, social and cultural rights undermines democracies, especially fragile new democracies;
- e. Globalization reduces the array of policy instruments in the hands of national governments and thereby limits the democratic control of citizens over the policy process.

4. The 2002 Human Development Report presents an exhaustive examination of the problem of democracy today. It clearly underlines the existence of key aspects of democratic deficit at both the national and international levels. In particular, it makes two recommendations necessary for enhancing the democratic character of global arrangements, and which should be included in the wording of the Commission resolution. They are the following (p. 102):

- a. To promote “...greater pluralism – [by] expanding the space for non-state actors to influence policies and hold powerful actors accountable.”;
- b. To develop “... more democratic international organizations – [through] increasing representation, transparency and accountability in decision-making”.

² Item 17 of the provisional agenda.

5. Further, the HDR 2002 demonstrates that, despite the fact that democracy is undermined by economic and social inequality, there is no automatic link between democracy and economic development. Both must be pursued independently. It is therefore necessary to include in the text of the resolution an explicit statement of the importance of concrete policies to enshrine and promote Economic, Social and Cultural Rights as an aspect of democratization.

6. A recent review by Rights & Democracy of international trends in democratic development since 1990 reveals that social exclusion – which affects large sectors of the population in many new democracies – inhibits the realization of one of the two fundamental aspects of democracy: that of political equality. Lack of access to economic, social and cultural rights is as much a factor as violation of civil and political rights in the inhibition of political equality. This fact must be duly reflected in the Commission resolution in 2003.
