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CIVIL AND POLITICAL RIGHTS

Argentina, Armenia, Australia, Austria, Benin*, Brazil, Bulgaria*, Croatia, Cyprus*, Denmark*, Ecuador*, Finland*, France, Georgia*, Hungary*, India, Italy*, Japan, Lithuania*, Luxembourg*, Malta*, Mexico, Mongolia*, Netherlands*, New Zealand*, Norway*, Paraguay, Poland, Peru, Republic of Korea, Republic of Moldova*, Romania*, San Marino*, Serbia and Montenegro*, Slovakia*, Slovenia*, Spain*, Switzerland*, Tunisia*, United Kingdom of Great Britain and Northern Ireland, Uruguay and Venezuela: draft resolution

2003/... Interdependence between democracy and human rights

The Commission on Human Rights,

Recalling General Assembly resolution 55/96 of 4 December 2000, entitled “Promoting and consolidating democracy”, as well as all its own relevant resolutions, in particular resolutions 1999/57 of 27 April 1999, entitled “Promotion of the right to democracy”, 2000/47 of 25 April 2000, entitled “Promoting and consolidating democracy”, 2001/41 of 23 April 2001, entitled “Continuing dialogue on measures to promote and consolidate democracy”, and 2002/46 entitled “Further measures to promote and consolidate democracy”,

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

Recalling also the universal validity of the values of freedom, respect for human rights and the principle of the holding of periodic and genuine elections by universal suffrage and by secret ballot which are embodied in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and various regional instruments for the promotion and protection of human rights,

Reaffirming commitments undertaken by Member States, within the framework of the United Nations and other international organizations, for the promotion of human rights, democracy and the rule of law,

Taking note of the Second Ministerial Conference of the Community of Democracies, held in Seoul from 10 to 12 November 2002, under the overall theme of “Democracy: Investing for Peace and Prosperity”, and the Seoul Plan of Action, which provides specific guidelines for the promotion, consolidation and protection of democracy worldwide, of the Warsaw Declaration adopted by the First Conference of the Community of Democracies, as well as of the convening of Fifth International Conference of New or Restored Democracies, to be held in Ulaanbataar, from 18 to 20 June 2003,

Noting the *Human Development Report 2002* issued by the United Nations Development Programme, which illustrates the close link between democracy and good governance on the one hand, and economic development and poverty alleviation, on the other hand,

Recognizing the need continuously to promote respect for democratic values and principles, and to improve the functioning of democratic institutions and mechanisms,

Recognizing also that the effective application of the rule of law and the fair administration of justice are vital to the good functioning of democracy,

Welcoming the expert seminar on the interdependence between democracy and human rights that took place from 25 to 26 November 2002 in Geneva,

Taking note of the chairperson’s summary of key points emerging from the seminar,

Noting with interest the report of the United Nations High Commissioner for Human Rights on the expert seminar (E/CN.4/2003/59),

1. *Declares* that the essential elements of democracy include respect for human rights and fundamental freedoms, inter alia freedom of association, freedom of expression and opinion, and also include access to power and its exercise in accordance with the rule of law, the

holding of periodic free and fair elections by universal suffrage and by secret ballot as the expression of the will of the people, a pluralistic system of political parties and organizations, the separation of powers, the independence of the judiciary, transparency and accountability in public administration, and free, independent and pluralistic media;

2. *Reaffirms* its conviction that democracy, development and respect for human rights and fundamental freedoms are interdependent and mutually reinforcing; 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;

3. *Also reaffirms* that democracy facilitates the progressive realization of all economic, social and cultural rights;

4. *Recognizes* the comprehensive nature of democracy as a system of governance that encompasses procedures and substance, formal institutions and informal processes, majorities and minorities, mechanisms and mentalities, laws and their enforcement, government and civil society;

5. *Stresses* the need for equal opportunities for men and women to participate in political and public life;

6. *Acknowledges* the role played by non-governmental organizations and civil society in promoting democracy;

7. *Notes* that international human rights instruments enshrine many of the principles, norms, standards and values of democracy and may guide the development of domestic democratic traditions and institutions;

8. *Acknowledges* that democracy is an always-perfectible process that should be measured by the degree to which its principles, norms, standards and values are given effect and contributes to the full realization of all human rights;

9. *Takes note with satisfaction* that the advance, in many countries of the world, in building democratic societies led to a better realization of the civil, political, economic, social and cultural rights in those countries;

10. *Takes note* that democratic processes are not always irreversible and that there is a constant need continuously to protect, promote and consolidate democracy;

11. *Calls* on national parliaments to make continuous efforts aimed at strengthening the rule of law and democratic institutions, as well as at implementing democratic principles and values, and encourages the Inter-parliamentary Union actively to continue its contributions to that effect;

12. *Underlines* the need to further clarify basic concepts that define democracy and are of universal relevance and use;

13. *Calls upon* the Office of the United Nations High Commissioner for Human Rights:

(a) To pay increased attention to the work done with respect to the promotion and consolidation of democracy by the United Nations system, other regional and international intergovernmental organizations and relevant non-governmental organizations;

(b) To engage in coordination efforts with the Department of Political Affairs and the Department of Economic and Social Affairs of the Secretariat, the United Nations Development Programme and other relevant United Nations bodies that undertake activities aimed at promoting and consolidating democracy;

(c) To use the work of special procedures of the Commission on Human Rights in order to collect and analyse data on relevant cases where protection of human rights was served by democratic practices or where lack of democracy or setbacks in democratization processes triggered violations of human rights;

(d) To invite the views of various regional, subregional and other organizations and arrangements on the role they play in promoting and consolidating democracy, and to report to the Commission on the contributions resulting therefrom at its sixtieth session;

14. *Requests* the Office of the High Commissioner for Human Rights to prepare a compilation of documents or texts adopted and used by various intergovernmental, international, regional and subregional organizations aimed at promoting and consolidating democracy and to submit that compilation to the Commission at its sixty-first session;

15. *Invites* all Governments, relevant intergovernmental organizations and interested non-governmental organizations to continue and deepen debates aimed at identifying ways and means to promote and consolidate democracy, in particular on issues identified by the expert seminar as being in need of further attention;

16. *Calls upon* the Office of the High Commissioner for Human Rights to organize to that purpose a second expert seminar, in 2004, to examine further the interdependence between democracy and human rights, with the topic of “Democracy and the rule of law”, to be funded by voluntary contributions, and to include observers from interested Governments, experts of the United Nations specialized agencies, funds and programmes, other relevant intergovernmental organizations and interested non-governmental organizations;

17. *Requests* the Office of the High Commissioner for Human Rights to report on the conclusions of the expert seminar to the Commission at its sixty-first session;

18. *Decides* to continue consideration of the matter at its sixtieth session.
