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CIVIL AND POLITICAL RIGHTS

Interdependence between democracy and human rights*

Report of the Office of the High Commissioner for Human Rights

* The submission of this report was delayed due to late submission of contributions.

Summary

At its fifty-ninth session, the Commission on Human Rights, in its resolution 2003/36, noting with interest the report of the High Commissioner for Human Rights on the expert seminar on the interdependence between democracy and human rights held in Geneva on 25 and 26 November 2002 (E/CN.4/2003/59) called upon the Office of the High Commissioner for Human Rights 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, to invite the views of various organizations on this subject and to report thereon to the Commission at its sixtieth session.

Within this context, the Office received nine replies to its letter inviting organizations to provide their views and comments on the role they play to promote and consolidate democracy. In general, these contributions reported on the processes aimed at ensuring respect for and compliance with the core values of democracy such as public participation in decision-making, transparency and accountable governance, as well as action taken to support the process through technical cooperation programmes and statistical data collection and analysis. A summary of each reply received is provided in the present report, which is submitted in response to the request contained in resolution 2003/36.

Introduction

1. In its resolution 2003/36, the Commission on Human Rights called upon the Office of the High Commissioner for Human Rights (OHCHR) 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. The present report is submitted in accordance with that request.

2. Pursuant to paragraph 13 of the above-mentioned resolution, OHCHR addressed a letter dated 25 July 2003 to relevant United Nations departments, functional commissions of the Economic and Social Council, United Nations specialized agencies, and several international and regional organizations inviting their views and comments.

3. As of 20 January 2004, replies had been received from the Department of Economic and Social Affairs, the Department of Political Affairs and the Department of Public Information of the Secretariat, the United Nations Economic and Social Commission for Asia and the Pacific, the European Commission, the Organization of American States, the Organization for Economic Cooperation and Development, the Food and Agriculture Organization of the United Nations and the Inter-Parliamentary Union. Those replies are summarized below.

I. REPLIES RECEIVED FROM THE UNITED NATIONS BODIES AND REGIONAL COMMISSIONS

A. Department of Political Affairs

4. The Department of Political Affairs referred to the international human rights legal framework within which elections are recognized as essential to the exercise of the basic right to political participation, and provided broad information on its electoral assistance programme and the role of the Under-Secretary-General for Political Affairs, who acts as a focal point for electoral assistance. With the assistance of the Electoral Assistance Division created within the Department, the focal point performs the function of the overall coordinator of United Nations electoral assistance, including determining electoral standards, assessing the needs and scope of an electoral operation, formulating and staffing electoral missions, and monitoring the implementation of electoral operations. The Division cooperates in particular with the United Nations Development Programme (UNDP) and with the Department of Peacekeeping Operations in providing technical electoral assistance. It serves both as a technical resource to the United Nations system and as its institutional memory for electoral activities. The Division also maintains a roster of qualified election experts. The Department has established solid relationships with several organizations, both governmental and multilateral, such as the African Union (AU), the Organization of American States (OAS), the Organization for Security and Cooperation in Europe (OSCE) and the International Institute for Democracy and Electoral Assistance (IDEA), to improve the effectiveness and coherence of electoral assistance beyond the United Nations.

5. The Department assists the Secretary-General in preparing and coordinating the activities of the United Nations system in support of the International Conferences of New or Restored Democracies. Most recently, the Department together with UNDP and OHCHR, supported the

preparations for the Fifth International Conference hosted by the Government of Mongolia in September 2003 in Ulaanbaatar under the theme “Democracy, good governance and civil society”. In its resolution 58/13, the General Assembly welcomed the Ulaanbaatar Declaration and Plan of Action adopted at the Conference and encouraged the relevant organizations of the United Nations to contribute actively to the follow-up to the Conference.

6. In the context of the Secretary-General’s effort to study the methods and mechanisms to advance the Organization’s work on democratization, the Department commissioned a comprehensive study entitled “An International Normative Framework for Democratization”, by Professor Roy Lee. Based on a survey of various international and regional instruments, including human rights treaties and the declarations of democracy-related summits, the study identified the core components of democracy.

B. Department of Public Information

7. The activities of the Department of Public Information for the promotion of democracy and human rights are carried out as part of its overall strategy for the realization of the Millennium Development Goals and the New Partnership for Africa’s Development (NEPAD), as well as the follow-up to the World Conference on Sustainable Development. The Department undertakes a wide range of activities through a multimedia approach highlighting the relationship between the promotion and consolidation of democracy and the realization of all human rights, with a special focus on a number of key issues such as the implementation of the Declaration on the Right to Development, the eradication of poverty, conflict prevention, sustainable development, the HIV/AIDS epidemic, the international fight against terrorism and the needs of the African continent. Other promotional activities are being undertaken in the framework of the United Nations decades.

8. Among the selected examples of activities carried out by the Department for the promotion and consolidation of democracy were the promotion and support to international conferences, including the fifth Global Forum on Reinventing Government, held in Mexico in November 2003 and the Fifth International Conference of New or Restored Democracies mentioned above; training programmes for journalists and media practitioners; Internet activities; publications; television, photo and radio activities relating to human rights; and information and awareness-raising activities for non-governmental organizations (NGOs). Reference was also made to the activities of United Nations information centres, services and Offices covering a wide spectrum of promotional efforts through the launching of ceremonies and campaigns, the production of TV programmes and printed materials in national and local languages, and the organization of briefings and seminars in partnership with other United Nations agencies and local partners.

C. Department of Economic and Social Affairs

9. In its reply, the Department of Economic and Social Affairs drew attention to the outcome of the World Summit on Sustainable Development held in Johannesburg, South Africa, in September 2002, including the need for more effective, democratic and accountable international and multilateral institutions to achieve sustainable development. Reference was

also made to good governance and solid democratic institutions responsive to the needs of the people and improved infrastructure as a basis for sustained economic growth, poverty eradication and employment creation. The Johannesburg Plan of Implementation placed emphasis on the participation of all stakeholders. The Department's work on sustainable development promotes multi-stakeholder approaches and partnerships, both in the work of the Secretariat and in the sessions of the Commission on Sustainable Development. The Department is not otherwise directly involved in efforts to promote democracy.

D. United Nations Economic and Social Commission for Asia and the Pacific

10. In its reply, the United Nations Economic and Social Commission for Asia and the Pacific (ESCAP) highlighted the role of its Statistics Division in promoting democracy by encouraging national statistical offices to adopt best practices of compiling official statistics pursuant to the Fundamental Principles of Official Statistics, stressing the need for full and equitable access to aggregated data and suitably anonymous microdata on sensitive topics such as poverty. Issues addressed by national offices include population census data, i.e. data used for producing electoral boundaries; the assessment of prevailing conditions and trends under various administrations; and Governments' allocation of national resources for districts in need of assistance in the context of poverty. Through its web site system, ESCAP encourages the use of statistics as part of a free exchange of information and publishes articles and conference-related documents shedding light on the emerging fields of statistics and human rights/democracy.

II. REPLIES RECEIVED FROM UNITED NATIONS SPECIALIZED AGENCIES, REGIONAL/INTERGOVERNMENTAL AND OTHER ORGANIZATIONS

A. Food and Agriculture Organization of the United Nations

11. The Food and Agriculture Organization of the United Nations (FAO) focused on the experience of its own work on participation, in particular in rural areas. The organization defines people's participation in development as the process of equitable and active involvement of all stakeholders in the formulation of development policies and strategies and in the analysis, planning, implementation, monitoring and evaluation of development activities. Following the World Conference on Agrarian Reform and Rural Development in 1979, people's participation gained considerable momentum in the approaches of donor agencies and international organizations. In 1991, FAO adopted a Plan of Action on People's Participation, which provided FAO with a mandate to promote "people-centred" participatory approaches. FAO experience has shown the possibility, through participatory programmes, to mobilize local knowledge and resources for self-reliant development and reduce Government's contributions to development assistance. It endeavours to involve all stakeholders, including target beneficiaries among the poor and most disadvantaged groups, at every stage of development activities.

12. Such an experience revealed various levels or degrees of participation in development, ranging from simple consultation through joint decision-making to self-management. The specific degree of participation of each stakeholder is determined through a negotiation process. To ensure sustainability, it is often important to strengthen local institutional capacity and relevant horizontal and vertical linkages among stakeholders. Good participation requires a

two-way flow of information between local people, the Government and other service providers in rural areas; formal accountability mechanisms for service providers; and adequate representation of local people in the local decision-making processes. Participatory management involves challenges that need to be appropriately addressed.

B. European Union

13. The European Union (EU) promotes democracy through several tools including dialogue with many third countries on democracy and human rights issues. Since 1992 a “human rights clause” is systematically included in cooperation agreements between the Community and third countries, which defines respect for human rights and democracy as “essential elements” of the agreements. In 2003, the Cotonou Agreement concluded between the European Commission and 77 African, Caribbean and Pacific (ACP) States came into force. Article 9 of the Agreement stipulates that “democratization, development and the protection of fundamental freedoms and human rights are interrelated and mutually reinforcing. ... Respect for human rights, democratic principles and the rule of law, which underpin the ACP-EU Partnership, shall underpin the domestic and international policies of the Parties and constitute the essential elements of the Agreement”. The “human rights clause” was intended to provide a positive basis for the promotion of democracy and human rights. In the event of a violation of its principles, negative measures may be invoked, including ultimately the suspension of the Agreement. While full suspension has never occurred, the clause has been invoked on several occasions since 1996 for the purpose of consultations or the suspension of aid and other measures.

14. The European Commission also referred to the EU Guidelines adopted in December 2001 as an additional basis for promoting democracy through dialogue. They set out the conditions for initiating specific human rights dialogue with third countries; as currently pursued by the EU with China and the Islamic Republic of Iran. Furthermore, the EU endeavours to promote democratization and the rule of law in third countries through its external assistance. Both fields have been selected as one of the four priorities in the European Initiative for Democracy and Human Rights which offers financial support (100 million euros) for human rights and democratization projects to be implemented by NGOs and international organizations.

C. Organization of American States

15. The Organization of American States (OAS) transmitted four documents, namely, the Inter-American Democratic Charter, “*La Comisión Interamericana de Derechos Humanos y la Gobernabilidad Democrática en las Américas*” prepared by the Inter-American Commission on Human Rights, the Declaration of Santiago on Democracy and Public Trust: A New Commitment to Good Governance for the Americas, and resolution AG/RES.1957 (XXXIII-O/03) on the promotion and strengthening of democracy, adopted by the OAS General Assembly at its plenary session in June 2003, as a follow-up to the Inter-American Democratic Charter. In paragraph 5 of its resolution, the General Assembly instructed the Permanent Council to hold an annual meeting to review activities undertaken by the organization in the preceding calendar year to promote and strengthen democracy and to determine possible additional activities, and to study the possibility of holding a special meeting with a view to fostering an exchange of views on the challenges to democratic governance in the hemisphere.

16. The resolution also tasked the OAS Unit for the Promotion of Democracy with a number of activities such as the preparation of a yearly inventory to review the activities of the organization to promote, defend and consolidate democracy in the hemisphere; to develop a programme for comprehensive consideration of democracy-building topics, based on the commitments and mandates arising from the Summits of the Americas and the Inter-American Democratic Charter; to link the organization's democracy agenda with processes for promoting development, with special emphasis on the fight against poverty and topics stemming from the Monterrey Consensus; and to take into account the role of the media as an instrument of special importance in promoting democracy and disseminating democratic principles and values.

D. Organization for Economic Cooperation and Development

17. Through its Network on Governance, the Development Assistance Committee (DAC) of the Organization for Economic Cooperation and Development (OECD) addresses the effective contribution of development agencies in supporting respect for human rights, democratization, the rule of law, public service reform, the fight against corruption and other governance issues as well as support to capacity-building.

E. Inter-Parliamentary Union

18. The Inter-Parliamentary Union (IPU) submitted several documents. The Union's vision of democracy and its current and future plans to promote democracy were outlined in a presentation to the fifty-eighth session of the General Assembly by its Secretary-General. The Universal Declaration on Democracy adopted by the members of IPU in 1997 has guided much of the IPU action for consolidating democracy. The Union endeavours to foster democracy through a variety of practical assistance programmes to parliaments with a view to modernizing and strengthening the parliamentary institutions. Such activities include the conduct of needs assessments and the elaboration and implementation of projects with the support of seasoned parliamentarians and expert staff seconded to IPU. Several of these projects are carried out in cooperation with the United Nations and often with the support of UNDP. Many are designed to assist parliaments and political processes in countries that have suffered civil strife and armed conflict and as part of larger and more comprehensive peace-building efforts by the international community.

19. At the international level, and within the framework of the follow-up to the Millennium Declaration, IPU provided support to the Fifth International Conference on New or Restored Democracies. In cooperation with the State Great Hural (Parliament of Mongolia), IPU held a parliamentary forum at which the representatives of 50 parliaments debated the parliament's role in promoting democracy. At its conclusion, the meeting adopted a declaration reiterating the core values of participation, transparency and accountability in democracies and outlining the key principles of respect for human rights, including the freedom of expression and association, the rule of law, partnership between men and women in political life and the existence of a vibrant civil society.

20. IPU emphasized that the declaration contains an outline of proposed parliamentary action in support of democracy, which IPU is committed to follow. It encompasses structural and legislative reforms to facilitate greater participation of women in decision-making; fostering integrity and public trust and confidence in public institutions through a more rigorous application of codes of conduct; and, in general terms, encourages more effective parliamentary oversight processes and structures. Furthermore, IPU expressed readiness to participate in the identification and formulation of indicators of democracy - as part of the overall follow-up to the Ulaanbaatar Declaration and Plan of Action - and its intention to take an active part in the mechanisms that would be established to ensure such follow-up.
