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人权委员会
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公民权利和政治权利

民主与人权的相互依存关系

各政府间组织、国际组织、区域组织和分区域组织
为促进和巩固民主而通过和使用的文件或案文的汇编

人权事务高级专员办事处的报告*

* 附件不译，原文照发。

内 容 提 要

人权委员会第 2003/36 号决议请人权事务高级专员办事处编纂一份各政府间组织、国际组织、区域组织和分区域组织为促进和巩固民主而通过和使用的文件或案文的汇编，并向委员会第六十一届会议提出报告。

一项由 73 份文件和案文组成的汇编现已编就，并已在人权事务高级专员办事处的网站(www.ohchr.org)上公布。由于汇编大大超过了提交委员会的报告的核准篇幅，本报告便概述汇编的内容，并指出哪些组织已经通过了这些文件和案文，这些文件和案文的性质和法律特征，以及这些文件和案文所讨论的特定问题。汇编中所载的文件与案文清单载于本报告附件。

1. 人权委员会第 2003/36 号决议请人权事务高级专员办事处准备一份各政府间组织、国际组织、区域组织和分区域组织为促进和巩固民主而通过和使用的文件或案文的汇编，并向委员会第六十一届会议提出报告。现已编具一份由 73 份文件和案文组成的汇编，并在人权事务高级专员办事处的网站(www.ohchr.org)上公布。汇编中所载的文件与案文清单载于本报告附件。*

2. 该项汇编所收集的案文和文件是由世界不同地区各组织通过的，这些组织尤其包括：非洲联盟、中非国家经济共同体(中非经共体)、西非国家经济共同体(西非经共体)、南部非洲发展共同体(南非洲发共体)、美洲国家组织(美洲组织)、安第斯共同体、伊比利亚—美洲国家教育、科学和文化组织、中美洲一体化体系、南美洲共同市场、常设政治协商和协调机构、里约集团、欧洲联盟、欧洲委员会威尼斯委员会、欧洲安全和合作组织(欧安组织)和阿拉伯国家联盟。

3. 一些政府间组织也通过了其他相关的案文，这些组织包括：法语国家国际组织和英联邦组织，另有其他一些实体，包括：新的民主政体或恢复民主的政体国际会议和民主政体共同体。各国议会联盟也通过了相关的案文。

4. 为编纂这一汇编，还采用了一些联合国机构和专门机构的案文和文件，例如联合国教育、科学及文化组织(教科文组织)的案文和文件。

5. 汇编中所采用的文件和案文具有不同的性质和法律地位。文件和案文包括如下几类：组织法、条约、章程、原则宣言、议定书、准则、行动计划、战略、行为准则和良好做法守则、建议和条例。

6. 无论其法律上的约束地位如何，这些文件和案文的价值均在于其得到了大批行动者的接受和承认。它们提供了指导，并且对参与促进和巩固民主的行动者提供了重要的资料来源。

7. 关于汇编中所采用的文件和案文的内容，国际、区域和分区域组织一般均表示遵守诸如法律面前人人平等、言论表达自由和结社自由、以及参与政治决策进程等等各项原则与目标。汇编中所采用的文件和案文含有对加强和实现根本的民主要素所作

* 该汇编被认为是一项持续开展的进程。因此，请各政府间组织、国际组织、区域和分区域组织提交为促进和巩固民主而通过和使用的其他案文和文件。据预计，这些文件和案文首先将以联合国三种工作语文（英文、法文和西班牙文）在网站上公布。

的坚决承诺，这些要素包括：权力分立、赋予议会以权力并加强议会、司法机构的独立性、公正而透明的选举、反对不符合宪法的政府变更、大众的参与、权力下放、新闻自由、律师协会成员的自由、在民主体制中武装部队、警察或保安部队的从属地位。

8. 这些组织所使用的文件和案文还强调了民主与其他理念(例如稳定、和平与可持续发展，以及制止腐败的努力)之间的密切关联和相互依存关系。

9. 一些组织通过了涉及以下方面的原则或准则的文件和案文：民主选举、选举的观察和监督指南、选举事项中的行为准则和良好做法守则、宪定公民投票的指南、为政党提供资金的准则或禁止和解散政党的准则。

10. 民主教育和促进民主文化也是汇编所载一些案文所强调的主题。

11. 一些组织通过了摒弃和谴责违反宪法地变更政府的案文，案文界定了违宪变更的定义，并提出了制止这种破坏宪法秩序的各种措施。

12. 一些组织在其与第三国的协议中订立了民主条款，将其援助与尊重民主原则联系起来，并设定了监察有关国家在民主领域里所作承诺的机制。

13. 文件和案文汇编对于各国、各政府间组织和非政府组织、联合国机构和专门机构，以及学术界和其他希望在这方面作比较研究的专家都是有用的资源。该项汇编对于有兴趣考察国际、区域和分区域各级对涉及促进和巩固民主的问题所采做法的人而言也是极有助益的资源。

Annex

LIST OF THE DOCUMENTS AND TEXTS ON PROMOTING AND CONSOLIDATING DEMOCRACY CONTAINED IN THE COMPILATION TO BE POSTED ON THE WEB SITE OF THE OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS

I. REGIONAL AND SUBREGIONAL ORGANIZATIONS

A. Africa

African Union (AU)

- African Charter on Human and Peoples' Rights (excerpts)
- Constitutive Act of the African Union (excerpts)
- Lomé Declaration of July 2000 on the framework for a response by the Organization of African Unity to unconstitutional changes of government
- Conference on Security, Stability, Development and Cooperation in Africa (CSSDCA) Solemn Declaration (AHG/Decl.4 (XXXVI), 2000 (excerpts)
- New Partnership for Africa's Development (NEPAD) (excerpts)
- OAU/AU Declaration on the Principles Governing Democratic Elections in Africa
- Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (excerpts)

Economic Community of Central African States (ECCAS)

- Bata Declaration for the Promotion of Lasting Democracy, Peace and Development in Central Africa

Economic Community of West African States (ECOWAS)

- ECOWAS Treaty (excerpts)
- Declaration of Political Principles of the Economic Community of West African States (excerpts)
- Protocol on Democracy and Good Governance

Southern African Development Community (SADC)

- SADC Treaty (excerpts)
- SADC Regional Indicative Strategic Development Plan (RISDP) (excerpts)

- Principles and Guidelines Governing Democratic Elections

B. Arab region

- Sana'a Declaration on Democracy, Human Rights and the Role of the International Criminal Court adopted by the Inter-Governmental Regional Conference on Democracy, Human Rights and the Role of the International Criminal Court, Sana'a, 10-12 January 2004

League of Arab States

- Tunis Declaration of the 16th Arab Summit (Tunis, 22-23 May 2004) (excerpts)
- Arab Charter on Human Rights (excerpts)

C. Europe

European Union

- Charter of Fundamental Rights of the European Union (excerpts)
- Resolution of the council and of the member states meeting in the council on human rights, democracy and development
- Council Regulation (EC) No. 976/1999 of 29 April 1999 (on developing and consolidating democracy and the rule of law)
- The Cotonou Agreement (excerpts)

Organization for Security and Cooperation in Europe (OSCE)

- Conference on the Human Dimension of the Conference for Security and Co-operation in Europe (CSCE):
 - Concluding Document of the Vienna Meeting of Representatives of the Participating States of the CSCE
 - Document of the Moscow Meeting of the Conference on the Human Dimension of the CSCE
 - Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE (excerpt)
- Charter of Paris for a New Europe

Council of Europe - Venice Commission

- Code of Good Practice in Electoral Matters (adopted guidelines and draft explanatory report)

- Guidelines for Constitutional Referendums at National Level
- Guidelines on Prohibition and Dissolution of Political Parties and Analogous Measures
- Guidelines for Financing of Political Parties

D. The Americas

Organization of American States (OAS)

- Inter-American Democratic Charter
- Promotion and Strengthening of Democracy: follow-up to the Inter-American Democratic Charter
- Declaration of Santiago on Democracy and Public Trust: A New Commitment to Good Governance for the Americas
- Declaration of Nuevo León (excerpts)
- Declaration of Quito on Social Development and Democracy, and the Impact of Corruption

Andean Community

- Declaration about Democracy and Integration (excerpts)
- Additional Protocol to the Cartagena Agreement, “Andean Community Commitment to Democracy”
- Machu Picchu Declaration on Democracy, the Rights of Indigenous Peoples and the War against Poverty
- Andean Charter for the Promotion and Protection of Human Rights (excerpts)

Organization of Iberoamerican States (OEI)

- Declaración de Concepción (excerpts)

Sistema de la Integración Centroamericana (SICA)

- Tegucigalpa Protocol to the Charter of the OAS (excerpts)
- Central American Alliance for Sustainable Development (excerpts)
- Framework Treaty on Democratic Security in Central America (excerpts)

MERCOSUR

- Declaración Presidencial sobre Compromiso Democrático en el MERCOSUR
- Protocolo de Ushuaia sobre Compromiso Democrático en el MERCOSUR, la República de Bolivia y la República de Chile

Permanent Mechanism of Political Consultation and Coordination - the Rio Group (GRIO)

- Compromiso de Acapulco para la Paz, el Desarrollo y la Democracia (excerpts)
- Declaración de Asunción
- Declaración sobre Defensa de la Democracia
- Declaración de Cartagena de Indias: Compromiso de Cartagena con la Democracia
- Declaración sobre Democracia
- The Cusco Consensus

II. OTHER INTERGOVERNMENTAL ORGANIZATIONS

International Organization of la Francophonie (OIF)

- Bamako Declaration: “Bilan des pratiques de la démocratie, des droits et des libertés dans l’espace francophone”
- Déclaration de Beyrouth

The Commonwealth

- The Harare Commonwealth Declaration
- The Millbrook Commonwealth Action Programme on the Harare Declaration
- Aso Rock Commonwealth Declaration on Development and Democracy: Partnership for Peace and Prosperity

III. OTHER ENTITIES

International Conference of New or Restored Democracies

- Fifth International Conference of New or Restored Democracies:
 - Ulaanbaatar Plan of Action: Democracy, Good Governance and Civil Society

Community of Democracies

- Final Warsaw Declaration: Toward a Community of Democracies
- Seoul Plan of Action - Democracy: Investing for Peace and Prosperity

IV. INTER-PARLIAMENTARY UNION (IPU)

- Universal Declaration on Democracy
- Ensuring Lasting Democracy by Forging Close Links Between Parliament and the People
- Parliaments' Role in Strengthening Democratic Institutions and Human Development in a Fragmented World
- Declaration of the Parliamentarians' Forum on the occasion of the Fifth Conference of New or Restored Democracies

V. UNITED NATIONS AND SPECIALIZED AGENCIES

United Nations

- Universal Declaration of Human Rights
- International Covenant on Civil and Political Rights (excerpts)
- The Vienna Declaration and Programme of Action (excerpts)
- United Nations Millennium Declaration (excerpts)

United Nations Educational, Scientific and Cultural Organization (UNESCO)

- Declaration of Montevideo: Democratic Culture and Governance
- World Plan of Action on Education for Human Rights and Democracy
- Seoul Recommendations on Democracy and Tolerance
- Declaration and Integrated Framework of Action on Education for Peace, Human Rights and Democracy
- UNESCO Integrated Strategy on Democracy within the Framework of the International Centre for Human Sciences
