



DEMOCRACY AND HUMAN RIGHTS

The human rights normative framework

The values of freedom, respect for human rights and the principle of holding periodic and genuine elections by universal suffrage are essential elements of democracy. In turn, democracy provides the natural environment for the protection and effective realization of human rights. These values are embodied in the Universal Declaration of Human Rights and further developed in the International Covenant on Civil and Political Rights which enshrines a host of political rights and civil liberties underpinning meaningful democracies.

The link between democracy and human rights is captured in article 21(3) of the Universal Declaration of Human Rights, which states:

“[t]he will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.”

The rights enshrined in the International Covenant on Economic, Social and Cultural Rights and subsequent human rights instruments covering group rights (e.g. indigenous peoples, minorities, people with disabilities) are equally essential for democracy as they ensure an equitable distribution of wealth, and equality and equity in respect of access to civil and political rights.



For several years, the UN General Assembly and the former Commission on Human Rights endeavored to draw on international human rights instruments to promote a common understanding of the principles, norms, standards and values that are the basis of democracy, with a view to guiding Member States in developing domestic democratic traditions and institutions; and in meeting their commitments to human rights, democracy and development.

This led to the articulation of several landmark resolutions of the former Commission on Human Rights.

Human rights officers talk to local people in Bara district, Central Region, Nepal, April 2008. OHCHR



In 2000, the Commission recommended a series of important legislative, institutional and practical measures to consolidate democracy (resolution 2000/47); and in 2002, the Commission declared the following as essential elements of democracy:ⁱ

- Respect for human rights and fundamental freedoms
- Freedom of association
- Freedom of expression and opinion
- 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
- Free, independent and pluralistic media.



Marchers in Wat Phnom, Cambodia, highlighting freedom of expression. OHCHR/James Turpin

Supporting national democratization processes

Democracy deficits and weak institutions are among the main challenges to the effective realization of human rights. OHCHR seeks to address these challenges through its advisory services and technical cooperation programme, which focus on *strengthening the legal framework for human rights protection (institutional and legal reform); capacity building; empowering vulnerable and disadvantaged segments of the society; advocacy, awareness raising and human rights education.*

In transitional democracies and countries emerging from conflicts, OHCHR collaborates with national governments and actors to build a strong and independent judiciary, a representative, efficient and accountable parliament, an independent and effective national human rights institution, and a vibrant civil society.

ⁱ Commission on Human Rights resolution 2002/46



Guiding national and regional efforts towards consolidating democracy and upholding the rule of law

Two expert seminars organized by OHCHR in 2002 and 2005 shed light on the main **challenges to democracy, human rights and the rule of law**, including:

- Deepening poverty
- Threats to human security
- The infringements of individual rights and impediments to the enjoyment of fundamental freedoms
- Erosions of the rule of law in contexts such as counter-terrorism
- Illegal occupation involving the use of force
- The escalation of armed conflicts
- Unequal access to justice by disadvantaged groups
- Impunity

The reports of these seminarsⁱⁱ stand as *a guide* for developing national and regional frameworks and strategies for the realization of democracy *as a holistic concept* based on a strict adherence to human rights and the principles of the rule of law.

Moreover, OHCHR has published a compilationⁱⁱⁱ of relevant documents and texts which serves as a reference and analytical tool for Constitution making, the revision/drafting of national legislations and strategies to consolidate human rights and democratic foundations.

OHCHR participates with other parts of the UN system in developing a coherent system-wide approach to democracy and constitutional assistance. OHCHR also seeks to partner with intergovernmental democracy-promoting organizations such as *l'Organisation Internationale de la Francophonie*, the Inter-Parliamentary Union, the Organization for Security and Cooperation in Europe and regional intergovernmental organizations. The Office also provides dedicated support to the UN Democracy Fund, advising the decision making process on programme funding criteria and on project proposals.

**For more information, contact: OHCHR Geneva, Tel: +41 (0) 22 928 9787 or visit:
www.ohchr.org**

ⁱⁱ Contained in document (E.CN.4/2003/59) and (E.CN.4/2005/58)

ⁱⁱⁱ The *Compilation of documents and texts adopted and used by various intergovernmental, international, regional and sub-regional organizations aimed at promoting and consolidating democracy* is available at http://www2.ohchr.org/english/law/compilation_democracy/index.htm.

