



**Economic and Social
Council**

Distr.
GENERAL

E/CN.4/2005/127
11 February 2005

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Sixty-first session
Item 11 of the provisional agenda

CIVIL AND POLITICAL RIGHTS

**Enhancing the role of regional, subregional and other organizations and
arrangements in promoting and consolidating democracy**

Report of the Office of the High Commissioner for Human Rights*

* The reason for the late submission of this report is the need to reflect the latest information.

Summary

In its resolution 2004/30, the Commission on Human Rights invited, inter alia, the Department of Political Affairs and its Electoral Assistance Division, the Department of Economic and Social Affairs, the United Nations Development Programme (UNDP), the International Labour Organization (ILO), the United Nations Educational, Scientific and Cultural Organization (UNESCO) and regional organizations to provide information on action undertaken to promote and consolidate democracy. The present report summarizes the information received from United Nations bodies, specialized agencies and regional organizations, and covers action undertaken in the field of electoral assistance and monitoring, research on democracy-related topics, development of knowledge and capacity-building at regional and country level, inclusion of democratic clauses in agreements with countries, adoption of reference texts and documents on democracy, and funding activities to support these activities.

United Nations bodies and regional organizations have delivered technical assistance or funded projects aimed at improving particular aspects of the electoral process, such as the participation of women in elections, general civic and voter education, strengthening the capacity of electoral commissions, improvement of the voter registry, promoting the role of civil society, promoting the role of the media and strengthening the capacity of election jurisdiction bodies. Electoral assistance also took the form of electoral observation missions in a number of countries. Organizations have also adopted guidelines and principles on how to conduct elections.

Responding organizations also promoted democracy through conferences, seminars and workshops, as well as research activities contributing to the development of knowledge in this regard. They also facilitated political dialogue and assisted in building national capacities, including national human rights institutions and the judiciary.

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Introduction

1. In its resolution 2004/30, the Commission on Human Rights called upon the Office of the United Nations High Commissioner for Human Rights (OHCHR) to stimulate dialogue and interaction within the United Nations system and interested intergovernmental regional, subregional and other organizations and arrangements on the ways and means of promoting democratic values and principles, based on resolution 2004/30 and other relevant resolutions of the General Assembly and of the Commission on Human Rights. To this end, the Commission requested OHCHR to invite, inter alia, the Department of Political Affairs and its Electoral Assistance Division, the Department of Economic and Social Affairs, the United Nations Development Programme (UNDP), the International Labour Organization (ILO), the United Nations Educational, Scientific and Cultural Organization (UNESCO) and regional organizations to inform the Commission on Human Rights of actions undertaken to promote and consolidate democracy.

2. The present report summarizes the information received from the Electoral Assistance Division of the Department of Political Affairs, UNESCO, the African Union and the European Union. It also describes activities undertaken by OHCHR.

I. ACTION TAKEN BY UNITED NATIONS BODIES AND SPECIALIZED AGENCIES FOR THE PROMOTION AND CONSOLIDATION OF DEMOCRACY

A. Department of Political Affairs and its Electoral Assistance Division

3. The Department of Political Affairs stated that international assistance was important to support democracy, in particular in responding to the special needs of democratization processes in post-conflict and politically fragile situations. Experience has shown that for democracy to be sustainable, it requires adequate and stable institutions and the existence of the rule of law. Electoral assistance is an important element of democratic transformation. By providing such assistance, the international community is able to help early on in the process of peace-building by ensuring that adequate electoral systems are in place, which allows all citizens, including marginalized groups, to vote. The establishment of the International Conference on New and Restored Democracies has created an opportunity for democratic countries around the world, new and old, to share their experiences and best practices in the field of democracy, and to initiate research at the national, regional and international level.

4. The Department of Political Affairs is currently supporting the Government of Mongolia in the process of follow-up to the Fifth International Conference of New or Restored Democracies, held in Ulaanbaatar in September 2003. To this end, the Department has convened interdepartmental follow-up meetings in cooperation with the Government of Mongolia. The Fifth Conference adopted a Plan of Action, which contains a special section (sect. 4) on regional action specifically related to regional organizations and human rights. It requests participating Governments to promote regional dialogue on the promotion and protection of human rights and fundamental freedoms, and the creation or consolidation of regional monitoring mechanisms to assess the state of human rights and fundamental freedoms. A study on the implementation of this regional action of the Ulaanbaatar Plan of Action is under consideration, in cooperation with the United Nations University Comparative Regional Integration Studies Programme.

With the Government of Qatar, which will host the Sixth International Conference of New or Restored Democracies, the Department has initiated cooperation with other departments and United Nations bodies in preparation for the next Conference, which will take place in Doha in November 2006.

5. Concerning regional and country-specific action, the Department noted that the International Conference on Peace, Security, Democracy and Development in the Great Lakes Region is an undertaking by 11 core countries, with the support of the African Union and the United Nations and concerned subregional organizations, to put in place a process to, inter alia, stimulate the promotion of democracy and good governance in the region. At the Conference's First Summit of Heads of State and Government on 19 and 20 November 2004 in Dar-es-Salaam, the core countries adopted a declaration of principles in which they made commitments in the area of democracy and good governance. These included, inter alia, to put in place national and regional policies to consolidate the rule of law; to combat all discriminatory ideologies; to develop common policies in civic education, free movement of persons, freedom of expression and free exchange of ideas and information; promote policies based on multiculturalism and tolerance; to promote gender equality; and to encourage political and legal cooperation between States to address crimes. It is envisioned that these commitments will be transformed into concrete programmes of action to be adopted at the Second Summit.

6. The Department reported that it has peace-building offices to assist the Central African Republic and Guinea-Bissau. It also intends to work more closely with OHCHR in supporting the work of the United Nations Subregional Centre for Human Rights and Democracy in Central Africa, based in Yaoundé.

7. As concerns the Americas, the Department indicated that in addition to the work of its Electoral Assistance Division pertaining to the electoral process, it had also been involved in other efforts to promote democracy in the region. For example, it has been involved in monitoring and sending key messages during times of political strife through its special advisers, notably in Haiti and Venezuela. It has also been involved in dialogue processes in Guyana, with the assistance of UNDP.

8. In Asia, the Department has implemented several projects in post-civil war Tajikistan aimed at consolidating the peace and preventing a possible relapse into conflict. These efforts have included facilitating dialogue between the Government and leaders of the former armed opposition to resolve difficult and complicated issues. Through the United Nations Tajikistan Office of Peace-Building (UNTOP) and in cooperation with the United Nations Country Team and the Organization for Security and Cooperation in Europe (OSCE) Mission, the Department of Political Affairs has actively promoted democratic institution-building and political tolerance, notably through supporting the Political Discussion Club project, which has become the key podium in the country for free expression and a vehicle of democratic change. Through the activities of its Civilian Police Adviser, UNTOP has also contributed to reforming the country's law enforcement agencies, building national capacity and promoting transparency.

9. In the Middle East, the Department of Political Affairs and UNDP, in cooperation with the Government of Yemen, are preparing the Forum on Yemeni Democratization, Development and Human Security, to be held in Sana'a from 21 to 23 February 2005. The Forum is designed to contribute to strengthening ongoing democratic reforms, conflict prevention and the

modernization of Yemeni society. In Iraq, the Department plays the lead role in setting policy and providing operational support and guidance to the United Nations Assistance Mission in Iraq (UNAMI). Its activities are aimed at promoting democracy in the country, including supporting national dialogue, preparing for general elections in January 2005, and providing substantive support in drafting a new constitution for the country.

10. In the field of electoral assistance, the Department recalled that in its resolution 46/137, the General Assembly named the Under-Secretary-General for Political Affairs to act as focal point for electoral assistance within the United Nations system. The Electoral Assistance Division assists the focal point in ensuring consistency in evaluating requests for assistance; in implementing electoral assistance projects; and in ensuring the appropriate technical qualifications of staff and consultants that work on United Nations electoral assistance projects.

11. In designing electoral assistance projects, the Electoral Assistance Division gives particular attention to facilitating the participation of women in elections as voters, candidates and elected officials. There is also a focus on general civic and voter education, the improvement of voter registry and the building-up of the capacity of electoral commissions.

B. United Nations Educational, Scientific and Cultural Organization

12. UNESCO has adopted an integrated strategy for an international programme on democracy within the framework of the International Centre for Human Sciences, located in Byblos, Lebanon. This initiative aims to consolidate into one integrated strategy the research and capacity-building efforts at Byblos which are centred on empirical research; the implementation of the recommendations of the International Panel on Democracy and Development,¹ which provides conceptual analysis and recommendations on themes to be considered in the promotion of democracy; and the traditional focus of UNESCO on the theoretical analysis of the principles of democracy. This new strategy intends to foster comparative analytical research, to organize international dialogues on the future of democracy, and to support democracy in post-conflict societies.

13. By fostering comparative analytical research, UNESCO aims to assess the conditions that facilitate democratic practice and to understand the mechanisms that nurture the development and maintenance of democracy. UNESCO is undertaking to create new knowledge that will demonstrate that democracy can be nourished everywhere despite differences in tradition and culture among societies. This new knowledge base will initially focus on democracy and its relationship with culture. Later the focus will be placed on the relationship between democracy and such themes as ethnicity, peace and development. The objective is to achieve a better understanding about the reality of democracy in the world, and in particular the way in which democratic principles are understood and practised in the different regions.

14. UNESCO will also examine the way in which globalization impacts on democracy throughout the world by way of analysis and international dialogue. This examination will be grounded in research on democratic norms, values and principles and their relationship to key issues of globalization and development. Concept papers will be produced and international conferences that will include as participants members of the International Panel on Democracy and Development, decision makers and researchers, will be held in different regions of the world.

15. In post-conflict situations, UNESCO intends to contribute more directly to the restoration and/or establishment of democracy through a programme of research and capacity-building. The research programme aims to encourage the promotion of democracy by local actors in the academic community who will make use of the results of the analytical research produced by the Byblos centre and the debate generated by the International Panel on Democracy and Development.

16. It has been proposed to establish new research and training centres or to strengthen the existing ones in the countries concerned. These centres, in cooperation with the Byblos centre, would conduct research, disseminate information and interact with policy makers and civil society in building new democracies. The centres should also train and build capacity of legislators, civil servants and leaders of civil society in order to foster consensus on the need to protect and promote human rights, gender equality and the rule of law. In cooperation with OHCHR and non-governmental organizations, these centres would also develop training programmes for magistrates, army officials, police and security forces.

C. Office of the United Nations High Commissioner for Human Rights

17. OHCHR has focused on the development and the exchange of information through conferences, seminars and workshops. It has also been involved in the elaboration of manuals and tools aimed at promoting democracy. In September 2004, OHCHR and UNDP, in cooperation with the Republic of Korea, organized a seminar in Seoul on good governance practices for the promotion of human rights in different regions. The seminar discussed examples of illustrative good governance practices that have had an impact on the promotion of human rights and what lessons could be drawn from them. Case studies on the following topics were addressed: the promotion of the rule of law; strengthening the delivery of services contributing to the realization of human rights; strengthening democratic institutions and participation; and combating corruption in the public and private sectors.

18. The meeting concluded that there is a mutually reinforcing relationship between good governance and human rights, and that there is no exhaustive definition of good governance. However, common elements were identified which include the following: participation, accountability, transparency, State responsibility and accessibility, in particular for marginalized groups. Participants in the Seoul meeting also concluded that there is a need for greater awareness of the relationship between good governance and human rights, and focused in particular on the importance of political will, public participation and awareness. This requires changing traditional approaches to issues such as: gender equality and cultural diversity; integrating human rights effectively in State policy and practice; establishing the promotion of justice as the aim of the rule of law; addressing the key linkages between good governance, human rights, poverty reduction and inequalities; and responding to key challenges for human rights and good governance such as corruption and the existence of conflict.

19. Through its National Institutions Unit, OHCHR continues to support regional and international conferences, workshops and round tables of national human rights institutions where issues relating to democracy have been addressed. For instance, the role of national human rights institutions in the democratization process was one of the themes at the Seventh International Conference for National Institutions for the Promotion and Protection of Human Rights held in Seoul in September 2004. In their final declaration, the participating national

human rights institutions reiterated their commitment to continue to act as agents of democratization, including by endeavouring to ensure respect for standards recognized as benchmarks of a democratic society.

20. OHCHR also organized a Transitional Justice Expert Workshop in Geneva in late September 2004. This exercise was part of a project, entitled “Rights-sensitive Transitional Justice in Post-conflict and Post-crisis Countries”, aimed at enhancing the capacity of OHCHR to provide legal research, analysis, drafting and advice in the field of international standards for the administration of justice, truth and reconciliation processes, and international criminal law in post-conflict countries. The primary objective of the project is to produce an operational manual for practical use by field missions and transitional administrations in post-conflict States. This manual will consist of tools that will provide practical guidance on matters pertaining to areas related to transitional justice and rule of law. The aim of the Workshop was to solicit expert views and feedback on draft tools, thereby providing the drafters with guidance for the further development of the manual.

21. The Inter-Parliamentary Union (IPU) and OHCHR collaborated on the elaboration of a “Handbook on Human Rights for Parliamentarians”, which provides an introduction to human rights standards, mechanisms and principles, with a focus on civil, political, economic, social and cultural rights and an explanation of their contents and the role parliamentarians can play in their realization.

22. A seminar was also jointly organized by OHCHR, IPU and UNDP for members of parliamentary human rights bodies in Geneva in March 2004, entitled “Strengthening Parliament as a Guardian of Human Rights: the Role of Parliamentary Human Rights Bodies”. Topics discussed include the mandate of parliamentary human rights bodies, as well as the relationships of these bodies with the United Nations, regional human rights mechanisms, civil society and national human rights institutions.

23. OHCHR has prepared a compilation of documents and texts adopted by various international, intergovernmental, regional and subregional organizations aimed at promoting and consolidating democracy.²

II. ACTION TAKEN BY REGIONAL ORGANIZATIONS FOR THE PROMOTION AND CONSOLIDATION OF DEMOCRACY

A. African Union

24. The African Union has addressed the issue of electoral matters, inter alia, through the adoption of a Declaration on the Principles Governing Democratic Elections in Africa and Guidelines for African Union Electoral Observation and Monitoring Missions. The Declaration indicates that democratic elections are the basis of authority of any representative Government and that regular elections constitute a key element of the democratization process and therefore are the essential ingredients for good governance, the rule of law, the maintenance and promotion of peace, security, stability and development.

25. The Declaration further underlines that democratic elections should be conducted freely and fairly, under democratic constitutions, in compliance with legal instruments, and under a system of separation of powers that ensures the independence of the judiciary. It indicates that democratic elections should be held at regular intervals by impartial, competent and accountable electoral institutions staffed by well-trained personnel and equipped with adequate logistics.

26. It should be noted that in the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, adopted in July 2003, States parties agreed in article 8 that women and men are equal before the law and have the right to the equal protection and benefit of the law. In article 9 of the Protocol, States parties agreed to take specific positive action to promote participative governance and the equal participation of women in the political life of their countries through affirmative action; enabling national legislation and other measures to ensure that women participate in elections without any discrimination; that women are represented equally at all levels with men in all electoral processes; and that women are equal partners with men at all levels of development and implementation of State policies and programmes. States parties also agreed to ensure increased and effective representation and participation of women at all levels of the decision-making process.

B. European Union

27. The European Union promotes democracy through election observations and assistance missions, the inclusion of human rights and democracy clauses in agreements with third countries, raising issues related to democracy in a wide range of dialogues, and funding projects to promote democracy, the rule of law and good governance under the European Initiative for Democracy and Human Rights and other European Commission instruments.

28. Since the European Commission adopted a Communication on Election Assistance and Observation (COM (2000) 191), the European Union has conducted 28 election observation missions in countries in Africa, Asia and Central and South America. The purpose of an election observation mission is to assess the degree to which an election is conducted in line with international standards for democratic elections. These missions can also deter or reduce electoral fraud and irregularities; deter or reduce violence and intimidation; enhance the confidence of political contestants, civil society and the electorate to participate in elections; provide a picture of the whole range of democratization issues such as the independence and performance of the judiciary as well as general respect for human rights; and produce recommendations to improve the election framework and democratic environment.

29. The European Union's activities relating to electoral assistance are also the funding of electoral assistance projects in countries in transition, and are aimed at supporting national election management bodies and election jurisdiction bodies; domestic election observation and media monitoring groups; voter education by election management bodies and/or civil society; and international or regional organizations involved in electoral support.

30. Assistance is also provided to civil society to conduct civic and voter education in a number of countries and to international organizations working in the field of electoral assistance. This has included assistance to the Office for Democratic Institutions and Human Rights (ODIHR) of the OSCE to develop guidelines for media monitoring to be used by both ODIHR and European Union election observation missions. It has included assistance to the

Venice Commission of the Council of Europe to analyse electoral legislation and assist national authorities in improving the quality of electoral legislation and practice. Assistance has also been provided to the African Union to develop capacity in election observation.

31. Since the early 1990s, all trade and cooperation agreements between the European Commission and third countries have included language that stipulates that respect for human rights and democratic principles is an “essential element” of the agreement. For example, the Cotonou Agreement with 79 African, Caribbean and Pacific States contains language that provides for an obligatory consultation procedure to precede any possible suspension of the agreement other than in exceptional cases of “particular serious and flagrant violation” of one of the essential elements of the Agreement when suspension may take place with immediate effect. In addition, the Agreement establishes a process of political dialogue under article 8 which allows human rights and democratization issues to be addressed regularly.

32. At the regional level, the European Union has strongly supported efforts of the African Union to promote human rights, including through a EUR 1.9 million project in 2003 under the European Initiative for Democracy and Human Rights to strengthen the African Union’s capacity in relation to democratization processes, governance and human rights. Concerning Asia, the Council of the European Union has endorsed several communications setting down strategic recommendations for relations with Asia which include a central reference to human rights and democratization.³ In Latin America, the European Union has concluded second and, in some cases, third generation agreements with all Latin American countries, except with countries that are members of Mercosur,⁴ which contain the “essential element” clause as well as substantial provisions on human rights and democracy. These agreements have allowed for far-reaching activities through political dialogue and cooperation initiatives.

33. In South Eastern Europe, the principal European Union vehicle for promoting human rights and democratization is the “Stabilization and Association Process”. In addition to incorporating references to human rights and democratic stabilization in individual country strategic papers for the five countries, the Community Assistance for Reconstruction, Development and Stabilisation (CARDS) Regional Strategy Paper for 2002-2006, adopted in October 2001, identifies support to democratic stabilization as a very important element to consolidate democratic advances and boost the role of civil society.

34. With regard to the Mediterranean region, during 2001 and 2002 new Association Agreements incorporating the “essential elements” clause have been concluded or entered into force with Algeria, Egypt, Jordan and Lebanon. The Regional Strategy Paper for 2002-2006 includes enhancing the rule of law and good governance as one of the five regional priorities.

35. In terms of funding activities, strengthening the rule of law, good governance and democratization are key priorities of the European Union under the European Initiative for Democracy and Human Rights.⁵

III. CONCLUSION

36. United Nations agencies and regional organizations are involved in a variety of activities aiming at the promotion and consolidation of democracy. Action has been undertaken in the field of electoral assistance and monitoring, research on democracy-related topics, development of knowledge and capacity-building at regional and country level, inclusion of democratic clauses in agreements with countries, adoption of reference texts and documents on democracy, and funding to support these activities. OHCHR has also played an important role through its development of manuals and tools, as well as its organization of and participation in workshops, seminars and conferences. It will continue to stimulate dialogue and interaction on ways and means of promoting democratic values and principles, as requested in Commission resolution 2004/30.

Notes

¹ These recommendations are in the publication The Interaction between Democracy and Development published by UNESCO in 2002.

² At the time of writing, arrangements were being made to place the compilation on the OHCHR web site.

³ See in particular COM (2001) 469 final.

⁴ Negotiations on an association agreement are still ongoing.

⁵ See http://www.europa.eu.int/comm/europeaid/projects/eidhr/projects_en.htm for more information.
