



# General Assembly

Distr.: General  
6 August 2013

Original: English

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## Human Rights Council

Twenty-fourth session

Agenda items 2 and 3

**Annual report of the United Nations High Commissioner  
for Human Rights and reports of the Office of the  
High Commissioner and the Secretary-General**

**Promotion and protection of all human rights, civil,  
political, economic, social and cultural rights,  
including the right to development**

### **Outcome of the panel discussion on common challenges facing States in their efforts to secure democracy and the rule of law from a human rights perspective**

#### **Report of the United Nations High Commissioner for Human Rights**

##### *Summary*

The present report is submitted pursuant to resolution 19/36 of the Human Rights Council. It provides a summary of the panel discussion, held on 11 June 2013, at the twenty-third session of the Human Rights Council, on common challenges facing States in their efforts to secure democracy and the rule of law from a human rights perspective, as well as on lessons learned and best practices in the engagement of the State with the international community to support such processes.

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## **I. Introduction**

1. Pursuant to resolution 19/36, the Human Rights Council held a panel discussion, on 11 June 2013, at its twenty-third session, on common challenges facing States in their efforts to secure democracy and the rule of law from a human rights perspective, as well as on lessons learned and best practices in the engagement of the State with the international community to support such processes.

2. The debate focused on two main themes, namely (a) the common, salient challenges to democracy and the rule of law in both settled democracies and States transitioning towards democracy, and (b) best practices and strategies to address these challenges at the national, regional and global levels. The discussion was based on a study on common challenges facing States in their efforts to secure democracy and the rule of law from a human rights perspective (A/HRC/22/29) and was submitted to the Human Rights Council at its twenty-second session. The study was prepared by the Office of the High Commissioner for Human Rights (OHCHR), at the request of the Council pursuant to resolution 19/35, in consultation with States, national human rights institutions, civil society, relevant intergovernmental bodies and international organizations.

3. The panel discussion was co-moderated by the President of the Human Rights Council, Remigiusz Achilles Henczel, and the BBC correspondent to Geneva, Imogen Folkes, and opened by the High Commissioner for Human Rights, Navi Pillay. The panellists were the Romanian State Secretary for Political Affairs and Liaison with Parliament, Radu Podgorean; the Permanent Delegate of Peru to the United Nations Educational, Scientific and Cultural Organization (UNESCO) in Paris, Manuel Rodríguez Cuadros; the Secretary-General of the International Institute for Democracy and Electoral Assistance, Vidar Helgesen; the President of the Moroccan National Human Rights Council, Driss el-Yazami; the Vice-President of the Arab Parliament of the League of Arab States, Aisha al-Mannai; and a member of the Executive Board of Femmes Africa Solidarité, Brigitte Balipou.

4. In an effort to render the Human Rights Council more accessible to persons with disabilities and to allow them to participate in the work of the Council on an equal basis with others, sign language interpretation and captioning were provided and webcasted. Physical accessibility was promoted by making room facilities wheelchair friendly.

5. The present summary was prepared by the Office of the High Commissioner for Human Rights pursuant to Human Rights Council resolution 19/36.

## **II. Statement by the High Commissioner for Human Rights and contributions of panellists**

6. In her opening statement, the High Commissioner for Human Rights, Navi Pillay, recalled that democracy, the rule of law and human rights are fully interdependent and mutually reinforcing, and that the weakening of one immediately endangers the existence of the others. She stated that beyond elections, which occur once every four or five years, democracy involves continuous participation of the people in political processes. It also implies a free press and other media able to comment on public issues and to inform public opinion without censorship or restraint. She also stressed that effectively functioning oversight processes and mechanisms, which can provide accountability and safeguard against abuse of power, are equally indispensable, and that democracy also entails the existence of transparent and accountable governing institutions. The legitimacy of these institutions depends upon compliance with the fundamental principles of the rule of law and

respect for human rights. Moreover, the High Commissioner confirmed that, while democracy can and should be contextualized, its core values are universal. In reference to the hurdles faced by democracy, the High Commissioner underlined that there are many experiences and good practices on ways to overcome these various challenges. Experience has shown that new democracies, as soon as they come to life, must address past human rights violations, and prioritize the fight against impunity. In this regard, transitional justice processes are crucial. Whether they are new or mature democracies, States must ensure that their governing institutions are sufficiently strong to maintain order and preserve political stability. Furthermore, the High Commissioner referred to socioeconomic inequalities and corruption as serious challenges to democratic values. The High Commissioner concluded by emphasizing the responsibility of the international community to support States not only in the early stages of a transition to democracy, but also in the consolidation phase.

7. The Romanian State Secretary for Political Affairs and Liaison with Parliament, Radu Podgorean, stated that, over the last two decades, Romania has been in a process of transition from dictatorship to democracy. He noted that the main challenges are of a political nature and includes the inherited communist legal system and mentalities, the political culture shaped by authoritarianism, and mistrust in public institutions and authorities. The essential elements that have contributed to the success of democratization are: the guarantee of all human rights for all citizens, in legislation and in practice; the establishment of strong, respected and accountable institutions; and the creation of a legal and judicial system defined by the rule of law, including a favourable framework for building a strong civil society and an uncensored media. In addition, the State Secretary underlined that the new Constitution, with its checks and balances mechanisms, free and fair elections and a strong and independent justice system, are further cornerstones in building the road to a democratic society. He emphasized that the national democratization process has not been the result of exclusively internal endeavours. Since the beginning of the transition, Romania has relied on cooperation with international partners, both at the European and global level, including the Council of Europe and the European Union. He concluded by saying that the United Nations can and should pursue a comprehensive approach to human rights, democracy and the rule of law, and should provide space for coordination of various global or regional initiatives in this field.

8. The Vice-President of the Arab Parliament of the League of Arab States, Aisha al-Mannai, underscored that democracy, human rights and the rule of law are all very closely related. She also recalled that everyone is entitled to equal rights regardless of race, religion or gender, as well as recalling the importance of fair laws. The Vice-President of the Arab Parliament highlighted that various Human Rights Council resolutions have thoroughly tackled the issue of democracy and its relationship with human rights and rule of law. In that context, she emphasized that there is no single definition of democracy. Furthermore, democracy not only relates to the political arena but also encompasses an economic and social perspective. The Vice-President of the Arab Parliament also noted with interest the study prepared by OHCHR and presented to the twenty-second session of the Council, and noted that it gave an accurate picture of the interdependency between democracy, human rights and the rule of law. In addition, she pointed out various challenges to democracy and highlighted that one major impediment comes from the leadership itself, as exemplified by the Arab Spring. In her statement, the Vice-President of the Arab Parliament called for the recognition of the rights of Palestinians to a free and independent State. She also stressed the need to fight religious extremism and terrorism, including when not linked to religion. Finally, she recommended the organization of trainings and workshops on democracy and the rule of law, in order to promote mutual respect and build trust among people.

9. The Secretary-General of the International Institute for Democracy and Electoral Assistance, Vidar Helgesen, welcomed the particular emphasis in Human Rights Council resolution 19/36 on the notion that there was no single model of democracy and that

democracy did not belong to any country. He further highlighted that the universal nature of democracy, as something which people all over the world aspire to, is clear from citizens' own actions and demands for democracy, as demonstrated most recently in North Africa. The Secretary-General of the International Institute for Democracy and Electoral Assistance identified four key areas in which democracy can be strengthened through better national and international actions. First, he emphasized that there is a need to better connect international human rights commitments made by States with democracy at the national level. Secondly, he stressed that it is critical to respect and promote the "genuine" nature of elections. When elections are carried out with integrity, they bolster democracy, respect for human rights and result in elected officials – women and men – who are more likely to represent their citizens' interests. Strengthening national capacity to conduct elections with integrity is clearly critical, as is the need for more concerted international attention on this issue. Thirdly, the Secretary-General of the International Institute for Democracy and Electoral Assistance pointed out what the United Nations itself can do better. While stressing that there is a powerful normative and conceptual foundation for the work of the United Nations on democracy-building, he suggested that the United Nations could better integrate its democracy-building work with its human rights operations on the ground; that the work of the United Nations in the area of rule of law could be enhanced; and that there is a need for increased focus on constitutions and constitution-building. Fourthly, he underscored the importance of enhancing the role of democracy, human rights and the rule of law in the post-2015 development framework. He concluded that experience has shown that democracy and human rights are at the core of inclusive, legitimate and responsive political institutions and processes, which are among the key transformative shifts required in addressing the challenges of the new era of development goals.

10. The member of the Executive Board of Femmes Africa Soudarité, Brigitte Balipou, referred to the situation in the Central African Republic. She explained that in 1990, the country embarked on the path to democracy, but that this process was soon undermined by recurring conflict in the region. She pointed out that numerous dysfunctions have affected various democratic initiatives in the country. These include mismanaged elections; the politicization of all State functions; bad governance characterized by corruption, impunity, exclusion, tribalism and family management of resources; lack of dialogue; lack of independence of the judiciary; restrictions on freedom of the press; and extrajudicial and summary executions. She further stated that at the social level, the country is afflicted by widespread poverty, illiteracy, the exclusion of minority groups and women, and lack of respect for ethnic, religious and cultural factors. Moreover, the collapse of the State has left a security void in the country. The State is no longer capable of controlling its territory, exposing citizens, particularly women and children, to abuses by armed groups. The member of the Executive Board of Femmes Africa Soudarité also stated that from a humanitarian perspective, the crisis has resulted in the displacement of 200,000 people. In addition, more than 80,000 people, of whom 57,000 are children aged under 5, are exposed to the risk of severe malnutrition during the dry season. She recommended several measures to reinforce and strengthen democracy in the Central African Republic: the establishment of a democratic regime and return to constitutional order; the creation of the necessary conditions to facilitate participation of citizens in public affairs, as well as transparency, access to information, freedom of the press and accountability; the promotion of democracy and the rule of law in order to create conditions conducive to holding transparent, fair and free presidential elections; the independence of the judicial system; and the participation of the judiciary in reforming the security sector, with a view to restoring the authority of the State. Finally, the member of the Executive Board of Femmes Africa Soudarité called for the involvement of women in mediation and negotiation processes, and consolidation of peace.

11. The Permanent Delegate of Peru to the United Nations Educational, Scientific and Cultural Organization in Paris, Manuel Rodríguez Cuadros, stated that, while social inclusion, the fight against poverty and inequality, and the fight for decent work for all are core tasks of democracy, they are not necessarily constitutive elements of a democratic regime. The key to tackle challenges with regard to democracy in Latin America is to take a human rights-based approach. In that context, the Permanent Delegate of Peru to UNESCO made reference to the emergence of the human right to democracy through national and international norms, as well as the jurisprudence of international courts and tribunals. He gave the example of the Inter-American Democratic Charter which affirms that the peoples of the Americas have a right to democracy, and their governments have an obligation to promote and defend it. The Inter-American Court of Human Rights, in the cases of *Velásquez-Rodríguez v. Honduras* (1988) and *Godínez-Cruz v. Honduras* (1989), has also acknowledged that the realization of human rights takes place in a democratic society. The Court found that States parties are obliged to organize the governmental apparatus and, in general, all structures through which public power is exercised, so that they are judicially capable of ensuring the free and full enjoyment of human rights. In this context, the Permanent Delegate of Peru to UNESCO also stressed that the consolidation and quality of democracy in Latin America is directly linked to the rule of law. The main elements include the degree of respect for the separation of powers; the autonomous, efficient and non-discriminatory functioning of the branches of power; respect for freedom of expression and association; and the effective guarantee and exercise of individual freedoms and civil and political rights, as well as the progressive realization of economic, social, cultural and environmental rights.

12. The President of the Moroccan National Human Rights Council, Driss el-Yazami, stated that the panel was held at a time when the Middle East and North African region is experiencing major sociopolitical changes. These upheavals pose new challenges to human rights and human rights defenders, which cannot be overcome without understanding the root causes of these historical transformations. He added that these upheavals have underlined the role of youth as key actors in the periods of transition. The President of the Moroccan National Human Rights Council pointed out that the Arab Spring is the product of demographic, urban and educational transitions. The demographic transition is characterized both by an increasing number of young people and a sharp fall in birth rates. This in turn had led to deep sociocultural change characterized by a shift in the patriarchal foundations of society, transformation of relationships between the generations and between men and women, the emergence of the individual and the questioning of traditional power-based relationships, in both the private and public spheres. Furthermore, the generalization of education and rapid urbanization has contributed to the emergence of educated, urbanized and technically competent youth. He pointed out that, following the popular uprisings, the new actors are faced with the challenges of drafting new constitutions and new laws, establishing transitional justice mechanisms and reorganizing relations between the State and citizens. The President of the Moroccan National Human Rights Council highlighted that the main challenge is to enlarge the democratic space and create an inclusive State model that guarantees all rights and fundamental freedoms. He recalled that the means of creating such a model are: elections and popular sovereignty; peaceful change of power; rejection of a sanctified leader, one-party system or spiritual guide; negotiation as a means of resolving differences; an autonomous and dynamic civil society; public space for discussion and debate (parliament, free and independent press, etc.); the exercise of power by legitimate and democratically elected political parties; and accountability of those mandated to govern and manage public affairs. The President of the Moroccan National Human Rights Council concluded by emphasizing the fundamental role of human rights as a common ground upon which to build new democratic institutions.

### **III. Summary of the discussion**

13. During the plenary discussion, the following delegations spoke: the European Union; the United States of America; Algeria on behalf of the Arab Group; Peru; Romania on behalf of Morocco, Norway, Peru, Qatar and Tunisia; Austria on behalf of Liechtenstein, Slovenia and Switzerland; Thailand; Morocco on behalf of the francophone States; Tunisia; Bulgaria; Uruguay on behalf of the Latin America and Caribbean States; Maldives; Poland; Ethiopia; Australia; Angola; Sweden; Cuba; Sierra Leone; Bahrain; Indonesia; Islamic Republic of Iran; United Kingdom of Great Britain and Northern Ireland; Algeria; China; and Norway. The following non-governmental organizations also contributed to the discussion: European Disability Forum; Indian Council of South America; Maarij Foundation for Peace and Development; Association of World Citizens.

#### **A. General remarks**

14. A number of delegations emphasized that democracy relies on respect for human rights and the rule of law and that these three concepts are interlinked and mutually reinforcing. Without their respect, sustainable development and peace are also not possible. In that regard, a question was raised as to how human rights and democracy can be framed as development goals and which indicators should be used to measure progress. Several delegations underlined that although democracy and its underlying principles are universal, democracy does not belong to any single region, and that there is no single model of democracy. The history, culture and specificities of each country must be taken into account. Furthermore, democracy is not just an outcome, it is a means by which to achieve human rights. It should generate an environment in which human rights can flourish.

#### **B. Constitutive elements of democracy**

15. Several delegations highlighted the main constitutive elements of democracy. It was stressed that elections are an essential element of democracy. However, although a key element, elections alone are not sufficient to create a free and democratic society. Furthermore, it was pointed out that consolidating democracy also requires continuous efforts by State and political authorities, as well as other stakeholders, including national human rights institutions, the media and human rights defenders. Moreover, democracy requires institutions, such as effective parliaments, responsible political parties, independent electoral commissions, and a strong and free civil society. The importance of strengthening national institutions in order to promote and protect human rights was also highlighted.

16. Several delegations also stressed that democracy requires inclusive and participatory governance and decision-making. Everyone should be able to freely express their will and determine their own political, economic, social and cultural systems. Democracy should empower those voices that are sometimes excluded or marginalized. In that regard, the need to ensure participation in political life of persons with disabilities and the role of women in democratic societies were underlined. Some States also highlighted the importance of tolerance and dialogue.

17. In addition, according to a number of delegations, democracy requires accountability and transparency. Effective checks and balances should be ensured within governments. Moreover, it was pointed out that a free and independent media, access to information and freedom of expression play a crucial role. It was underscored that freedom of the press was a catalyst for human rights, in particular freedom of expression. While some limitations may be necessary, it was stressed that these should only be very narrow and aim at

protecting human rights of others. The importance of civic education, which fosters democratic culture and practices and tolerance, was also stressed. At the same time, delegations pointed out the need for capacity-building for national institutions.

18. In addition, delegates emphasized the importance of the rule of law and democracy in transition from armed conflict to democracy. In that context, transitional justice processes were highlighted as one of the key elements of democracy.

### **C. Challenges to the securing of democracy**

19. During the discussion, several delegations underlined the challenges facing democracy. It was stressed that challenges can arise in all democracies, whether new or well-established. Challenges are manifold, including security, political, social and economic challenges. Poverty, corruption and restriction of civil society were also pointed out as hindering democratic processes. It was noted that various challenges for persons with disabilities exist: participation in political life, including lack of legislation protecting the rights of persons with disabilities; a lack of understanding and awareness of actors involved in the political system; and physical barriers for persons with disabilities in exercising their right to vote. In addition, it was stressed that although political will exists, efforts to consolidate democracy are hampered by resource constraints and a lack of technical expertise to enact changes and strengthen institutional capacity.

### **D. International and regional cooperation for the promotion and strengthening of democracy and the rule of law**

20. Various delegations highlighted the importance of international and regional initiatives and cooperation to promote and strengthen democracy. It was emphasized that, although progress has been made, more work needs to be done in the future. In that context, States underlined that democratization efforts by the international community must never be imposed; rather, democracy must be the sovereign choice of people. Cooperation should be fostered through dialogue, and sharing of experiences and best practices that adhere to the principles of equality, mutual respect and understanding.

21. The role of the United Nations in fostering democracy, the rule of law and human rights was also addressed. It was pointed out that, while States have the primary responsibility for safeguarding and strengthening democracy and the rule of law, the United Nations has a critical role in providing assistance and coordinating international efforts to support new democracies and democratization processes. Delegations pointed out that the United Nations Democracy Fund is as a step in the right direction. However, it was also suggested that the United Nations should play a more substantive and visible role.

22. States underscored the need for effective international instruments and mechanisms to ensure the enjoyment of human rights. In that context, delegations emphasized the unique role of the United Nations in developing new norms and standard-setting. The core role of the Human Rights Council in promoting and protecting human rights, monitoring the implementation of human rights norms and standards and fostering international cooperation in this area was also underlined. In that regard, a number of questions were raised concerning ways of improving assistance for States to consolidate democratization processes, including through international and regional initiatives, as well as efforts by the Human Rights Council and other United Nations bodies.



## IV. Concluding remarks

23. The Romanian State Secretary for Political Affairs and Liaison with Parliament, Radu Podgorean, pointed out that the United Nations and regional organizations can offer an important framework for the exchange of experience and the sharing of best practices. He also stressed that the international community has a responsibility to offer a general framework for the development of human rights through the promotion of peace. He suggested that an international forum could be established in order to elaborate a framework for education, democracy and human rights. He also encouraged the promotion of resolution 19/6.

24. The member of the Executive Board of Femmes Africa Soldarité, Brigitte Balipou, emphasized the need for strong and robust institutions and support for international and regional mechanisms. She also stressed the importance of combatting impunity. She called for the full implementation of Security Council resolution 1325 (2000) on women, peace and security.

25. The Secretary-General of the International Institute for Democracy and Electoral Assistance, Vidar Helgesen, reiterated that democracy can only be sustained if it was owned by citizens. Moreover, political process and institutions must be inclusive. However, he cautioned that inclusion takes time and cannot be rushed. He stressed the need to move from the normative to the realities on the ground and suggested that the post-2015 development agenda could be an opportunity in that regard, including by setting democracy as a development goal on the post-2015 development agenda.

26. The Vice-President of the Arab Parliament of the League of Arab States, Aisha al-Mannai, underlined that good governance is the basis for democracy, the rule of law and human rights. She recommended the implementation of the recommendations set out in the above-mentioned study of the High Commissioner for Human Rights. She also recalled the importance of dialogue in democracies.

27. The Permanent Delegate of Peru to the United Nations Educational, Scientific and Cultural Organization in Paris, Manuel Rodríguez Cuadros, underlined that building democracies is a multidimensional task, which includes establishing the rule of law and access to the exercise of power through democratic structures. He also emphasized that the protection of human rights is not a solely domestic matter anymore. Legal systems have also been established for the protection of democracy, including “democracy clauses”. He called for the elaboration of a United Nations declaration on democracy. He also suggested integrating respect for democracy and the rule of law as medium and long-term assessment benchmarks in the Universal Periodic Review process.

28. The President of the Moroccan National Human Rights Council, Driss el-Yazami, referred to the importance of coherent efforts to strengthen democracy by the multiple actors in this field and called for strengthening consistency between the various efforts and actors. He also reiterated the fundamental importance of elections and political participation in general. In that context, he called for further reflection on how to ensure a participative democracy. He stressed the particular importance of ensuring participation of persons with disabilities.