

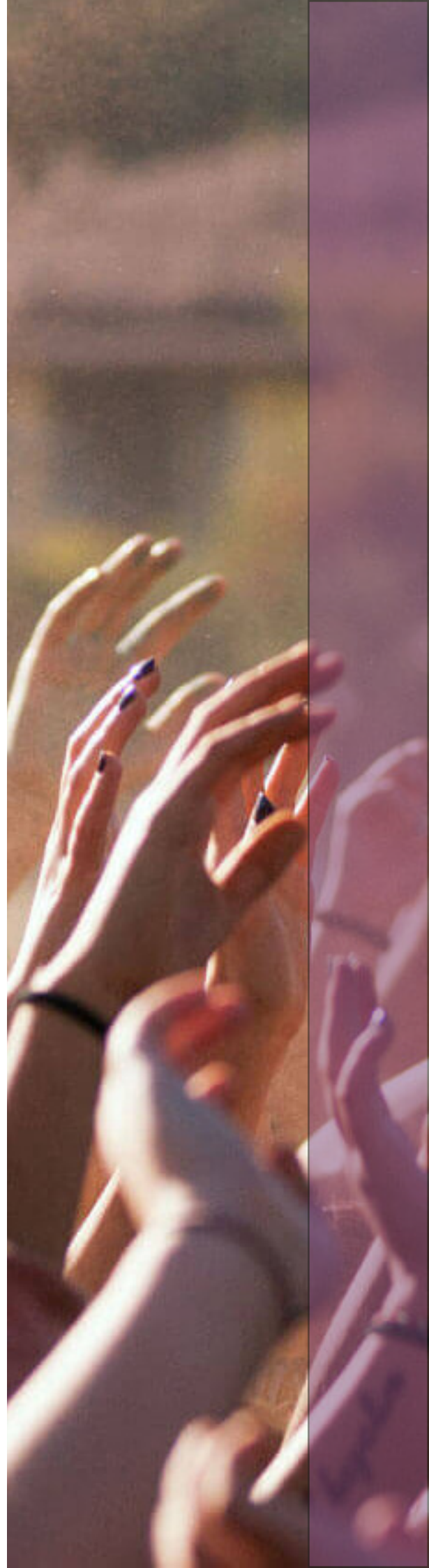
# Strengthening democratic resilience by leveraging engagement with the UN human rights mechanisms

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Issue Brief n.01/25  
Multilateralism, Democracy and  
Human Rights  
January 2025

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## Issue Brief 3 – Democracy and Human Rights

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## Introduction

The Universal Declaration of Human Rights (UDHR) solemnly asserts that all human beings are born free and equal in dignity and rights, and that the will of the people shall be the sole basis of the authority of government and the legitimacy of sovereign States – and, by extension, the legitimacy of the United Nations (UN) as a whole.

Even though the UN does not advocate for a specific model of government and international law and recognizes the equal sovereignty of all states, which have autonomy in deciding their forms of government, the UDHR, the human rights treaties, and other core UN documents have firmly established the idea that democratic forms of governance, based upon the unfettered will of the people, provides the strongest foundation for long-term peace and security, sustainable development “leaving no one behind”, and the full enjoyment of human rights.<sup>1</sup>

Respect for, as well as the promotion and protection of, human rights provide the bedrock upon which democracy is built. All the key pillars that support democratic governance – including equality and non-discrimination, the right to vote in free and fair elections, respect for the rule of law, transparency and accountability in public administration, freedom of thought and opinion, an independent and pluralistic media, freedom of assembly and of association, but also social, cultural and economical rights such as the right to an adequate standard of living, the right to work, the right to education – are grounded in international human rights law.

As such, democracy and human rights are interdependent and mutually-reinforcing. Where rights are respected, promoted, and protected, democracy can flourish. Where fundamental rights are eroded, it is the very edifice of democracy itself that is eroded, even in long-established democratic societies.

According to International IDEA’s *Global State of Democracy Report 2024*,<sup>2</sup> nearly half of all democratic governments around the world are in decline, undermined by challenges including: a refusal of losing candidates to accept election results; restrictions on civil society and on the rights to freedoms of expression, association and assembly; the misuse of new technologies to manipulate elections; the spread of disinformation and foment distrust in poll results; unequal access to essential public services and democratic life; and grand corruption.

This democratic crisis is, at its heart, a human rights crisis. Therefore, to address democratic backsliding, the international human rights system, including this Council, its mechanisms (the Universal Periodic Review (UPR) and the Special Procedures), the Treaty Bodies, and the Office of the High Commissioner for Human Rights (OHCHR) should be mobilised.

This Issue brief seeks to lay some ground for the policy dialogue organised by the Kofi Annan Foundation and the Graduate Institute's Albert Hirschman Centre on Democracy. First, it explores the links between democratic governance and the protection of human rights, both formally, within the framework of the UN, and in practice. In fact, tactics associated with phenomena of democratic backsliding, whereby incremental, legalistic methods erode democratic structures and human rights, complicate the response provided by UN bodies and mechanisms. In addition, it should be noted that democratic backsliding also affects well-established democracies, and that all States have room for improving and enriching their democratic frameworks. HR mechanisms are seen here as the central instruments to both address backsliding and support progress across contexts. The second part of the Issue brief therefore focuses on the UN human rights mechanisms and examines how they could be further mobilised to strengthen democratic resilience. It suggests that the health of democracy shall not only be assessed and determined through violations of human rights but also by analysing cross-cutting trends. The third and final section of the brief summarizes the key issues and proposes a series of discussion points.

## 1. DEMOCRATIC GOVERNANCE AND THE PROTECTION OF HUMAN RIGHTS: LINKAGES AND CURRENT CHALLENGES

### *1.1 The UN framework*

The Universal Declaration of Human Rights is one of the most symbolic documents in the world.<sup>3</sup> While its binding nature has been questioned,<sup>4</sup> it represented in 1948 the first step for the recognition, within the UN framework, of the linkages between democratic governance and human rights. It established the right to participate in government and in free elections (article 21), supported, among others, by the right of peaceful assembly and association (article 20) and the freedom of opinion and information (article 19). In 1966, these fundamental civil and political rights were recognised in the International Covenant on Civil and Political Rights (ICCPR), now binding for 174 States.<sup>5</sup> Today, a substantial number of human rights law treaties comport provisions or references in their preamble or in their articles to democratic governance.<sup>6</sup>

Within soft law, numerous documents underline the link between democracy and human rights. In 1993, the World Conference on Human Rights resulted in the Vienna Declaration and Programme of Action: after noting that democracy was one of the principles enshrined in the Charter of the UN<sup>7</sup>, it referred to democracy, development and respect for human rights and fundamental freedoms as “interdependent and mutually reinforcing”.<sup>8</sup> Participants to the Conference recommended giving priority to national and international action for promoting democracy, development and human rights.<sup>9</sup> Later, the Millennium Declaration (2000) expressed the same goal, vowing to “spare no effort to promote democracy and strengthen the rule of law, as well as respect for all internationally recognized human rights and fundamental freedoms, including the right to development”.<sup>10</sup>

In 2002, the Commission on Human Rights defined the essential elements of democracy – which were until then a rather elusive concept within the UN framework. The Commission adopted a rights-based approach when it considered that the essential elements of democracy included:

*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, and free, independent and pluralistic media.*<sup>11</sup>

Furthermore, it reaffirmed that the full exercise of fundamental freedoms and human rights could only take place within democratic systems.<sup>12</sup> This last point is crucial – human rights and democracy represent a two-way relationship: human rights form the essential bedrock of democratic society, and democracy is the only form of government that allows for, in principle, the full enjoyment of all human rights.

Member States expressed again their commitment to actively protect and promote human rights, the rule of law and democracy at the World Summit of 2005, where they recognised, once more, “that they are interlinked and mutually reinforcing and that they belong to the universal and indivisible core values and principles of the UN”.<sup>13</sup> Similarly, the General Assembly reaffirmed “that human rights, the rule of law and democracy are interlinked and mutually reinforcing” in 2007.<sup>14</sup> The Human Rights Council has also adopted a considerable number of resolutions reaffirming the link between democracy and human rights.<sup>15</sup>

While the interdependence of democracy and human rights is firmly established within the UN framework as well as at regional levels<sup>16</sup>, recent trends regarding the state of democracy globally underscore the fragility of these achievements and the need for revitalizing multilateral efforts in this regard.

## *1.2 Current overriding trends*

In 2009, the UN Secretary-General’s *Guidance Note on Democracy* recognized the “triple challenge of building or restoring democracies, preserving democracies, and improving the quality of democracies”.<sup>17</sup> Today, just over a decade later, the global discourse on democracy has shifted dramatically. Reports from numerous NGOs underscore the pervasive erosion of democratic institutions across the globe. The V-Dem Institute’s 2023 *Democracy Report* highlights a sobering reality: “more than 35 years of global advances in democracy have been wiped out in the last decade”<sup>18</sup>, back to the levels of 1986. Freedom House’s *Freedom in the*

*World 2023* underscores this decline, noting that the number of countries scoring 0 out of 4 on media freedom has surged from 14 to 33 in a decade.<sup>19</sup> The Economist Intelligence Unit's *Democracy Index* corroborates this bleak trend, revealing that only 7.8% of the global population lives under a "full democracy", the lowest levels since the index began in 2006, while 39.4% live in authoritarian regimes.<sup>20</sup>

Current phenomena of erosion of democracy involve "executive aggrandizement" rather than executive coups and 'strategic harassment and manipulation' more than election-day vote fraud.<sup>21</sup> This aspect of "backsliding democracies"<sup>22</sup> refers to situations whereby democratically elected leaders initiate a slow and steady process of dismantling democratic institutions under the guise of legality.<sup>23</sup> This process allows backsliding regimes to maintain a veneer of democratic legitimacy while undermining the fundamental principles of democracy. In this sense, a central feature of backsliding democracies is the use of democratic mechanisms, such as elections, constitutional amendments, and legislative procedures, to consolidate power and restrict freedoms. *Prima facie*, some measures are presented as upholding the rule of law, or tackling corruption. Leaders may weaken judicial independence and restrict media freedoms while claiming adherence to the rule of law or by justifying such measures due to external threats. Ultimately, executive powers are reinforced, and checks and balances weakened.<sup>24</sup> This subtlety distinguishes backsliding from well recognisable authoritarian tactics and makes it particularly insidious. Alongside the overall weakening of democracy, human rights indicators have also raised alarm. Scholars, NGOs, UN treaty bodies and special procedures have systematically highlighted the reduced enjoyment of, and threats to, specific rights, particularly freedom of expression, freedom of peaceful assembly, and the right to participate in free and fair elections. These rights, which form the backbone of democratic societies, have been increasingly undermined in contexts of democratic backsliding. It should be noted, still, that enabling and improving the actual enjoyment of human rights should remain a goal for all states, including established democracies.

Furthermore, it is crucial to consider that economic, social and cultural rights also matter to avoid democratic backsliding and to reinforce democracy. It is surprising to see that the definition of democracy given in 2002 by the Commission on Human Rights completely ignores ESCRs. Yet, an adequate standard of living, a right to social security and protection, or the right to health, to food and water are prerequisites for a well-functioning democracy – even the right to education is missing from the 2002 definition of the Commission of Human Rights.

This link between ESCRs, civil and political rights and democracy was already highlighted by Amartya Sen in 1999.<sup>25</sup> The 2015 Report by the Special Rapporteur on extreme poverty and human rights quoted Kaushik Basu, former chief economist of the World Bank, contending that "extreme inequality is, ultimately, an assault on democracy".<sup>26</sup> Special Rapporteur Philip Alston equally argued that "economic inequalities seem to encourage political capture and the unequal realization of civil and political rights",<sup>27</sup> before eventually advocating for the need to make

economic, social and cultural rights central.<sup>28</sup> Strengthening the realisation and enjoyment of economic, social and cultural rights will, in turn, inevitably strengthen democracy – as well as the perception of democracy – by the people. Even though trust in democracy remains high across the globe, as 85% of people interrogated for the Democracy Perception Index 2024 believe that it is important for their country to be democratic, only 58% of people are satisfied with their country’s state of democracy.<sup>29</sup> In other words, the main question is therefore whether democracy can effectively deliver and live up to its promise.

At the same time, even when they are dissatisfied with its actual realisations, people have repeatedly expressed their support to democracy and human rights,<sup>30</sup> including by effectively opposing attempts to seize or further concentrate executive power. The 2022 attempt by Peruvian president Pedro Castillo to dissolve the legislature, declare a state of emergency and initiate a judicial reform was countered by a very reactive opposition – made up of both activists and politicians – which led to his impeachment and arrest the very same day.<sup>31</sup> Similarly, the recent attempt by South Korean President Yoon Suk Yeol to enact martial law elicited fierce opposition and protests, eventually leading to his impeachment.<sup>32</sup> While domestic legal frameworks to protect democracy and human rights have played a crucial law in these contexts, they are also essential at the multilateral level.

## 2. LEVERAGING STATE ENGAGEMENT WITH THE UN HUMAN RIGHTS MECHANISMS

### *2.1 The nature of HR mechanisms and its implications*

Through its numerous mechanisms, the UN reviews state compliance and respect of human rights – whether civil and political, economic, social and cultural, as well as rights of individuals and of vulnerable groups. The form of these mechanisms may vary – with technical assistance and capacity building provided by the OHCHR, peer review done via the UPR under the purview of the HRC, reports by Special Rapporteurs, or through individual communications, general comments and country reports drafted by Treaty Bodies and Working Groups. While this work has led to the emergence of a robust overall framework, each mechanism remains constrained by its mandate, focusing on a specific set of rights.

Treaty bodies have mainly linked democracy to human rights through general comments, which may provide substantive guidance on specific provisions of a treaty or deal with wider, cross-cutting issues.<sup>33</sup> They serve as authoritative guides on the interpretation of the particular Treaty that they are monitoring. For instance, regarding the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), General Comment No. 23 on political and public life highlights that “societies in which women are excluded from public life and decision-making cannot be described as democratic”.<sup>34</sup> The Human Rights Committee’s General Comment No. 25



on participation in public affairs and the right to vote also outlines that participation in public affairs and the right to vote is “at the core of democratic government based on the consent of the people”<sup>35</sup>. Similarly, General Comment No. 34 on freedoms of opinion and expression recognizes them as “the foundation stone for every free and democratic society”<sup>36</sup>. Nevertheless, the Treaty Bodies’ general comments are not binding on State parties. In the case of individual communications, these are submitted to Treaty Bodies and result in views, i.e. decisions that are quasi-judicial, but only when the State has recognised the competence of the Treaty Body to do so and has agreed to be bound by the individual communications procedure. Issuing the views may take up to several years, given the current backlog of cases. On the contrary, communications of the Special Procedures can be released very quickly. These are public statements issued by the mandate holders relating to violations asking States to remedy them. They are not bound by one specific treaty. Overall, communications help to determine whether, in a specific situation, rights flowing from the relevant instrument have been violated or not but Treaty Bodies do not conduct comprehensive assessments of democracy in a given state.

However, reports from State parties at the request of the Treaty Bodies – such as per article 40 of the ICCPR for the Human Rights Committee – are particularly relevant to obtain an overview of the situation of relevant rights in a state. For example, the fourth periodic report before the Human Rights Committee of the Democratic Republic of Congo presented in 2017 led the Committee to recommend that the legislative framework regulating the right to peaceful assembly should be harmonized with the Constitution in order to ensure its full respect and enjoyment by protesters.<sup>37</sup> Perhaps as a consequence, the third cycle of the UPR – which reviewed the Democratic Republic of Congo – led to several State recommendations on the matter.<sup>38</sup> Although the UPR mid-term report of the Democratic Republic of Congo, published in January 2024, indicates that some issue have not yet been resolved,<sup>39</sup> this example shows the benefits of the coordination among UN mechanisms.

The OHCHR also plays a crucial role as a technical assistance and capacity-building provider. This role has been highlighted in a report underscoring the need for stronger synergy between UN mechanisms.<sup>40</sup> The report goes even further by recommending that a framework for technical cooperation should be established between the recommendations of the UPR, the treaty bodies and special procedures, in order to address the most pressing human rights challenges.<sup>41</sup> Given the link between human rights and democracy explained above, such a framework would certainly also help to counter democratic backsliding.

## *2.2 Pathways towards a cross-cutting approach*

While the implementation of recommendations may eventually have a profound impact on human rights, and *in fine* on democratic governance, it appears that this latter impact on democratic governance is a side-effect and not part of a concerted, holistic approach. To address

the challenges posed by democratic backsliding, UN mechanisms should adopt a far more comprehensive and systematic approach to strengthening democracy. Each human right should be considered as a piece in a bigger puzzle. Therefore, the starting point must be to evaluate, using existing reviews, the structure of the puzzle (the health of democracy), and then should each mechanism focus on a given piece, according to its mandate and procedures.

The necessity for such a cross-cutting approach finds support in a recent call by several UN Special Rapporteurs and Independent experts, who published a joint statement in 2024 to highlight the pivotal roles of freedom of expression, freedom of association and freedom of assembly as foundational pillars for reversing regressions in these areas and ensuring transparent and credible elections.<sup>42</sup> Only by adopting a cross-cutting approach may democratic backsliding be tackled – particularly when considering that backsliding may sometimes be the product of cumulative effects – each of which not always consisting of a human rights violation on its own.

The work of other judicial and quasi-judicial bodies at regional levels may also inspire pathways at the UN. For instance, the European Court of Human Rights may tackle structural or systemic problems through the pilot-judgment procedure, allowing it to rule on a single, emblematic case after having collected the views of the parties involved. Once a structural or systemic problem has been identified, the Court requests for the State to take measures to remedy the issue, which must subsequently report back on the implementation of the measures.<sup>43</sup> Similarly, the Inter-American Court of Human Rights has also adopted a structural approach by going beyond individual human rights violations and by linking them to the general policies which were the underlying causes of the problems at hand. As a remedy, the Court asked for the reform of such policies.<sup>44</sup>

Given the links between human rights and democracy, progresses in implementing relevant UN human rights recommendations serve, by extension, to strengthen democratic resilience. *In fine*, discussions to move forward should not be about overhauling UN mechanisms as such but rather about using the existing framework in a more concerted and holistic approach. As mentioned above, calls for the harmonization or the establishment of a broader framework exist, both regarding technical assistance and cooperation<sup>45</sup>, and regarding a cross-cutting approach of civil and political rights.<sup>46</sup> By going a step further and integrating other rights – such as ESCRs, and by acknowledging the link between democracy and human rights, UN mechanisms may provide a solid tool to strengthen democratic resilience, on the condition of adopting a concerted approach.

Proceedings involving The Gambia provide another example that underscores the ability of UN mechanisms to work hand-in-hand. Since the fall of the authoritarian regime in 2017, UN mechanisms have expressed a number of recommendations. For instance, the CEDAW recommended in 2022 to conduct of awareness-raising campaigns about the importance of the full participation of women in political and public life as a condition for political stability, economic development and implementation of human rights.<sup>47</sup> Conversely, The Gambia

requested support to strengthen democracy in the country, which was provided by the relevant UN country team.<sup>48</sup> In its UPR review in 2019, The Gambia also accepted over 200 out of 222 recommendations – the majority relating to legal and general framework of implementation, universal and cross-cutting issues, civil and political rights, economic, social, and cultural rights, women's rights, and rights of other vulnerable groups and persons.<sup>49</sup> The Report of the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-reoccurrence on his visit to Gambia also noted the set of institutional, constitutional and legal reforms initiated to build the infrastructures of a democratic state.<sup>50</sup> While challenges persist, this shows the potential for coordinated action to result in meaningful changes in human rights and, as a consequence, in democracy.

### 3. KEY ISSUES AND DISCUSSION POINTS

#### *3.1 Moving from segmented assessments to a holistic approach*

**A central issue while addressing democratic backsliding is first of all how to detect it.** As it is subtle and incremental by nature, it is complicated to determine when a measure is legitimate, and when it is used to undermine democracy. Why would one measure be legitimate in one domestic setting, and antidemocratic in another? International monitors and democracy indices often fail to detect these systemic changes due to their reliance on checklist-based assessments. By focusing on individual events, these tools may miss the cumulative and incremental effect of smaller, interconnected actions that erode democratic governance over time. When international monitors fail to detect issues, they may even contribute to legitimizing these governments.

**International human rights mechanisms are often inadequate in addressing democratic backsliding because they focus on violations of individual rights rather than adopting a systemic approach to democracy.** For example, key elements leading to backsliding such as disinformation, hate speech, inequality, discrimination against minorities, failure on right to education and health, campaign finance, etc. are all dealt with by different UN treaties and different mechanisms or Treaty Bodies. In the case of economic, social and cultural rights, a failure to progressively realize such rights may pave the way to backsliding. Furthermore, many actions by backsliding regimes, while harmful to democracy, do not directly violate human rights treaties, leaving them outside the scope of existing frameworks.

**The detection of democratic backsliding requires moving beyond traditional checklist-based assessments to more comprehensive methodologies that capture systemic changes over time.** Election monitors and democracy indices should therefore integrate inputs from the broadest array of civil society organizations and academia to track subtle shifts in democratic health.

### 3.2 Framing multilateral efforts

All democracies, irrespective of how long-established they may be, have room for improvement, and that is why the universal, multilateral UN human rights system must place itself in the vanguard of the global protection of democratic societies. However, the complex and intricate forms of democratic backsliding have brought about new challenges. Addressing this phenomenon requires not only innovative monitoring mechanisms but also a critical re-evaluation of how democracy is protected on a global scale. From a multilateral perspective, this endeavour is complicated by perceived tensions between state sovereignty, democracy and human rights. The involvement of international actors could be seen as constrained by States' concerns over sovereignty.<sup>51</sup> External intervention in backsliding democracies risk backfiring, providing leaders with a justification of their action as defending national sovereignty. For example, external intervention may be used to justify laws against foreign agents to further target and undermine the opposition.

Another issue when framing multilateral efforts for democracy relate to perceptions of biases in these efforts. Multilateral actors – and the UN in particular – should show that the indicators they rely on are not inherently western, nor US-centric while assessing whether a State's democracy is eroding or not. Regional frameworks often go further than international normative documents: this is the case, for example, of the *African Charter on Democracy, Elections and Governance*<sup>52</sup> adopted in 2007, which is very detailed and comprehensive in how it defines democratic institutions and democratic participation. The fact that these frameworks remain widely accepted should also be highlighted and brought forward when authoritarian regimes criticize international norms as being “Western”.

Some democracy initiatives e.g., those pushed by the US, have still been seen as instrumentalising. But a UN-driven approach is different, precisely because it promotes a universal human rights system. The UN remains the most credible actor across the board – populations of 49 of 53 countries have a positive opinion of the UN<sup>53</sup> – and the inherently voluntary nature of processes within the UN allows for states to retain ownerships of recommendations. States are UN members, voluntarily sign the human rights treaties, and have ownership of the process of reviews by the mechanisms: they present reports, engage in dialogue with the Treaty Bodies, the UPR Working Group, etc. As a result, they often feel a sense of ownership over the recommendations and they are more likely to accept them.

## Concluding remarks

Democracy as a form of government is widely understood and recognised as “a universal benchmark for human rights protection”.<sup>54</sup> Yet, multilateral institutions need to address the urgent challenge of (re-) building consensus on safeguarding shared values and aspirations among people across the globe. Democracy and human rights are cornerstones of stability and inclusive development but they are increasingly undermined by the erosion of institutional checks and balances, rising authoritarianism and threats to fundamental freedoms, increasing political polarization, as well as the failure to deliver on economic, social and cultural rights (ESCR). Active engagement of state institutions, transparent and fair conditions for democratic participation and dialogue, as well as political will are needed to reverse these trends. Multilateral institutions, especially the UN human rights mechanisms, also have a central role to play.

This brief sought to delineate some pathways to leverage existing mechanisms. It highlighted the high value of coordination among procedures and mechanisms. In parallel, the UN needs to take up its role to articulate a clear, compelling and shared agenda in order to proactively involve State parties and the broad range of stakeholders whose participation is crucial. To support and nurture this process, policy dialogues can serve to bring to the fore i) the interrelatedness of democracy with the foundation of international human rights obligations and commitments ii) ideas and proposals for how to build upon this understanding within the multilateral system, especially the main human rights mechanisms, in order to address “resilience weak spots” across all UN member states, and iii) extend recommendations to address those issues and strengthen democratic practices. Contributions from a wide range of sectors, including States, civil society organisations, researchers, UN experts, as well as members of human rights treaties and Special Procedures, are needed to rethink the ways in which UN mechanisms may be further leveraged in order to strengthen democratic resilience.

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<sup>1</sup> For example, the 2030 Agenda for Sustainable Development states that ‘democracy, good governance and the rule of law, as well as an enabling environment at national and international levels, are essential for sustainable development.’ See also the UDHR (article 22), ICCPR (article 25), CERD (article 5), etc.

<sup>2</sup> International IDEA, *Global State of Democracy Report 2024*, executive summary. Read [here](#).

<sup>3</sup> As a testimony to its importance, the UDHR is available in over 500 languages, making it the most translated document in the world.

<sup>4</sup> The representatives insisted that the UDHR did not create any legal obligation, see Ed Bates, in daniel Moeckli et al, *International Human Rights Law* (4<sup>th</sup> edn, Oxford University Press 2022), 19.

<sup>5</sup> As of January 2025. See the UN Treaty Collection website, [here](#).

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<sup>6</sup> For example, several treaties allow for restrictions to certain rights on the condition that such restrictions are necessary in a *democratic* [emphasis added] society (see ICCPR, articles 14, 21, 22; ICESCR, articles 4, 8; CRC, article 15; ICMW, articles 26, 40). Other treaties may refer to rights inherently linked to democratic forms of governance (CERD, article 5(d)).

<sup>7</sup> World Conference on Human Rights, *Vienna Declaration and Programme of Action* (1993), preamble. Read [here](#).

<sup>8</sup> Ibid, para 8.

<sup>9</sup> Ibid, para 66.

<sup>10</sup> United Nations Millennium Declaration, UNGA Res 55/2 (8 September 2000), para 24. Read [here](#).

<sup>11</sup> Commission on Human Rights, Resolution 2002/46 (2002), para 1. Read [here](#) (be advised that it will download the document).

<sup>12</sup> Ibid, para 2.

<sup>13</sup> World Summit Outcome Document, UNGA Res 60/1 (24 October 2005), para 119. Read [here](#).

<sup>14</sup> UNGA Res 62/7 (8 November 2007). Read [here](#).

<sup>15</sup> See, among others, Human Rights Council Res [19/36](#), [28/14](#), [46/4](#), [47/11](#) or [48/8](#).

<sup>16</sup> For example, OSCE countries have also stated that “Recognizing that full respect for human rights and fundamental freedoms and the development of societies based on pluralistic democracy and the rule of law is a prerequisite for achieving a lasting peace, security, justice and stability”. See OSCE, Decision No. 12/05, *Upholding Human Rights and the Rule of Law in Criminal Justice Systems* (MC.DEC/12/05, 6 December 2005). Read [here](#).

<sup>17</sup> UN, *Guidance Note of the Secretary-General on Democracy* (2009), 1. Read [here](#).

<sup>18</sup> V-Dem Institute, *Democracy Report 2023 – Defiance in the Face of Autocratization*, 6. Read [here](#).

<sup>19</sup> Freedom House, *Freedom in the World 2023*, 1. Read [here](#).

<sup>20</sup> Economist Intelligence Unit, *Democracy Index 2023*, 3. Download [here](#).

<sup>21</sup> Bermeo, Nancy 'On Democratic Backsliding' (2016) 27 *Journal of Democracy* 5, 6. Read [here](#).

<sup>22</sup> See, among others, Waldner David and List Ellen, 'Unwelcome Change: Coming to Terms with Democratic Backsliding', (2018) 21 *Annual Review of Political Science*. Read [here](#).

<sup>23</sup> Bermeo, Nancy, 'On Democratic Backsliding' (2016) 27 *Journal of Democracy* 5, 11. Read [here](#).

<sup>24</sup> Scheppele, Kim Lane, 'Restoring Democracy through International Law' (2024) 39 *Am U Int'l L Rev* 587, 622-625. Read [here](#).

<sup>25</sup> Sen, Amartya, *Development as Freedom* (New York, Oxford University Press 1999).

<sup>26</sup> Basu, Kaushik, 'The state of global poverty' (23 January 2015), in the 2015 Report by the Special Rapporteur on extreme poverty and human rights, Philip Alston, A/HRC/29/31, fn 60. Read [here](#).

<sup>27</sup> Ibid, para 21.

<sup>28</sup> Ibid, para 50.

<sup>29</sup> Alliance of Democracies, *Democracy Perception Index 2024*, executive summary. Read [here](#).

<sup>30</sup> See the Report of the Independent Expert on the promotion of a democratic and equitable international order (2024), para 30. Read [here](#).

<sup>31</sup> Gamboa, Laura, 'How oppositions fight back' (2023) 34(3) *Journal of Democracy* 90-91. Read [here](#).

<sup>32</sup> Sang-Hun, Choe, 'South Korea's Leadership Crisis, Explained' *New York Times* (14 December 2024, updated 14 January 2025). Read [here](#).

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- <sup>33</sup> International Service for Human Rights, ‘General Comments – What do the Treaty Bodies Do?’. Read [here](#).
- <sup>34</sup> CEDAW, General Recommendation No. 23, para 14. Read [here](#).
- <sup>35</sup> Human Rights Committee, General Comment No. 25, para 1. Read [here](#).
- <sup>36</sup> Human Rights Committee, General Comment No. 34, para 2. Read [here](#).
- <sup>37</sup> Human Rights Committee, Concluding Observations on the Fourth Periodic Report of the Democratic Republic of the Congo (CCPR/C/COD/CO/4, 2017), paras 41-42. Read [here](#).
- <sup>38</sup> See the recommendations made to the DRC in the third cycle of the UPR regarding freedom of association and peaceful assembly, in particular 119.105-119.111, [here](#).
- <sup>39</sup> See Comité interministériel des Droits Humains de la République Démocratique du Congo, ‘Examen Périodique Universel : Rapport à Mi-Parcours’ (January 2024), 15. Read [here](#) (in French).
- <sup>40</sup> See Human Rights Council, ‘Report of the OHCHR on Enhancing Coordination for Technical Cooperation and Capacity-Building in the Field of Human Rights to Implement Universal Periodic Review Recommendations’ (A/HRC/56/72, 25 June 2024), para 8. Read [here](#).
- <sup>41</sup> Ibid, para 33.
- <sup>42</sup> Joint statement of United Nations experts on strengthening democracy and human rights in a year of worldwide elections (30 April 2024). Read [here](#).
- <sup>43</sup> European Court of Human Rights, ‘Pilot Judgment Procedure’. Read [here](#).
- <sup>44</sup> Huertas, Julian, ‘Protecting Individual Human Rights to Counteract Democratic Backsliding: Human Rights Law as a Partial Response to Autocratic Populism’ (2022) *ASIL Proceedings*, 136-141. Read [here](#).
- <sup>45</sup> Human Rights Council, n 40, para 8.
- <sup>46</sup> Joint statement, n 42.
- <sup>47</sup> See CEDAW, ‘Concluding observations on the sixth periodic report of the Gambia’ (CEDAW/C/GMB/CO/6), para 26. Read [here](#).
- <sup>48</sup> Working Group on the Universal Periodic Review, ‘Compilation of information prepared by the OHCHR on the Gambia’ (A/HRC/WG.6/48/GMB/2). Read [here](#).
- <sup>49</sup> See the recommendations made to Gambia in the third cycle of the UPR, [here](#); OHCHR, Infographic on The Gambia and the UPR, [here](#).
- <sup>50</sup> Report of the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence, ‘Visit to the Gambia’ (A/HRC/45/45/Add.3), para 76. Read [here](#).
- <sup>51</sup> International IDEA, *Democracy and Human Rights: The Role of the UN* (September 2013) 16. Read [here](#).
- <sup>52</sup> African Union, *African Charter on Democracy, Elections and Governance*. Read [here](#).
- <sup>53</sup> Alliance of Democracies, *Democracy Perception Index 2024*, 32. Read [here](#).
- <sup>54</sup> United Nations Office of the High Commissioner for Human Rights, ‘About Democracy and Human Rights’. Read [here](#).