

The Interrelatedness and Interdependence of Human Rights and Democracy An Analytical Survey

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Abstract

There is much debate going on in various circles, scholars, and Human Rights Organizations on the question of interrelatedness and interdependence of democracy and human rights. It has therefore become an important issue to analyze and make clear whether they necessarily go together or not. The analysis demonstrates that although human rights and democracy are clearly different notions, there are important relationships between them. For any government institutions to have a measure of integrity, they must ensure access, participation and representation. In this way, democracy is not merely about one person, one vote. In order to exercise the human rights, governments must guarantee effective representation of all. Without such effective participation and accommodation, states cannot possibly claim to respect democracy. Accordingly, democracy and the human rights are inevitably interrelated.

Introduction

Both concepts of ‘human rights’ and ‘democracy’ have been historically viewed as separate, though parallel. However, over the past decades the linkages between human rights and democracy have increasingly attracted the attention of political analysts. Understandings of both concepts are dynamic and varied, and recent re-conceptualizations of human rights and democracy have led to the emergence of a discourse that acknowledges their interrelatedness and interdependence. The ideas of human rights and democracy are referred to in one breath, with the implication that they inevitably go together (Forsyth, 2005: 84). Clearly, definitions of democracy have developed from the orthodox procedural democracy to include the ideals of ‘liberal democracy’. In other words, the idea of democracy has developed from the majoritarian electoral democracy to liberal inclusive democracy which is favorable for human rights (Donnelly, 2000:

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92-93). In a similar way, the framework of human rights has begun to further expand conceptions of cultural, social, and economic rights, in addition to political and civil rights. In this way, the idea of human rights has expanded to encompass the individual as well as the collective level. These give chances for recognizing the convergence of the fields and theories related to human rights and democracy.

The first part of this paper explores the emerging re-conceptualization of framework of human rights which has enhanced the complementarity between human rights and democracy. The second part begins with a theoretical discussion of the principles of democracy, classifying between majoritarian and inclusive democracy and identifying key elements and institutions inherent in a liberal democracy. The third part examines the convergence of the democracy and human rights theories and fields, and concludes that the both concepts of human rights and democracy are not only complementary but also interdependent.

Defining Human Rights

The modern human rights conception has historical roots. Ancient religions, such as Buddhism and Judaism, and secular philosophies, such as those of Socrates, Rousseau, and Plato in the West, and, Confucius, Manu, and Gandhi in Asia and others have 'recognized the idea of citizens' rights and that of universal moral law, but did not combine them in the concept of human rights'(Hellsten, 2005: 152). Crucial landmarks in the striving for human rights are the striving between the British Parliament and Crown, the fighting for independence of America, the French revolution, the Russian revolution, and the proclamation of the Universal Declaration of human rights by the United Nations in 1948(Hellsten, 2005: 152-153). This symbolized the birth of the international movement of human rights.

The Universal Declaration of Human Rights (UDHR) encompasses a set of guarantees permitting one not just to live but to live with dignity; to develop fully and use one's human qualities, talents and intelligence; and to satisfy one's social spiritual or mental and physical needs. This affirms one's right to be human. Donnelly notes that 'human rights are, literally, the rights that one has simply human beings. As such they are equal rights, because we are all equally human beings. Human rights are also inalienable rights, because no matter how inhumanely we act or are treated we cannot become other than human beings' (Donnelly, 1999: 608-632). The starting sentence of the UDHR proclaims that respect for human rights is the 'foundation of freedom, justice and peace in the world'. The UDHR has impacted greatly on the legal systems and constitutions of many countries. The Universal Declaration of Human Rights followed by many other declarations issued at the International Covenant on Civil and Political Rights(1966), the International Covenant on Economic, Social, and Cultural Rights(1966), International Congress on Human Rights(Teheran, 1968), and the United Nations World Conference on Human Rights(Vienna, 1993)(Boyle, 2005: 345-348). These declarations further expanded the meaning of human rights.

As pointed out earlier, human rights, 'the rights of man' are, literally, the rights that one has because one is human. These human rights were originally developed to describe a set of individual rights that

nations were demanded to respect for their people. The framework of human rights included ‘both the prohibition of certain acts and imposition of the duty to perform certain obligations in order to protect and promote the enjoyment of certain rights’ (Gutto, 2002: 13). Likewise, human rights abuse can take the form of both denials and violations. In spite of the fact that the full understanding of human rights are till an ideal, much has been accomplished in the name of human rights. As Langlois notes, achievement include ‘international recognition of human rights as the basic set of norms of human behavior, the internationalization of human rights institutions of various tapes, and the development of International Human Rights Law (Langlois, 2003: 990-1019). In the similar way, Donnelly notes that ‘all states regularly proclaim their acceptance of and adherence to international human rights norms, and charges of human rights violations are among the strongest complaints that can be made in international relations. Three quarters of the world’s states have undertaken international legal obligations to implement these rights by becoming parties to the International Human Rights Covenants, and almost all other nations have otherwise expressed approval of and commitment to their content’(Donnelly, 2000: 1). In other words, at least all governments accept human rights in principle (but not in practice).

The idea of human rights has begun to be expanded in last decades. Most crucially, acknowledgment of the interrelatedness and indivisibility of human rights has increased. Although this has been true always in theory, the two separate Covenants suggested distinctions between civil and political rights and social, economic, and cultural rights in the past. In spite of the fact that some distinctions till exist, the gaps between the two types of rights were bridged in the United Nations World Conference on Human Rights (Vienna, 1993). The Article 5 of the Vienna Declaration reads that ‘all human rights are universal, indivisible and interdependent and interrelated’ and that the all the people in the world ‘must treat human rights globally in a fair and equal manner’ (VDPA, 1993). This expansion of the idea of human rights contributed to the re-conceptualization of the framework of human rights.

Defining Democracy

The concept of democracy has been applied and understood in different ways, and different forms in various nations. As David Held notes ‘within the history of democratic theory lies a deeply rooted conflict about whether democracy should mean some kind of popular power—a form of politics in which citizens are engaged in self-government and self-regulation—or an aid to decision-making—a means of conferring authority on those periodically voted into office’(Held, 1996: 5). This debate has given rise to three primary types of democracy: participatory or direct, representative or liberal, and one party democracy (Held, 1996: 5). The ancient Athenian participatory democracy has been transformed into the liberal democracy which is popular today. Also, participatory democracy restricted the political participation of women and other marginalized groups. But, participatory democracy has been challenged in modern times and allow for more inclusive democracies such as liberal democracy. However, all of these types of

democracy are based to some extent on the original Greek notion of *demokratia*. A meaning of *demokratia* is ‘rule by the people’ (Held, 1991: 2). This basic idea still forms the centerpiece of contemporary definitions of democracy. Though, there are lot of definition on democracy, the statement of Vienna Declaration is one of the most remarkable statement that defines democracy. It reads ‘democracy is based on the freely expressed will of the people to determine their own political, economic, social and cultural systems and their full participation in all aspects of their lives’ (VDPA, 1993). Arthur Lewis, first Nobel Prize winner in the economics of development, agrees, noting that, ‘the primary meaning of democracy is that all who are affected by a decision should have the right to participate in making that decision, either directly or through chosen representatives...to exclude the losing groups from participation in decision-making clearly violates the primary meaning of democracy’ (UNDP, 2000: 56).

According to Beetham, the primary elements of liberal democracy ‘are that the people have a right to a controlling influence over public decisions and decision makers, and that they should be treated with equal respect and as of equal worth in the context of such decisions’ (Beetham, 2002: 2). He refers to these concepts as popular equality and popular control. Both of popular equality and popular control give way to the basis of the institutions and principles which inform democracy. These basic elements, together with public participation, open government, and the rule of law form the core of liberal democracies, as reflected in their institutions and mechanisms, and the presence of citizen rights and civil society. In addition, the deeper level of liberal democracy requires the following:

- Holding free and fair elections which contribute to fulfillment of the right to political participation.
- Allowing free and independent media which contributes to fulfillment of the right to freedom of expression, thought and conscience.
- Separating power among branches of government which helps to protect citizens from abuses of their civil and political rights.
- Encouraging an open civil society which contributes to fulfillment of the right to peaceful assembly and association (UNDP, 2000: 56).

Above discussion is good starting point to identify most important institutions and principles which are intrinsic to a sustainable democracy.

Free and Fair Elections: The basic indicator of democracy is the presence of free and fair elections. When people are recognized as a crucial part of a system, they apt to take responsibility for it and make efforts to maintain and improve it. As Beetham notes ‘popular authorization is achieved through regular competitive elections according to universal secret ballot, which ensures voters a choice of candidates and policies and gives them the opportunity to dismiss politicians who no longer command their confidence’ (Betham, 2002: 5). According to Gutto, however, ‘for elections to be substantially ‘free and fair’, it is imperative that enabling principles and rights be observed’, including ‘the rights to or freedom of association, opinion, expression, and assembly’ (Gutto, 2002: 5). He also points out the importance of adequate

and available human resources and material to register voters, monitor the voting process, educate voters, reconcile disputes and count election results. Voting is the opportunity to choose the government. The faith in the electoral process to elect representatives confers legitimacy on the government institutions (UNDP, 2000: 57). In fact, faith in the process of electing representatives should be assessed by inclusiveness, the reach, independence, integrity, and impartiality of elections, as well as how much effective choice it offers them, how equally the electoral process treats citizens, how many people in practice exercise the right to vote and how far the government actually fulfills the electoral choices made (Beetham, 2000: 163). Moreover, political parties function as a mechanism within electoral systems by nominating appropriate candidates, organizing different policies into cohesive programs, and advocating for the implementation of decisions supported by the electorate.

Separation of Power: As Gutto articulates how ‘elected representatives can play a democratic role only to the extent that enabling institutions of governance with clear systems and procedures that are secured by a normative framework and laws exist’ (Gutto, 2002: 6). Likewise, Beetham, notes ‘although elections form a key mechanism for the popular control of government, they are of limited effectiveness on their own without institutions that secure a government’s continuous accountability to the public’ (Beetham, 2002: 5). Accountable and open political institutions basically depend on the separation of powers between the judiciary, legislative, and executive spheres, and the decentralization of governance. These branches should be monitored through a system of checks and balances by each other, through horizontal accountability, and also be answerable to the people as a whole through vertical accountability. The specific roles of these institutions and their functions can be implemented and best understood when articulated in a ‘rule of law’ or constitution. The constitution or equivalent ‘rule of law’ not only articulate the financial responsibilities of the legislature, but also allow for a system of regional and local government. Furthermore, the United Nations Development Program (UNDP) *Human Development Report* for 2000 says ‘a democratic state can fulfill its human rights obligations only if it ensures the rule of law. The institutions that curb the arbitrary exercise of power are a democratically elected legislature, an independent judiciary and an executive that can retain a reasonable professional independence in implementing law and policies. These key elements of democratic governance are embodied in the separation of powers, and their existence enhances the accountability of the state’ (UNDP, 2000: 58).

Citizen Rights: The concept of democracy also embodies the presence of civil and political rights for citizens, especially freedom of association, assembly, and expression, that require the guarantee of liberty, security of person, and due legal process to be effective. There has been current debate on the necessity of cultural, social, and economic rights as requirements of democracy, but, it is widely accepted that ‘for civil and political rights and freedoms to have any value, citizens must possess the capacity to exercise them’ (Beetham, 2002). The majority of cultural, social, civil, political, and economic rights at the national level relates indirectly or directly to the framework of international human rights.

Open Civil Society: Although the state is accountable to its citizens, a neutral public space is wanted as an intermediary for the citizens to make the state fulfill its liabilities. The civil society organizations such as Amnesty International and Human Rights Watch may closely monitor violations of state's obligations. Such pressure gives way to advance freedom of press, speech and association. Though state have signed all human rights treaties without open civil society it may be under little pressure to honor its commitments (UNDP, 2000: 59) In the same way, Gutto points out, 'however effective public institutions and accountability processes may be in any society aspiring to democracy, their effectiveness and impact would nevertheless be diminished in the absence of a vibrant and activist civil society' (Gutto, 2002). Sometimes, term civil society, referred to as 'democratic society', makes opportunities for direct involvement and active citizenship in the functioning of a democracy. The key elements of civil society encompass sources of policy expertise independent of the state, an independent media, and associations that may comprise organizations dedicated to development, human rights, education, social services, health, women's empowerment, and so on. An active open civil society has the extra benefit of fostering respect for the other citizens' rights by making environments of diversity and dialogue.

As noted above, although there are common elements in democracy it can take a variety of forms. In other words, democracy is not homogeneous. From the several forms of democracy, states choose different institutional mixes depending on their circumstances and needs (UNDP, 2000: 56). Likewise, Beetham explains, 'different societies and diverse circumstances require different arrangements if democratic principles are to be effectively realized' (Beetham, 2000). The acceptance of principles of democracy is growing across nations and cultures. Indeed, international covenants increasingly recognize democracy itself as primary human right (Diamond; Plattner, 2001: xvi). The Community of Democracies which held on 27 June 2000 in Warsaw, participating foreign ministers and high ranking representatives from 106 nations adopted a declaration promising 'to respect and uphold' a wide range of 'core democratic principles and practices'. These included both the types of individual rights which proclaimed in previous human rights accords and key elements of liberal and electoral democracy (Diamond; Plattner, 2001: xvi). This means, the institutions and principles which inform inclusive democracy is based on tenets that transcend political and national ideologies; thus, democracy is not exclusive to the West.

Interrelatedness of human rights and democracy

Although, the concepts of human rights and democracy share a commitment to the ideal of equal political dignity for all, they are obviously different notions. (Donnelly, 2000: 191). As Langlois points out 'they are distinct enough for them to be viewed as discreet and differentiated political concepts' (Langlois, 2003: 990-1019). Human rights aim to empower individuals. By contrast, democracy aims to empower 'the people' collectively. According to Donnelly 'democracies as a group may on average have a better human rights record than non-democratic regimes'. Though, some non-democratic states are able

to ensure some, not all, human rights. Moreover human rights practices among democratic regimes vary dramatically (Donnelly, 2000: 191). On another level, the status of democracy as a right is not as obvious as one might hope in the human rights documents such as Universal Declaration of Human Rights and International Covenant on Civil and Political Rights (Forsyth, 2005: 84).

Above mentioned differences have influenced to the conventional separation of the fields and theories of democracy and human rights. The separationist, from the perspective human rights, argues that ‘democracy is not immediately needed for the observation of human rights and that the maintenance of an essential link between human rights and democracy may well have the effect of delaying the implementation of human rights norms in various states’ (Langlois, 2003: 1000). A recent corollary of the separationist theory argues that democracy breed ‘Western neo-imperialism’. According to Langlois ‘democracy is a “Western-centric” approach to government that is not found indigenously in all societies and is not desirable for all peoples (Langlois, 2003: 1001).

By contrast, there are counter arguments which illustrate the interrelatedness and interdependence of democracy and human rights. The idea of democracy is not exclusive to the West as the neo-imperialist argues. Different nations, countries and cultures can choose different democratic institutional mixes depending on their circumstances and needs. It is need not to say that the West should not impose their particular forms of democracy on other nations and wish them to be followed and accepted. Moreover, separating democracy from human rights weakens chances for implementation, in that it reduces human rights to norms; as Langlois states, ‘human rights amount to little more than charity if they are not functioning in a democratic framework’ (Langlois, 2003: 1004).

Basically, the tendency to distinguish democracy from human rights is rooted in the approval of their orthodox definitions. In an electoral majoritarian democracy government is by the majority, and the role of minorities is to oppose (UNDP, 2000: 56). In other words, majoritarian electoral democracy lacks the other principles and institutions of a liberal inclusive democracy. In this sense, liberal inclusive democracy and human rights go together. As Langlois notes, ‘both contemporary liberal democracy and human rights are derived from and express the assumptions of liberalism’ (Longlois, 2003: 1010). The liberalism encompasses universalism, individualism, and egalitarianism. Moreover, democracy is the only form of political regime compatible with respecting all five categories of rights—cultural, social, civil, economic and political (UNDP, 2000: 56; Longlois, 2003: 1014). Likewise, Donnelly notes that ‘democracy and human rights are mutually reinforcing in contemporary liberal democracies because the competing claims of democracy and human rights are resolved in favor of human rights’ (Donnelly, 2000: 192).

At this point, it is better to consider the interrelatedness between democracy and human rights through an examination of political and civil rights, especially those expressed in Article 21 of the Universal Declaration of Human Rights (UDHR) and Article 25 of the International Covenant on Civil and Political Rights (ICCPR). The Article 21 of the UDHR does enunciate ‘everyone has the right to take part in the government of his country, directly or through freely chosen representatives. Everyone has the

right to equal access to public service in his country. The will of the people shall be the basis of the authority of government; this shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held in secret vote or by equivalent free voting procedures'. This is further articulated in Article 25 of the ICCPR, which makes reference to a rights 'to take part in the conduct of public affairs, directly or through freely chosen representatives; to vote and be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors; to have access, on general terms of equality, to public service in his country'. Furthermore, these rights are connected to the rights of association, movement, expression, and assembly, that are also interrelated with democracy and the rights to security of person, the guarantee of due process of the law and liberty.

The social and economic rights are not traditionally considered as closely related with democracy. However, without an adequate level of well-being, citizen cannot be expected to have the resources and time to participate in democracy (Forsyth, 2005: 85). Therefore, these rights are also being recently acknowledged as being dependent with democracy. As Forsyth articulates, 'democracy and human rights are conceptually and practically interdependent in various ways, especially inasmuch as the fulfillment of at least a set of basic rights...is a precondition for effective democratic participation, while conversely people need the right to democratic participation so that they can defend and further realize their own human rights' (Forsyth, 2005: 85).

Conclusion

As we have seen, although human rights and democracy are clearly different notions, there are an intrinsic relationship between human rights and the principles and institutions of democratic regimes which may seek to realize them and that are legitimately constrained by them. In other words, a democracy which is electoral majoritarian and inclusive liberal cannot function without human rights. As we noted, notably, it is obvious that democracy and human rights are interdependent and interrelated when defined it in the broader conceptualizations of democracy as inclusive liberal democracy, and human rights as cultural, civil, political, social, and economic rights. In one hand, these human rights cannot be achieved in a non-democratic system. On the other hand, democracy cannot be realized without the presence of human rights. This relationship is evident in previous empirical studies as well. It is clear then, that democratic regime provides the ideal political framework for the realization of human rights. Because it is based on the enhancement of political and civil rights, particularly the right to participate in political life. And by allowing a voice in political decision-making, it can be instrumental in realizing other rights. Democracy builds the institutions necessary for the fulfillment of human rights.

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