

30 ARTICLES ON THE 30 ARTICLES

THE UNIVERSAL DECLARATION OF HUMAN RIGHTS AT 70: STILL WORKING TO ENSURE FREEDOM, EQUALITY AND DIGNITY FOR ALL

Article 21: A Short Course in Democracy

In three concise paragraphs, Article 21 of the Universal Declaration of Human Rights (UDHR) outlines some of the fundamental principles of democracy: the will of the people should be the basis of government authority, and everyone has the right to take part in the government “directly or through freely chosen representatives.” It calls for periodic, genuine elections with universal suffrage and secret ballot, and also establishes that “everyone has the right to equal access to public service.”

It does not actually include the word “democracy” – which does not appear anywhere in the UDHR, apart from one reference, in Article 29, to “democratic society.” Just three years after the end of World War II, the term “democracy” was already snared up in the rapidly developing Cold War ideological disputes, with the Soviet bloc and Western countries interpreting the term quite differently.

This Article, in making core elements of democracy a fundamental human right, reflects the resounding statement in the Preamble to the UDHR that “it is essential” that human rights must be protected by rule of law “if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression.”

“No famine has ever taken place in the history of the world in a functioning democracy.”

– Amartya Sen, Indian winner of the 1998 Nobel Prize in economics

Fresh in the minds of the UDHR drafters was the election of Adolf Hitler through democratic processes, and his subsequent rejection of the very same processes as a foundation for the democratic state. Instead, he advanced the *Führerprinzip* (leader principle) based on the philosophy that the best, strongest and brightest should rule the weaker and “less pure.” Such a leader would command total obedience from those under him, and he was above, and therefore could totally disregard, the rule of law. In this respect, like so many others, the UDHR can be seen as a key part of the world’s attempt to inoculate itself against any future would-be dictators.

To a considerable extent it has been successful: the adoption of the Universal Declaration has been credited with helping advance the spread of democracy throughout the world since 1950, when there were just 20-25 democratic countries. Since then, the percentage of countries where the government is formed on the basis of majority rule, determined by regular elections, has risen considerably, boosted first

of all by the end of colonialism and then by the collapse of Communism in the Soviet Bloc in 1989.

In recent years, the number of countries around the world holding periodic free and fair elections rose to a postwar high. However, the tide may now be receding, with various countries, including established democracies, appearing to be moving backwards. A number of think tanks and civil society organizations have reported that, after years of advance, the proportion of “free” democracies is now declining.

“I do not acknowledge that there are various models of democracy; there is just democracy itself.”

–**Shirin Ebadi, Iranian lawyer and winner of 2003 Nobel Peace Prize**

They place the blame for this on various factors, including increasingly brazen actual (or would-be) autocrats, divisive politics and disillusioned electorates. The United States’ withdrawal from its leadership role in promoting human rights at the global level is also cited. And there are signs that the younger generations of adults have little knowledge or memory of their parents’ experiences under fascism and communism and may be losing faith and

interest in the democratic project.

Populism, driven by parties from the political extremes, is once again pushing for power via existing democratic processes – its promoters described by former UN Secretary-General Kofi Annan as “charismatic individuals or fake prophets promising simplistic solutions to people’s grievances through radical policies that dismiss institutions and laws as either irrelevant or inconvenient.”

Democracies are not only about elections and parliaments: they also depend on effective channels for people’s broader participation in policy discussions and decisions, including at the local and regional levels; and rule of law and human rights are indispensable for a truly democratic system.

A number of key rights contained elsewhere in the UDHR are among the first casualties when democracy withers. Laws are brought in to curtail freedom of expression and opinion (Article 19); and the freedom of assembly and association (Article 20) is also among the first to go, smothering civic space (often referred to as “the oxygen of democracy”). The rule of law Articles (6-11) soon follow – undermined by redrawn legislation and amendments to Constitutions designed to strengthen the leadership’s hold on power.

Once the rule of law and independence of the judiciary have been compromised, social, economic and cultural rights are endangered, especially for those parts of the population viewed unfavourably by the party in power. The slide from democracy to dictatorship can be startlingly rapid.

Even generally well-functioning democracies suffer significant shortcomings, such as the number of women in public life. According to the Inter-Parliamentary Union, the average global percentage of women members of parliament is just 24 percent, and four national parliaments still have no women at all

The number of women ministers is also an indication of how much political will there is to render a country truly democratic in terms of gender balance. The Nordic countries in particular have made a major effort to build a society based on gender equality, and the current Norwegian cabinet is made up of equal numbers of women and men. After his election in 2015, Canadian Prime Minister Justin Trudeau also appointed an ethnically diverse cabinet with 15 women and 15 men, saying it “looks like Canada.” When questioned later by journalists about why he had made – and kept – a promise of gender parity, his answer was simple: “Because it’s 2015.”

This is one in a series of articles published by the Office of the High Commissioner for Human Rights (OHCHR) to mark the 70th anniversary of adoption of the Universal Declaration of Human Rights on 10 December 1948. All rights enshrined in the UDHR are connected to each other, and all are equally important.

To read the previous articles in this series, please visit:
<https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23871&LangID=E>