# The Janus-Faced Attitude of Global International Law to Democracy

Barbara Mikołajczyk

Institute of Legal Sciences, University of Silesia
*Katowice, Poland*

***Abstract*— This paper considers the relationships between global international law and democracy as well as between democracy and human rights. Its primary assumption is that some obstacles to democracy are rooted in international law itself. Simultaneously, international law, particularly international human rights law, is also undeniably the flywheel pushing countries towards democratic governance, of which the protection of human rights is an essential element. Therefore, this paper examines the attitude of global international law to democracy and the interplay between democracy and human rights. It also traces whether a human right to democracy arises from international law. This research shows that international law has two faces. The first shows that international law is not conducive to, or at least is indifferent to, democracy. At the same time, there is another face of international law revealed by international human rights law as some pillars of democracy and the rule of law, are protected by human rights treaties. The universal hard and soft international laws and output of human rights bodies show that democracy should go hand in hand with the rule of law and human rights.**

**Keywords— democracy, the rule of law, human rights, international law**

## I. INTRODUCTION

Of the 167 states and territories covered by the 2022 Democracy Index, 72 (43.1%) are considered democratic. However, just 24 of these are classified as "full democracies", with the other 48 termed "flawed democracies". Out of the remaining 95 states, 59 are called "authoritarian regimes" and 36 are "hybrid regimes". The authors of the index define these systems, with the main features of each being as follows. Full democracies are those that respect political freedoms and civil liberties, have a developed political culture, independent and diverse media, an effective system of checks and balances and an independent and effective judiciary. Flawed democracies are those with free and fair elections, but with problems such as infringements on media freedom, where basic civil liberties are respected, but with underdeveloped political culture and low political participation. Hybrid regimes are considered those with irregular elections (not free and fair), government pressure on the opposition, undeveloped political culture and weak civil society, with corruption, harassment of and pressure on journalists and no independent judiciary. Authoritarian regimes display a lack of (or very weak) political pluralism, possibly with some formal institutions of democracy but without any real importance, where elections, if they do occur, are not free and fair and where abuses and infringements of civil liberties are overlooked; the media is typically state-owned or controlled by the ruling regime and there is little or no free media and pervasive censorship and there is no independent judiciary (Economist Intelligence, 2023, p. 66).

The same report points to a stagnation in democratic trends and even the erosion of democratic institutions worldwide, including in Europe. This process has also touched Poland. Between 2010 and 2020, it is estimated that Poland was hit the hardest in this respect, with a dramatic 34 percentage-point decline on the Liberal Democracy Index, most of which occurred after 2015 (Hellmeier et al., 2021, p. 1061). The Polish and Hungarian examples show that democracy can very quickly turn from full democracy into flawed democracy and slide further towards authoritarian rule (European Parliament, 2022).

"Democracy" concerns politics, while "the rule of law" concerns the law, so they often come into conflict (Zaleśny, 2022, p. 55). On the other hand, they are most certainly interrelated, with "democracy" remaining merely a sham slogan used to help populist parties achieve their political and economic interests if there is not a durable system of laws, institutions, norms and community commitment that delivers four universal principles of the rule of law: accountability, just

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law, open government, and accessible and impartial justice (the World Justice Project, 2023).

Similarly, at first glance, there seems to be an almost irresolvable contradiction between human rights and democracy. Democracy is usually linked with the power of the majority, while human rights are rights enjoyed by individuals, groups and minorities. Moreover, there is a constant risk of disregarding the will of the losing minorities and following the will of those people in the victorious majority (Filipkowski, 2023, p. 71). Such situations are found every day in flawed democracies, hybrid and authoritarian regimes, as a democracy based solely on electoral arithmetic is insufficient to avoid contradiction with human rights. Relations between democracy and human rights depend on adhering to democratic principles, among which are the sovereignty of the people, political pluralism, the separation of powers and the rule of law (Waśko-Owsiejczuk, 2022, p. 34).

That is why, understanding the substance of (full) democracy is of fundamental importance here. As Wiktor Osiatyński notes, it has been well known since the time of Socrates how democracy, understood solely as the power of the majority, can be hypocritical and insensitive to minorities and dissidents (Osiatyński, 2011, p. 128). It is certainly not uncommon for a system based on an electoral democracy to involve the slow, unnoticed and systematic robbing of rights and freedoms of both society and individuals.

Thus, it turns out that democracy, supported by the rule of law, is a value that requires constant care and attention, as well as an understanding of its essence, including in countries that are considered democratic. This fragile construction requires permanent monitoring and protection, both internally and externally. Therefore, international law's attitude to democracy should be considered carefully.

The notions of "democracy" and "democratic values" are well-embedded in regional international law adopted in the framework of the Organisation of American States, African Union forums and certainly the Council of Europe, the European Union and the Organization for Security and Co-operation in Europe. Moreover, states gathered in these organisations have worked out procedures and mechanisms for strengthening and upholding democracy and its institutions, the rule of law, human rights and tolerance, as well as non-discrimination. At the same time, states of varying levels of democracy, including those states described as authoritarian and placed at the bottom of the Democracy Index ranking, have adopted such instruments as the African Charter on Democracy, Elections and Governance (African Union, 2007) and the Inter-American Democratic Charter (OAS, 2001). Even Europe, with its treaties, institutions, preventive procedures and courts, has not avoided the erosion of democracy and retreat from human rights. Although treaties and political documents contain provisions requiring states to respect democratic values, uphold the rule of law and protect human rights, as well as allowing other states and organisations to react in the event of non-compliance with these obligations, in practice, the international community tends to adopt a passive attitude or overlook cases of non-compliance with obligations in the area of democratic governance.

This might imply, therefore, that the difficulty in promoting and preserving democracy worldwide might arise from the nature of international law. Thus, the primary assumption of this paper is that some obstacles to democracy are rooted in international law itself. However, international law, particularly international human rights law, is also undeniably the flywheel pushing countries towards democratic governance, of which the protection of human rights is an essential element. Therefore, this paper examines the attitude of global international law, historically prior to regional laws and common for the whole international community, to democracy. The main question posed in this paper is whether and how this law protects democracy. Another question is how international law perceives the interplay between democracy and human rights and whether a human right to democracy arises from international law.

## II. NON-INTERVENTION VERSUS DEMOCRACY

International law is based on the principle of equality of sovereign states, giving a sovereign state the exclusive right to exercise authority over its territory, citizens and resources. In essence, international law, as a law of coordination, therefore, prohibits interference in the internal affairs of equal and independent states. The principle of non-intervention has a long tradition. In 1758, Emmerich de Vattel, in his The Law of Nations, connected the right to sovereignty with non-intervention, arguing that:

"It is an evident consequence of the liberty and independence of nations that all have a right to be governed as they think proper, and that no state has the smallest right to interfere in the government of another" (Vattel, 2008, p. 289).

The principle of non-intervention is a customary norm but has also been introduced into treaties. For example, Article 8 of the Montevideo Convention on Rights and Duties of 1933 proclaims that, "No State has the right to intervene in the internal or external affairs of another" (1933), and the Vienna Convention on Diplomatic Relations of 1961 stipulates that the mission members have a duty not to interfere in the internal affairs of the receiving state (1961).

The prohibition of intervention by one state into another state's internal affairs was confirmed by the International Court of Justice (ICJ) in the Case Concerning Military and Paramilitary Activities in and Against Nicaragua case brought by Nicaragua against the United States, which arose based on allegations of American support for contra rebels. The ICJ explained that:

"The principle of non-intervention involves the right of every sovereign State to conduct its affairs without outside interference […] As to the content of the principle in customary law, the Court defines the constitutive elements which appear relevant in this case: a prohibited intervention must be one bearing on matters in which each State is permitted, by the principle of State sovereignty, to decide freely (for example the choice of a political, economic, social and cultural system, and formulation of foreign policy). Intervention is wrongful when it

uses, in regard to such choices, methods of coercion, particularly force, either in the direct form of military action or in the indirect form of support for subversive activities in another State" (ICJ, 1986, para. 205).

The ICJ also confirmed this opinion in the Democratic Republic of Congo v. Uganda, judgement, recalling that the principle of non-intervention prohibits direct or indirect, with or without armed force, support of an internal opposition in another state (ICJ 2005, para. 164). This implies that there are no exceptions, even if this opposition is democratic.

Not only is the intervention of one state into another state's internal affairs forbidden by international law, it also refers to intergovernmental organisations. Article 2(7) of the UN Charter stipulates:

"[n]othing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state…" (United Nations, 1945).

This prohibition has a special power as it is one of the principles of the United Nations.

Moreover, the non-intervention principle is also confirmed by international soft law, in particular two UN General Assembly's Declarations on the Inadmissibility of Intervention and Interference in the Domestic Affairs of States of 1965 and 1981 (UN General Assembly, 1965, 1981), as well as the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations, which contains a whole section on "The principle concerning the duty not to intervene in matters within the domestic jurisdiction of any State, in accordance with the Charter" (UN General Assembly, 1970).

As a result, the principle of non-intervention protects both democratic and non-democratic regimes. James Crawford has also argued that international law is otherwise "non-democratic" in itself. For example, it assumes that the executive has broad powers to consent to rules of international law that may affect the rights of individuals without their knowledge or consent. A successor government is bound under the principle of pacta sunt servanda by the acts of its predecessor, regardless of their legality or constitutionality (Crawford, 1994, p. 117). Finally, the UN Security Council itself does not operate on a democratic basis, given the privileged position of the five permanent members of the Council exercising their veto power, which undermines both democracy and the UN principle of sovereign equality of all its members (Varayudej, 2006, p. 4).

Although the UN Charter begins with the words "We the peoples…," it does not require UN members to adopt a model of democratic governance (United Nations, 1945), and no state has been expelled from the organisation for a "lack of democracy" or "democracy of poor quality." Thus, international law, based on the consensus of states and defending the sovereignty of a state's right to decide on its political system, is not conducive to, or at least is indifferent to, democracy. However, this is only one face of international law, with another being international human rights law.

## III. Another Face of International Law

### *Hard international human rights law and its interpretation*

An honest international discourse on democracy and human rights, both in the doctrine and on international fora, could only begin after the fall of the Iron Curtain. Thomas Franck, who in the early nineties started a discussion on the right to democracy in the twentieth century, argued that democratic governance had evolved from a moral imperative to an international legal norm. He also defined the right to democracy as the right of the people to participate and be consulted in the process by which political choices are made (Franck, 1994, p. 73).

The right to political participation is usually a starting point for any consideration of human rights and democracy. For example, in the Encyclopaedia of Global Justice, Anna Moltchanova indicates that states that do not secure the equal right to political participation for all of their citizens would be considered in violation of the human right to democracy (Moltchanova, 2011, p. 494).

Among the many approaches to human rights and democracy, it is worth looking more closely at Benjamin Gregg's idea to formulate the human right not to democracy, but to the rule of law. In a nutshell, this means access to mechanisms to ensure that political power is subordinate to established law and that all people and institutions are subject to and accountable for enforceable law (Gregg, 2016, p. 177).

Despite Franck's optimistic opinion, the universal human rights hard law does not expressly indicate "democracy", still less formulate a "human right to democracy" or to "the rule of law". In the core human rights treaties, only the notion of "democratic society" appears in the context of necessary limitations of some rights and freedoms in the interests of national security, public safety, public order, the protection of public health or morals or the protection of the rights and freedoms of others.

On the other hand, the Universal Declaration of Human Rights (UNHR), adopted on 10 December 1948, which over the years has become a customary law and an inspiration for all human rights treaties, contains Article 21(3), which is "democratic in nature." It proclaims that:

"The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures" (UN General Assembly, 1948).

However, inspired by the above provision, Article 25 of the International Covenant on Civil and Political Rights (ICCPR), adopted on 16 December 1966, is an international treaty norm that is usually invoked in the context of democracy and a state's obligations in this area. It stipulates that:

"Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in article 2 and without unreasonable restrictions:

- To take part in the conduct of public affairs, directly or through freely chosen representatives;
- To vote and to 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" (United Nations, 1966).

What should be particularly noted is that contrary to Article 21(3) of the UDHR, this provision proclaims the human right of an individual, not people, and is consequently linked with the anti-discrimination clause stipulated in Article 2 of the ICCPR.

Despite Article 25's focus on the individual right to participate in public affairs, it does not automatically guarantee the human right to democracy as such, especially "democracy of good quality." However, it is worth recalling that, during the work on the covenant, this issue was on the table but was protested against by representatives of communist states (Wieruszewski, 2012, p. 617).

The Human Rights Committee (HRC), when interpreting the states' obligations arising from Article 25, in its general comment No. 25, does not indicate a "human right to democracy." On the other hand, it stresses that "Article 25 lies at the core of democratic government based on the consent of the people and in conformity with the principles of the covenant" (Human Rights Committee, 1996, para. 1). First and foremost, the committee sets out the obligations of states to guarantee that everyone has the right to vote and to participate in the management of public affairs. It also links these rights with the right of peoples to self-determination, while also explaining that these rights are related but distinct.

These relations have emerged through the individual communications procedure. In Tiina Sanila-Aikio v. Finland (HCR, 2018a) and Marshall et al. and the Mikmaq tribal society v. Canada (HCR, 1991), the committee found that the right to participate may have a collective aspect and must be consistent with the principle of internal self-determination for indigenous peoples, but that Article 25(a) cannot be understood as meaning that any directly affected group – large or small – has the unconditional right to choose the forms of participation in the conduct of public affairs.

In the case of Ignatane v. Latvia, the claimant claimed that, due to linguistic discrimination, she had been deprived of the opportunity to stand for the local elections. The committee considered that Latvia had violated Article 25 of the ICCPR in conjunction with Article 2. Moreover, the committee found that the state had not provided the claimant with an effective remedy when she was removed from the list of candidates for elections (HCR, 2001).

Another example is the case Mohamed Nasheed v. Republic of Maldives. The complainant was the first democratically elected president of the Maldives in 2008. In 2009, the first-ever democratic, multi-party general election in Maldives resulted in a majority of parliamentary seats going to supporters of the defeated former president. The complainant argued that his administration had tried to implement political reforms to ensure democracy. However, the judiciary had remained unchanged and loyal to a parliamentary majority reluctant to grant judicial independence. Tensions between the judiciary and the executive led to civil unrest, as a result of which the president was forced to step down. He had attempted to run in the subsequent election but had been arrested while campaigning. The committee found that the Maldives had violated not only Article 25 of the ICCPR, but also Article 22, which includes the right to freedom of association with others, as well as Article 14, which protects fair trial rights (HCR, 2018b). This case clearly shows that democratic elections do not yet guarantee full democracy and the rule of law.

Compared to the number of total cases handled by the committee, complaints of violations of Article 25 are relatively few (Centre for Civil and Political Rights, 2021, p. 46 - 7). Democracy and the rule of law, however, require respect for many other rights contained in the covenant, including the right to go to court (Article 14), freedom of expression (Article 19), and the right to assemble peacefully (Article 21). The committee's jurisprudence in these areas is significant.

In the context of the tradition of non-intervention and state sovereignty, it should also be noted that the cases mentioned above arise from individual communications rather than from inter-state complaints. Currently, provisions for inter-state communications before universal human rights treaty bodies remain mostly untapped, as states are not willing to agree to the committees' competence in this area. However, in practice, inter-state human rights trials before the human rights courts are also scarce. Each inter-state claim is a decision of a political nature, given that it involves some aspects of tensions between a state's right to national sovereignty, its political independence and, on the other hand, the states' obligations concerning human rights (Kamminga, 1990, p. 1).

They are usually initiated in connection with mass human rights violations, especially those protected by peremptory norms. It also happens when the international community reacts to a breach of humanitarian law or human rights violations by totalitarian regimes (Bird, 2011, p. 897). Thus, in other cases, such trials are unlikely to happen.

Meanwhile, the wide range of linkages between human rights and democracy and the rule of law is revealed by the concluding observations formulated by the committee concerning the periodic reports submitted by states on the implementation of their obligations under the covenant. The committee recommends that states, among other things, improve the participation and transparency of their electoral systems, prevent hate speech and hate crimes, support non-governmental organisations, respect the freedom of media, ensure the right to vote and run for election to all its citizens without distinction, including on the grounds of political opinion, and improve gender equality in access to public life. For example, the committee, in the concluding observations of 2016 on Poland's seventh periodic report, recommended a revision of its legislation "to ensure that it does not discriminate against persons with mental and intellectual disabilities by denying them the right to vote on bases that are disproportionate or that have no reasonable and objective relationship to their ability to vote, taking account of article 25 of the Covenant" (Human Rights Committee, 2016).

The ICCPR is not the only core human rights treaty containing the right to participate in public affairs, including the

right to vote. Article 7 of the Convention on the Elimination of Discrimination against Women of 1979 (United Nations, 1979) and Article 29 of the 2006 Convention on the Rights of Persons with Disabilities (United Nations, 2006) also protect these rights of persons experiencing discrimination in the public sphere. Consequently, the Human Rights Committee is not the only human rights treaty body providing recommendations in "the area of democracy." As the Universal Human Rights Index (UNHRI) shows, the Committee on the Elimination of Discrimination against Women (CEDAW) expressed concern in connection with periodic reports from states-parties submitted according to the Convention on the Elimination of All Forms of Discrimination against Women. Among other things, the committee was concerned about the low representation of women in parliaments, at decision-making levels in the civil service and generally in public and political life, as well as discrimination of women holding different political views.

The Committee on the Rights of Persons with Disabilities formulated about 200 recommendations to states indicating, among other things, barriers to participation in public life, a lack of representation of persons with disabilities in parliaments, the inaccessibility (including physical) of the voting environment, the provision of electoral materials and information in formats that are accessible to everyone, and requiring that persons with disabilities are guaranteed secrecy in the voting process.

What is most important is that, though other conventions may lack similar provisions relating to participation in public life, this does not limit the ability of other committees to make recommendations to states. For example, the Committee on the Elimination of Racial Discrimination often expresses its concern about the inability for non-citizens and members of indigenous populations to participate in public life of the whole society. The Committee on the Protection of the Rights of All Migrant Workers and Members of their Families noted problems experienced by migrant workers when trying to set up or join civil society organisations. It is worth noting that none of those committees formulated a right to democracy, but their practice shows that the way is open to promoting various aspects of democracy.

*Soft law and its educational and promotional role*

Contrary to the global treaty law, soft law underlines the intersectionality between human rights, the rule of law and human rights. Thus, the Vienna Declaration and Programme of Action of the 1993 World Conference on Human Rights made clear that:

"Democracy, development and respect for human rights and fundamental freedoms are interdependent and mutually reinforcing. 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.[…] The international community should support the strengthening and promoting of democracy, development and respect for human rights and fundamental freedoms in the entire world" (World Conference on Human Rights, 1993, para. 8).

The UN Commission on Human Rights' resolution "Promotion of the right to democracy" of 1999 appears to be unique due to its title. However, the text of the resolution does not actually set out "the right to democracy", instead affirming the "rights of democratic governance" (not "to" democratic governance"). Significantly, the resolution points to a package of laws that should be respected in order to speak of democratic governance. These rights include the right of political participation, equal access to public service, to seek, receive and impart information and ideas through any media, freedom of thought, conscience, opinion and expression and religion, peaceful association and assembly, universal and equal suffrage, free voting procedures and periodic and free elections. Moreover, "the right to democracy" covers the rule of law, including legal protection of citizens' rights, interests and personal security, and fairness in the administration of justice and independence of the judiciary as well as transparent and accountable government institutions, and, finally, the citizens' right to choose their governmental system through constitutional or other democratic means (Human Rights Commission, 1999).

Another document that should be mentioned here is UN General Assembly Resolution 55/96 on "Promoting and Consolidating Democracy" of 2000. It called upon states to promote pluralism, to protect all human rights and fundamental freedoms, to maximise the participation of individuals in decision-making and to develop effective public institutions, including an independent judiciary, an accountable legislature and public service and an electoral system that ensures periodic, free and fair elections (UN General Assembly, 2000).

Meanwhile, among many of the Human Rights Council's documents dedicated to democracy, it is worth indicating its Resolution 19/36 on "Human Rights, Democracy and the Rule of Law." This repeats the goals of previous acts and stresses respect for a wide range of human rights and freedoms with such principles as respect for the rule of law, the separation of powers, the independence of the judiciary, transparency and accountability in public administration and decision-making and free, independent and pluralistic media being called crucial for democracy. Expressing the interdependence of these matters, it also reaffirms that democracy is vital for the promotion and protection of all human rights. It also gives a reminder that states are the guarantors of democracy, human rights, good governance and the rule of law, and that they bear responsibility for the full implementation of these principles (Human Rights Council, 2012). It is easy to observe that in this document, human rights and democracy are juxtaposed in various ways, but in no way is the right to democracy formulated.

Human rights and democracy, as well as the rule of law, have been heavily emphasised on the Human Rights Council's agenda since 2015. At its 28th session, the council decided to establish the Forum on Human Rights, Democracy and the Rule of Law as a platform for promoting dialogue and cooperation on issues concerning the relationship between these areas (Human Rights Council, 2015). The forum's task is to identify

and analyse best practices, challenges and opportunities for states to secure respect for human rights, democracy and the rule of law. In this framework, the Human Rights Council adopted a number of resolutions (No 34/41 of 24 March 2017, No 40/9 of 21 March 2019, and No 46/4), which are a response to perceived current threats to democracy and human rights (e.g. COVID-19) and a clarification of the relationship between human rights, democracy and the rule of law. For example, the resolution adopted by the Human Rights Council on 23 March 2021 stresses that the independence and impartiality of the judiciary, the integrity of the judicial system and an independent legal profession are essential prerequisites for the protection of human rights, the rule of law, good governance and democracy. It restates the right of every citizen to vote and to be elected at genuine periodic elections, and indicates the features of free and fair elections. However, it also confirms that there is no single model of democracy and, as with previous resolutions, it does not mention a human right to democracy (Human Rights Council, 2021).

All these Human Rights Council's resolutions (certainly those adopted after 2015) invoke the 2030 Agenda and its Sustainable Development Goals, particularly goal 16 on promoting peaceful and inclusive societies for sustainable development, providing access to justice for all and building effective, accountable and inclusive institutions at all levels. However, the 2030 Agenda and its targets do not mention democracy, in particular the human right to democracy. On the other hand, they call for the development of effective, accountable and transparent institutions at all levels, ensuring responsive, inclusive, participatory and representative decision-making at all levels, to guarantee public access to information and protect fundamental freedoms under national legislation and international agreements (UN General Assembly, 2015).

Finally, the abovementioned reporting procedure and individual communications procedure are not the only human rights controlling mechanisms. The human rights machinery is much more complex and also uses "softer" and political solutions. The Human Rights Council's mechanisms, based on the Universal Declaration of Human Rights, appear crucial as they have the potential to promote democracy. The Universal Periodic Review, as a process of dialogue on human rights within the whole international community, combines politics with the law (Bertotti, 2019; Hernandez - Połczyńska, 2019). Due to its political nature, it has advantages and disadvantages, but it allows the notions of democracy and the rule of law to become visible on international forums. According to the UNHRI, hundreds of references to "democracy"(over 160) and to "the rule of law" (over 400) appeared in recommendations addressed from state to state in the framework of the UPR since its first cycle in 2008. Finally, the Human Rights Council Special Procedures, according to their mandates, also recognise democracy and the rule of law as vital elements of discourse on human rights. For example, the Special Rapporteur on the rights to freedom of peaceful assembly and of association, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, the Independent Expert on the promotion of a democratic and equitable international order and the Special Rapporteur on the independence of judges and lawyers have between them indicated "democracy" in 44 recommendations to states and called on states to respect "the rule of law" in 45 recommendations (as of November 2023).

## IV. Conclusions

International law, which is the outcome of a consensus reached by sovereign states, is still state-centric and its condition reflects the condition of the states. Thus, universal international law shows a less-than-ideal picture of democracy worldwide. Globally, most governments are too attached to the traditional idea of sovereignty to accept instructions from other states or organisations regarding what "their own democracy" should look like. Constantly, the idea of sovereignty is readily exploited by populist governments. On the other hand, some pillars of democracy and the rule of law, including election rights, are protected by human rights treaties. Thus, the universal international human rights law presents a much more democracy-friendly face of international law, especially the democracy-friendly interpretation of treaties provided by the human rights treaty bodies.

Moreover, notions of "democracy" and "the rule of law" are permanent features of universal soft law, which is not surprising as non-compliance with resolutions and recommendations does not entail state responsibility. Thus, the states are less reluctant to agree to adopt soft "democratic" acts. On the other hand, although, they are not legally binding, they do still have an educational and promotional value.

Controlling and monitoring human rights mechanisms is similarly important. If, under their influence, states change their approach to democracy internally, they will be more willing to "democratise" international law.

This fragmented research also shows that the relationship between human rights and democracy takes various forms and can be considered in a number of different aspects. However, among the many documents produced in the global forum, there is no explicitly formulated "human right to democracy", that each person may enjoy. It is present only in scholarship and should be understood (as for now) as an umbrella concept for all human rights that are indispensable for every individual and group (including disadvantaged ones) to participate in society and influence the governance model fully.

Finally, the universal soft law and output of human rights bodies show that democracy goes hand in hand with the rule of law and human rights. They are interdependent, so human rights violations and failures to respect the rule of law make it impossible to speak of full democracy, as indicated at the beginning of this paper.

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