



**DEMOCRACY
WITHOUT
BORDERS**

RESEARCH BRIEF

MAPPING THE MANDATE OF A UN SPECIAL RAPPORTEUR ON DEMOCRACY

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INTRODUCTION

The proposed United Nations Special Rapporteur on Democracy (UNRoD) mandate, to be established under the Human Rights Council (HRC), aims to address a growing concern over democratic backsliding or a decline in the quality of democracy observed in many countries. The mandate is proposed to work similarly to other Special Rapporteurs, acting as an ombudsperson and expert on democratic rights, providing institutional and structural analysis, making recommendations, and identifying best practices to help strengthen democracy worldwide.¹

With 46 thematic mandates already in place, it is crucial to conceptualize a UNRoD in a way that avoids potential overlaps and redundancies. For this purpose, this research brief summarizes an initial mapping of democracy components and indicators against current mandates to identify gaps and opportunities for unique contributions as outlined in detail in the Appendix.²

MAPPING FRAMEWORK

The following standard conceptualizations of democracy³ were used as a framework for identifying unique areas that can be addressed by the mandate:

- **Electoral Democracy:** Focuses on free and fair elections, accountability to the electorate, and freedoms of expression and independent media.
- **Liberal Democracy:** Emphasizes protection of individual and minority rights, checks and balances, rule of law, and constitutional safeguards against the concentration of power.
- **Deliberative Democracy:** Highlights rational discourse, public reasoning, and informed, inclusive dialogue aimed at reaching consensus for the common good.
- **Participatory Democracy:** Advocates direct citizen involvement in political processes, promoting active engagement and decision-making at all levels of society.

- **Egalitarian Democracy:** Ensures political equality and broad participation, protecting rights equally across social groups and promoting equitable resource distribution and access to power.

OVERLAPS, GAPS AND COLLABORATION

The rights-side of democracy emphasizes protecting individual and collective rights, such as civil liberties, freedom of expression, assembly, and participation in public affairs, that are fundamental to a democratic society and the correct exercise of democracy. UN special procedures, including various Special Rapporteurs and Working Groups, already cover significant ground in these areas, ensuring citizens can express opinions freely, participate without fear, and enjoy equal treatment under the law. Examples include the Special Rapporteurs on freedom of opinion and expression, privacy, peaceful assembly, and the rights to equal treatment and protection against abuses. Given this comprehensive coverage, a UN Special Rapporteur on Democracy focused exclusively on these areas may overlap with existing mandates.

While the rights-side of democracy is covered by some HRC mandates, there is a gap in addressing the institutional side of democracy. The existing UN special procedures focus on individual rights and procedural aspects, leaving out crucial elements like separation of powers, checks and balances, transparency, and institutional accountability. These components are essential for the effective functioning and integrity of democratic governance. Current mandates do not comprehensively cover these areas, such as ensuring robust legal frameworks for electoral processes or maintaining independent legislative and executive bodies. A UNRoD could fill this gap by focusing on these institutional mechanisms, thereby strengthening democratic governance.

In addition, a UNRoD can join efforts and collaborate with other mandates to comprehensively address some areas that are not completely covered, as already happens between existing mandates. For example, the UNRoD could collaborate with the Special Rapporteur on the rights to freedom of peaceful assembly and of association to protect electoral integrity and support electoral management bodies. Working with the Special Rapporteur on the independence of judges and lawyers would help safeguard judicial independence and ensure the fair administration of justice. Additionally, aligning with the Special Rapporteur on the promotion of truth, justice, reparation, and guarantees of non-recurrence could combat corruption, promote accountability, and support judicial reforms. This collaborative approach would ensure that fundamental areas for democracy are addressed comprehensively, promoting strong, resilient democratic institutions worldwide.

POSSIBLE SCOPE OF THE MANDATE

Based on this analysis, potential functions and responsibilities a UNRoD could include are the following:

- **Monitoring and Reporting:** Systematically monitor democratic institutions and processes, in particular electoral management bodies, checks and balances, and governance transparency.

- **Advisory Role:** Provide technical assistance and advisory services to countries to strengthen their democratic institutions and processes, adhering to international standards.
- **Advocacy:** Advocate for best practices in democratic governance and the protection of democratic principles, collaborating with civil society organizations, governments, and international bodies.
- **Capacity Building:** Support capacity-building initiatives for democratic institutions like electoral commissions, judicial bodies, and legislative assemblies to enhance their effectiveness and independence.
- **Collaboration and Coordination:** Facilitate coordination among existing UN mandates to ensure a comprehensive approach to democracy promotion, avoiding overlaps and leveraging synergies.
- **Public Engagement:** Engage with the public and stakeholders to raise awareness about the importance of democratic governance and encourage active participation in democratic processes.

This outline confirms the scope and elements included in the international statement calling for a UNRoD.⁴ It is important to note that the expected scope of action ultimately needs to be aligned with the capabilities and resources available to the mandate holder. The international statement anticipates that the mandate holder will be “assisted by an independent advisory board”. The function and composition of this board requires further consideration in this context.

CONCLUSION

While existing UN special procedures focus on individual rights, civil liberties, and political participation, critical areas such as the integrity of democratic institutions, enforcement of checks and balances, and comprehensive oversight of electoral bodies remain under-addressed. A UNRoD could fill this void, promoting a holistic approach to democracy and democratic advances around the globe.

Notes

¹ See Mensink, Maartje. 2023. “A United Nations Special Rapporteur on Democracy.” Democracy Without Borders. www.democracywithoutborders.org/files/UNRoD_report.pdf

² Comments and input are welcome as we continue this research.

³ The conceptualizations and their respective indicators are based on theoretical contributions and the work of organizations on the assessment of global democracy. See Coppedge, Michael et al. 2024. “V-Dem Codebook v14” Varieties of Democracy (V-Dem) Project. v-dem.net/documents/38/V-Dem_Codebook_v14.pdf and Skaaning, S.-E., & Hudson, A. 2023. “The Global State of Democracy Indices Methodology: Conceptualization and Measurement Framework, Version 7”. International IDEA. www.idea.int/sites/default/files/GSOD/global-state-of-democracy-indices-methodology-v7-2023.pdf

⁴ “Call for a United Nations Special Rapporteur on Democracy”, 20 November 2023, www.democracywithoutborders.org/unrod-call/, see in particular para. 7.

APPENDIX

Concept	Components	Indicators	Special Procedure	Analysis	
<p>Existing UN mandates partially cover civil liberties but leave significant gaps in addressing the integrity of democratic institutions and electoral processes comprehensively.</p> <p>There is a significant gap for assessing the institutional integrity and independence of EMBs, in terms of autonomy, capacity, and adherence to international electoral standards.</p>	Freedom of Expression	Freedom of Academic and Cultural Expression	SR Cultural Rights	Overlap	
			SR Right to Development		
		Freedom of Discussion	SR Freedom of opinion and expression		
			SR Freedom of opinion and expression		
		Media Bias	SR Freedom of opinion and expression		
		Government censorship effort	SR Freedom of opinion and expression		
			SR Right to Privacy		
		Media Self-Censorship	SR Right to assembly and association		
			SR Freedom of opinion and expression		
		Free, independent and pluralistic media	SR Right to Privacy		
	SR Freedom of opinion and expression				
	Clean Elections	EMB autonomy	EMB capacity		Uncovered
			Election free and fair	SR Right to Development	
			Election government and intimidation	SR Right to Development	
			Election voting irregularities		
			Electoral violence	SR Right to Development	
			Election voter registry		
			Election vote buying		
	Freedom of Association	CSO entry and exit	CSO repression	SR Right to assembly and association	Overlap
			Elections multiparty	SR Right to assembly and association	
			Barriers to parties	SR Right to assembly and association	
			Opposition parties autonomy		
			Party Ban	SR Right to assembly and association	
	Elected Officials	HOG selection by legislature	HOS selection by legislature		Uncovered
			Chief Executive appointment by upper chamber		
			HOS appoints cabinet		
HOS dismisses ministers					
HOG appoints cabinet					
HOG disssmisses ministers					
Upper chamber elected					
Lower chamber elected					
Access to power and its exercise in accordance with the rule of law			SR Right to Development		
Suffrage	% of Population with Suffrage		Uncovered		


Recognized Human Rights that are fundamental for democracy that are exclusive focus of certain mandates are completely addressed by Special procedures. Such is the case of the right to freedom of expression or the right to freedom of association.

<p>Liberal Democracy</p> <p><i>While many individual rights are addressed, gaps remain in ensuring the separation of powers and counterbalances. There is room to work jointly in the areas of accountability and transparency and the Judicial.</i></p>	<p>Equality before the law and individual liberty</p>	Access to justice	SR Right to Development	<p>Overlap</p> <p><i>Attributes of democracy that are related to individual rights are also a focus of the current structure of the Special Procedures.</i></p>		
		Freedom of foreign movement	SR Right to assembly and association SR Freedom of opinion and expression			
		Freedom from political killings	SR Arbitrary Executions WG Dissapearances WG Arbitrary detention SR Torture			
		Property Rights				
		Freedom of religion	SR Freedom of religion or belief SR Right to Development SR Right to assembly and association			
		Freedom from forced labor	SR Contemporary forms of Slavery			
		Freedom of domestic movement	SR Right to assembly and association SR Freedom of opinion and expression			
		Rigorous and impartial public administration	SR Right to Development SR Contemporary forms of Racism			
		Freedom from torture	SR Torture WG Dissapearances			
		Transparent laws and predictable enforcement	SR Promotion of Truth WG Dissapearances WG Arbitrary detention			
		Separation of powers	Independency of the three powers and mutual control		SR Independence of judge and lawyers	Uncovered
		<p>Judicial constraints on the executive</p>	Executive respects constitution			<p>Joint</p> <p><i>A UNRoD can work jointly with other Special Rapporteurs to fully address the institutional side of democracy</i></p>
			Compliance with judiciary		SR Independence of judge and lawyers	
			Complicance with High court		SR Independence of judge and lawyers	
			High and lower court interdependence		SR Independence of judge and lawyers	
<p>Legislative constraints on the executive</p>	Legislature investigates		<p>Uncovered</p>			
	Legislature opposition parties					
	Executive oversight					
	Legislatures questions officials					
<p>Effectiveness of Powers</p>	Effectiveness of Executive to pursue its objectives		<p>Uncovered</p>			
	Effectiveness of Legilslative to pursue its objectives					
	Effectiveness of Judicial to pursue its objectives					
<p>Transparency and accountability in public administration</p>	Government officials able to be held accountable	SR Right to Development	<p>Joint</p> <p><i>Although accountability is sometimes treated by mandates, there is no mandate that directly addresses the institutional mechanisms for transparency and accountability fundamental for democratic governance</i></p>			
	Accountability mechanisms available	SR Right to assembly and association Human right defenders				
	Transparency mechanisms in the public administration					
<p><i>There are notable gaps in addressing the institutional and procedural aspects necessary for robust democratic governance, such as separation of powers and counterbalances, legislative oversight and institutional capacities.</i></p>						

Participatory Democracy <i>There is partial coverage of civil society participation, but significant gaps exist in supporting direct democratic mechanisms and local and regional governance.</i>	Civil Society participation	CSO consultation	SR Right to assembly and association	Joint	<i>A UNRoD can work closely with the SRoFoPA to ensure participation standards</i>	
		CSO womens participation	SR Right to assembly and association WG Discrimination of women			
		CSO participatory environment	SR Right to assembly and association			
		Candidate selection, National/local				
	Direct popular vote	Initiatives and referendums approvals		Uncovered		<i>Mechanisms of direct democracy and the effective existence of democratic sub national levels of governance are not currently addressed. However, this would imply an extensive scope of action.</i>
		Initiatives and referendums permitted				
		Initiatives and referendums signatures				
		Initiatives and referendums participation	SR Right to assembly and association			
		Popular initiative credible threat				
		Occurrence of citizen initiative per year	SR Right to assembly and association			
	Local government	Local government elected	SR Right to assembly and association	Uncovered		
		Local government exists				
		Local officials relative power				
	Regional government	Regional government exists	SR Right to assembly and association	Uncovered		
Regional officials relative power						
Regional government elected						

Poliarchy <i>Existing mandates partially address political pluralism, but gaps remain in ensuring equitable political competition, eligibility for office, and the equal weighting of preferences.</i>	Formulate preferences	Alternative sources of information	SR Freedom of opinion and expression	Joint
			SR Right to assembly and association	
		Right to vote	SR Right to Development	
		Right of political leaders to compete for election	SR Right to Development	
		Pluralistic system of political parties and organizations	SR Right to Development	
	Signify their preferences	Eligibility for public office	SR Right to Development	Uncovered
	Preferences weghted equally	Right for political leaders to compete for support and votes	SR Right to Development	Uncovered
Institutions for making government policies depend on votes and other expressions of preference				

Deliberative Democracy <i>The deliberative components of democracy are not comprehensively covered by current special procedures.</i>	Deliberative component	Common good		Uncovered	<i>This concept is usually more abstract and difficult to operationalize and involves a deeper understanding of democracy</i>
		Range of consultation	SR Right to assembly and association		
		Respect counterarguments			
		Engaged society			
		Reason justification			

Egalitarian Democracy  <i>The concept is mostly addressed by the existing mandates</i>	Equal protection	Social class equality in respect for civil liberties	SR Contemporary forms of Discrimination	Overlap
		Weaker civil liberties population	SR Right to Development	
			SR Contemporary forms of Discrimination	
			IE on sexual orientation	
			WG Discrimination of women	
			WG African descent	
		Social group equality in respect for civil liberties	SR Contemporary forms of Discrimination	
			SR Contemporary forms of Discrimination	
			IE on sexual orientation	
			WG African descent	
	WG Discrimination of women			
	Equal access	Power distributed by gender	SR Contemporary forms of Discrimination	Overlap
			WG Discrimination of women	
			IE on sexual orientation	
		Power distributed by socioeconomic position	SR Contemporary forms of Discrimination	
Power distributed by social group		SR Contemporary forms of Discrimination		
		WG Discrimination of women		
		WG African descent		
	SR Contemporary forms of Discrimination			
Equal distribution of resources	Particularist or Public good		Overlap	
	Universalistic policy			
	Education equality	SR Right to Education		
	Health equality	SR Enjoyment of physical and mental health		
SR Healthy and sustainable environment				

Abbreviations*	EMB= Electoral Management Bodies	Color code:	Not addressed
	CSO= Civil Society organizations		May be related
	HOG= Head Of Government		Partly Addressed
	HOS= Head Of State		Addressed