

The Stain of Democracy: The not so principal role of the principle of democracy in International Human Rights Law

Being my first article written in relation to International Human Rights Law (IHRL) I thought it'd be appropriate to review one of the principles considered essential within this discipline; that is the principle of democracy. Primarily, it is important to distinguish the principle from the system of democracy, whilst understanding that the latter has defined the principle. On this basis, I will first define democracy and how this can be understood as a principle. Then I will particularly focus on the influence of democracy in the International Human Rights System. Considering this, I will observe the principle within the European Court of Human Rights (ECtHR), especially as the political tradition common to most European countries is that of democracy. The *Refah Partisi and others v. Turkey (Refah)*¹ case is of particular concern here, considering that the ECtHR essentially equate realising human rights to the “proper operation of the principle of democracy”. I will offer a critique concerning the political approach of the ECtHR and their assumption that legal pluralism is incompatible with IHRL.

The second part of this article focuses on whether the principle should play a material role in realising IHRL, in relation to the African region. Particularly, reference is made to *Social and Economic Rights Action Centre and Another v Nigeria (SERAC)*.² This raises complex implications for the application of the principle of democracy in multi-ethnic communities. Overall, whilst the principle of democracy can and does play a material role in realising IHRL, it should still respect the “independent space of the latter”.³

¹ European Court of Human Right (ECtHR), Application Nos. 41340/98, 41342/98, 41343/98 and 41344/98 *Refah Partisi and others v. Turkey*, [13 February 2003].

² African Commission on Human and Peoples' Rights (ACHPR), Communication No. 155/96, *Social and Economic Rights Action Centre and Another v Nigeria*, (2001).

³ A.Aidoo, “Africa: Democracy without Human Rights”, Vol. 15 *Human Rights* (1993) 703- 715, p.705.

PART I

Defining Democracy

The etymology of democracy is found in the Greek, *demokratia*.⁴ This translation comprises of two words, ‘demos’, meaning people, and ‘kratos’, meaning power or rule.⁵ As *demokratia* is the power or rule of the people, democracy can thus be understood as a form of political governance.⁶ The origins of democracy is often rooted, though contested,⁷ in Athens, ancient Greece.⁸ In such community, *demos* represented a particular social class of people, free adult male citizens.⁹ The Athenian *demokratia* competed with other forms of constitutional rule such as the oligarchy and monarchy.¹⁰ Indeed, the theory and practice of democracy has been characterised throughout history through claims to authority by competing social classes.¹¹

Nevertheless, the definition of democracy is an area subject to continuous debate, concerning what it is and what it should be.¹² This is illustrated by various forms of democracy that exist such as representative, liberal, direct, or procedural.¹³ Yet what is crucial to the principle of democracy is 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”.¹⁴ It is in light of this definition that the relation between democracy and IHRL will be analysed.

⁴ J. Donnelly, *Universal Human Rights In theory and Practice*, 2nd ed, (2003) (Cornell University Press), p.188.

⁵ A.Spawforth, E. Eidinow, S.Hornblower, (Eds.) *The Oxford Companion to Classical Civilization*, 2nd ed, (2014) (Oxford University Press) accessed at: <http://www.oxfordreference.com/view/10.1093/acref/9780198706779.001.0001/acref-9780198706779-e-204> Last Accessed: 14 Oct. 2017.

⁶ A.Spawforth, E. Eidinow, S.Hornblower, (Eds.)(2014).

⁷ See generally: E.Robinson, “Democracy, non-Athenian”, *The Encyclopedia of Ancient History* (2012) pp1-2

⁸ V.Ehrenberg, “Origins of Democracy”, *Historia: Zeitschrift für Alte Geschichte*, Bd. 1, H. 4 (1950), 515-548, p.515.

⁹ J. Donnelly, (2003), p.188; also see A.Spawforth, E. Eidinow, S.Hornblower, (Eds.)(2014).

¹⁰ V.Ehrenberg, (1950), p.525.

¹¹ J. Donnelly, (2003), p.188.

¹² M.Bühlmann, W.Merkel, B.Wessels, “The Quality of Democracy. Democracy Barometer for Established Democracies” National Centre of Competence in Research (NCCR) Challenges to Democracy in the 21st Century, Working Paper No. 10a (2008), p.5.

¹³ J. Donnelly, (2003), p.191; also see M.Bühlmann, W.Merkel, B.Wessels, (2008) fn9.

¹⁴ Vienna Declaration and Programme of Action (VDPA) 1993, para 8.

Democracy: IHR System

The principle of democracy first appears as a contrast to human rights. Given that democracy is concerned with empowering the people to determine collectively how society is ruled.¹⁵ Whereas, human rights protects the individual and limits the “sovereign people and their government”.¹⁶ In relation to a democratic political system, human rights is concerned with regulating its operation, and consequently appears to be a priori to democracy.¹⁷ For example, an individual participating in a democratic debate should have the right to freedom of expression. Democratic systems where the people will be constrained by human rights are commonly known as liberal democracies.¹⁸ Thus, the liberal sense of the principle of democracy is often understood as facilitating strong commitments to human rights.¹⁹

The presence of the principle of democracy in the IHR system can be seen through IHR agreements. The European Convention on Human Rights (ECHR) 1950 is a compelling example of this. Its preamble explicitly expresses that fundamental freedoms are best maintained by “an effective political democracy”.²⁰ This is further reflected in articles 8,9,10 and 11 of the ECHR which enables interference with these human rights if “necessary in a democratic society”.²¹ Consequently, democracy “appears to be the only political model contemplated by the Convention.”²² One suggestion for this is that ECHR rights, which are typically civil and political rights²³ are “major ingredients” of a liberal democracy.²⁴

On a more global level the principles of democracy can be inferred from the Universal Declaration of Human Rights.²⁵ Consider article 21, this expresses the right of everyone to participate in their government directly or by freely chosen

¹⁵ J. Donnelly, (2003), p.191

¹⁶ J. Donnelly, (2003), p.191

¹⁷ J. Donnelly, (2003), p.191

¹⁸ J. Donnelly, (2003), p.193

¹⁹ J. Donnelly, (2003), p.193

²⁰ ECHR 1950.

²¹ ECHR 1950.

²² European Court of Human Rights (ECtHR), Application Nos.113/1996/752/951, United Communist Party of Turkey and Others v. Turkey [30 January 1998] para 45.

²³ For example article 3 (civil right), article 11 (political right) ECHR 1950; also see Z.Arat, Democracy and Human Rights in Developing Countries, (1991) (Lynne Rienner Publishers). p.3.

²⁴ Z.Arat, (1991), p. 4.

²⁵ A.Aidoo,(1993), p.705.

representatives.²⁶ It further states the right to equal access of public services²⁷ and that the authority of a government rests on the will of the people, which should be expressed through periodic, genuine, universal, and secret election.²⁸ Arguably, whilst the declaration does not mention “democracy”,²⁹ it however states key aspects of what would form a liberal democracy. For example, in the UK individuals vote every five years for their elected representative in parliament³⁰ through a secret ballot.³¹ Furthermore, article 13(1) of the African Charter on Human and Peoples' Rights (ACHPR) 1981, similarly makes references to the principle of democracy, with the right to participate in government.³² Thus, considering the number of expressions of the principle of democracy in IHR systems, this suggests its importance in IHRL, this is all the more so as aspects of it are translated in to civil and political human rights.

The European Example: *Refah*

That the principle of democracy has a central role in the realisation of IHRL can be seen through the approach of the ECtHR. The case of *Refah*, concerning the dissolution of a political party by the Turkish Constitutional Courts and its violation of article 11,³³ is apt for illustration.³⁴ As a preliminary note, article 11 arguably enshrines an aspect of the principle of democracy: the formation of a political party which governs based on the people's choice. The Grand Chamber, in their interpretation of the right, claimed that it cannot be relied on “in order to weaken or destroy the ideals and values of a democratic society.”³⁵ Indeed, the Court affirmed the inviolability of democracy by excluding any party that disrespects or aims for its destruction from relying on article 11.³⁶ This is arguably far-reaching as the

²⁶ Article 21 (1) UDHR (1948).

²⁷ Article 21 (2) UDHR (1948).

²⁸ Article 21 (3) UDHR (1948).

²⁹ K.Boyle, “Human Rights, Religion and Democracy: The *Refah Party Case*” *Essex Human Rights Review* Vol. 1(1) (2004). p.8

³⁰ Fixed-term Parliaments Act 2011.

³¹ Ballot Act 1872.

³² A.Aidoo,(1993), p.705.

³³ ECHR (1950).

³⁴ ECtHR, *Refah Partisi*, para 14.

³⁵ ECtHR, *Refah Partisi*, para 99.

³⁶ ECtHR, *Refah Partisi*, para 98.

dissolution of an elected political party is a drastic measure, yet the Court accords primacy to the principle of democracy.³⁷

Refah's policy ideal centred on legal pluralism, various legal orders, based on religion, coexisting in a sovereign state.³⁸ However, the Court interpreted this as limiting the rights and freedoms of individuals.³⁹ Specifically, they would be forced to obey "static rules" of religion and secondly, it would lead to discrimination in the sphere of public and private law.⁴⁰ This was contrasted with a system where the State is the "guarantor of individual rights and freedoms and the impartial organiser" of religious beliefs.⁴¹ Accordingly, pluralism could be expressed through various religions and political parties, as long as the State is the guarantor of that pluralism.⁴² Thus, the Court, arguably, advanced a model of liberal democracy when assessing the compatibility of Refah's policy with IHRL.⁴³

To substantiate, reference can be made to a similar case. In *United Communist Party of Turkey (TBKP) and Others v. Turkey*, the Court dismissed the claim that dissolution was justified on the basis of the party's name which included "communist", and its discussions on the Kurdish treatment.⁴⁴ Crucially, it was enough that the TBKP's constitution sought to resolve the Kurdish issue through dialogue and non-violent means.⁴⁵ On the other hand, regardless that Refah's constitution did not mention legal pluralism, the Court still upheld their dissolution.⁴⁶ Unlike in *TBKP*, the ramifications of Sharia law arguably played a key role in the Court's decision.⁴⁷ Indeed, their rhetoric exuded certain prejudices by referring to it as a "threat" to democracy, and taking regard of "Islamic fundamentalism" and the

³⁷ S.Rummens, S.Sottiaux, "Concentric Democracy: Resolving the Incoherence in the European Court of Human Rights' Case Law on Freedom of Expression and Freedom of Association", *International Journal of Constitutional Law* (2012), Vol. 10(1)106–126, pp.186-109.

³⁸ P.Macklem, "Militant democracy, legal pluralism, and the paradox of self-determination" *International Journal of Constitutional Law*, Vol 4(3), (2006), 488-516. p. 495.

³⁹ ECtHR, *Refah Partisi*, para 119.

⁴⁰ ECtHR, *Refah Partisi*, para 119.

⁴¹ ECtHR, *Refah Partisi*, para 119.

⁴² K.Boyle, (2004), p.8.

⁴³ K.Boyle, (2004), p.8.

⁴⁴ ECtHR, *United Communist Party of Turkey and Others v. Turkey*, paras 26-27.

⁴⁵ D.Schilling, "European Islamophobia and Turkey - Refah Partisi (The Welfare Party) v. Turkey", *Loyola of Los Angeles International and Comparative Law Review*, Vol. 26, (2004), 501-515, p.513.

⁴⁶ K.Boyle, (2004), p.11.

⁴⁷ D.Schilling, (2004), p.513.

violence of “jihad”.⁴⁸ This raises two points; first, the Court finds Sharia incompatible with the principles of liberal democracy, and secondly, such incompatibility seems, in their view, to frustrate the realisation of human rights.

It is submitted that, *Refah* provides an “important normative guidance on the idea of democracy and on its relationship to human rights” in the European context.⁴⁹ That is, the principle of democracy forms an essential basis in deciding whether political parties can rely on their human right under article 11. Even more, the Courts interpretation suggests a liberal concept of democracy will be applied. Arguably, the decision of the Court to uphold the dissolution of *Refah* even though a policy of legal pluralism had not been implemented, emphasises the importance accorded to democracy in its consideration of IHRL. Thus, the approach of ECtHR demonstrates that the principle of democracy plays a material role in protecting the realisation of human rights.

Refah: A Critique

Ironically, in upholding the dissolution of an elected party in power, the courts approach seems undemocratic. Nor can it be justified as a form of militant democracy - the need of a democracy to restrict civil and political rights in order to protect them.⁵⁰ Arguably, *Refah* were not challenging democracy but engaging in a discourse which questioned the ideologies of secularism within the Constitution.⁵¹ Given that democracy is “valued as a forum for the resolution of differences,” *Refah* should have been allowed to consider policies concerning legal pluralism.⁵²

However, the Court’s decision appeared more political as opposed to legal. Indeed, Europe at that time feared the possibility of a fundamental Islamic State on its border and within the European Union.⁵³ Considering that terrorist groups such as Hizbullah were carrying out attacks in Turkey, this exacerbated the threat concerning

⁴⁸ ECtHR, *Refah Partisi and others v. Turkey*, p.48, concurring opinion of Judge Kovler.

⁴⁹ K.Boyle, (2004), p.8.

⁵⁰ P.Macklem, (2006), p.488.

⁵¹ K.Boyle, (2004), p.12.

⁵² K.Boyle, (2004), p.11.

⁵³ D.Schilling, (2004), p.514.

the possibility of a Sharia-based system.⁵⁴ Indeed, the Court referred to Refah's general election forecast, which predicted 67 percent of the vote, as illustrating a real threat.⁵⁵ Consequently, this seems to suggest that the principle of democracy is a political tool in resisting political threats⁵⁶ and thus may hinder the realisation of human rights to the extent that it can be employed to safeguard political interests.

Moreover, the Court's assumption of the incompatibility of IHRL and legal pluralism, is arguably misplaced.⁵⁷ This does not accord with the reality of the IHR system. Indeed, countries with various political systems ratify human rights treaties and not just democratic ones. For example, Saudi Arabia, an Islamic State, and the UK, a liberal democracy, are both parties to the Convention on the Elimination of All Forms of Discrimination Against Women.⁵⁸ The implication of the Court's decision concerning regions comprising non-democratic states can also be questioned. Are such systems fundamentally incompatible with IHRL? Such question is beyond the scope of this essay, however, it draws attention to the issues concerning the ECtHR's rhetoric regarding the incompatibility of legal pluralism and human rights. Moreover, the importance of a pluralistic approach in safeguarding human rights can be seen through the measure of autonomous legislative authority accorded to minorities in order to protect collective minority rights⁵⁹ (this will also be explored later in relation to the African regional system).

For reference, the decision of the Inter-American Court on Human Rights in *Aloeboetoe et al v. Suriname* illustrates this.⁶⁰ In considering compensation for a number of human rights violations of the Maroons people in Suriname, the Court interpreted the local Saramaka custom regarding "children," "spouse," and "ascendants" as opposed to Suriname law.⁶¹ Although the case differs in context to *Refah*, it illustrates the importance of a legal pluralistic understanding in safeguarding IHL against the rigours of a democratic political system. Indeed, if the court had not

⁵⁴ ECtHR, *Refah Partisi and others v. Turkey*, para 85.

⁵⁵ ECtHR, *Refah Partisi and others v. Turkey*, para 107.

⁵⁶ D.Schilling, (2004), p.515.

⁵⁷ K.Boyle, (2004), p.15.

⁵⁸ Chapter IV Convention on the Elimination of All Forms of Discrimination against Women 1979.

⁵⁹ P.Macklem, (2006), pp.495-6.

⁶⁰ Inter-American Court of Human Rights (IACtHR), *Aloeboetoe et al v. Suriname*, Judgment (Merits) [4 December 1991]

⁶¹ IACtHR, *Aloeboetoe et al v. Suriname*, at para 2; and in summary of judgment.

interpreted the law according to the local customs then some family members may, as a result of their status in a polygamous marriage, have been excluded from compensation. Arguably then, legal pluralism is an “increasingly legitimate institutional” choice when considering multi-religious and multi-ethnic societies.⁶²

Consequently, the ECtHR remarks regarding legal pluralism appears ill-considered. Indeed, they failed to even provide an analysis of the concept before dismissing it, a criticism acknowledged by Judge Kovler in his concurring opinion.⁶³ Even if the Court may find legal pluralism, though unconvincingly, incompatible with the implementation of IHRL in democratic political systems common to European States, this does not mean it is incompatible with the IHRL generally. Arguably, the court should have clearly distinguished this, yet it failed to do so.

PART II

A further Critique: the African Context

Considering the relation between the principle of democracy and IHRL in the context of the Africa, arguably has different implications. It is necessary to highlight that democratization in Africa was borne of gross violation to human rights, in light of colonialism.⁶⁴ Indeed, “labelling Africans as savages” and “notions of... barbarism” was an impetus for European colonizers to democratize Africa.⁶⁵ The repercussions of which led to the creation of several minority groups and discrimination amongst such groups. A well known example is the Belgian colonial authorities preferential treatment of the Tutsis over the Hutus, which has been condemned for stimulating ethnic hatred that ultimately led to the 1994 genocide in Rwanda.⁶⁶

⁶² P.Macklem, (2006), pp.495-6; also see the “receptor approach” which argues for using culture and current institutions in local communities to facilitate HR implementation in T.Zwart, ‘Using Local Culture to Further the Implementation of International Human Rights: The Receptor Approach’, *Human Rights Quarterly*, Vol. 34(2), (2012), 546-569.

⁶³ ECtHR, *Refah Partisi and others v. Turkey*, p.48, concurring opinion of Judge Kovler.

⁶⁴ K. Appiagyei-Atua, “Minority Rights, Democracy and Development: The African Experience”, *African Human Rights Law Journal* Vol 12, (2012) 69-88, p.72.

⁶⁵ K. Appiagyei-Atua, (2012), p.72.

⁶⁶ T.Sellstrom et al., *The International Response to Conflict and Genocide: Lessons from the Rwanda Experience. Study 1: Historical Perspective:Some Explanatory Factors*, (Joint Evaluation of Emergency Assistance to Rwanda) (1996).p.27; Also see A.Forges , “Leave None to Tell the Story: Genocide in Rwanda”, *Human Rights Watch* (1999).

That the principle democracy should, arguably, not have a material role in the realisation of human right, is illustrated in cases concerning minority rights. This is because the principle of democracy, especially in the liberal sense, tend to call for individual as opposed to group rights.⁶⁷ Consequently, this can be detrimental to the collective rights of minority groups, who require a pluralist approach to rights-protection.⁶⁸ Indeed, the application of the unique “rights of people” under articles 19-24 of the African Charter on Human and Peoples' Rights (ACHPR) 1981, plays a material role in the realisation IHRL in the case of minority groups, such as indigenous peoples.⁶⁹

Take for example, *SERAC*, where the Nigerian military government, carried out terror acts against the Ogoni people and exploited their oil-rich Niger-Delta land.⁷⁰ The African Commission in recognising the collective rights of the Ogoni people under article 21(1) and article 24, extended the protection of IHLR to the land and natural resources owned by the Ogoni people.⁷¹ Consequently, the Commission had to address complex ethnic rights in relation to IHRL, such rights arguably often are beyond the principle of democracy. This is because the focus of the principle of democracy on the freely expressed will of people to determine their own social and political systems may not be applicable in such cases. To put in other words, the liberal orthodoxy can often fail in adjusting to “local realities and alternative visions”, which can complicate “the process of managing conflict in ethnically divided societies,” and thus hinder the realisation of IHRL.⁷²

This, however, is not to suggest that the principle of democracy is incompatible with the realisation of minority rights, or IHRL generally in the African region. Arguably, what is proposed is that, in the current system, democracy does not “necessarily entail guarantees for human rights in a holistic, consistent, and sustainable manner.”⁷³ Indeed, the overemphasis of democracy can detract from the importance of more

⁶⁷ K. Appiagyei-Atua, (2012), pp.82 -83.

⁶⁸ K. Appiagyei-Atua, (2012), p83.

⁶⁹ George M.Wachira, K.Bojosi, “Protecting Indigenous Peoples in Africa: An Analysis of the Approach of the African Commission on Human and People's Rights”, Vol. 6 (2006) African Human Rights Law Journal 382-406. p.401

⁷⁰ ACHPR, *SERAC*, paras 2-9.

⁷¹ ACHPR, *SERAC*, para 58.

⁷² D. Rothchild, taken in K. Appiagyei-Atua, (2012), p.83.

⁷³ A.Aidoo,(1993), pp.712-713

practical means in realising IHRL, such as building strong civic societies.⁷⁴ Arguably then, whilst there is a need to link the principle of democracy a political concept and human rights as legal concept, the challenge is to ensure the former can respect the “independent space of the latter”.⁷⁵

To conclude, the principle of democracy concerns a form of political governance based on the freely expressed will of the people. For this reason, especially in the liberal sense, it is seen as facilitative of IHRL. Indeed, that elements of the principle explicitly, as in ECHR, or implicitly, as in the UDHR, are referred to in international documents, suggests its importance for IHR norms. More specifically, the ECtHR’s approach suggests that the realisation of IHRL coincides with the application of the principle. Yet, in *Refah*, the decision of the ECtHR is challenged on the basis that the principle can be employed politically which may negatively impact the realisation of IHRL. Furthermore, their controversial rejection of the compatibility of legal pluralism and IHRL appears untenable. Moreover, in the African region, the effectiveness of the principle is challenged in the context of collective minority rights. The realisation of IHRL is much more complex than just the freely expressed will of people in multi-ethnic communities; thus perhaps a pluralist approach is more suitable here. Overall, whilst the principle often does play a material role in realising IHRL, it should nevertheless respect the “independent space of the latter”.⁷⁶

⁷⁴ A.Aidoo,(1993), p.707.

⁷⁵ A.Aidoo,(1993), p.705.

⁷⁶ A.Aidoo, (1993) p.705.

BIBLIOGRAPHY

Articles

A.Aidoo, "Africa: Democracy without Human Rights", *Human Rights Quarterly*, Vol. 15, (1993), 703-715.

D.Schilling, "European Islamophobia and Turkey - Refah Partisi (The Welfare Party) v. Turkey", *Loyola of Los Angeles International and Comparative Law Review*, Vol. 26, (2004), 501-515.

E.Robinson, "Democracy, non-Athenian", *The Encyclopedia of Ancient History* (2012), 1-2.

George M.Wachira, K.Bojosi, "Protecting Indigenous Peoples in Africa: An Analysis of the Approach of the African Commission on Human and People's Rights", Vol. 6 (2006) *African Human Rights Law Journal* 382-406.

K. Appiagyei-Atua, *Minority Rights, Democracy and Development: The African Experience*, *African Human Rights Law Journal* Vol 12, (2012) 69-88.

K.Boyle, "Human Rights, Religion and Democracy: The Refah Party Case" *Essex Human Rights Review*, Vol. 1(1) (2004), 1-16.

P.Macklem, "Militant democracy, legal pluralism, and the paradox of self-determination" *International Journal of Constitutional law*, Vol 4(3), (2006), 488-516.

S.Dersso, "The Jurisprudence of the African Commission on Human and People's Rights with Respect to People's Rights", *African Human Rights Law Journal*, Vol.6(2006), 358-381.

S.Rummens, S.Sottiaux, "Concentric Democracy: Resolving the Incoherence in the European Court of Human Rights' Case Law on Freedom of Expression and Freedom of Association", *International Journal of Constitutional law*, Vol. 10(1), (2012), 106-126.

T.Zwart, 'Using Local Culture to Further the Implementation of International Human Rights: The Receptor Approach', *Human Rights Quarterly*, Vol. 34(2), (2012), 546-569

V.Ehrenberg, "Origins of Democracy", *Historia: Zeitschrift für Alte Geschichte* Bd. 1, H. 4 (1950), 515-548.

Books

A.Spawforth, E. Eidinow, S.Hornblower, (Eds.) *The Oxford Companion to Classical Civilization*, 2nd ed, (2014) (Oxford University Press) accessed at: <http://www.oxfordreference.com/view/10.1093/acref/9780198706779.001.0001/acref-9780198706779-e-204>

Last Accessed: 14 Oct. 2017

J. Donnelly, *Universal Human Rights In theory and Practice*, 2nd ed, (2003) (Cornell University Press).

Z.Arat, *Democracy and Human Rights in Developing Countries*, (1991) (Lynne Reinner Publishers).

Cases

European Court of Human Right (ECtHR), Application Nos. 41340/98, 41342/98, 41343/98 and 41344/98 *Refah Partisi and others v. Turkey*, [13 February 2003].

European Court of Human Rights (ECtHR), Application Nos.113/1996/752/951, *United Communist Party of Turkey and Others v. Turkey* [30 January 1998].

Inter-American Court of Human Rights (IACtHR), *Aloeboetoe et al v. Suriname*, Judgment (*Merits*) [4 December 1991]

African Commission on Human and Peoples' Rights (ACHPR), Communication No. 155/96, *Social and Economic Rights Action Centre and Another v Nigeria*, (2001).

Legislation/ Declarations

African Charter on Human and Peoples' Rights (ACHPR) 1981.

Ballot Act 1872.

Convention on the Elimination of All Forms of Discrimination against Women 1979.

European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) 1950.

Fixed-term Parliaments Act 2011.

Universal Declaration of Human Rights (UDHR) 1948.

Vienna Declaration and Programme of Action (VDPA) 1993.

Reports

A.Forges , “Leave None to Tell the Story: Genocide in Rwanda”, Human Rights Watch (1999).

M.Bühlmann, W.Merkel, B.Wessels, “The Quality of Democracy. Democracy Barometer for Established Democracies” National Centre of Competence in Research (NCCR) Challenges to Democracy in the 21st Century, Working Paper No. 10a (2008).

T.Sellstrom et al., “The International Response to Conflict and Genocide: Lessons from the Rwanda Experience. Study 1: Historical Perspective:Some Explanatory Factors”, (Joint Evaluation of Emergency Assistance to Rwanda) (1996).