



# OSCE/ODIHR and Democratization

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# Dimensions of the OSCE



# A Bite of History...

- Helsinki Final Act (1975)
- Turning point 1989: creation of more permanent structures
  - > Secretariat
  - > operational capabilities
  - > first institutions 1990
  - > first field missions 1992
- Expansion of commitments in the human dimension



# Paris Summit November 1990





# Human Dimension of the OSCE

## Copenhagen Document (1990)

- “Full respect for human rights and fundamental freedoms and the development of societies based on **pluralistic democracy and the rule of law** are prerequisites for progress in setting up the lasting order of peace, security, justice and cooperation.”  
“The will of the people, freely and fairly expressed through periodic and genuine elections, is the basis of the authority and legitimacy of all government”

## Charter of Paris (1990)

- “Human rights and fundamental freedoms are the birthright of all human beings, are inalienable and are guaranteed by law. Their protection and promotion is the first responsibility of government.” (...) “We undertake to build, consolidate and strengthen **democracy as the only system of government of our nations.**”

## Moscow Meeting (1991)

- “The participating States (...) categorically and irrevocably declare that the commitments undertaken in the field of the human dimension of the OSCE **are matters of direct and legitimate concern to all participating States** and do not belong exclusively to the internal affairs of the State concerned.”

## Istanbul Charter (1999)

- “Respect for human rights and fundamental freedoms, democracy and the rule of law is at the core of the OSCE’s comprehensive concept of security.” (...) “Participating States are **accountable to their citizens and responsible to each other for the implementation of their OSCE commitments.**”

## Astana Declaration (2010)

- “We value the **important role played by civil society and free media** in helping us to ensure full respect for human rights, fundamental freedoms, democracy, including free and fair elections, and the rule of law”

# Human Dimension of the OSCE

## Institutions and bodies

- > Office for Democratic Institutions and Human Rights (Warsaw) 1990
- > High Commissioner on National Minorities (The Hague) 1992
- > Representative on Freedom of the Media (Vienna) 1997
- > Parliamentary Assembly (Copenhagen) 1991

## Review meetings

- > Human Dimension Implementation Meeting (Warsaw)
- > Other human dimension meetings (Human Dimension Seminar (HDS), Three Supplementary Human Dimension Meetings (SHDMs))

## Human Dimension Mechanism

- > Vienna mechanism (1989), supplemented by Moscow mechanism (1991)
- > Ad hoc missions of independent experts to assist in resolution of human dimension problems
- > Consent of 10 participating States necessary
- > No veto
- > Rarely used (last time:, Belarus 2011)



# ODIHR...

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...at a glance:

- opened in 1991 (as “CSCE Office for Free Elections”)
- located in Warsaw, Poland
- 180 staff members from over 30 countries
- Budget: some €16m



# Office for Democratic Institutions and Human Rights (OSCE/ODIHR)



## Mandate (Helsinki, 1992)

Help participating States to:

- promote principles of democracy
- ensure full respect for human rights
- abide by the rule of law
- promote tolerance
- build, strengthen and protect democratic institutions

## Five Thematic Programmes:

- Elections
- Democratization
- Human rights
- Tolerance and non-discrimination
- Roma and Sinti



# Democratic Governance – ODIHR's Role and Activities

## Political Parties:

- Working on, not with, political parties
- Focus on Legislation and Regulations
- Why does political parties legislation matter?
- 2010: Guidelines on Political Party Regulation
- Georgia, Ukraine, Moldova, Azerbaijan, Serbia, Tajikistan, Kazakhstan: Working with local experts and think tanks
- Roundtables/trainings/seminars – on specific issues in political party regulation such as party funding – (Lithuania, Georgia, Moldova, Serbia, Sweden, Spain, Italy)

## Parliaments:

- Support OSCE Field operations working on parliamentary strengthening issues through:  
a) Networking/regional events, b) Developing knowledge tools
- Codes of Conduct/Ethics for parliament: Study and Seminars – Serbia, Georgia, Albania, Poland, Italy,
- Women's Caucuses: Study and Seminars – Austria, Tunisia

## Participation in Public Affairs:

- Training for Young Policy Advisers
- Political participation (PwDs and Youth)



# Gender Equality – ODIHR's Role and Activities

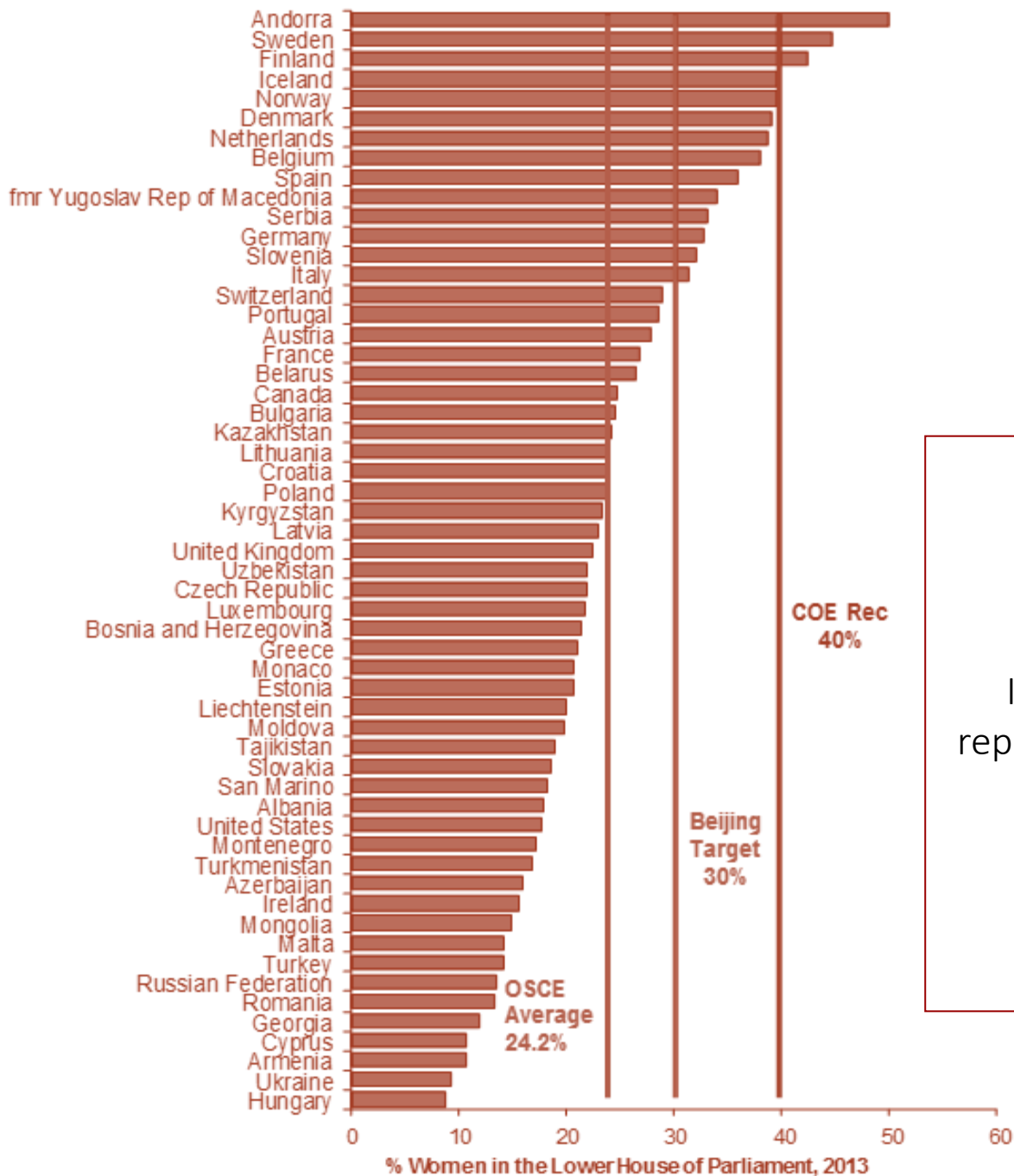
## 2004 OSCE Gender Action Plan:

- 1) To promote women's participation in political and public life
- 2) To promote effective national mechanisms for advancement of women
- 3) To prevent violence against women
- 4) To support non-discriminatory legal and policy frameworks (with Legislative Support Unit)

## How?

- Transfer of good practices
- Facilitating knowledge sharing
- Reviewing legal/policy frameworks





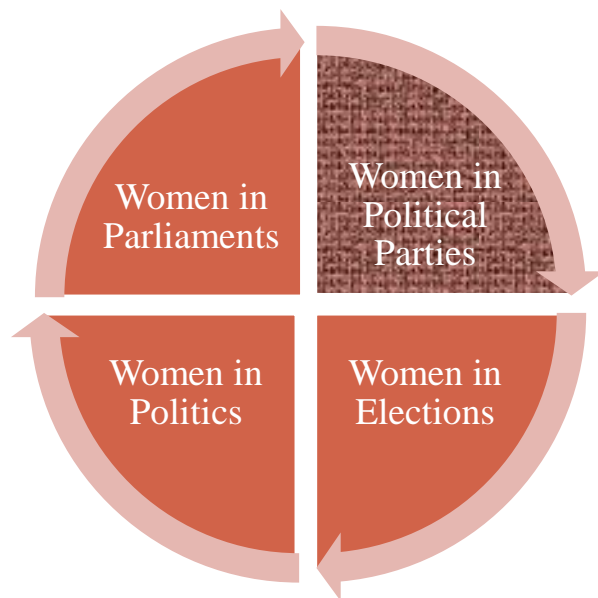
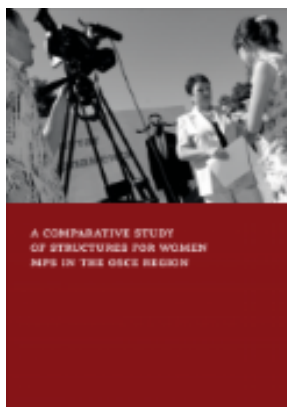
## WOMEN IN PARLIAMENTS

Current rate in OSCE: **24,2 %**

If current trends persist, equal representation will only be achieved in:

- 50 years in the OSCE
- 150 years worldwide

# ODIHR and Women in Politics



# Democratization: *Rule of Law*



Copenhagen Document, 1990:

- “rule of law does not mean merely a formal legality which assures regularity and consistency in the achievement and enforcement of democratic order, but justice based on the recognition and full acceptance of the supreme value of the human personality and guaranteed by institutions providing a framework for its fullest expression”

Focus:

- Independence of the Judiciary
- Trial Monitoring
- War crimes justice
- Administrative Justice
- Criminal Justice Reform



# Rule of Law – ODIHR's Role and Activities



## Enhancing judicial independence:

- Assessing the state of judicial independence in the OSCE region (country reports)
- The Kyiv Recommendations
- Consultations on relevance of Kyiv Recommendations in national reform contexts

## Trial Monitoring:

- Development of information/knowledge management system, methodological tools and legal database
- Trial monitoring project in Georgia (former senior officials)
- Trial monitoring project in Armenia (report with recommendations, monitoring of further legislative reform efforts and organization of topic-specific events)

## Criminal Justice Reform:

- Facilitation of Central Asia Forum with OSCE pS in Central Asia on criminal justice reform issues

## International Humanitarian Law:

- Capacity-building of the institutions prosecuting and adjudicating war crimes cases in the region of Western Balkans.
- In 2012-13, further strengthening the institutional capacity of training institutions and other legal practitioners, through peer-to-peer meetings and targeted training activities

## Administrative Justice:

- Handbook for Monitoring Administrative Justice, with Swedish FBA

# Democratization: *Law Reform and Law Making*



## Good Practice with Regard to Legislation:

- Human rights based approach (reflecting international human rights instruments and good practice)
- Clear and foreseeable laws
- Clear references to other laws
- Logical structure, including: a) Purpose/aim of legislation, b) Definitions used in legislation, c) Duties of state institutions, d) Rights and responsibilities of individuals, e) Sanctions, f) Transitional phase

## The Legislative Process (Principles):

- Openness  
“Legislation will be formulated and adopted as the result of an open process reflecting the will of the people, either directly or through their elected representatives.” (Moscow 1991)
- Transparency  
“legislation, adopted at the end of a public procedure, and regulations will be published, that being the condition for their applicability. Those texts will be accessible to everyone;” (Copenhagen 1990)
- Efficiency



# Law Reform and Law Making – ODIHR's Role and Activities

## Law Reviews:

- Opinions
- Comments
- Notes

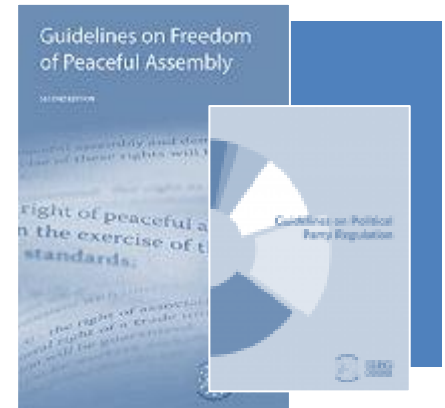
More than 350 law reviews were completed since 2004, covering different human dimension issues in various OSCE participating States

See: [www.legislationline.org](http://www.legislationline.org)

## Legislative Guidelines:

- on Freedom of Religion (2004)
- on Freedom of Peaceful Assembly (2007; 2010)
- on Political Party Regulation (2011)
- on Freedom of Association (2015)

Guidelines reflect international standards and exemplify best practices – thereby providing guidance to both lawmakers and implementing authorities from different OSCE pS in the regulation of respective rights and fundamental freedoms



# Elections



## Mandate:

- Copenhagen Document 1990 - established basic criteria for genuine democratic elections
- Rome Ministerial Council 1993 – enhanced the role of ODIHR in comprehensive election monitoring
- Budapest Summit 1994 – Long-term observation mandate
- Lisbon Summit 1996 – Electoral fraud could endanger stability
- Istanbul Summit 1999 – Commitment to follow-up on recommendations

“The participating States consider that the presence of observers, both foreign and domestic, can enhance the electoral process for States in which elections are taking place.”

## Elections (Principles):

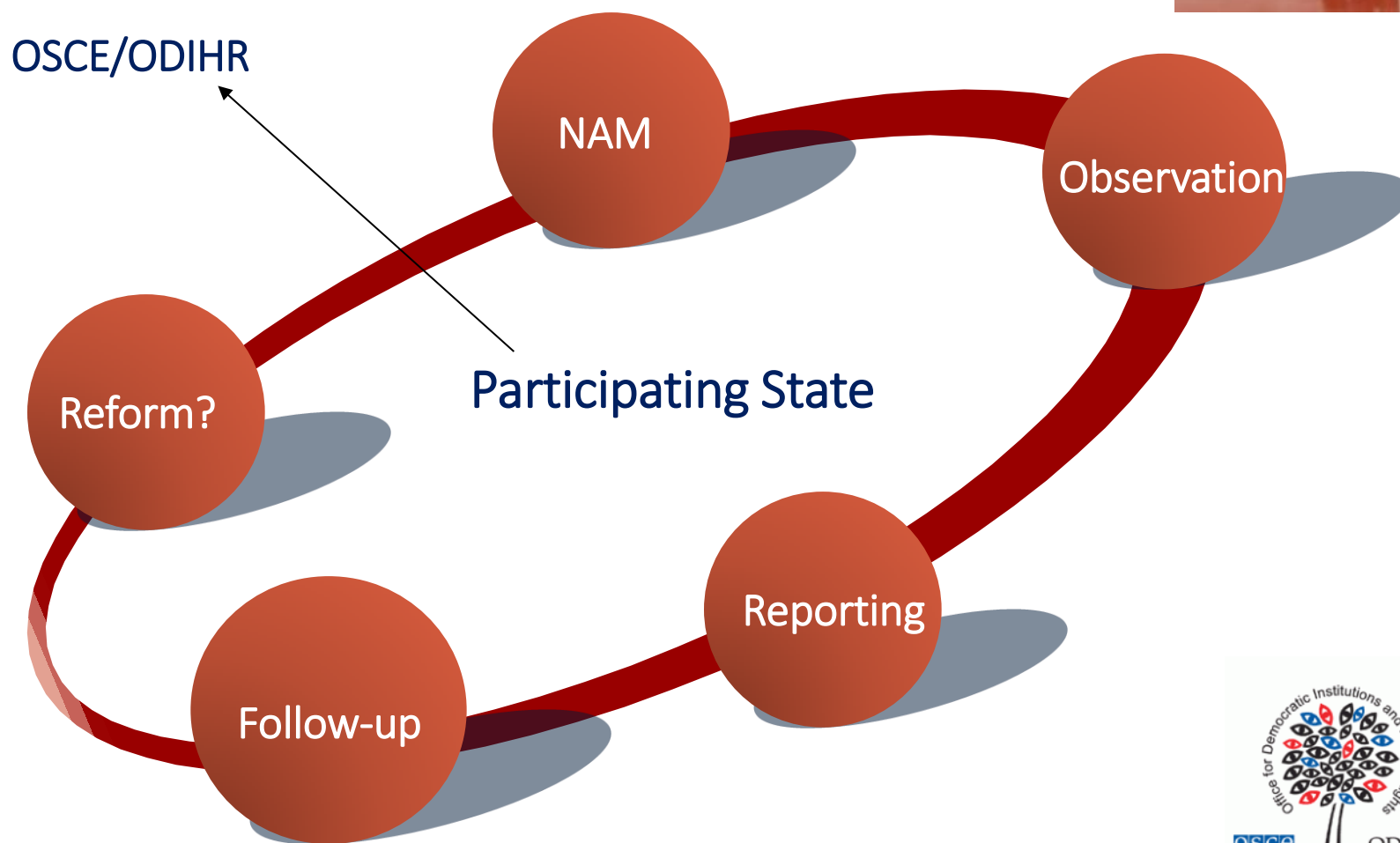
Universal / Equal / Fair / Secret / Free / Transparent / Accountable

## Why Observe?

- To assess compliance with the OSCE commitments
- Process oriented – only interested in results to the degree that they are counted and reported honestly
- To enhance the integrity of the process
- To deter possible fraud and intimidation
- To recommend ways in which the electoral process can be improved



# The Election Observation Cycle



# ODIHR

## Publications programme:

- Annual reports
- Handbooks
- Special reports
- Background papers
- Most translated into Russian
- More information at [www.osce.org/odihr](http://www.osce.org/odihr)

