

ODIHR and the Rule of Law



What is the Rule of Law?

The rule of law is a fundamental pillar of any democratic society. Rule of law is not merely a formal legality 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” (Copenhagen, 1990). OSCE participating States recognize that the rule of law requires that all people, institutions and entities, including states themselves, are accountable to laws that are equally enforced, independently adjudicated and consistent with international human rights norms and standards.

What do we do?

ODIHR supports justice systems in upholding due process and fair trial standards, enhancing their independence and transparency. ODIHR also works to build the skills of judges, prosecutors and attorneys, and supports them in being able to work independently, which makes justice systems more resilient, based on the rule of law.

The OSCE Office for Democratic Institutions and Human Rights (ODIHR) is mandated to assist participating States in upholding and advancing the rule of law, sharing its expertise and experiences and good practices from across the OSCE region.

“...[T]he development of societies based on pluralistic democracy and the rule of law are prerequisites for a lasting order of peace, security, justice and co-operation in Europe.”

(Moscow, 1991)

“...[H]uman rights, the rule of law, and democracy are interlinked and mutually reinforcing”.

(Helsinki, 2008)

ODIHR supports states with their judicial reform processes by providing a platform for dialogue, expert exchanges and cooperation with a broad range of stakeholders, including governments, legislators, judiciary and other public institutions, professional associations, civil society organizations, academia, think tanks, international and intergovernmental organizations, and OSCE field operations. As part of this work, and to strengthen judicial independence, ODIHR has developed new methodologies for monitoring judicial administration.

Priority areas include:

Judicial Independence

As a cornerstone of the rule of law, judicial independence is integral to the concept of separation of powers. Independent judges play a vital role in safeguarding human rights and protecting fundamental freedoms.

ODIHR has published two complementary sets of recommendations on judicial independence and accountability: the *Kyiv Recommendations on Judicial Independence in Eastern Europe, South Caucasus and Central Asia* (*Kyiv Recommendations*) focus on judicial appointments, court administration, and accountability, while the *Recommendations on Judicial Independence and Accountability* (*Warsaw Recommendations*) set out universal principles for a broader range of issues, including mechanisms for ensuring judicial independence and accountability and ways to balance them effectively.

On request, ODIHR monitors processes for judicial appointments and the evaluation of integrity and/or qualifications of judges, assessing their fairness and compliance with international standards on judicial independence and human rights.

Trial Monitoring

ODIHR observes trials and makes recommendations to participating States in the area of fair trial rights and to support judicial reforms. ODIHR acts as a repository of expertise, successful strategies and methodologies from across the OSCE region and has developed a number of trial monitoring tools designed to assist legal professionals and trial monitors in their work, as well as NGOs and OSCE field operations engaged in trial monitoring.

Administrative Justice

ODIHR supports participating States in implementing administrative justice reforms, with particular focus on administrative proceedings that directly impact core democratic rights and the functioning of democratic institutions. The Office helps states ensure that individuals and legal entities have access to administrative justice, and promotes the independence of administrative judges with expertise and training.

Criminal Justice

To safeguard guarantees on due process, ODIHR promotes institutional reforms to help people in the criminal justice system (e.g., lawyers, judges, prosecutors, law enforcement) work transparently and in compliance with human rights obligations. ODIHR offers expert assistance on the reform of criminal procedures and prosecutorial systems, and organizes regular exchanges, such as the Expert Forum

on Criminal Justice for Central Asia for officials, practitioners and academics to discuss criminal justice policy issues.

War Crimes

When war crimes are committed, ODIHR responds, assisting participating States, OSCE missions and international partners with building the capacity of national justice systems to advance accountability. Since the Russian full-scale invasion of Ukraine in 2022, ODIHR has supported Ukrainian criminal justice professionals in adjudicating numerous war crimes cases, developing judicial guidance and organizing workshops for judges from across Ukraine on an array of substantive and procedural issues, such as applying norms of international criminal law, humanitarian law and human rights law in their judgements. ODIHR also works with defence counsel from Ukraine's free legal aid system to help them ensure that defendants in war crimes cases receive a fair trial and competent defence in accordance with the European Convention on Human Rights.

Gender, Diversity and Justice

ODIHR promotes gender parity and equal representation and supports participating States in their efforts to make the justice sector gender-equal, more diverse and accessible. ODIHR's work is based on analysis and recommendations it published in 2019, which concluded that the meaningful participation of women, minorities

and people with disabilities can make the justice sector more sensitive to the needs of different groups, leading to fairer justice outcomes and increased trust in the justice system.

Key ODIHR resources available in English, Russian and other languages



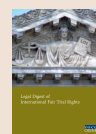
Recommendations on Judicial Independence and Accountability (Warsaw Recommendations) (2023)



Kyiv Recommendations on Judicial Independence in Eastern Europe, South Caucasus and Central Asia



Trial Monitoring: A Reference Manual for Practitioners



Legal Digest of International Fair Trial Rights



Fair Trial Rights and Public Health Emergencies



Handbook for Monitoring Administrative Justice

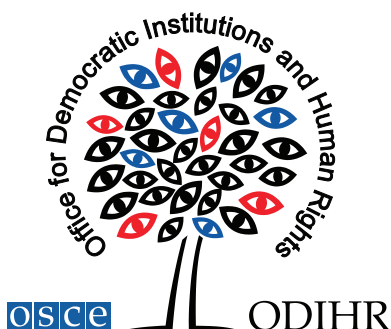


Gender, Diversity and Justice - Overview and Recommendations



Ninth Expert Forum on Criminal Justice for Central Asia

For any additional information, questions or inquiries, please contact ODIHR's Rule of Law Unit at: office@odihr.pl or visit <https://www.osce.org/odihr/rule-of-law>



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