

Excerpts of OSCE Commitments

Relating to Democratic Law-Making

[emphasis added]

The excerpts of OSCE commitments provided below include both general commitments relating to access to law and law-making as well as, access to decision-making and processes by specific groups of society requiring particular attention.

They are as follows, arranged thematically:

1. Individuals, Human-Rights Defenders, and Non-governmental Organizations

Helsinki 1975 (Questions Relating to Security in Europe: 1.(a) Declaration on Principles Guiding Relations between Participating States – Principle VII)

The participating States recognize the universal significance of human rights and fundamental freedoms (...) They confirm the **right of the individual to know and act** upon his rights and duties in this field.

(...)

They confirm that (...) organizations and persons **have a relevant and positive role to play** in contributing toward the achievement of these aims of their cooperation.

Madrid 1983 (Questions Relating to Security in Europe: Principles)

[The participating States] recall the right **of the individual to know and act upon his rights** and duties in the field of human rights and fundamental freedoms, as embodied in the Final Act, and will take the necessary action in their respective countries to effectively ensure this right.

Vienna 1989 (Questions Relating to Security in Europe: Principles)

(12) [The participating States] express their determination to **guarantee the effective exercise of human rights and fundamental freedoms** (...)

(13) In this context they will

(...)

(13.3) - **publish and disseminate** the text of the Final Act, of the Madrid Concluding Document and of the present Document as well as those of any relevant international instruments in the field of human rights, in order to ensure the availability of these documents

in their entirety, to make them known as widely as possible and to render them accessible to all individuals in their countries, in particular through public library systems;

(13.4) - effectively **ensure the right of the individual to know and act upon his rights** and duties in this field, and to that end publish and make accessible all laws, regulations and procedures relating to human rights and fundamental freedoms;

(13.5) - respect the **right of their citizens to contribute actively**, individually or in association with others, to the promotion and protection of human rights and fundamental freedoms;

Copenhagen 1990

[The participating States] recognize that co-operation among themselves, as well as the **active involvement of persons, groups, organizations and institutions**, will be essential to ensure continuing progress towards their shared objectives.

(...)

(10) In reaffirming their commitment to ensure effectively the **rights of the individual to know and act upon human rights and fundamental freedoms, and to contribute actively**, individually or in association with others, to their promotion and protection, the participating States express their commitment to

(10.1) - respect the right of everyone, individually or in association with others, **to seek, receive and impart freely views and information on human rights and fundamental freedoms**, including the rights to disseminate and publish such views and information;

(10.2) - **respect the rights of everyone**, individually or in association with others, to study and discuss the observance of human rights and fundamental freedoms and to **develop and discuss ideas for improved protection of human rights** and better means for ensuring compliance with international human rights standards;

(...)

2. Commitments Related to Structural Components of a Democratic Society

2.1 General Provisions

Bonn 1990 (Preamble)

(...) the participating States,

Recognizing the relationship between political pluralism and market economies, and being committed to the principles concerning:

(...)

- The rule of law and equal protection under the law for all, based on respect for human rights and effective, **accessible and just legal systems**;

(...)

3. Democratic Institutions

3.1 General Provisions

Copenhagen 1990

(3) [The participating States] reaffirm that democracy is an inherent element of the rule of law. They recognize the importance of pluralism with regard to political organizations.

(...)

(5.8) - **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;**

Moscow 1991

(18.1) **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.**

Maastricht 2003 (OSCE Strategy to Address Threats to Security and Stability in the Twenty-First Century)

36. (...) Based on its human dimension commitments, the OSCE strives to promote conditions throughout its region in which all can fully enjoy their human rights and fundamental freedoms under the protection of effective democratic institutions, due judicial process and the rule of law. This includes secure environments and institutions for peaceful debate and **expression of interests by all individuals and groups of society**. Civil society has an important role to play in this regard, and the OSCE will continue to support and help strengthen civil society organizations.

4. Promoting Transparency, Combating Corruption, and Improving the Management of Public Resources

Istanbul 1999 (Charter for European Security: III. Our Common Response)

33. We reaffirm our commitment to the rule of law. We recognize that corruption poses a great threat to the OSCE's shared values. It generates instability and reaches into many aspects of the security, economic and human dimensions. Participating States pledge to

strengthen their efforts to combat corruption and the conditions that foster it, and **to promote a positive framework for good government practices and public integrity**. They will make better use of existing international instruments and assist each other in their fight against corruption. As part of its work to promote the rule of law, the OSCE will work with NGOs that are committed to a strong public and business consensus against corrupt practices.

Maastricht 2003 (OSCE Strategy Document for the Economic and Environmental Dimension)

Promoting transparency and combating corruption

2.2.4 **Transparency in public affairs** is an essential condition for the accountability of States and for the **active participation of civil society** in economic processes. Transparency increases the predictability of, and confidence in an economy that is functioning on the basis of adequate legislation and with full respect for the rule of law (...)

2.2.5 We will make our governments more transparent by further **developing processes and institutions for providing timely information, including reliable statistics, about issues of public interest in the economic and environmental fields to the media, the business community, civil society and citizens, with a view to promoting a well-informed and responsive dialogue**. This is essential for decision-making which is responsive to changing conditions and to the needs and wishes of the population.

5. Rule of Law

5.1 General Provisions

Vienna 1989 (Questions Relating to Security in Europe: Principles)

(13) (...) [the participating States] will

(...)

(13.4) - effectively ensure the **right of the individual to know and act upon his rights and duties in this field, and to that end publish and make accessible all laws, regulations and procedures relating to human rights and fundamental freedoms;**

Copenhagen 1990

(5.8) - **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;**

Moscow 1991

(18.1) 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.

(...)

6. Commitments Related to Human Rights with a Focus on Specific Groups

6.1 National Minorities

Geneva 1991

III.

(...) the participating States consider that when issues relating to the situation of national minorities are discussed within their countries, they themselves should have the effective opportunity to be involved, in accordance with the decision-making procedures of each State (...)

Helsinki 1992 (Decisions: VI. The Human Dimension)

The participating States

(...)

(24) Will intensify in this context their efforts to ensure the free exercise by persons belonging to national minorities, individually or in community with others, of their human rights and fundamental freedoms, including **the right to participate fully, in accordance with the democratic decision-making procedures of each State, in the political, economic, social and cultural life of their countries including through democratic participation in decision-making and consultative bodies at the national, regional and local level, *inter alia*, through political parties and associations (...)**

Maastricht 2003 (Decisions: Annex to Decision No. 3/03: Action Plan on Improving the Situation of Roma and Sinti within the OSCE Area)

88. Participating States are encouraged to take into account the following basic conditions for ensuring effective participation by Roma and Sinti people in public and political life:

- Inclusiveness:

Roma and Sinti people should be included in formal consultative processes, and the effectiveness of mechanisms established for **their participation in shaping major policy initiatives** should be ensured by involving them in a broadly representative process;

- Transparency:

Programmes and proposals should be circulated sufficiently in advance of decision-making deadlines to allow for meaningful analysis and input from representatives of Roma and Sinti communities;

- Meaningful participation by Roma and Sinti people at all levels of government:

Participation by Roma and Sinti people in local government is essential for the effective implementation of policies affecting them;

7. Equal Rights of Men and Women

Madrid 1983 (Questions Relating to Security in Europe: Principles)

[The participating States] stress the importance of ensuring equal rights of men and women; accordingly, they agree to take all actions necessary to promote equally effective participation of men and women in political, economic, social and cultural life.

Vienna 1989 (Questions Relating to Security in Europe: Principles)

(15) The participating States confirm their determination to ensure equal rights of men and women. Accordingly, they will take all measures necessary, including legislative measures, to promote **equally effective participation of men and women in political, economic, social and cultural life**. They will consider the possibility of acceding to the Convention on the Elimination of All Forms of Discrimination Against Women, if they have not yet done so.

Moscow 1991

(40) The participating States recognize that full and true equality between men and women is a fundamental aspect of a just and democratic society based on the rule of law. They recognize that the full development of society and the welfare of all its members require **equal opportunity for full and equal participation of men and women**. In this context they will

(...)

(40.8) - encourage and **promote equal opportunity for full participation by women in all aspects of political and public life, in decision-making processes** and in international co-operation in general;

(...)

(40.11) - **take measures to encourage that information regarding women and women's rights under international and domestic law is easily accessible;**