



OSCE Human Dimension Implementation Meeting 2018

**Working Session 4 – Statement by the Delegation of Canada, delivered by Ambassador Natasha Cayer,
Permanent Representative of Canada to the OSCE, Wednesday, September 12, 2018**

Moderator,

We wish to offer the following recommendations to the OSCE and participating States:

- 1) That OSCE participating States reinforce international mechanisms and standards that prevent the violation of the rule of law in our region, whilst assiduously upholding their existing obligations and commitments to the principles of fair trials and judicial independence.
- 2) That both violations of, and progress related to, the rule of law be monitored more closely by ODIHR, with the support of civil society and other appropriate international organizations, and reports of these issues be made on a periodic basis.
- 3) That the OSCE and ODIHR give further technical assistance to participating States that are trying to make positive reforms to their judicial systems to further strengthen their democracies and better protect the rights of their citizens.

Moderator,

OSCE participating States in Copenhagen in 1990 recognized that pluralistic democracy and the rule of law are essential for ensuring respect for all human rights and fundamental freedoms. Legislative transparency, the independence of the judiciary, and the right to a fair trial are necessary to ensure that all other human rights and fundamental freedoms can be respected within a society.

The violation of basic rule of law principles within the OSCE region is an important indicator of the weakness of a democracy, and should be taken very seriously by all participating States. The implementation of equitable laws and justice sector reforms are the foundation for the protection of human rights, enabling all citizens to realize their potential, by providing an accessible, practical, and effective legal and judicial system. Access to justice must be universal, and the political and power context of a state must not favour any individual or group over another.

We have seen, far too frequently in the OSCE region, that when the rule of law is not effectively and predictably enforced by the justice and security system, people's human rights are violated. They are increasingly insecure, their livelihoods are vulnerable, and their opportunities to improve their lives are hindered.

Moderator,

We share the concerns raised by the introducers, the EU, and the US with respect to the increasing number of violations in the OSCE region, including: unjustified arrests and enforced disappearance of political opponents, members of civil society, and journalists simply for exercising their rights; violations of the right to a fair trial; and an increasing lack of transparency of the judicial and legislative processes, most troublingly in the area of judicial independence, where several governments are undermining the independence and legitimacy of a key component of democracy for political ends.

In closing, I would reiterate Canada's position that arbitrary arrests are unacceptable; that everyone is entitled to a fair trial, access to the judiciary, and human rights protection while under arrest; and that it is imperative that judicial processes be independent and free of political considerations.