



## REMARKS

**by Mr. Stanislav RAŠČAN, Acting Director General for Multilateral Affairs,  
at the Ministry of Foreign Affairs of the Republic of Slovenia**

**at the High-Level Tripartite Meeting  
Strasbourg, 18 February 2005**

Thank you Mr. Chairman.

The topic of this high-level tripartite meeting is one, which is at the heart of the OSCE and the international order. Our societies and the international system are anchored in the rule of law. As participating States declared in the Charter of Paris for a New Europe fifteen years ago, “democracy has as its foundation respect for the human person and the rule of law.” The priority of both organizations should be to strengthen these foundations.

The OSCE is by its essence a security organization. In this context, the rule of law is a common thread running through all three dimensions of our work. In 1994 Budapest Summit Document the participating states recognized »human rights and fundamental freedoms, the rule of law and democratic institutions [as] the foundation of peace and security, representing a crucial contribution to conflict prevention, within a comprehensive concept of security...«

A number of OSCE field operations carry out capacity-building projects designed to assist the host governments to strengthen the rule of law. The OSCE has been conducting a number of long-term programmes, in particular in the South Eastern Europe, Eastern Europe (in particular in Belarus), Caucasus, and Central Asia in this field.

Mr. Chairman,

Further, the concept of the rule of law is a fundamental component of the OSCE human dimension framework established in OSCE documents. In the 1990 Copenhagen Document,

the participating States of the OSCE declared that they are "(...) determined to support and advance those principles of justice which form the basis of the rule of law (...)" and that they: "(...) consider that the 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 values of human personality and guaranteed by institutions providing a framework for its fullest expression (...)." The OSCE concept of rule of law thus bridges individual human security with the institutional legal framework and structures of the participating States. The rule of law is a fundamental pillar of the Organization's work in the human dimension, a prerequisite for holding democratic elections and protecting individuals' human rights.

Even more, as was emphasized by the participating States in the Moscow Document of 1991, issues relating to human rights, fundamental freedoms, democracy and the rule of law are of international concern. The participating States – and I quote – “categorically and irrevocably declare that commitments undertaken in the field of the human dimension of the [O]SCE are matters of direct and legitimate concern to all participating States and do not belong exclusively to the internal affairs of the State concerned.” Human rights, democracy and the rule of law – the OSCE human dimension – are part of the OSCE comprehensive security concept.

Mr. Chairman,

Last year's Human Dimension Implementation Meeting set a number of recommendations to the OSCE participating states as well as to the OSCE and other international organizations. The recommendations included the issues of legislative transparency, independence of the judiciary, the right to a fair trial, ombudsman and national human rights institutions, exchange of views on the questions of the abolition of capital punishment and the prevention of torture.

In this context, the OSCE will in this year, under Slovenian Chairmanship put important focus to various aspects of the rule of law within the human dimension:

There will be the Supplementary Human Dimension meeting in July in Vienna on Human Rights and the Fight against terrorism. The Bucharest Plan of Action of 2001 is the main OSCE document outlining commitments to prevent and combat terrorism, including a framework for fully respecting international law. In this context, the ODIHR is active in the strengthening of democratic institutions, the rule of law and respect for human rights. The ODIHR monitors counter-terrorism legislation, policies, and practices to ensure that appropriate checks and balances are in place regarding the conformity of anti-terrorism measures with international human rights standards. The ODIHR works to prevent and address shortcomings in national practice through analysis of how anti-terrorism measures affect human rights standards and the rule of law. In the context of politico-military dimension the OSCE works closely with the UN Counter-Terrorism Committee and the UN Office on Drugs and Crime in implementing UN resolutions designed to assist States in upholding the rule of law in their counter-terrorism legislation.

In Tbilisi in November, another Supplementary Meeting will address the issues of the Role of Defense Lawyers in Guaranteeing a Fair Trial. It is needless to say that the seminar intends to address the issue cross-dimensionally. The seminar should be also seen as part of the OSCE/ODIHR long term main focus on ensuring fair trials, as well as on reforming criminal justice systems and torture prevention. In this regard one special day of the second part of 2005 Human Dimension Implementation Meeting will focus on methods to prevent and combat torture.

This rule of law approach is further evident in our growing determination to stamp out intolerance and discrimination. As a follow up to last year's engagement of the OSCE to the promotion of tolerance and combating all forms of discrimination three Personal Representatives of the OSCE Chairman-in-Office have been appointed to promote greater tolerance and combat racism, xenophobia and discrimination, including Anti-Semitism, intolerance and discrimination against Muslims, Christians and members of other religions. This year the OSCE will also pay due attention to the implementation of the 2004 Gender Action Plan.

Co-operation between relevant international and especially regional organizations, as well as with civil society in all these fields is vital. Meetings like this are a good opportunity for us to assess the extent to which we are reaching the complementarity and synergy of our work.

Mr. Chairman,

The rule of law is also a factor in the economic and environmental dimension. This is evident in the OSCE Strategy Document for the Economic and Environmental Dimension, adopted at the OSCE Ministerial Council in Maastricht in 2003, which stresses that “good governance on the international as well as national level is crucial for well-being, security and stability in the OSCE area”. We are taking concrete steps to promote good governance. Combating corruption is another issue of our concern. The 2004 Sofia Ministerial Council decision on combating corruption pays a lot of attention also to the respect of the rule of law while combating corruption.

In the politico-military dimension, the OSCE stresses the importance of maintaining the rule of law when combating security challenges, and subscribes to the view that societies and inter-state relations based on the rule of law will be less prone to instability. For example, the OSCE has developed a Code of Conduct on politico-military aspects of security that sets norms on the behavior of armed forces in democratic societies.

The OSCE is developing its policing capacities which are designed to improve the capacity of participating States to address threats posed by criminal activity and to assist them in upholding the rule of law. In September, for example, the OSCE Seminar of Police Experts will address the issue of the role of law enforcement in combating and preventing hate crimes. Also our work in combating the trafficking in human beings is very much geared towards strengthening the capacity of States in investigations, law enforcement and persecution of this heinous crime.

To conclude,

Today’s discussion should encourage us to strengthen our cooperation in the field of promoting the rule of law, including through various trainings and seminars. The principle of the rule of law, however, is rather difficult to be defined at the international level, taking into account different legal traditions. Yet we believe that its notion is broader than merely applying the supremacy of the law. Rather and especially in developing democracies this principle should be seen as supplementing other international standards and commitments. Like the democracy, also the rule of law, should not be understood only formally but also

substantionally. In addition, let me mention some elements that we should take into account when addressing this issue: First, individual citizens should be aware of their rights, meaning that laws have to be made public. Second, everyone must be equal under the law. In other words, all citizens should be treated fairly, and they should know what to expect from that treatment. It also means that no one should be given preferential treatment based on factors such as wealth or social status.

I believe that meetings like this one today are useful for discussing each other's activities and strengthening our co-operation.

Thank you.