

OSCE Human Dimension Implementation Meeting 2011

Canadian Statement for the Working Session 4:

Rule of Law I:

Including legislative transparency, independent of the judiciary and right to a fair trial

Yves Beaulieu, Deputy Head of Delegation

Wednesday, 28 September 2011

Thank you,

Canada commends the continuous efforts made by the OSCE and the Office for Democratic Institutions and Human Rights on the implementation of the respect for the rule of law in the OSCE region.

The rule of law is one of the four values at the heart of Canada's principled foreign policy, along with freedom, democracy and human rights.

These should be first-order preoccupations for any democratic country.

Indeed, the rule of law, including legislative transparency, the independence of the judiciary and the right to a fair trial, is necessary to insure that all other human rights can be respected.

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 other participating States.

Unfortunately, we are still witnessing some violations of the rule of law in the OSCE region, namely: unfair arrests of political opponents or members of civil society who are exercising their human rights; violations of the right to a fair trial; and, a lack of transparency of the judiciary and legislative process.

Canada wants to remind participating States that arbitrary arrests are unacceptable and that everyone is entitled to a fair trial, access to the judiciary, and to human rights protection while under arrest. We would also remind participating States that the arrests of members of civil society who are exercising their human rights are contrary to OSCE Commitments. It is also imperative that the judicial process be independent and free of political considerations. In this context, we call upon all members of the OSCE to respect their international commitments, namely the commitments taken in 1994 in Budapest regarding the Human Dimension and the Conduct on Politico-Military Aspects of Security.

Madam Chairperson, we wish to offer the following recommendations to the OSCE and the participating States within the context of this session:

- We encourage the OSCE and the participating States to reinforce the international mechanisms that prevent the violation of the rule of law in our region.
- We suggest that violations and progress related to the rule of law be monitored more closely with the support of expert non-governmental and international organisations.
- We encourage the OSCE to give further technical assistance to countries that are trying to regularize their judicial systems in order to consolidate their democracy.

Canada firmly believes that actions compromising either the legislative transparency, the independence of the judiciary and the right to a fair trial in participating States must be carefully monitored and be the subject of objective peer review. We will continue to stress transparency and respect for the rule of law as important and fundamental OSCE commitments.

Thank you.