



**Address by Ambassador Christian Strohal,
Director of the OSCE Office for Democratic
Institutions and Human Rights (ODIHR)**

**at the
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Check against delivery!

President Helgesen,

I thank you for your kind words. You have shown leadership in many areas of the development of the international human rights system. At the end of my five years as the Director of the ODIHR, I feel this is very appropriate moment to thank a key partner for their excellent cooperation. More than anybody else, your Commission has contributed to shape the legal culture in Europe.

Ladies and Gentlemen,

It is a great honour and pleasure to be here with you today in the *Scuola Grande* and I recognise so many members as our individual partners in a range of activities. A few years back, the co-operation between our institutions was seen as something rare and exceptional. Together, we have succeeded in broadening its scope to new fields and making it more systematic.

One of the most important aspects of this cooperation is the field of elections. Since 2002, the ODIHR and Venice Commission published jointly some 40 opinions on election laws, draft laws, and proposals of amendments in a dozen of countries. The assistance in the reform of election legislation proved to be a successful tool in follow-up to our election observation missions. Publishing comments jointly by two respective institutions working in this field ensured highest quality of expertise. It also sent strong and clear messages, thus avoiding duplication of efforts and reducing possibilities for “forum shopping”.

I wish to extend particular thanks for endorsing the *Code for Good Practice in Electoral Matters*. The Code offers a comprehensive and detailed set of standards in all aspects of the electoral process, and is frequently used as a reference during ODIHR observation activities.

We know that the existence of good legislation, consistent with international human rights standards and OSCE commitments is a precondition for the effective implementation of human rights at the national level. As a corollary, weak and inconsistent legislation, as well as law-making closed to stakeholders is often both the cause of, and an indicator for, problems in the sphere of human rights protection. Speaking with one voice is therefore also crucial when dealing with constitutional matters. We have seen that our cooperation enhances and multiplies the positive impact on the ground. Let me just mention the example of Georgia in February

2005 where our institutions produced a joint opinion on the draft amendments to the Constitution.

Over the past few years, our cooperation has also intensified in the field of freedom of assembly or freedom of association. For instance, as a result of coordinated efforts with the Moldovian authorities, a good number of joint recommendations was implemented as they amended the *Law on Political Parties*. Another example illustrating the results of a coordinated and complimentary approach between the ODIHR and the Venice Commission in rendering assistance is the draft amendments to the *Law on Conducting Meetings, Assemblies, Rallies and Demonstrations of the Republic of Armenia*.

We particularly welcome your co-endorsement of the *Guidelines on the Freedom of Assembly* that feature today on your agenda. This is a complex matter. There is no one-size-fits-all solution. In the face of the growing inclination towards overregulation, we felt the need to capture the essence of our work on these issues in the form of a generic document that would seek to define minimum standards that need to be met by national authorities in their regulation of this right. We are grateful for the contribution of your valuable expertise to the Guidelines, which represent the result of months of work of the ODIHR Panel of Experts on Freedom of Assembly.

Finally, I am pleased that the ODIHR and the Venice Commission are working on exchanging information on developments related to Freedom of Religion or Belief legislation. Both institutions also agree that it is important to strengthen the follow-up to legislative reviews.

Overall, I believe that this systematic cooperation between our institutions and our common efforts to bring the 'law in books' into 'law in action' is a success story and serves as an example to other organizations.

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On this basis, we can optimistically look ahead. First, I believe that our cooperation may be expanded even further to new fields such as to legislation pertaining to political parties, especially concerning their registration and financing. This is an area where the Venice Commission has been very active for many years as evidenced by the recent *Code of Good Practice* in the field of

political parties. We are certainly interested in contributing to this work.

Second, I believe we have to think about how we can follow up to the results of our work more systematically, through joint activities such as more regular field visits, and more regular expert consultations. We need to maximise our input for and our impact on domestic law making. We have, over the years, seen a number of states that have announced reforms here and elsewhere before they made a step forward, and two steps back later.

Third, and probably as a caveat to my previous remark: hasty law-making, based on impetus received from us, does not, in itself, guarantee good laws. Too great is the temptation to pass laws based on the imperative of political convenience based on short-term gains. One particularly questionable area is the change of election legislation, even entire election systems, shortly before an electoral event. We have also seen instances in which states used the pretence of cooperation with us while halting reform of key legislation at home. We have therefore turned our attention increasingly on the legislative process as such, to not only bring about democracy through law, but also law through democratic procedures, through rendering law-making more transparent and more inclusive.

Excellencies,

I would like to thank Gianni Buquicchio for his kind invitation. I know very well how much the Venice Commission owes to him, how decisive his contribution to the success of this institution is. At the ODIHR, we are certainly very grateful to him as well. One of the many recommendations I have for my excellent successor, State Secretary Janez Lenarcic, is to continue to unite efforts and further intensify cooperation with you.

Thank you.