

**ODIHR contribution to the UN Draft guidelines**

**on the effective implementation of the right to participate in public affairs**

**Disclaimer:** *ODIHR contributed to the 2015 UN Study on the right to participate in public affairs. In order to make ODIHR’s contribution useful for the purpose of drafting guidelines on the effective implementation of the right to participate in public affairs, the submission at hand will concentrate on aspects which have not been covered in the earlier contribution or which require a substantial update.*

**Legislative Issues and Regulatory Framework**

**The right to participation within internal political party structures and in the wider electoral process**

As mentioned in the 2015 ODIHR submission to the *UN Study on the right to participate in public affairs*, the 2010 *ODIHR-Venice Commission Guidelines on Political Party Regulation (2010)*[[1]](#footnote-1) give concrete guidance to lawmakers with respect to the facilitation of political participation, also within internal political party structures and in the wider electoral process. ODIHR’s 2015 [*Compendium of Good Practices for Advancing Women’s Political Participation in the OSCE Region*](http://www.osce.org/odihr/224206)reflects on where progress has been made and identifies some of the continuing challenges in achieving gender equality in politics. The publication explores the participation of women through political parties, in elections, local politics and in parliaments, recognizing that these should be seen as connected and related areas.

The [*ODIHR-Venice Commission Guidelines on Political Party Regulation*](http://www.legislationline.org/documents/id/16054)are currently undergoing an update and the new edition, which will be launched in 2018, and will mainstream gender aspects throughout the guidelines and ensure that political participation of women is taken into account by lawmakers when drafting any regulation on political parties without, however, impeding party autonomy. Additionally, the new edition of the *ODIHR-Venice Commission Guidelines on Political Party Regulation* will highlight the political wider diversity aspects by outlining standards and good practices on the political participation of persons belonging to national minorities, young people, persons with disabilities and foreign nationals.

**The process of political appointments and representation within public bodies/institutions**

The 2009 OSCE Ministerial Council decision on Women’s Participation in Political and Public Life[[2]](#footnote-2) calls upon OSCE participating States to consider possible legislative measures, to facilitate a more balanced participation of women and men in political and public life, *and especially in decision-making;* it encourages participating States to consider providing for specific measures to achieve the goal of gender balance in all legislative, judicial and executive bodies, including security services, such as police services. The Decision also encourages “all political actors to promote equal participation of women and men in political parties, with a view to achieving better gender-balanced representation in elected public offices at all levels of decision-making”. The 2013 OSCE Ministerial Council Decision No. 4/13 also commits the participating States to “promoting the effective and equal participation of Roma and Sinti women in public and political life, including through the promotion of women’s access to public office, public administration and decision making positions.”[[3]](#footnote-3) OSCE commitments related to political participation of persons with disabilities date back to the Moscow 1991 meeting, where the OSCE participating States committed “to take steps to ensure the equal opportunity of such persons to participate fully in the life of their society” and to “promote the appropriate participation of such persons in decision-making in fields concerning them.”[[4]](#footnote-4) Specifically regarding the composition of the judiciary, the ODIHR Kyiv Recommendations on Judicial Independence in Eastern Europe, South Caucasus and Central Asia state that “it would be desirable that the composition of the judiciary reflects the composition of the population as a whole.”[[5]](#footnote-5)

Therefore, ODIHR generally welcomes attempts or recommends introducing provisions, such as gender balance requirements, to selected legislation to achieve a more balanced representation of women and men in political offices or other publicly appointed functions, or more generally within public bodies/institutions, such as the judiciary and security services, including the police.[[6]](#footnote-6) At the same time, ODIHR often notes that proposed legislative provisions are unlikely to be implemented and generally provides, when this is applicable, the following recommendations to enhance their effectiveness:

* to ensure that the requirement for gender balance is introduced, as appropriate, in both the nomination process to propose candidates for the positions as well as in the rules and procedures governing designation/appointment/election to the said positions;[[7]](#footnote-7)
* to indicate the consequences for infringement of the gender balance requirement and provide for some specific, effective, dissuasive and proportionate sanctions in case of violation of the gender balance requirements;[[8]](#footnote-8) and
* to address the risk of creating a “glass ceiling” for representatives of a certain under-represented gender where low quotas (for instance below 40%) are mandated (and thus the perpetuation of gender inequality), to introduce a staggered timeline attached to a gradual increase of the target quote, in order to create proper incentives to gradually, over time, reach greater gender balance.[[9]](#footnote-9)

ODIHR also encourages political parties to consider introducing voluntary measures to address the issue of women’s underrepresentation in party structures through its political party gender audit methodology.[[10]](#footnote-10) The gender audit exercise allows for an assessment of internal political party processes, procedures, structures, culture, and activities from a gender perspective, with the aim of identifying discriminatory practices – whether direct or indirect, formal or informal – that can perpetuate gender inequality and hinder women’s participation in politics. The Gender Audit process also equips political party leadership with the necessary information to adjust political party policies, programs, and campaign strategies as regards to gender equality.[[11]](#footnote-11)

Similarly, ODIHR invites OSCE participating States to collect data, measure and create support for the political participation and representation of persons with disabilities in political parties, elected positions and decision-making structures. Persons with disabilities form approximately one billion of the world population.[[12]](#footnote-12) Historically this significant part of the society has been predominantly seen as service receivers and patients, rather than active members of their communities, capable of contributing to the society and representing their own interests. While the recent years have marked a paradigm shift in the way persons with disabilities are seen, their representation in political and public life remains disproportionately low across the OSCE region due to legal, social, economic, physical and other barriers which continue to prevent many citizens from exercising their democratic rights. To address these barriers, ODIHR collects and promotes good practice examples from the OSCE region and will compile these in the Guidelines on Political Participation of Persons with Disabilities to be finalized in early 2019.

**Public participation in policy making and lawmaking processes**

Key OSCE commitments related to democratic lawmaking, such as the 1990 Copenhagen Document and the 1991 Moscow Document, provide that legislation should be adopted at the end of a “public procedure” through open, inclusive and transparent legislative processes.[[13]](#footnote-13) To assist OSCE participating States in improving their lawmaking, ODIHR conducts comprehensive assessments of legislative processes in individual OSCE participating States[[14]](#footnote-14) and strengthens the capacity of national lawmakers and policy makers through knowledge-sharing events and guidelines.

ODIHR considers that a successful lawmaking process includes the following components: a proper policy discussion and analysis; an impact assessment of the proposed legislation (including gender impact assessment); legislative planning; clear and standardized drafting techniques; meaningful consultations with all those who may be affected by proposed legislation; and regular monitoring of the implementation of existing legislation.[[15]](#footnote-15) To achieve policies and laws that are both effective and human rights compliant, the public – in full diversity and without any form of discrimination based on race, gender, ethnicity, religion and, given its pertinence to politics, age – should be provided with realistic opportunities to contribute to the development and drafting of policies and legislation. For instance, with the 2013 OSCE Ministerial Council Decision 4/13 the participating States committed themselves to “enhancing the participation of Roma and Sinti in the elaboration, implementation and evaluation of the policies that affect them, including by fostering Roma and Sinti political participation.”[[16]](#footnote-16) Public consultations have proven to be a highly effective mechanism for ensuring such public participation and are increasingly used by public authorities in the OSCE region. ODIHR believes that all important laws and public policies should undergo genuine and inclusive consultations with every potentially affected section of society before they get adopted.

Public consultations can be defined as a formal process which public authorities use to seek information and views from individuals and organizations on an existing or proposed policy, law or decision. Public consultations involve a two-way flow of communication between public authorities and the public and imply an active effort on the part of public authorities to reach out to, and engage with, all potentially affected parties. Meaningful public consultations in the course of developing new legislation bring a number of important benefits. They deepen the understanding of specific issues the lawmakers are seeking to address; help identify available policy options/solutions and assess their relative costs and benefits; help find the right balance between conflicting/opposing interests; and help understand the full impact of proposed laws, including impact on different social groups and their human rights. Meaningful public consultations improve voluntary compliance with adopted laws and policies by creating a sense of ownership among all relevant stakeholders.

Equal participation in political and public affairs also requires adequate mechanisms for ensuring that diversity and gender aspects are integrated throughout policy making and lawmaking processes. Based on ODIHR’s assessments of lawmaking processes on OSCE participating States, the following elements have been identified as being essential to diversity and gender mainstreaming in policy making and lawmaking: (i) the existence of an overall equality and gender mainstreaming strategy which addresses the issue of gender mainstreaming in policy making and lawmaking; (ii) an institutional framework for gender mainstreaming in policy making and lawmaking; (iii) a legal obligation for drafters to conduct a gender analysis as part of regulatory impact assessment;[[17]](#footnote-17) (iv) auxiliary tools such as guidelines, toolkits and checklists for gender sensitive drafting of legislation and comprehensive trainings of legal drafters;[[18]](#footnote-18) (v) procedures providing the public, including men and women, minorities and other social groups, with a genuine opportunity to engage in the legislative process in a meaningful way;[[19]](#footnote-19) (vii) a gender responsive budgeting approach; (viii) adequate data collection, monitoring and evaluation mechanisms. To this end, ODIHR prepared [*Making Laws Work for Women and Men: A Practical Guide to Gender-Sensitive Legislation*](http://www.osce.org/odihr/327836) primarily intended for members of parliament and parliamentary staff. It includes recommendations on how to conduct a gender needs analysis in a given sector, how to assess the gender implications of specific laws, how to integrate gender-focused activities in new legislative acts, and how to develop gender-sensitive indicators that can facilitate the monitoring of a law’s implementation.

**Participation in political or public life and the right to freedom of peaceful assembly**

The right to participate in the conduct of public affairs is interlinked with a range of other rights, including the right to freedom of peaceful assembly as the participation in political and public affairs is often realised through organising or participating in assemblies. The freedom of peaceful assembly is a fundamental freedom that has been recognized as one of the foundations of a functioning democracy. The ability to assemble and act collectively is vital to democratic, economic and social development and to foster an engaged citizenry.[[20]](#footnote-20) Facilitating participation in peaceful assemblies helps ensure that all people in a society have the opportunity to express opinions that they hold in common with others. As affirmed by the Human Rights Council “everyone must be able to express their grievances or aspirations in a peaceful manner, including through public protests without fear of reprisals or of being intimidated, harassed, injured, sexually assaulted, beaten, arbitrarily arrested and detained, tortured, killed or subjected to enforced disappearance.”[[21]](#footnote-21)

Despite the international legal framework and the strong OSCE commitments,[[22]](#footnote-22) undue restrictions of freedom of peaceful assembly (both in the area of legislation as well as in practice) still persists around the globe and the OSCE region. Therefore ODIHR has established a comprehensive toolbox to assist the OSCE participating States in the implementation of their relevant human dimension commitments.

In order to assist in monitoringthe implementation of human dimension commitments in the area of freedom of peaceful assembly ODIHR has been conducting assembly monitoring activities since 2011, in the course of which ODIHR has monitored assemblies in 27 OSCE participating States[[23]](#footnote-23) and published three thematic reports.[[24]](#footnote-24) ODIHR promotes the recognition of the important role independent monitoring of assemblies plays in the full realization of the right to freedom of peaceful assembly and advocates for creating an enabling environment for this work by the OSCE participating States, refraining from unnecessary restrictions on assembly monitoring activities and giving due consideration to their findings and recommendations resulting from their assessment of the facilitation of assemblies so as to inform institutional learning and, more broadly, in the drafting of legislation and policies affecting the enjoyment of freedom of peaceful assembly.

ODIHR’s *Guidelines on Freedom of Peaceful Assembly*[[25]](#footnote-25) (published jointly with the Council of Europe Venice Commission) serves as a key benchmark and reference point to assess compliance with international human rights standards and has been often cited by the European Court of Human Rights as well as relevant mandate holders within the United Nations. ODIHR has been engaged in reviewing draft and existing laws against these benchmarks - upon request - to support OSCE participating States in their efforts to bring their legislation into line with key OSCE commitments.[[26]](#footnote-26)

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The following submission from ODIHR is guided by the specific elements outlined in Para. 10 of the Human Rights Council Resolution 33/22 with the aim to respond to specific points of enquiry posed by the Resolution to the OHCHR.

HRC Resolution Paragraph 10: *Invites the Office of the High Commissioner to consider examining in the draft guidelines, inter alia:*

**(a) Basic principles underpinning the effective implementation of the right to participate in public affairs;**

ODIHR would recommend exploring the following basic principles:

* universal and equal suffrage, both with regard to the right to vote and the right to stand;[[27]](#footnote-27)
* the right of citizens to seek political or public office, individually or as representatives of political parties or organizations, without discrimination;[[28]](#footnote-28)
* equal treatment of all candidates in the elections by the law and authorities;[[29]](#footnote-29)
* effective ability to conduct campaign in a fair and free atmosphere in which neither administrative action, violence nor intimidation bars the parties and the candidates from freely presenting their views and qualifications, or prevents the voters from learning and discussing them or from casting their vote free of fear of retribution;[[30]](#footnote-30)
* the right to access the media (and exercise the freedom of expression) in the campaign on a non-discriminatory basis without legal or administrative impediment;[[31]](#footnote-31)
* effective remedies in the electoral dispute resolution process, including the possibility on judicial review of administrative decisions and the principle of proportionality;[[32]](#footnote-32)
* the right to take the mandate based on obtaining the necessary votes and to exercise the mandate until the term expires or is brought to end in a legal manner.[[33]](#footnote-33)

These are the basic principles outlined in the OSCE 1990 Copenhagen Document (paras 6-7). These basic principles, outlined in the OSCE documents, reflect upon provisions of the universal documents, such as the UDHR and ICCPR, which state the core principles that create the foundation for the right to democratic elections. Importantly, a number of OSCE documents promote participating States’ adherence to universal – as well as to some regional – human rights instruments. For example, the 1975 Helsinki Final Act commits states to “act in conformity with the UDHR” and to “fulfil their obligations set forth in the international declarations and agreements in the field, including inter alia the International Covenants on Human Rights, by which they may be bound”.

**(b) The effective implementation of all dimensions of the right to participate in public affairs for all rights holders, without discrimination or distinction of any kind, including at the national level, in all phases of the electoral process, between elections, outside the political process in the conduct of public affairs, and in access to public service, and on the participation of citizens, individually and in association with others, at the supranational level, including within international organizations;**

Apart from was highlighted for (a) above, it is worth noting that the principle of non-discrimination applies in a particularly salient manner to the electoral field. Indeed, electoral practices and procedures are often structured by the need to comply with the underlying principles of non-discrimination, universal and equal suffrage, secret ballot, due process of law, and the will of the people – as a whole – as the basis of government authority.

Women, however, often face barriers to fair and effective representation due to generalized discrimination, including with respect to their participation in public life. Election observation reports of the ODIHR show that, often, women are particularly vulnerable to violations of secrecy and undue influence connected with the practice of group, family, and proxy voting.[[34]](#footnote-34)

Representatives of national minorities also often face specific barriers to effective participation in public affairs, including in elections. ODIHR observation reports noted that legal impediments to national minorities’ effective political participation, including the lack of legal recognition of specific minorities, the prohibition of minority based parties, language requirements preventing election campaigning in minority languages, or electoral district delimitations which negatively impacted on minority representation. ODIHR has published a *Handbook on Observing and Promoting the Participation of National Minorities in Electoral Processes*, in which it outlined the applicable OSCE commitments and other international obligations and standards with a specific focus on how they apply to the national minorities.[[35]](#footnote-35)

Electoral participation of persons with disabilities has been the subject of increasing attention in the recent years, largely due to the widening adoption of the CRPD as the set of guiding principles. ODIHR has recently published a *Handbook on Observing and Promoting the Electoral Participation of Persons with Disabilities*.[[36]](#footnote-36)

**(c) Cooperation and assistance aimed at the effective implementation of the right to participate in public affairs, including through electoral assistance and observation;**

ODIHR encourages OHCHR to consult the ODIHR *Handbook on the Follow-up of Electoral Recommendations*,[[37]](#footnote-37) which sets out ODIHR’s approach and practices in assisting participating States in the follow-up of electoral recommendations. While ODIHR has conducted follow-up activities for several years, this handbook aims to establish a more systematic approach that provides clarity and consistency and promotes greater attention to the implementation of recommendations. ODIHR calls on the OHCHR to consult the Action Plan developed in the context of the Human Rights and Election Standards initiative co-led by the OHCHR and The Carter Center, and to which ODIHR has contributed. Especially important for ODIHR are Paras. 22, 23, 24, 29 (with all sub-points a. to g.), 34 of the Action Plan.

**(d) Model standards advancing the effective implementation of the right to participate in public affairs based on examples of best practices;**

ODIHR encourages the OHCHR to consult the body of emerging good practice in electoral matters, as embodied in the Council of Europe Venice Commission’s “Code of Good Practice in Electoral Matters”[[38]](#footnote-38) along with the body of interpretative declarations to the Code. Both documents are being updated in the consultative process through the Council for Democratic Elections, under the auspices of the Venice Commission, and of which ODIHR is part. OHCHR could find it useful to consult the ODIHR *Review of Electoral Legislation and Practice in OSCE Participating States*.[[39]](#footnote-39)

**(e) Emerging and new forms of participation, in particular through new information and communications technology and social media;**

The use of information and communication technologies in elections has increased considerably in recent years. Almost all electoral processes make some use of new technologies (from voter registration to tabulation of results). New technologies have also been utilized in the voting and counting of votes in some countries, which has raised certain questions about the extent to which such applications comply with international obligations, standards and good practice for democratic elections. ODIHR has published a *Handbook for the Observation of New Voting Technologies (NVT)*, which is designed to assist election practitioners and observers in identifying and assessing the various elements of NVT that may impact the conduct of democratic elections.[[40]](#footnote-40)

There is yet no consensus among the OSCE participating States as to whether media-specific OSCE commitments apply to the online domain. At the same time, the OSCE Representative on Freedom of the Media highlighted that “basic human rights, including freedom of expression and freedom of the media, should apply as much to the online as to the offline world.”[[41]](#footnote-41)

ODIHR is currently exploring possible avenues for monitoring campaign coverage on the internet, including in social media. Currently, however, it is observing the campaign coverage on the internet in a non-systematic manner, focusing on most prominent online platforms in a given participating State and paying close attention to hate speech, xenophobic rhetoric and incitement of violence.

1. [↑](#footnote-ref-1)
2. OSCE Ministerial Council Decision MC DEC/7/09 on Women’s Participation in Political and Public Life, 2 December 2009, pars 1-2. [↑](#footnote-ref-2)
3. OSCE Ministerial Council, Decision No. 4/13 on Enhancing OSCE Efforts to Implement the Action Plan on Improving the Situation of Roma and Sinti within the OSCE Area, with a particular focus on Roma and Sinti women, youth and children, par 4.2, <http://www.osce.org/mc/109340>. [↑](#footnote-ref-3)
4. OSCE Moscow Meeting Commitments 1991. p 41.2, 41.3 [↑](#footnote-ref-4)
5. Kyiv Recommendations on Judicial Independence in Eastern Europe, South Caucasus and Central Asia (June 2010), available at http://www.osce.org/odihr/kyivrec?download=true. [↑](#footnote-ref-5)
6. See pars 36-41 of OSCE/ODIHR [Opinion on the Law of Mongolia on the Promotion of Gender Equality](http://www.legislationline.org/documents/id/18349) (30 September 2013), available at <http://www.legislationline.org/documents/id/18349>; see the OSCE/ODIHR [Opinion on Draft Amendments to Ensure Equal Rights and Opportunities for Women and Men in Political Appointments in Ukraine](http://www.legislationline.org/documents/id/18598) (19 December 2013), available at <http://www.legislationline.org/documents/id/18598>; pars 71-75 of the Joint OSCE/ODIHR-Venice Commission Opinion on the Draft Amendments to the Legal Framework on the Disciplinary Responsibility of Judges in the Kyrgyz Republic (16 June 2014), available at <http://www.legislationline.org/documents/id/19099>; pars 35-38 of the OSCE/ODIHR Opinion on the Impact of the Ratification of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence on Legislation in Montenegro (10 September 2014), available at <http://www.legislationline.org/documents/id/19349>; pars 25-28 of the OSCE/ODIHR Opinion on the Draft Law of Ukraine on Police and Police Activities (1 December 2014), available at <http://www.legislationline.org/documents/id/19505>.   [↑](#footnote-ref-6)
7. See par 27 of the OSCE/ODIHR [Opinion on Draft Amendments to Ensure Equal Rights and Opportunities for Women and Men in Political Appointments in Ukraine](http://www.legislationline.org/documents/id/18598) (19 December 2013), available at <http://www.legislationline.org/documents/id/18598>; par 73 of the Joint OSCE/ODIHR-Venice Commission Opinion on the Draft Amendments to the Legal Framework on the Disciplinary Responsibility of Judges in the Kyrgyz Republic (16 June 2014), available at <http://www.legislationline.org/documents/id/19099>; par 37 of the OSCE/ODIHR Opinion on the Impact of the Ratification of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence on Legislation in Montenegro (10 September 2014), available at <http://www.legislationline.org/documents/id/19349>; par 27 of the OSCE/ODIHR Opinion on the Draft Law of Ukraine on Police and Police Activities (1 December 2014), available at <http://www.legislationline.org/documents/id/19505>.   [↑](#footnote-ref-7)
8. See pars 32-35 of the OSCE/ODIHR [Opinion on Draft Amendments to Ensure Equal Rights and Opportunities for Women and Men in Political Appointments in Ukraine](http://www.legislationline.org/documents/id/18598) (19 December 2013), available at <http://www.legislationline.org/documents/id/18598>; par 74 of the Joint OSCE/ODIHR-Venice Commission Opinion on the Draft Amendments to the Legal Framework on the Disciplinary Responsibility of Judges in the Kyrgyz Republic (16 June 2014), available at <http://www.legislationline.org/documents/id/19099>; par 37 of the OSCE/ODIHR Opinion on the Impact of the Ratification of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence on Legislation in Montenegro (10 September 2014), available at <http://www.legislationline.org/documents/id/19349>; par 27 of the OSCE/ODIHR Opinion on the Draft Law of Ukraine on Police and Police Activities (1 December 2014), available at <http://www.legislationline.org/documents/id/19505>.   [↑](#footnote-ref-8)
9. See pars 30-31 of the OSCE/ODIHR [Opinion on Draft Amendments to Ensure Equal Rights and Opportunities for Women and Men in Political Appointments in Ukraine](http://www.legislationline.org/documents/id/18598) (19 December 2013), available at <http://www.legislationline.org/documents/id/18598>; par 37 of OSCE/ODIHR [Opinion on the Law of Mongolia on the Promotion of Gender Equality](http://www.legislationline.org/documents/id/18349) (30 September 2013), available at <http://www.legislationline.org/documents/id/18349>; par 72 of the Joint OSCE/ODIHR-Venice Commission Opinion on the Draft Amendments to the Legal Framework on the Disciplinary Responsibility of Judges in the Kyrgyz Republic (16 June 2014), available at <http://www.legislationline.org/documents/id/19099>; par 28 of the OSCE/ODIHR Opinion on the Draft Law of Ukraine on Police and Police Activities (1 December 2014), available at <http://www.legislationline.org/documents/id/19505>.   [↑](#footnote-ref-9)
10. ODIHR’s [*Handbook on Promoting Women’s Participation in Political Parties*](http://www.osce.org/odihr/120877) (2014) provides an overview of voluntary measures that political parties can adopt to enhance gender equality within party structures, processes, policies and activities, as a means to provide both women and men equal opportunities to participate meaningfully in the political life of OSCE participating States. [↑](#footnote-ref-10)
11. In the period of 2015- 2017, ODIHR conducted gender audit of interested political parties in Armenia, Georgia, Tajikistan, Moldova and Bosnia and Herzegovina. [↑](#footnote-ref-11)
12. World Report on Disability WHO Library Cataloguing-in-Publication Data, World report on disability 2011. [↑](#footnote-ref-12)
13. Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE (1990); [“Copenhagen 1990” thereafter]; para. (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”; and Document of the Moscow Meeting of the Conference on the Human Dimension of the CSCE (1991); [“Moscow 1991” thereafter]; para. (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.” [↑](#footnote-ref-13)
14. All OSCE/ODIHR publications and reports relating to democratic lawmaking are available at <http://www.legislationline.org/lawmaking>. [↑](#footnote-ref-14)
15. See Annex 4 to the 2015 Report on the Assessment of the Legislative Process of Georgia, available at <http://www.legislationline.org/download/action/download/id/5843/file/256_Legis_Assessment_GEO_Jan_2015_en.pdf>. [↑](#footnote-ref-15)
16. OSCE Ministerial Council Decision MC DEC/4/13 on Enhancing OSCE Efforts to Implement the Action Plan on Improving the Situation of Roma and Sinti within the OSCE Area, with a particular focus on Roma and Sinti women, youth and children, par 2.7 [↑](#footnote-ref-16)
17. See par 80-81 of the 2015 Report on the Assessment of the Legislative Process of Georgia, available at <http://www.legislationline.org/download/action/download/id/5843/file/256_Legis_Assessment_GEO_Jan_2015_en.pdf>. [↑](#footnote-ref-17)
18. See Recommendation H on page 56 and par 64 of the 2015 Report on the Assessment of the Legislative Process of Georgia, available at <http://www.legislationline.org/download/action/download/id/5843/file/256_Legis_Assessment_GEO_Jan_2015_en.pdf>. [↑](#footnote-ref-18)
19. See Recommendation I and pars 33-47 of the 2015 Report on the Assessment of the Legislative Process of Georgia, available at <http://www.legislationline.org/download/action/download/id/5843/file/256_Legis_Assessment_GEO_Jan_2015_en.pdf>. [↑](#footnote-ref-19)
20. A/HRC/31/66, 4 February 2016, Joint report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association and the Special Rapporteur on extrajudicial, summary or arbitrary executions on the proper management of assemblies http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session31/Documents/A.HRC.31.66\_E.docx para. 5. [↑](#footnote-ref-20)
21. Human Rights Council, Resolution 22/10, ‘The promotion and protection of human rights in the context of peaceful protests’, 21 March 2013, Preamble, §13 [↑](#footnote-ref-21)
22. Commitment to guaranteeing freedom of peaceful assembly to every individual without discrimination (eg. Copenhagen 1990, Paris 1990) [↑](#footnote-ref-22)
23. Human dimension commitments of the right to freedom of assembly and speech (Helsinki 1992, Budapest 1994, Oslo 1998, Maastricht 2003), special role of ODIHR as a point of contact for information provided by participating States (Rome 1993), expression of determination by participating States to co-operate within the OSCE and with its institutions and representatives in a spirit of solidarity and partnership in a continuing review of implementation (Istanbul 1999) [↑](#footnote-ref-23)
24. The report of the first three monitoring cycles were published in November 2012:

    [http://www.osce.org/odihr/97055 in December 2014](http://www.osce.org/odihr/97055%20in%20December%202014): <http://www.osce.org/odihr/132281?download=true>

    and in December 2016: <http://www.osce.org/odihr/289721> [↑](#footnote-ref-24)
25. The OSCE/ODIHR-Venice Commission Guidelines on Freedom of Peaceful Assembly, 2nd edition

    (2010), <http://www.osce.org/odihr/73405> [↑](#footnote-ref-25)
26. The opinions are available at: <http://www.legislationline.org/topics/topic/15> [↑](#footnote-ref-26)
27. See Para. 7.3 of the OSCE 1990 Copenhagen Document. [↑](#footnote-ref-27)
28. See Para. 7.5 of the OSCE 1990 Copenhagen Document. [↑](#footnote-ref-28)
29. See Para. 7.6 of the OSCE 1990 Copenhagen Document. [↑](#footnote-ref-29)
30. See Para. 7.7 of the OSCE 1990 Copenhagen Document. [↑](#footnote-ref-30)
31. See Para. 7.8 of the OSCE 1990 Copenhagen Document. [↑](#footnote-ref-31)
32. See Paras. 5.10 and 24 of the OSCE 1990 Copenhagen Document. [↑](#footnote-ref-32)
33. See Para. 7.9 of the OSCE 1990 Copenhagen Document. [↑](#footnote-ref-33)
34. See *ODIHR Handbook for Monitoring Women's Participation in Elections*, available at

    <http://www.osce.org/odihr/elections/13938>. [↑](#footnote-ref-34)
35. See <http://www.osce.org/odihr/elections/124067>. [↑](#footnote-ref-35)
36. See <http://www.osce.org/odihr/elections/339571>. [↑](#footnote-ref-36)
37. See <http://www.osce.org/odihr/elections/244941>. [↑](#footnote-ref-37)
38. See <http://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2002)023rev-e> [↑](#footnote-ref-38)
39. See <http://www.osce.org/odihr/elections/107073> [↑](#footnote-ref-39)
40. See <http://www.osce.org/odihr/elections/104939>. [↑](#footnote-ref-40)
41. See <http://www.osce.org/netfreedom-guidebook?download=true> [↑](#footnote-ref-41)