



"The key to effective political representation and meaningful participation in a democracy at work is to engage all citizens, so that they feel that they are a part of society and its institutions."

ODIHR Director Ambassador Christian Strohal

Effective Participation and Representation in Democratic Societies



The OSCE’s Office for Democratic Institutions and Human Rights (ODIHR) conducts a range of activities aimed at increasing the participation of citizens — especially women — in the democratic process, while also paying particular attention to under-represented groups such as Roma and Sinti. In assisting OSCE states with democratic institution-building, the ODIHR aims to help governments become more responsive, responsible, and representative.

Responsiveness means that governments are able to react to the demands and needs of society at large, are open to effective interaction with civil society and interest groups, and are able to take a variety of views and interests into consideration in the policy- and law-making processes. In this respect, transparency in the work of governments is critical to making them responsive.

To assist governments in enhancing their responsiveness, the ODIHR supports the improvement of legislative processes to ensure that relevant stakeholders, including civil society, play a part in debating and commenting on draft legislation, so that it reflects public needs. In addition, the ODIHR is prepared to lend assistance to political parties in their attempt to be more responsive to their membership and to help build co-operative relationships between governments and civil society, enabling non-governmental organizations to become a trusted and reliable source of advice, thereby enhancing the responsiveness of governments.

Responsibility means that governments can be held accountable by their own societies. While this is most visible at the time of elections, it is a defining feature of a democratically governed country. Responsible governments govern in accordance with the rule of law, where laws are open, well-known, and apply equally to all. Procedures should ensure that political minorities can contribute effectively to an inclusive law-making process and that a culture of boycotts and non-participation is avoided.

Representativeness means that, while governments are responsive to public needs, they also represent distinct political interests, values, ideas, and programmes, not only during election periods, but also between elections. Representative governments work

on institutionalizing political life and public political participation through legitimate institutions such as political parties, thus simplifying and clarifying the political choices faced by individual citizens. In its work on the participation of women in democratic processes, for example, the ODIHR encourages politicians to incorporate the concerns of women into their pre-election agenda and then to implement that agenda once voted into office rather than abandoning it in favour of more popular or parochial issues. Similarly, in its work on promoting multi-party democracy, the ODIHR assists parties in the development and clarification of their platforms so as to make clear to the public what ideas and values they represent.

The ODIHR's activities in the area of democratic governance have been reinforced since the Human Dimension Seminar on "Democratic Institutions and Democratic Governance" in May 2004. Following that meeting, the ODIHR's Democratization Department reprioritized its programmes and activities, drawing extensively on the experience and lessons learned from the OSCE field operations in South-Eastern Europe.

Reviewing electoral legislation

A legal framework that does not sufficiently reflect OSCE commitments may not be conducive to the conduct of genuine and meaningful democratic elections. To further develop legislation that enhances and safeguards OSCE commitments for a democratic electoral process, the ODIHR established a voluntary fund in 2001 (Legislative Alert). This fund has permitted the ODIHR to provide expert advice on electoral reform initiatives, as well as to make recommendations on how to bring legislation into line with OSCE commitments. Review of electoral legislation has become an integral part of ODIHR activities to follow up on recommendations contained in election reports.

In 2006, the ODIHR issued 13 legislative reviews and opinions, many conducted jointly with the Council of Europe's Commission for Democracy through Law.

Improvement of legislative processes and legislative transparency

Regardless of the type of constitution a country has, its legislature is a fundamental arena for policy deliberation. The ODIHR works, in particular, on issues of legislative transparency, focusing on the process whereby policy decisions are converted into legislation to ensure that a law is not only good on paper, but that it can also be enacted in a way that reinforces democratic culture and can be implemented because it results from a consultative process.

A successful legislative process usually begins with an analysis of the proposed policy, combined with, or followed by, an assessment of the potential impact of the legislation (including its financial impact). A legislative agenda should be established and timetables drafted to ensure that adequate time is provided for the preparation of the various legislative stages. The legislation is drafted in accordance with pre-established work plans and following standardized drafting techniques. Those who will be affected by the legislation — interest groups, NGOs, citizens — are given an opportunity to comment on the draft legislation. And finally, the functioning and effectiveness of the legislation are monitored and assessed on a regular basis.

While reviewing individual pieces of legislation, the ODIHR has found that some defects result from failures in the legislative process itself. In some cases, this is because the process is not properly regulated, while, in others, one or more stages of the process are missing or are not carried out.



Legislationline

Legislationline (www.legislationline.org) is a free-of-charge online legislative database that was created in 2002 to assist participating States in bringing their legislation into line with relevant international human rights standards. Now available in both English and Russian, the database serves as a drafting tool for lawmakers, not simply as an archive of domestic or international legislation. Its purpose is to provide assistance to those who prepare and draft laws at the working level. Through *Legislationline*, they can obtain examples and options from other countries' legislation that can help them make their own choices. The activities involved in maintaining the database not only benefit lawmakers but also permit ODIHR experts to observe patterns in legislative activity and identify good practices.

As a reference tool for a variety of users (primarily law-drafters, legal professionals, government officials, parliamentary staff, and legal specialists in international organizations), it is a comprehensive database on legislation related to more than a dozen human dimension issues such as human trafficking, elections, and citizenship.

In response, the ODIHR has developed a pilot methodology that aims to make legislative processes more efficient, open, and transparent. The point of departure is that any technical-assistance scheme needs to be preceded by a comprehensive assessment of the legislative process. The assessment phase specifically aims to ensure that any assistance provided is based on actual needs and provides a basis for effective co-ordination of the international community's efforts. This methodology was consolidated in 2006 on the basis of experiences with the first such assessment conducted in Georgia in 2005.

Similar assessments are currently at different stages in several other participating States. In Moldova, for example, a first visit took place in May 2006, and an assessment is to be initiated in 2007 after new amendments to parliamentary procedures have been adopted. In Kyrgyzstan, following a first visit in February 2006, the ODIHR has undertaken a comprehensive review of several pieces of legislation regulating the law-making process. In the former Yugoslav Republic of Macedonia, a first visit was undertaken in March 2007.

Development of multi-party political landscapes

Political parties offer legitimate channels for citizens' political activities and interests; they have a crucial role in defining issues and bringing them to the forefront of political life. One of the ODIHR's objectives is to support participating States in fully institutionalizing multi-party systems and to ensure that all political parties work to preserve this system regardless of which party is in power.



Pilot methodology in Georgia

Following the political changes in Georgia in late 2003, the ODIHR teamed up with the Caucasus Institute for Peace, Development and Democracy and the Netherlands Institute for Multiparty Democracy to conduct a joint interactive assessment project of Georgia's political parties.

The purpose of this project was for Georgia's political parties to define themselves more clearly by addressing questions related to their party history, identity, philosophy, structure, procedures, and membership. The parties looked at themselves critically and identified ways of modernizing and democratizing their structures, and also examined their interaction with one another.

This self-analysis led to specific recommendations on the needs and strategies to further develop effective political parties. Based upon these recommendations, the ODIHR has been conducting a programme of activities requested by the parties themselves, including a series of tailor-made workshops on: 1) regional party politics; 2) strategic planning; 3) party funding, including training of trainers and the development of an interactive web-based tool (VoteMatch) to assist voters in finding information about party programmes; and 4) stimulating inter-party dialogue at the highest level.

The programme's activities also included a publication, *The Political Landscape in Georgia*, which provides local and foreign analysts, international donors, and organizations with a clear picture of the background and political forces at work in the country and has served as a catalyst for refining discussions on the current political situation.

The parties participating in the programme have realized that an authentic multi-party system requires the involvement of all stakeholders in all phases of its development and consolidation. Legal frameworks, rules and procedures, traditions and practices need to be debated and, where necessary, negotiated by all parties involved and not by only a part of the political spectrum. Women's participation in the mainstream of political life and the degree of their representation in various political parties was carefully assessed by the parties themselves, resulting in the conclusion that it is pivotal to



enfranchise women as active members and leaders of political parties and that this can only be achieved through reforming internal decision-making practices, developing effective public outreach, and fostering transparency in decision-making processes. Through a consistent multi-party approach, opposing parties have become aware of their common cause in building an effective political-party framework together.

Other participating States have indicated that they are interested in developing similar programmes based on this methodology.

Enhanced participation of women in democratic processes

The ODIHR's long-term work in the South Caucasus and Central Asia on enhancing women's political participation and access to decision-making focuses on strengthening women's leadership and development of co-operation among women leaders and political parties. A number of initiatives such as roundtables on political participation and platform development strategies, as well as meetings with representatives of civil society, political parties, and women constituents from various communities, are carried out to promote opportunities for women's advancement in political parties.

In addition, programme activities are aimed at fostering reforms in the field of democratic governance and increased participation of civil society in this process. This objective is approached by developing mechanisms of interaction between women's NGOs and grassroots groups and local self-government bodies in order to promote public participation and increase the capacity of grassroots actors to oversee the performance of their governments. With the support of the ODIHR, women's regional networks have been established in Azerbaijan, Georgia, and Kyrgyzstan to assist women leaders in civil society to engage in policy-making processes at the local and national levels and to increase women's representation in political parties.

Election observation

The ODIHR has taken a number of steps related to the participation of women and national minorities in all facets of elections. The Office has published dedicated handbooks — *Guidelines to Assist National Minority Participation in the Electoral Process* (2001) and a *Handbook for Monitoring Women's Participation in Elections* (2004) — to provide a methodological framework for the work of election observation missions. In addition, the core teams of observation missions frequently contain analysts who concentrate solely on issues related to national minorities or the participation of women. Where shortcomings are identified, the ODIHR makes recommendations to participating States on how to make improvements.

For several years, the ODIHR has been helping Roma and Sinti participate in election observation missions as both long- and short-term observers. This serves the dual purpose of diversifying election missions and helping Roma representatives gain an in-depth understanding of the electoral process.

Increased participation of Roma and Sinti in democratic processes

Roma and Sinti populations have a rather short history of political participation, both as voters and as candidates. This fact is rooted in the long history of marginalization and discrimination that Roma and Sinti have been suffering. Another factor is the lack of awareness among Roma and Sinti both of how to exercise their political rights and of the positive influence that political participation can have for them. Although there has been an increase in the participation of Roma and Sinti in public life in recent years, participation in elections remains disproportionately low. By encouraging Roma and Sinti to take part in elections and to make informed choices when voting, the ODIHR promotes greater representation of Roma and Sinti in political and public institutions, which may help ensure that pertinent issues end up on the platforms of mainstream political parties.

In 2006, the ODIHR completed a three-year project with the EU that was aimed at enhancing the participation of Roma and Sinti in public and political life as a means of helping citizens exercise their basic rights. The project was implemented in most of the countries of the former Yugoslavia and included a variety of activities ranging from civil and voter registration, voter education, and go-to-vote campaigns, to coalition-building roundtables, training for candidates, and support for establishing co-operation at the local level between Roma representatives and elected local authorities. A particular focus was placed on Roma and Ashkali internally displaced persons, refugees, asylum-seekers, and returnees.

Providing parliamentary assistance

To support domestic efforts to reform and strengthen parliamentary practices in Georgia, the ODIHR entered into a partnership with the Georgian parliament, as well as with the OSCE Mission to Georgia, to create the Centre for Parliamentary Reform. Based within the parliament and staffed by Georgian experts, the Centre's main task is to formulate parliamentary reform strategies and to keep the parliamentary leadership abreast of reform initiatives. Sponsored by the ODIHR, the Centre is fully run by the parliament in order to ensure that the reform process is genuinely locally owned. It is only through such a local capacity-building approach that measures for creating a more



modern, transparent, and participatory parliament will be most effective. This ODIHR initiative has greatly benefited from the accumulated experiences of the OSCE missions in South-Eastern Europe in the field of parliamentary assistance programmes.

During its initial phase of capacity-building and consolidation, the Centre has started to assist the parliamentary leadership in the crucial tasks of donor co-ordination. The Centre has also carried out a quantitative needs analysis for the parliament, focusing in particular on communication and equipment. Through its publications, monthly donor co-ordination meetings, as well as its weekly briefings to the parliament's leadership, the Centre has established itself as the Georgian parliament's main communication channel between international donors and the parliament in matters of reform.

Building local capacity for political analysis

Independent analytical capacity concentrated in policy research institutions, or think tanks, is critical in ensuring that both the government and the public are aware of the effects of governmental policies and of various policy options. The ODIHR has been forming new partnerships with think tanks in order to assist in the methodological challenge of ensuring local ownership of democratic processes without predetermining the outcome and in the development of local advisory capacity on issues of governance.

For example, the ODIHR has been co-operating with the Institute for Public Policy in Bishkek to increase the capacity in Kyrgyzstan for pragmatic political research and analysis. Some joint activities include: arranging exchange internships with foreign think tanks, developing and maintaining the Institute's official website, and the publication of a bi-monthly newsletter. Major research projects have been carried out on the state of the civil service and on attitudes to political and public institutions in Kyrgyzstan. A series of workshops on policy analysis for young researchers and analysts have been carried out by the ODIHR in partnership with the Institute, as well as a special training programme for political parties and students of journalism and political science to address the lack of women's participation in political life and the contributing role of traditional stereotypes regarding women's role in politics. These activities engage participants and the public in real-time monitoring and debating of political developments in the country.