



Address by Ambassador Janez Lenarčič,
Director of the OSCE Office for Democratic
Institutions and Human Rights (ODIHR)

at the
78th Plenary Session of the Venice Commission

Venice, 13 March 2009

Excellencies,

Ladies and Gentlemen,

It is with great pleasure that I am here with you today in the *Scuola Grande*, for the first time since I assumed my position as ODIHR Director in July of last year. Let me begin by extending words of thanks to the individual Venice Commission members and the members of the Council for Democratic Elections, for their excellent cooperation with the ODIHR over the past years.

Looking back at what the Venice Commission and ODIHR achieved together, I think there are few, if any, other examples of inter-institutional collaboration that are as fruitful as is ours. In the last five years, as you know, we have succeeded in broadening the scope of cooperation to new fields. Through regular contacts we have established what should serve as an example to others: a true partnership, united in a common endeavour.

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Permit me to just briefly recapitulate what we have accomplished together since my predecessor's appearance here in June 2008.

- ▶ First, it was precisely on that occasion that the Venice Commission adopted the *Guidelines on Freedom of Assembly*, which had been initially developed by our Expert Panel following an extensive process of consultations with experts and practitioners from as many as 29 States. The *Guidelines* set a common ground for our experts, and allow us to speak with one voice on sensitive issues that have increasingly been subject of strict regulations and restrictive policies.

I should add that the Guidelines have a practical dimension. Our training programmes on the monitoring of assemblies in Armenia and Moldova draw

considerably upon the *Guidelines*. I understand that the Venice Commission has an interest in this programme and its results, and we are of course ready to keep you updated on these activities.

- ▶ Another area where we can enhance our cooperation is political party legislation. The ODIHR is now developing comprehensive political party guidelines for the use of legislators engaged in framing new legislation, as well as for those overseeing the implementation of such legislation. We believe it is time to be as ambitious as possible in a field, which, as surprising as it may seem, is still unchartered. Your contribution to this undertaking will be important.
- ▶ Third, let me mention the field of elections, one of the most important aspects of our cooperation. Whatever one's definition of consolidated, transitional or full democracy -- elections that meet international standards are integral to the process. 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.

Since June 2008, we have undertaken six reviews of election laws in six member states. And we are looking forward to the discussion and possible adoption during this plenary session of the joint opinion on the electoral code of Albania.

- ▶ Finally, I am pleased that the ODIHR and the Venice Commission are closely co-operating on developments related to Freedom of Religion or Belief legislation. We have prepared the first set of joint comments in the area of freedom of religion or belief in October 2008 with the publication of the *Joint Opinion on Freedom of*

Conscience and Religious Organizations in the Republic of Kyrgyzstan.

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Ladies and Gentlemen,

I will not give a full account of the numerous legal opinions that have been prepared and released jointly or have been closely coordinated. What I think is more essential to underscore is that our collaboration is not limited to merging two sets of opinions into a single text under two logos. What truly unites us is the philosophy underlying our work. A philosophy underpinned by a similar methodology and approach to the tasks. Let me point out three:

First, we usually provide advice upon request. It may sound obvious, but it is worthwhile recalling that our common mandate is to provide a service and to help our member- or participating States meet their international obligations, be they embodied in legally-binding standards or political commitments.

Second, we act with a purpose to assist. And our assistance goes to wherever States may fall short of their commitments, and invite us to be of use. Both the VC's and the ODIHR's advice is constructive, pragmatic, and oriented towards problem-solving.

Third, drafting a legal opinion is not an academic exercise or an abstract desk study; it requires familiarization with the context in which the law in question will operate. Any legal act is a living instrument that needs to be understood within its environment.

These three elements of our common working method have contributed to the success of our institutions. Where and when our two institutions speak with one voice, as I have already noted, the message they send is stronger.

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Excellencies,

I would like to thank Gianni Buquicchio for his invitation, and all of you for your kind attention.