

Requesting Legislative Assistance from ODIHR

As part of its wider mandate to assist OSCE participating States in implementing OSCE commitments, ODIHR reviews, upon request, individual pieces of draft and existing legislation to assess their compliance with OSCE human dimension commitments and international human rights standards. ODIHR legal reviews also include examples of good practices from other OSCE participating States and provides concrete recommendations for improvement. In certain circumstances, ODIHR prepares reviews jointly with other OSCE structures and international organizations, notably the Council of Europe's Commission for Democracy through Law (Venice Commission).

ODIHR prepares the following types of legal reviews:

• **Opinions and Comments**

Opinions and comments involve legal analyses of draft and existing laws to assess their compliance with OSCE commitments and international human rights standards, and provide recommendations for improvement. Opinions can be requested by the authorities or public bodies of OSCE participating States and comments by OSCE field operations.

• **Notes**

A note is a brief outline or clarification of specific legal issues or a comparative overview of good legislative practices in a certain legal area. A note can be requested by authorities and public bodies of OSCE participating States or OSCE field operations.

• **Amicus Curiae**

Legal assistance through furnishing information, analyses or advice on the applicability of norms of international law to the question(s) under review by national courts. Amicus Curiae may be requested by national judicial bodies, such as Constitutional or Supreme Courts.

Legal reviews may be prepared on a variety of human dimension topics, such as:

- Judicial independence and fair trial rights;
- Criminal and procedural legislation;
- Countering terrorism;
- Combating trafficking in human beings;
- Hate crime;
- Constitutional law;
- National Human Rights Institutions;
- Gender equality and non-discrimination;
- Preventing and combating violence against women;
- Fundamental freedoms (peaceful assembly, association, expression and information, movement, religion or belief);
- Political parties;
- Elections;
- Data protection and the right to private and family life; and
- Migration.

How to request a legal review by ODIHR

By sending an official letter addressed to the ODIHR Director at office@odihr.pl

Necessary content of the request letter:

- Clear identification of the existing or draft law(s) to be reviewed;
- Mention of the timeline within which the legal review would be needed; and

- Attachment of the laws or draft laws to be reviewed, ideally in English.

Who can request a legal review?

Authorities and public bodies of OSCE participating States, such as:

- **Parliament** (e.g., Speakers/Deputy Speakers/Heads and Deputy Heads of Committees);
- **Government** (e.g., Ministers/Deputy Ministers/Heads of Departments);
- **Judicial self-governing bodies/courts** (including requests for Amicus Curiae);
- **Election management bodies;** and
- **National human rights institutions/ ombuds-institutions/ other independent statutory bodies.**

ODIHR does not consider requests for legal reviews from individuals (including members of parliament) or non-governmental organizations. OSCE Field Operations can request legal review (in form of a Comment or Note) upon their own initiative or on behalf of public bodies.



How long does it take to prepare a legal review?

2 to 3 months, on average. This also depends on:

- the length of the documents to be reviewed;
- the complexity of the legal issue; or
- the need to translate the laws or legal review.

In urgent situations, ODIHR may expedite the preparation of its legal reviews or suggest another type of assistance.

ODIHR's role and responsibilities:

- Drafting the review and recommendations and translating them into the respective state language (if required); and
- Publishing the legal review online.

Follow up

ODIHR attempts to maintain a dialogue with requesting participating States and OSCE field operations through follow up visits in order to explain and discuss its recommendations and facilitate their implementation. A visit will occur upon the request of state authorities or the OSCE field operations. Ideally, the visit will take place within three months following the publication of the Opinion. The visit can take various forms, from a working-level internal meeting to a public event involving drafters and stakeholders affected by the (draft) legislation.

All past ODIHR legal reviews and their translations are available at: www.legislationline.org

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