



Supplementary Human Dimension Meeting

Lawmaking for Democratic Resilience

Vienna, 16-17 March 2026

FINAL REPORT



Executive Summary

The first [Supplementary Human Dimension Meeting of 2026 \(SHDM I\)](#), jointly organized by the Swiss OSCE Chairpersonship and the OSCE Office for Democratic Institutions and Human Rights (ODIHR), took place in Vienna on 16 and 17 March 2026. The meeting focused on democratic lawmaking as a cornerstone of democratic resilience, examining the respective roles of legislatures, independent oversight bodies, civil society and judicial review in safeguarding the rule of law.

The event brought together 317 participants (171 women, 146 men), including 147 representatives of OSCE participating States, 113 representatives of civil society, as well as 57 participants from OSCE institutions and field missions, representatives of international organizations, National Human Rights Institutions and other participants.

The first session examined democratic lawmaking as a primary safeguard against democratic backsliding and emphasised that the quality of legislative processes is closely linked to the protection of fundamental rights, legal certainty and public trust in institutions. Participants emphasised the importance of transparent, inclusive and evidence-based lawmaking processes and the role of international standards and co-operation in supporting legislative quality and resilience against democratic erosion.

The second session focused on the contribution of civil society organizations and independent oversight institutions, including ombudspersons and national human rights institutions, to participatory and accountable lawmaking. Discussions emphasised that enabling environments for civil society engagement, access to information and effective oversight mechanisms strengthen both the legitimacy and effectiveness of legislation. The session also addressed the importance of strategic litigation, post-legislative scrutiny and international accountability mechanisms in addressing systemic rule of law concerns.

The third session explored judicial review as a corrective mechanism where legislative safeguards fail, emphasising the role of constitutional courts and other judicial bodies in ensuring compliance of legislation with constitutional principles, rule of law standards and international obligations. Several interventions raised concerns regarding limitations on judicial independence, implementation gaps between court decisions and practice, and challenges affecting access to justice, including in contexts of democratic backsliding or states of emergency.

Opening Session

Opening remarks:

- *Ambassador Raphael Nägeli, Permanent Representative of Switzerland to the OSCE, Chairperson of the OSCE Permanent Council*
- *Maria Telalian, ODIHR Director*

Keynote address:

- *Mr. Eirik Holmøyvik, Vice-President, European Commission for Democracy through Law (Venice Commission)*

The opening remarks reaffirmed that democratic institutions and the rule of law are key components of comprehensive security. Democratic lawmaking processes play a significant role in strengthening societal resilience, fostering public trust and ensuring stability. Transparent, inclusive and accountable legislative procedures contribute to safeguarding fundamental rights and preventing democratic erosion, particularly in times of crisis.

As part of its mandate, ODIHR supports participating States in strengthening democratic institutions, human rights and the rule of law. This includes providing assistance in improving the quality of legislation through legal reviews, capacity-building and the promotion of international standards, including the [ODIHR Guidelines on Democratic Lawmaking for Better Laws](#). Democratic resilience depends not only on institutional design but also on the integrity of legislative processes, rooted in inclusive participation, transparency and evidence-based decision-making throughout the legislative cycle.

Adherence to constitutional principles, including separation of powers, legal certainty and proportionality, contributes to maintaining institutional balance and preventing the concentration of power. Furthermore, procedural safeguards in lawmaking, including adequate parliamentary scrutiny, meaningful consultation and effective judicial review, serve as important guarantees against democratic backsliding. Finally, the importance of co-operation between national institutions and international bodies in strengthening democratic governance and supporting the effective implementation of rule of law standards across the OSCE region was highlighted.

Session 1: Safeguarding Democracies: Democratic Lawmaking and the Role of International Actors

Introducers:

- *Nina Betetto, Member of the Venice Commission; Judge of the Constitutional Court of Slovenia*
- *Murray Hunt, University of Oxford; Substitute Member of the Venice Commission*
- *Kareen Jabre, Director of Programmes, Inter-Parliamentary Union*

Moderator: *Tea Jaliashvili, First Deputy Director, ODIHR*

In the first session, introducers emphasised that democratic erosion often occurs not through abrupt constitutional rupture, but through the gradual weakening of legislative procedures. Consultation, parliamentary deliberation, committee scrutiny and institutional restraint form the procedural foundations of democratic governance. The protection of minority rights within parliament and safeguards against misuse of accelerated procedures are also essential to the functioning of democracy. Such standards increasingly influence constitutional jurisprudence, including in relation to adequate parliamentary deliberation and the review of urgent legislative procedures.

The ODIHR Guidelines on Democratic Lawmaking were presented as a practical tool to support lawmaking that originates in democratically elected institutions, respects the separation of powers and follows transparent, participatory and inclusive procedures. Legislative processes must therefore ensure compatibility with higher-order legal norms, including constitutions and international human rights obligations, and must consider the importance of legal certainty, limitations on arbitrary power and effective judicial oversight. The Guidelines were presented not only as a tool for democratizing states, but also as relevant for established democracies facing democratic backsliding.

Finally, it was noted how the way laws are made affects public trust in democratic institutions. Representative and inclusive parliaments should reflect the diversity of the societies they serve, and parliamentarians must be able to perform their functions freely and safely. Reference was made to growing intimidation, online abuse and politically motivated pressures affecting parliamentarians, particularly opposition representatives. In this regard, the value of international parliamentary co-operation, exchange of good practices and capacity-building tools to strengthen legislative scrutiny and evidence-based lawmaking was emphasised.

Interventions from the floor highlighted concerns related to reduced transparency, misuse of accelerated procedures, limited public consultation and restrictions affecting civil society participation in lawmaking. Several participants underlined the importance of protecting human rights defenders, preserving meaningful civic participation and ensuring that emergency situations are not used to justify disproportionate restrictions on democratic procedures. Participants also stressed the importance of international support, dialogue and legal review mechanisms in strengthening democratic lawmaking processes across the OSCE region.

Session 2: Civil Society and Independent Oversight in Defence of Democratic Lawmaking

Introducers:

- *Anu Juvonen, Special Representative of the OSCE Chairperson-in-Office on Civil Society*
- *Giorgi Burjanadze, Legal Advisor, Civil Society Foundation*
- *Vadim Vieru, Lawyer, Promo-LEX Association*

Moderator: *Julia Gebhard, Deputy Head, Democratization Department, ODIHR*

The session explored how civil society organizations and independent oversight institutions contribute to participatory and accountable lawmaking throughout the legislative cycle, including through advocacy, monitoring, post-legislative scrutiny and, where relevant, strategic litigation. It also examined how restrictions on civic space and reduced access to information can undermine the effectiveness, legitimacy and resilience of democratic lawmaking.

The introducers emphasized that, while parliaments are the primary lawmakers, lawmaking is also a broader societal process that relies on transparency, open debate, diverse expertise and continuous dialogue between public institutions and society. Civil society organizations contribute policy expertise and evidence-based analysis, facilitate public participation, monitor legislative developments and identify implementation gaps. Meaningful participation requires an enabling environment grounded in respect for freedom of association, peaceful assembly, freedom of expression and access to information. Independent oversight institutions, including ombuds persons and national human rights institutions, also play an important role, although political pressure, resource constraints and limitations on mandates may undermine their independence and effectiveness.

The introducers also referred to a deterioration of participatory legislative frameworks in a number of OSCE participating States. Civil society organizations were increasingly invited to consultations without their recommendations being reflected in legislative outcomes, with participation becoming largely formal rather than substantive. The growing use of expedited legislative procedures and legislative changes restricting opportunities for civil society participation were highlighted as particular concerns. Reference was also made to legislation affecting civil society, including so-called “foreign agent” laws, as a recurring feature of democratic backsliding. In response to such developments, the introducers highlighted parliamentary monitoring, strategic litigation and election observation through civic coalitions as practical tools available to civil society. They also emphasized the role of international mechanisms, including legislative opinions by ODIHR and the Venice Commission and litigation before the European Court of Human Rights.

Participants from civil society organisations, delegations and international organisations raised concerns regarding restrictions targeting civil society organizations, pressure on human rights defenders and limited opportunities for participation in legislative processes. Interventions also highlighted the importance of safe conditions for participation, international accountability mechanisms and ODIHR legislative assistance in supporting democratic lawmaking.

Session 3: Judicial Review and Accountability in Democratic Lawmaking

Introducers:

- *Oleksandr Vodiannikov, Judge of the Constitutional Court of Ukraine*
- *Róbert Dobrovodský, Public Defender of Rights (Ombudsperson) in Slovakia*
- *Chinara Aidarbekova, Judge of the Constitutional Court of the Kyrgyz Republic*

Moderator: *Konstantine Vardzelashvili, Head, Democratization Department, ODIHR*

The session examined the role of judicial review and independent oversight mechanisms as safeguards ensuring that legislation complies with constitutional principles, international obligations and rule of law standards. Discussions emphasised that democratic lawmaking constitutes the primary safeguard against democratic erosion, while judicial review serves as a corrective mechanism of last resort where legislative processes fail to ensure adequate protection of fundamental rights, legal certainty and institutional balance.

It was emphasised that constitutional courts safeguard the integrity of the constitutional order by ensuring that constitutional rights, principles and values are given full normative effect. The effectiveness of judicial review depends on several structural conditions, including clear constitutional standards capable of constraining legislative discretion, effective access to constitutional justice, and the institutional independence and authority of constitutional courts. Introducers noted that judicial review may extend, where constitutionally relevant, beyond the substance of legislation to deficiencies in the legislative process, particularly where procedural practices undermine democratic requirements such as transparency, pluralism, meaningful deliberation and the rights of parliamentary minorities. It was also stressed that court decisions must be respected and implemented as binding expressions of the constitutional order.

The role of ombuds institutions as a bridge between individual complaints and systemic constitutional accountability was also discussed. Ombuds institutions can play an important role in challenging legislation before constitutional courts, particularly where fundamental rights are at risk. The introducers also highlighted the importance of effective remedies, including interim measures such as the suspension of legislation pending constitutional review.

Attention was further drawn to the quality of legislation itself. Clear and predictable laws, meaningful consultation, adequate transitional periods and appropriate limitations on expedited legislative procedures were identified as important elements of democratic lawmaking. Contemporary challenges include legislative inflation, lack of clarity in legal drafting and expanding restrictions on rights, particularly in areas related to security and digital regulation. Improved drafting practices, impact assessments and effective parliamentary and judicial oversight were therefore highlighted as important safeguards.

Interventions from the floor raised concerns about restrictions on civic space, judicial independence, non-implementation of court decisions and challenges affecting access to justice. Interventions also emphasized the importance of safeguarding minority rights, and maintaining transparency and participation in legislative processes, including in emergency contexts.

Recommendations

Recommendations for OSCE participating States:

1. Ensure that legislative processes are transparent, inclusive and evidence-based, including through adequate justification of legislative initiatives, impact assessments, clear and predictable consultation frameworks, and timely public access to draft legislation and supporting documents.
2. Refrain from unjustified use of accelerated or emergency legislative procedures where these limit effective parliamentary debate, scrutiny and participation of opposition actors.
3. Strengthen parliamentary oversight and legislative scrutiny, including safeguards for minority rights within parliament and sufficient time for consideration of draft legislation.
4. Promote implementation of the ODIHR Guidelines on Democratic Lawmaking across the full legislative cycle.
5. Strengthen capacity of national actors involved in lawmaking, including parliamentarians, parliamentary staff and legislative drafters.
6. Promote inclusive multi-stakeholder approaches to legislative drafting, bringing together policymakers, experts and civil society actors.
7. Ensure that public participation is meaningful, including through feedback on how stakeholder input has been taken into account in legislative decision-making.
8. Promote representative and inclusive parliaments and strengthen mechanisms for participation of underrepresented groups, including minorities and Roma communities.
9. Ensure safe and enabling conditions for parliamentarians and civil society actors participating in legislative processes.
10. Safeguard the independence, mandate and effective functioning of national human rights institutions, ombuds institutions and other independent oversight bodies.
11. Ensure that judicial review functions as an effective corrective mechanism by safeguarding the independence, authority and proper functioning of constitutional courts and ensuring full respect for and implementation of their decisions.
12. Provide effective and accessible avenues for constitutional review, including standing for individuals, parliamentary minorities and, where applicable, ombuds institutions to challenge legislation raising constitutional concerns.
13. Ensure courts are equipped with effective powers, including interim measures such as the suspension of legislation, particularly where laws may produce immediate or irreversible effects.
14. Strengthen the quality, clarity and legal certainty of legislation, including through improved drafting practices, impact assessments and ensuring that restrictions on rights comply with principles such as proportionality.

Recommendations for OSCE institutions and field operations:

1. Continue supporting participating States through legal reviews, technical assistance and capacity-building in democratic and participatory lawmaking, including civil society engagement.
2. Promote and facilitate the use of the ODIHR Guidelines on Democratic Lawmaking, including through development of practical tools tailored to different actors involved in legislative processes.
3. Strengthen support to national actors, including parliamentary administrations and legislative drafters, to enhance their capacity to apply democratic lawmaking standards.
4. Facilitate exchange of good practices and peer learning among participating States and parliaments on the role of constitutional courts, ombuds institutions and other independent oversight bodies in safeguarding democratic standards in lawmaking.
5. Support capacity-building initiatives for civil society organizations engaged in legislative monitoring, participation and oversight.
6. Consider, where appropriate, engagement in international accountability processes concerning legislation affecting civic space, including through legal expertise and support.
7. Support capacity-building initiatives aimed at strengthening oversight institutions and their ability to assess legislation from a human rights and rule of law perspective.
8. Facilitate dialogue between courts, legislatures and civil society on the role of judicial review as a safeguard for democratic governance and the rule of law.