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**Nature of Organization for Security
and Co-operation in Europe Commitments in the
Area of Democracy, the Rule of Law and Human Rights**

Keywords: Organization for Security and Co-operation in Europe, OSCE democracy, rules of law, human rights, legal obligation, political commitment

Słowa kluczowe: Organizacja Bezpieczeństwa i Współpracy w Europie, demokracja, praworządność, prawa człowieka, obowiązek prawny, zobowiązanie polityczne

Abstract

Democracy, rule of law and human rights are addressed by the Organization for Security and Cooperation in Europe, the Council of Europe and the European Union. Nonetheless, while the Council of Europe and the European Union develop their own legal regimes and ensue legal standards for democracy, the rule of law and human rights, the OSCE generally operates in politics and political standards pertinent to these values. However, by their very nature and definition, OSCE policy commitments are reflected in legal context, being transpired to legally binding European and international treaties. A situation hence unfolds in which a non-binding act contains content that binds beyond it. The nature of the activities of the OSCE institutions complements and corresponds to the 'soft' nature of the OSCE's obligations, which is reflected in the non-authoritarian activities of these institutions: notably monitoring, formulating findings, follow-up, work of experts and reporting. This contributes to consistent

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relationship between the nature of OSCE commitments and the nature of the activities of its institutions.

Streszczenie

Charakter zobowiązań Organizacji Bezpieczeństwa i Współpracy w Europie w dziedzinie demokracji, praworządności i praw człowieka

Demokracja, rządy prawa i prawa człowieka stanowią wspólny obszar aktywności Organizacji Bezpieczeństwa i Współpracy w Europie, Rady Europy oraz Unii Europejskiej. O ile jednak Rada Europy i Unia Europejska tworzą własne reżimy prawne a w konsekwencji prawne standardy demokracji, praworządności i praw człowieka, to OBWE zasadniczo operuje w obszarze polityki i politycznych standardów dotyczących w/w wartości. Z założenia i charakteru polityczne zobowiązania OBWE doznają jednak pewnego prawnego refleksu za sprawą ich powielania na gruncie prawnie wiążących, europejskich i międzynarodowych traktatów. Powstaje zatem sytuacja, w której akt pozbawiony prawnie wiążącej mocy zawiera treści, które poza nim moc taką posiadają. Dopełniając, charakter działań instytucji OBWE koresponduje z „miękkim” charakterem zobowiązań tej organizacji, co znajduje wyraz w niestanowczych, a konkretnie monitorujących, wnioskowych, przeglądowych, eksperckich i sprawozdawczych działaniach tych instytucji. Zatem relację między charakterem zobowiązań OBWE a charakterem działań jej instytucji cechuje spójność.

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Apparently, the Organization for Security and Co-operation in Europe (OSCE) is an organization inadequately recognized among the citizens. Meanwhile, alongside the Council of Europe (COE) and the European Union (EU), it constitutes one of the three European continental organizations with some overlapping tasks. Overall, the OSCE agenda can be defined as action for the broadly understood European security and arms control, respect for human rights and support for democratic reforms and the rule of law, coupled with the development of economic security². For the above targets to be attained, standards in this area must be observed. Specifically, the OSCE, COE and

² B. Kuźniak, M. Marcinko, *Organizacje międzynarodowe*, Warsaw 2013, p. 115.

EU share a common remit, which is primarily the promotion and protection of values such as democracy, the rule of law and human rights. In pursuit of these objectives, it is important to seek synergies and complementarities between the activities of these organizations³.

Each of these organizations is unique and specific, nonetheless material differences are observed between the OSCE, on the one hand, and the COE and the EU, on the other. Three major differences require a special mention. First, the territorial scope of individual organizations and, as a result, the varying number of their members. Second, the extent of their organization and institutionalization. Third, the nature of the means and methods of action – which is of particular importance – as, unlike the Council and the EU, the OSCE does not create its own legal regime⁴. Among these three structures for European integration and rapprochement, the OSCE proves the one with the broadest territorial coverage, with 57 member states and the broadest *spectrum*. The OSCE is classified as an organization or rather as a regional agreement within the meaning of the UN Charter. The OSCE is a non-statute organization. By further specifying its status, it can be assumed that the OSCE is not an international organization in the strict sense of the word. It comes more as a political, institutionalized form of cooperation by and between states, showing certain features of an international organization understood as a subject of international law. These features include the definition of its objectives and principles of operation, organizational bodies, seat, legacy rights or funds⁵. The OSCE is a system of structured cooperation between all European countries, the United States of America, Canada and, interestingly enough, the Asian countries that emerged following the collapse of the Soviet Union. The OSCE thus also encompasses non-European countries, creating a community stretching “from Vancouver to Vladivostok”⁶.

³ Conf. A. Bienczyk-Missala, *Perspektywy Organizacji Bezpieczeństwa i Współpracy w Europie*, „Biuletyn PISM” 2007, No. 28.

⁴ A. Bisztyga, *Ludzki wymiar Organizacji Bezpieczeństwa i Współpracy w Europie*, [in:] B. Banaszak, A. Bisztyga, K. Complak, M. Jabłoński, R. Wieruszewski, K. Wojtowicz, *System ochrony praw człowieka*, Cracov 2005, p. 167.

⁵ B. Kuźniak, M. Marcinko, op.cit., p. 115.

⁶ *Handbook OSCE, Secretariat of the Organization for Security and Co-operation in Europe*, Vienna 1999, p. 1.

By definition, the OSCE seeks to strengthen security and cooperation in the area of activity in three dimensions of security: political and military, economic and ecological, and *human dimension*⁷. The problems of democratic standards and the rule of law are most fully revealed in the human dimension. Moreover, this area has witnessed the most pronounced development of OSCE activity. The term 'human dimension' refers to the political commitments introduced by OSCE/CSCE participating States to ensure full respect for human rights and fundamental freedoms, uphold the rule of law, proclaim democracy and, in this context, build, consolidate and protect democratic institutions and promote tolerance across the board of the OSCE/CSCE area⁸. The human dimension of the OSCE covers issues such as free elections, democracy, rule of law, independence of the judiciary, human rights, respect for the rights of national minorities, tolerance and non-discrimination, and fight against trafficking in human beings and civil society⁹. In the context of OSCE, respect for democratic standards and human rights is viewed as a factor of peace, justice and prosperity, which, *a contrario*, may give rise to the conclusion of these values being placed at risk failing this protection¹¹. Indeed, compliance with human rights standards is not incompatible with ensuring security and stability, but on the contrary, human rights constitute their basis¹². *Ergo*, the OSCE's security concept derives from respect for democratic standards, rule of law and human rights.

⁷ The Organization for Security and Cooperation in Europe (OSCE) is the successor and continuator of the Conference for Security and Cooperation in Europe (CSCE), which had been operating until 1 January 1995.

⁸ *Handbook OSCE, Secretariat of the Organization for Security and Co-operation in Europe*, Vienna 2000, p. 101.

⁹ *Prawa i wolności, praworządność i demokracja, 25 lat działalności ODIHR*, Biuro Instytucji Demokratycznych i Praw Człowieka, Warsaw 2016, p. 4.

¹⁰ J. Bryła, *System regulacji sporów międzynarodowych w ramach OBWE*, [in:] *Spory i konflikty międzynarodowe. Aspekty prawne i polityczne*, ed. W. Malendowski, Wrocław 1999, p. 121.

¹¹ J. Jaskiernia, *OBWE, Rada Europy i Unia Europejska jako płaszczyzny współpracy Polski i Kazachstanu*, [in:] *Polska – Kazachstan. Wybrane zagadnienia ustrojowe, społeczne i edukacyjne*, eds. A. Bisztyga, P. Zientarski, Toruń 2017, p. 152.

¹² The statement of Frank Walter Steinmeier, Minister of Foreign Affairs of the Federal Republic of Germany, Witold Waszczykowski and Frank Walter Steinmeier, Ministers of Foreign Affairs opened the OSCE conference in Warsaw, press release of the Polish Press Agency of 19 September 2016.

By definition, neither the OSCE nor its institutions enjoy controlling authority in the sense of legally binding interference in the participating jurisdictions. The OSCE and its institutions are generally not positioned to create legal obligations, and in practice rely on more flexible political and diplomatic measures of influencing its Member States¹³. Respectively, it should be assumed that the forms of promotion of democracy, rule of law and human rights are essentially and as a matter of principle soft in nature in the OSCE. The nature of these assumptions is a legacy of the *Conference for Security and Cooperation in Europe* (CSCE), OSCE predecessor, established as a forum for political dialogue between the East and West in the early 1970s¹⁴. From a perspective of legal theory and practice, the fundamental difference between the impact of the standards of the European Council and the EU on the policy practice anchored in the Constitution of the Republic of Poland and the impact of the OSCE standards on this practice concerns precisely the nature of the obligations¹⁵.

Whereas the Council and the EU set up their own legal regimes and consequently establish legal standards for democracy, the rule of law and human rights, the OSCE is essentially satisfied with its policy-making and creating political standards for democracy, rule of law and human rights. In other words, OSCE commitments are, on the one hand, legally non-binding, still, on the other, they concern systemic and constitutional issues, such as democratic principles, rule of law, including the correct application of the electoral

¹³ *OSCE Human Dimension Commitments*, Volume 1, 3rd Edition, Office for Democratic Institutions and Human Rights, Warsaw 2011, p. XIX.

¹⁴ The name changed during the summit of the leaders of the OSCE Member States in Budapest on 5–6 December 1994 and has been in force since 1 January 1995. The characteristics of the CSCE Final Act are presented by R. Kuźniar, *Prawa człowieka. Prawo, instytucje, stosunki międzynarodowe*, Warsaw 2002, pp. 220–228. See also: K. Spryszak, *Obserwowanie wyborów jako instrument implementacji międzynarodowych standardów prawnych w dziedzinie demokracji*, Toruń 2015, p. 94; and P. Grudziński, *OBWE jako struktura bezpieczeństwa regionalnego*, [in:] *KBWE/OBWE wobec problemów pokoju i bezpieczeństwa regionalnego*, ed. P. Grudziński, Warsaw 2002, p. 35.

¹⁵ A. Bisztyga, *Standardy demokratyczne Organizacji Bezpieczeństwa i Współpracy w Europie a Konstytucja RP – doświadczenia praktyki ustrojowej*, [in:] *Dwadzieścia lat obowiązywania Konstytucji RP. Polska myśl konstytucyjna a międzynarodowe standardy demokratyczne*, 59. Zjazd Katedr Prawa Konstytucyjnego [59th *Convention of Chairs of Constitutional Law*], eds. J. Jaskiernia, K. Spryszak, Kielce, June 12–14, 2017, Toruń 2017, p. 456.

process, building of civic society, security and the protection of human rights. Let us note that policy and organizational measures pursued by OSCE, which are subordinated to the above aims, develop legal awareness of the public or community, and thus shape the actual – and not primarily formal – constitution of the state. This is especially relevant, as the formal constitution should reflect the real one, that is the prevailing balance of political, social and economic forces, otherwise being partially or completely fictitious. For this reason, legal awareness, including in particular the constitutional awareness of the society as a component of the actual constitution, may be a factor influencing the content of the constitution viewed as a universally binding and supreme source of law.

It should be noted that, on the one hand, OSCE Member States deliberately refrain from making these commitments legally binding. On the other hand, however, they do not mind setting up decision-making bodies and OSCE institutions to monitor the implementation of these commitments and ensure it is effective¹⁶. The consistent distinction within the OSCE between *legal obligations* and *political commitments* has the practical effect of creating various types of parallelism between the essentially political commitments of the OSCE and international agreements to which OSCE Member States are parties. All EU Member States participate in the OSCE/CSCE process and this has materially affected the development of standards of democracy, rule of law and human rights¹⁷. Many from the above are reflected in, or even duplicated by, legally binding international treaties. Accordingly, the content of a non-binding act becomes legally binding beyond it. In my opinion, this measure enriches the OSCE's political standards with legal leverage, which creates compatibility between political and legal standards of democracy, and also closely related human rights standards.

The relative weakness or 'softness' of the forms of influence of the OSCE standards on the political and legal systems of the Member States *vis-à-vis*

¹⁶ J. Menkes, A. Prystrom, *Instytucjonalna ochrona praw człowieka w systemie KBWE*, „Sprawy Międzynarodowe” 1992, No. 7–12, p. 39; J. Helgesen, *Beetwen Helsinki and Beyond? Human Rights in the Helsinki Process*, [in:] *Human Rights and a Changing East/West Perspective*, eds. A. Rosas, J. Helgesen, London–New York 1990, p. 261.

¹⁷ K. Spryszak, *Wpływ „miękkiego” prawa organizacji międzynarodowych na zmiany norm konstytucyjnych w wybranych państwach Europy*, Toruń 2019, p. 138.

the European Council and the EU was non-exclusive, but one of the reasons why Poland, or rather the People's Republic of Poland, joined the OSCE long before the political transformation in 1989, namely on August 1, 1975. On the other hand, it was only after the transformation of 1989 that Poland could gain membership in such organizations as the Council or the EU, which created "hard" – that is legal standards of democracy, rule of law and human rights, and which legally enforced their observance by the authorities of the Member States. Only then did the conditions for acceptance of the principle of political pluralism begin to develop in the countries of Central and Eastern Europe¹⁸.

The basic instruments of the OSCE/CSCE concerning standards of democracy, rule of law and human rights include three documents adopted by the Heads of State or Government – the OSCE participants: The Final Act of CSCE of 1 August 1975, also referred to as the Helsinki Accords, Concluding Document of the CSCE Follow-up Meeting in Vienna of 19 January 1989 and the Copenhagen Document of 29 June 1990¹⁹, also referred to as the European Charter of Minorities.

In the Final Act of CSCE, despite their ideological diversity, the Participating States, adopted a common catalogue of measures to strengthen international security, and adopted the "Declaration on Principles Guiding Relations between Participating States"²⁰. Furthermore, the Act also points out the need for common procedural rules on human rights, including the rights of minorities. Thus, the principle of respect for human rights was already present since the inception of the organization²¹. Of most significance, the doc-

¹⁸ J. Jaskiernia, *Międzynarodowe obserwowanie wyborów jako czynnik demokratyzacji procesów wyborczych*, [in:] *Z zagadnień współczesnych społeczeństw demokratycznych*, eds. A. Jamróż, B. Bożyk, Białystok 2006, p. 83.

¹⁹ Aside of the above, the following CSCE/OSCE documents also play an important role in the OSCE activities: Final Document of the Madrid Meeting of 1983, Charter of Paris for a New Europe (Paris, 21 November 1990), Helsinki Summit Declaration "The Challenges of Change" (Helsinki, 10 July 1992), Budapest Summit Declaration "Towards a Genuine Partnership in a New Era"; (Budapest, 6 July 1994), The Lisbon Declaration on a Common and Comprehensive Security Model for Europe for the twenty-first century (Lisbon, 3 December 1996), and the Charter on European Security (Istanbul, 19 November 1999).

²⁰ S. Bieleń, *Prawo w stosunkach międzynarodowych. Wybór dokumentów*, Warsaw 2004, p. 401.

²¹ J. Symonides, *Zasada poszanowania praw człowieka w Akcie Konferencji Bezpieczeństwa i Współpracy w Europie. Polska i świat. W 40-lecie pracy naukowej profesora A. Kłafkowskiego*,

ument established a mechanism of so-called *follow-up meetings*, whereby state representatives share information on the implementation of the actions which they undertook. This has been first and significant step towards creating political mechanisms to ensure respect for democratic principles, rule of law and human rights²².

The Concluding Document of the CSCE Follow-up Meeting in Vienna is considered a watershed in the protection of democratic standards and human rights in the OSCE. It has used the term '*human dimension*' for the first time, defined as commitments concerning all human rights and fundamental freedoms, interpersonal contacts and other humanitarian issues. It was in this meeting that the concept of comprehensive security, peace and stability of the region was clearly linked to the issue of respect for individual freedoms and rights and democratic standards²³. Bringing diplomatic attention to Member States' compliance with their obligations was recognized as an integral part of the human dimension. A procedural framework in the form of *human dimension* mechanisms has also been established. These mechanisms were designed to address requests, complaints or enquiries from States concerning cases of non-compliance by States in the CSCE with their obligations under the human dimension and to hold specialized missions to investigate and resolve the problem²⁴.

Meanwhile, the Copenhagen Document is perceived as the pivotal source of commitment in the human dimension²⁵, opening up opportunities for enhanced action in this dimension. It states that the protection and promotion of human rights should be one of the objectives of governments' activities and that the recognition of human rights constitutes a cornerstone of freedom, justice and peace. The document defines political guarantees for the protection of the rights of national minorities, addresses the right to the development of their ethnic, cultural, linguistic and religious identity, the right to create and

Poznań 1978, p. 540.

²² A. Bisztyga, *Standardy demokratyczne...*, p. 458.

²³ *Organizacja Bezpieczeństwa i Współpracy w Europie (OBWE) – struktura, cele, rodzaje działalności, udział Polski*, Biuro Dokumentacji i Analiz, Kancelaria Senatu, BAD/DAOT-113-1/17, p. 2.

²⁴ T. Burghenthal, *The Copenhagen CSCE Meetings: A New Public Order for Europe*, "Human Rights Law Journal" 1990, No. 11, pp. 229–230.

²⁵ A. Bisztyga, *Ludzki wymiar Organizacji...*, p. 175.

maintain their own cultural, educational and religious institutions. Moreover, it outlines a number of fundamental rights of individuals not previously articulated in the CSCE, such as the right of peaceful assembly and demonstration, and extends the human dimension to include election commitments²⁶.

While appreciating more and more specific identification of legal, human and democratic standards in this document, it should be reiterated that by the very nature of the CSCE/OSCE these standards are purely political and not legally binding. Thus, any violations thereof produce no legal consequences, still may have political implications. States that refuse to cooperate in the human dimension would have much to lose. It is better to adjust to any of the inconvenient procedures than to risk costly sanctions and political ostracism²⁷.

From an institutional point of view, of crucial importance for the promotion of democratic and human rights standards within the framework of the OSCE are the decision-making bodies of the organization – the OSCE Summit and the Ministerial Council sharing the same remit, and some institutions of the organization, including the specialized ones, such as: OSCE Parliamentary Assembly, Office of Democratic Institutions and Human Rights (ODIHR), High Commissioner on National Minorities and Representative on Freedom of the Media²⁸. The forms of promotion of democracy, rule of law and human rights by the decision-making bodies and specialized institutions of the OSCE correspond to the political nature of the OSCE's commitments. No rigid and often lengthy procedures accompany the implementation process run by the OSCE institutions, typical of international conventions in this field, so the implementation mechanisms of the OSCE are neither formalized nor extended, and are adapted to a specific situation or need²⁹. While implementing their tasks and interventions, OSCE institutions adopt a soft touch rather than acting under rigid, legal procedures. More specifically, these ac-

²⁶ R. Kuźniar, *op.cit.*, p. 241.

²⁷ *Ibidem*, p. 259; R. Brett, *Human Rights and the OSCE*, "Human Rights Quarterly" 1996, vol. 18.

²⁸ Aside of the above, the following bodies and institutions also play an important role in the OSCE organizational system: OSCE Chairman-in-Office, Secretary General and OSCE Secretariat, High Council, Permanent Council, Forum for Security Cooperation, Economic and Environmental Forum, OSCE Court of Conciliation and Arbitration.

²⁹ R. Kuźniar, *op.cit.*, p. 257.

tivities most often take on the form of monitoring, formulating findings, follow-up, expert work or reporting.

The OSCE summit is a summit of Heads of State and Government, competent to define the organization's priority objectives and directions for action. The summits ensure political consultation at the highest political level, also concerning respect for democratic and human rights standards. They take place every two years and are preceded by the so-called follow-up meetings. The Ministerial Council encompasses Foreign Ministers from the participating countries. It meets annually, excluding the years of OSCE summits. Its tasked with preparation of OSCE summits and implementation of their decisions. Respectively, the Council has a momentous and practical say in the dynamics of addressing issues pertinent to democratic standards, rule of law and human rights. As far as the OSCE Parliamentary Assembly is concerned, among numerous other tasks and competences, of great importance from the perspective of monitoring respect for democratic standards is the participation of members of the Assembly in international observation missions monitoring the conduct of presidential, parliamentary and local elections. In this respect, the Assembly cooperates with the Office for Democratic Institutions and Human Rights (ODIHR).

The establishment of the ODIHR has demonstrated that there were attained assumptions, which were presented in the part of the Charter of Paris for a New Europe of 1990, promisingly entitled "Human Rights, Democracy and Rule of Law"³⁰. The Office was established in 1990, originally as the Office for Free Elections³¹. Its seat is located in Warsaw, thanks to intense efforts of the Polish diplomacy. The Office systematically examines the conditions of protection of democratic standards and human rights in the OSCE participating countries³², this being its statutory goal³³. Its activities focus on

³⁰ S. Jarosz-Żukowska, A. Wojtanowicz, Ł. Żukowski, *Prawa człowieka i systemy ich ochrony. Teksty źródłowe*, Wrocław 2002, p. 321.

³¹ The Office for Free Elections was renamed into the Office for Democratic Institutions and Human Rights, and had its remit extended on the occasion of the second session of the Prague Ministerial Council meeting in 1992.

³² A. Horajska, *Obszary aktywności Biura Instytucji Demokratycznych i Praw Człowieka w europejskim systemie ochrony praw człowieka*, [in:] *Europejski system ochrony praw człowieka. Aksjologia – instytucje – efektywność*, ed. J. Jaskiernia, Toruń 2015, p. 291.

³³ K. Spryszak, *op.cit.*, pp. 96–97.

election observation, assistance in building democratic institutions, implementation of programmes promoting civic society, support for non-governmental organizations and counteracting intolerance and discrimination. Even though its scope of activities is expanding, the issue of elections is an important object for the Office³⁴.

The key mechanism for monitoring the human rights situation in the OSCE area is the annual two-week *Human Dimension Implementation Meeting (HDIM)*, staged by the Warsaw Office. This is the major event in Europe which brings together politicians, experts and social activists engaged in human rights and democracy³⁵. The Office also develops various opinions and expert's reports in this field. Likewise, it holds training sessions on constitutional and legal issues and organizes meetings and expert seminars on the implementation of adopted commitments in the field of human rights and democracy. It also provides aid in the exchange of information on building democratic institutions, respect for human rights and holding elections in the Member States³⁶.

The High Commissioner on National Minorities is a highly specialized OSCE institution established under the 1992 Helsinki Document and based in the Hague. The Commissioner is appointed for a term of office lasting six years. The Commissioner's Office gets involved in early prevention of conflicts between states via *silent diplomacy* channels³⁷. Respectively, its task is, *inter alia*, to identify tensions that could be the source of national conflicts³⁸. This institution was primarily established for Central, Eastern and Southern Europe³⁹. As an early warning institution, it encourages the parties of the conflict to engage in a dialogue and, as a consequence, to relieve tensions involving

³⁴ W. Hoyneck, *From Adversaries to Partners: CSCE Experience in Building Confidence*, [in:] *From CSCE to OSCE, Statements and Speeches of Dr Wilhelm Hoyneck – Secretary General of OSCE 1993–1996*, Vienna 1996, p. 23.

³⁵ Organizacja Bezpieczeństwa..., p. 6.

³⁶ Ibidem.

³⁷ J. Menkes, A. Prystrom, op.cit., p. 40.

³⁸ M. Heinze, *Wysoki Komisarz OBWE do spraw Mniejszości Narodowych jako instytucja regionalnej ochrony praw człowieka w Europie Środkowej i Wschodniej*, [in:] *Europejski system...*, p. 301.

³⁹ M. Heinze, *Poszukiwanie nowych instrumentów ochrony praw człowieka przez Radę Europy, Organizację Bezpieczeństwa i Współpracy w Europie i Unię Europejską*, [in:] *Uniwersalny*

national minorities⁴⁰. No doubt, it represents the OSCE's actions for human rights and democracy. Let us add that this is primarily the Commissioner on National Minorities, and not for national minorities; in other words, it is not tasked with handling individual complaints. It would therefore be a mistake to view it as an international ombudsman⁴¹.

Established in 1997, the Representative on Freedom of the Media constitutes the youngest among the OSCE institutions, a watchdog for democratic and human rights standards. It was established under the recommendations of the 1997 Lisbon Summit. Its mandate was supposed to boost the effectiveness of OSCE commitments in the field of the media⁴². The Representative takes stock of how international standards on media freedom are abode by within the OSCE area. Safety of journalists and respect for freedom of expression in the media is at the very heart of its attention. In a case of noticing disturbing phenomena in this area, the Representative shall directly request the authorities of the country concerned to clarify them.

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i regionalny wymiar ochrony praw człowieka. Nowe wyzwania – nowe rozwiązania, vol. 1, ed. J. Jaskiernia, Warsaw 2014, p. 466.

⁴⁰ E. Kuzborska, *Ochrona praw mniejszości na Litwie*, Vilnius 2011, p. 141.

⁴¹ R. Wojda, *Wytyczne z Lublany z 7 listopada 2012 r. dotyczące integracji społeczeństw jako przykład soft law tworzonego z inicjatywy Wysokiego Komisarza OBWE do spraw Mniejszości Narodowych*, [in:] *Europejski system...*, p. 317.

⁴² A.R. Herkes, *The OSCE Representative on Freedom of the Media*, “Helsinki Monitor” 1998, vol. 9, No. 2, p. 51.

- demokratyczne, 59. Zjazd Katedr Prawa Konstytucyjnego [59th *Convention of Chairs of Constitutional Law*], eds. J. Jaskiernia, K. Spryszak, Kielce, 12–14 June 2017, Toruń 2017.
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