



**ACT**



**BUILD**



**CHANGE**

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HUMAN RIGHTS HANDBOOK FOR  
YOUNG POLITICAL LEADERS



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**ACT, BUILD, CHANGE:  
HUMAN RIGHTS  
HANDBOOK  
FOR YOUNG  
POLITICAL LEADERS**

Youth Initiative for Human Rights - Croatia

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# 1. / INTRODUCTION

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## 05

1) <https://www.newtactics.org/conversation/voice-youth-how-youth-can-take-critical-role-human-rights-advocacy>

2) *Youth, political participation and decision-making*, United Nations Youth

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Empowering youth to engage and take an active role in advocacy can play a critical role in societal change and improving human rights.<sup>1</sup>

Youth can be a creative force, a dynamic source of innovations, and they have undoubtedly, throughout history, participated, contributed, and even catalyzed important changes in political systems, power-sharing dynamics and economic opportunities.<sup>2</sup>

*Act, Build, Change: Human Rights Handbook for Young Political Leaders* aims to support young people's participation in democratic practices through participating in decision-making processes, both in their political parties and in social and political life in general. It offers tools and resources designed to support politically active youth to undertake activities that advance human rights. Intention of the authors is to encourage young people to take concrete actions through their own organizations in terms of legal, policy and social norm changes for improvement of human rights standards.

Handbook for human rights consists four major parts and deals with four types of human rights: minority rights, women's rights, LGBTI rights and transitional justice. First part briefly explains the concept of international

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human rights law. Second is acknowledging definition, structure and importance of specific branch of human rights and tries to underline and explain documents regarding international and European system of protection emphasizing legally binding documents and monitoring bodies. Final part introduces concrete recommendations for young political leaders which can be useful for their political activism in their respective organizations.

Authors' desire was to make international mechanisms for developing and protecting human rights understandable, comprehensive and useful for policy action in their respective countries. Therefore, in this handbook you can find what international organizations such as United Nations or Council of Europe predict as obligations or suggestions for member states and political parties in order to provide equality, peace, justice and strong institutions.

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3) *Human Rights: Handbook for Parliamentarians No 26*, United Nations, Office of the High Commissioner, Inter - Parliamentary Union, 2016

4) Ibid.

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## 1.1. Human rights concept

Human rights are rights that every human being has by virtue of his or her human dignity. Human rights are rights inherent to all human beings. They define relationships between individuals and power structures, especially the State. Human rights delimit State power and, at the same time, require States to take positive measures ensuring an environment that enables all people to enjoy their human rights.<sup>3</sup> Human rights are the sum of individual and collective rights laid down in State constitutions and international law. They have been codified in various international and regional treaties and instruments that have been ratified by most countries. Today they represent the only universally recognized value system. Human rights pertain to all aspects of life. Their exercise enables all individuals to shape and determine their own lives in liberty, equality and respect for human dignity. Human rights encompass civil, political, economic, social, and cultural rights, as well as the collective rights of peoples.<sup>4</sup>

As international law currently stands, States are the primary duty-bearers of human rights obligations. In principle, however, human rights can be violated by any person or group, and in fact, human rights abuses committed by

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5) Ibid.

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non-State actors (such as business enterprises, organized criminal groups, terrorists, guerrilla and paramilitary forces and intergovernmental organizations) are on the increase.

International human rights treaties and customary law impose three obligations on States:

***the duty to respect*** - States are obliged to refrain from interfering in the enjoyment of rights by individuals and groups. It prohibits State actions that may undermine the enjoyment of rights.

***the duty to protect*** - requires States to protect individuals against abuses by non-State actors, foreign State agents, or State agents acting outside of their official capacity. The obligation entails both a preventative and a remedial dimension.

***the duty to fulfil*** - States are required to take positive action to ensure that human rights can be realized.<sup>5</sup>

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6) <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CoreInstruments.aspx>

7) <http://www.ilo.org/global/standards/introduction-to-international-labour-standards/conventions-and-recommendations/lang--en/index.htm>

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## 1.2. Human rights mechanisms and international law

International human rights instruments are treaties and other international documents relevant to international human rights law and the protection of human rights in general. International documents drawn by human rights instruments such as UN are usually:

**conventions**, which are legally binding international treaties that may be ratified by member states,

**declarations**, a non-binding document of intent declaring certain aspirations of member states and can serve as soft law,

**recommendations**, which serve as non-binding guidelines.<sup>6</sup>

In many cases, a convention lays down the basic principles to be implemented by ratifying countries, while a related recommendation supplements the convention by providing more detailed guidelines on how it could be applied. Recommendations can also be autonomous, i.e. not linked to any convention.<sup>7</sup>

International law is the set of rules and minimum standards that governs relations between nations and sets standards

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8) <https://www.un.org/ruleoflaw/rule-of-law-and-human-rights/>

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for how a State treats the people that it governs. It guarantees equal rights and equal access to justice for everyone, legal frameworks - a broad system of laws, rules and policies - that protect everyone equally, proper implementation of laws to ensure that what is written is put into practice. International law is most often in the form of a treaty, written agreements between States. When a country ratifies a treaty, it is obligated to abide by the requirements of that treaty. States that ratify these treaties periodically report to bodies of experts, which issue recommendations on the steps required to meet the obligations laid out in the treaties. These treaty-monitoring bodies also provide authoritative interpretations of the treaties and, if States have agreed, they also consider individual complaints of alleged violation.<sup>8</sup> For example, Committee on the Elimination of Discrimination against Women (CEDAW) monitors implementation of the Convention on the Elimination of All Forms of Discrimination against Women (1979) and its optional protocol (1999).

International human rights instruments can be divided further into global instruments, to which any state in the world can be a party and regional instrument, which are restricted to states in a particular region of the world.

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9) <http://www.un.org/en/sections/un-charter/un-charter-full-text/>

10) *Promoting and Protecting Minority Rights: A Guide for Advocates*, United Nations, Office of the High Commissioner, Geneva and New York, 2012

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## 1.3. Global human rights instrument

### What is United Nations?

United Nations (UN) is an intergovernmental organisation tasked to promote international cooperation. It has 193 member states and 2 observing parties. One of the UN's primary purposes is "promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion", and member states pledge to undertake "joint and separate action" to protect these rights.<sup>9</sup> There are nine core legally binding international human rights treaties within the United Nations human rights system which deal with a broad range of human rights.<sup>10</sup>

For each treaty there is a dedicated committee which monitors the way in which States are fulfilling their human rights obligations under the respective treaty.

### Which UN bodies are important?

#### *Human Rights Council*

The Human Rights Council (HRC) is the most important intergovernmental human rights body in the United Nations.

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11) <https://www.hrw.org/topic/united-nations/human-rights-council>

12) <http://www.ohchr.org/EN/pages/home.aspx>

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It provides a number of avenues through which various concerns may be made known to United Nations experts and Government representatives. The Council is composed of 47 Member States, each represented by a Government delegation. HRC is responsible for addressing situations of human rights violations around the world. The Council also receives thematic and country-specific reports from a series of independent expert mechanisms, including special procedures, as well as from the Office of the High Commissioner for Human Rights.<sup>11</sup> The complaint procedure of the Human Rights Council is the only universal complaint procedure covering all human rights and fundamental freedoms in all States Members of the United Nations.

***Office of the High Commissioner for Human Rights***

The High Commissioner for Human Rights has the lead responsibility within the United Nations system for implementing the United Nations human rights programme. The High Commissioner plays an important role in promoting and protecting human rights through public statements, dialogue with Governments, liaison with United Nations and other bodies, recommendations and by ensuring that human rights remain an integral part of the work of the United Nations.<sup>12</sup>

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13) <http://www.un.org/en/universal-declaration-human-rights/>

14) <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CCPR.aspx>

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### Which UN documents are important?

#### ***The Universal Declaration of Human Rights***

The Universal Declaration of Human Rights (UDHR) is a milestone document in the history of human rights. Drafted by representatives with different legal and cultural backgrounds from all regions of the world, the Declaration was proclaimed by the United Nations General Assembly in Paris on 10 December 1948 (General Assembly resolution 217 A) as a common standard of achievements for all peoples and all nations. It sets out, for the first time, fundamental human rights to be universally protected.<sup>13</sup>

#### ***International Covenant on Civil and Political Rights***

ICCPR is a multilateral treaty adopted by the United Nations General Assembly with resolution 2200A (XXI) on 19 December 1966 and is in force from 23 March 1976. The covenant commits its parties to respect the civil and political rights of individuals, including the right to life, freedom of religion, freedom of speech, freedom of assembly, electoral rights and rights to due process and a fair trial. It has 170 state parties.<sup>14</sup> The ICCPR is part of the International Bill of Human Rights, along with the International Covenant on Economic, Social and Cultural

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15) <https://web.archive.org/web/20080313093428/http://www.unhchr.ch/html/menu6/2/fs2.htm>

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Rights (ICESCR) and the Universal Declaration of Human Rights (UDHR).<sup>15</sup>

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16) *Promoting and Protecting Minority Rights: A Guide for Advocates*, United Nations, Office of the High Commissioner, Geneva and New York, 2012

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## 1.4. Regional human rights instruments

### What is Council of Europe?

Based in Strasbourg, France, the Council of Europe (CoE) is an intergovernmental organization composed of 47 States. Its objectives are to: Protect human rights, pluralist democracy and the rule of law; Promote awareness and encourage the development of Europe's cultural identity and diversity; Seek solutions to problems facing European society, including discrimination against minorities, xenophobia, intolerance, environmental protection, human cloning, HIV/AIDS, drugs, organized crime and other problems; Help consolidate democratic stability in Europe by backing political, legislative and constitutional reform.

The Council is governed by an intergovernmental Committee of Ministers and an indirectly elected Parliamentary Assembly. The Council of Europe should not be confused with the European Council, an official institution of the European Union, although all the 27 European Union States are also members of the Council of Europe.<sup>16</sup>

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17) <https://echr.coe.int/Pages/home.aspx?p=home>

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## Which Council of Europe bodies are important?

### *The European Court of Human Rights*

The European Court of Human Rights (ECHR) is an international court set up in 1959. It rules on individual or State applications alleging violations of the civil and political rights set out in the European Convention on Human Rights.

Since 1998 it has sat as a full-time court and individuals can apply to it directly. Court judgments are binding on the countries concerned and this urges governments to alter their legislation and administrative practice in a wide range of areas.<sup>17</sup>

### *The Commissioner for Human Rights*

The Commissioner for Human Rights is an independent and impartial non-judicial institution established in 1999 by Council of Europe to promote awareness of and respect for human rights in the 47 Council of Europe member states. Commissioner is mandated to: foster the effective observance of human rights and assist member states in the implementation of Council of Europe human rights standards; promote education in and awareness of human rights; identify possible shortcomings in the law and practice

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18) <https://www.coe.int/en/web/commissioner/mandate>

19) <https://www.theguardian.com/law/2014/oct/03/what-is-european-convention-on-human-rights-echr>

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concerning human rights; facilitate the activities of national ombudsperson institutions and other human rights structures; and provide advice and information regarding the protection of human rights across the region.

Being a non-judicial institution, the Commissioner's Office cannot act upon individual complaints, but the Commissioner can draw conclusions and take wider initiatives on the basis of reliable information regarding human rights violations suffered by individuals.<sup>18</sup>

#### **Which documents are important?**

##### ***The European Convention on Human Rights***

The European Convention on Human Rights protects the human rights of people in countries that belong to the Council of Europe. There are 17 key articles relating to rights and freedoms in the convention outlined in section 1 Article 2-18, which include: 2) the right to life; 3) prohibition of torture; 4) the prohibition of slavery and forced labour; 5) the right to liberty and security; 6) the right to a fair trial; 7) no punishment without law; 8) the right to respect for private and family life; 9) freedom of thought, conscience and religion and 10) freedom of expression.<sup>19</sup>

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20) *Promoting and Protecting Minority Rights: A Guide for Advocates*, United Nations, Office of the High Commissioner, Geneva and New York, 2012

21) <https://www.theguardian.com/law/2014/oct/03/what-is-european-convention-on-human-rights-echr>

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## What is Organisation for Security and Co-operation in Europe?

The Organization for Security and Co-operation in Europe (OSCE) is a security body whose 56 participating States span the geographical area from Vancouver to Vladivostok. Recognized as a regional arrangement under Chapter VIII of the Charter of the United Nations, OSCE is primarily an instrument for early warning, conflict prevention, crisis management and post-conflict rehabilitation. OSCE is still primarily a security organization, aimed at achieving security and stability for all its members through a process of cooperation. The OSCE approach regarding respect for human rights is embodied in the notion of "comprehensive security", which recognizes three main dimensions of security: politico-military, economic and environmental, and human.<sup>20</sup>

## Which bodies are important?

### *Office for Democratic Institutions and Human Rights*

The OSCE Office for Democratic Institutions and Human Rights (ODIHR) provides support, assistance and expertise to participating States and civil society to promote democracy, rule of law, human rights and tolerance and

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21) <https://www.osce.org/odihr>

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non-discrimination. ODIHR observes elections, reviews legislation and advises governments on how to develop and sustain democratic institutions.<sup>21</sup>

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**2. / About  
MINORITY RIGHTS**

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22) *Minority Rights: International Standards and Guidance for Implementation*, United Nations, Office of the High Commissioner, New York and Geneva, 2010

23) *A Guidebook for Professionals working with communities in Kosovo*. European Centre for minority issues Kosovo, 2013

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## 2.1. Why are minority rights important?

Minorities are all national cultural, ethnic, religious and linguistic minorities whose minority status has been recognised by national legislation or by internationally binding declarations as well as minorities that define and organise themselves as such.<sup>22</sup>

Minority rights are based on the recognition that minorities are in a vulnerable situation in comparison to other groups in society, namely the majority population, and aim to protect members of a minority group from discrimination, assimilation, prosecution, hostility or violence, as a consequence of their status.<sup>23</sup> It should be highlighted that minority rights do not constitute privileges, but act to ensure equal respect for members of different communities. These rights serve to accommodate vulnerable groups and to bring all members of society to a minimum level of equality in the exercise of their human and fundamental rights.

European history has shown that the protection of national minorities is essential to stability, democratic security and peace in this continent. Pluralist and genuinely democratic society should not only respect the ethnic, cultural, linguistic and religious identity of each

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24) <https://www.coe.int/en/web/minorities/text-of-the-convention>

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person belonging to a national minority, but also create appropriate conditions enabling them to express, preserve and develop this identity. Creation of a climate of tolerance and dialogue is necessary to enable cultural diversity to be a source and a factor, not of division, but of enrichment for each society.<sup>24</sup>

Minorities require special measures to ensure that they benefit from the same rights as the rest of the population. Hence, minority rights serve to bring all members of society to a balanced enjoyment of their human rights. In other words, their aim is to ensure that persons belonging to a national minority enjoy effective equality with those persons belonging to the majority. In this context, the promotion of equal opportunities at all levels for people belonging to a national minority is particularly important, since it empowers communities and promotes the exercise of individual freedoms.

Central to the rights of minorities are the promotion and protection of their identity. Promoting and protecting their identity prevents forced assimilation and the loss of cultures, religions and languages—the basis of the richness of the world and therefore part of its heritage. Non-assimilation requires diversity and plural identities to be not only tolerated but protected and respected.

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25) *Minority Rights: International Standards and Guidance for Implementation*, United Nations, Office of the High Commissioner, New York and Geneva, 2010

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Minority rights are about ensuring respect for distinctive identities while ensuring that any differential treatment towards groups or persons belonging to such groups does not mask discriminatory practices and policies. Therefore, positive action is required to respect cultural, religious and linguistic diversity, and acknowledge that minorities enrich society through this diversity.<sup>25</sup>

The participation of persons belonging to minorities in public affairs and in all aspects of the political, economic, social and cultural life of the country where they live is in fact essential to preserving their identity and combating social exclusion. Mechanisms are required to ensure that the diversity of society with regard to minority groups is reflected in public institutions, such as national parliaments, the civil service sector, including the police and the judiciary, and that persons belonging to minorities are adequately represented, consulted and have a voice in decisions which affect them or the territories and regions in which they live. Participation must be meaningful and not merely symbolic, and recognize, for instance, that minorities are commonly underrepresented and that their concerns may not be adequately addressed. The participation of women belonging to minorities is of particular concern.

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The protection of minority rights is an exercise of tolerance and intercultural dialogue. By encouraging mutual respect and understanding, the different groups that comprise a society should be able to engage and cooperate with one another, while preserving their own identity.<sup>26</sup> The basic elements required for the realisation of this goal are to promote knowledge of minorities' culture, history, language and religion in an intercultural perspective. In other words, the protection of minority rights can promote an inclusive, peaceful and cohesive society, with respect for diversity.

Inter-ethnic tensions, divisions and exclusion that remain unaddressed can easily become a source of instability and conflict. Dealing efficiently with minority-majority relations in the aftermath of ethnic conflict is central to achieving a durable peace. In this regard, the protection of national minorities is not only fundamental to enhance social cohesion in diverse societies, but also essential to achieve democratic security, sustainable development and peace in a context of instability.

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27) <http://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>

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## 2.2. Which documents and institutions are important?

### *United Nations*

Protection of national minorities, rights and freedoms of members of minorities are all part of international protection of human rights. It is necessary to begin the consideration of the legislative framework as a base for creating positive regulations in signatory states with the ***International Covenant on Civil and Political Rights (ICCPR)***.<sup>27</sup> The Covenant is the only global treaty that includes a provision (art. 27) that specifically refers to minority rights.

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Article 27

*In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language.*

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Accepting and respecting that the ideal of a free human being which has all citizen and political freedoms can be

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28) <http://www.equalrightstrust.org/content/united-nations-declaration-rights-minorities>

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achieved only if all conditions that enable everyone to have their citizen and political rights.

**United Nations Declaration on the Rights of Minorities** requires states to protect the existence and identities of minorities. It also calls upon states to encourage the promotion of national or ethnic, cultural, religious and linguistic identities. Under Article 2(1) of this declaration, minorities shall have the right to practice their religion, enjoy their culture and use their own language in both public and private settings without any kind of discrimination. Article 3 of this declaration guarantees persons belonging to minorities the right to exercise their rights individually and in community with others without discrimination. It was adopted by the General Assembly resolution 47/135 of 18 December 1992.<sup>28</sup>

Based on the universality of human rights and the fundamental principle of equality and non-discrimination, the **UN High Commissioner for Human Rights** strives to promote and protect the human rights of all, everywhere. The promotion and protection of the rights of persons belonging to minorities is therefore an integral responsibility and significant priority of the High Commissioner, including field presences. More specifically, the High Commissioner is called upon to promote implementation of the principles

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29) *Promoting and Protecting Minority Rights: A Guide for Advocates*, United Nations, Office of the High Commissioner, Geneva and New York, 2012

30) [http://www.echr.coe.int/Documents/Convention\\_ENG.pdf](http://www.echr.coe.int/Documents/Convention_ENG.pdf)

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contained in the Minorities Declaration and to engage in a dialogue with Governments concerned for that purpose.<sup>29</sup>

### **Council of Europe**

Status of rights of national minorities was given by the Protocol No. 12 to the **European Convention on Human Rights**.<sup>30</sup>

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#### Article 1

*The enjoyment of any right set forth by law shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status. No one shall be discriminated against by any public authority on any ground such as those mentioned in paragraph 1.*

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The **European Charter for Regional or Minority Languages** of 1992 provided mechanisms and instruments regarding the protection of rights of national minorities. The Charter is oriented on concrete mechanisms for protection of minority or regional languages in the field of education, public

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31) *Framework convention for the protection of national minorities and explanatory report*, Council of Europe, Strasbourg, 1995

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informing, cultural activities, economic and social life, criminal and civil cases where it is justified that the minority language is in official use, in the work of local and central administrations.

Two years later, in 1994, the Committee of Ministers of Council of Europe adopted the **Framework Convention for the Protection of National Minorities (FCNM)**, thus introducing clear standards for the protection of national minorities within the values of interculturalism, particularly stressing the matter of multilingualism in using regional or minority language in both private and public life as an inherent right mentioned in the International Covenant on Civil and Political Rights.<sup>31</sup>

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Article 14

*The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.*

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FCNM is the first international-legally binding document

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in the field of protection of national minorities adopted in the 90s during the time when a significant number of countries were facing transitional changes with the goal of creating standards for minorities to achieve peace and stability. It represents one of the most important documents in the field of minority rights: right to preserve one's culture, tradition, language, religion and customs, right to educations in the native language, right to access to media, right to take part in economic, public and political life as well as to communication with the native people.

Until today, 39 out of 47 members of Council of Europe have ratified FCNM, most countries of Western Balkans among them. It is worth mentioning that states have thus accepted responsibility to execute the regulations mentioned in the Framework Convention and other documents of international law that concern the rights of national minorities that they have ratified.

By introducing international standards of rights of national minorities, Framework Convention has encompassed all three generations of minority rights in its regulations: right to freely declare one's affiliation to a national minority and equality before the law without discrimination, right to preserve one's own language, religion and tradition

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as well as right to participate in cultural, economic, political and public life. It is important to stress that the Framework Convention has introduced the basis for the development of the newest, third generation of rights, which ensures minorities' participation in the process of decision-making.

The implementation of the Framework Convention, primarily the compatibility with the European Convention for Human Rights, is intensively overseen by the Council of Europe.

An advisory Committee formed by 18 independent professionals was established to oversee the implementation of FCNM. The Committee co-operates and shares experiences with the bodies that deal with similar issues, for example the European Commission against Racism and Intolerance (ECRI), Venice Commission, Commissioner for Human Rights and other international organizations.

It is important that, despite sometimes being called a "soft" instrument due to the lack of a firm mechanism to control the implementation, Framework Convention has become an instrument to combat discrimination as almost all countries have developed appropriate regulations on combating all forms of discrimination.

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32) <https://www.osce.org/hcnm>

33) <https://www.osce.org/hcnm/ljubljana-guidelines>

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## ***Organisation for Security and Cooperation in Europe***

OSCE ***High Commissioner on National Minorities (HCNM)*** gets involved in a situation if, in his judgement, there are tensions involving national minorities which could develop into a conflict. The High Commissioner addresses the short-term triggers of inter-ethnic tension or conflict and long-term structural concerns. If a participating State is not meeting its political commitments or international norms, the High Commissioner will assist by providing analysis and recommendations. Based on experience, the HCNM publishes thematic Recommendations and Guidelines that give advice on common challenges and best practice.<sup>32</sup>

The ***Ljubljana Guidelines on Integration of Diverse Societies*** by Organization for Security and Co-operation in Europe (OSCE) goes beyond supporting the recognition of minority culture, identity and political interests to additionally recommend that States ensure that communication and interaction are established across ethnic divides. These Guidelines suggest that national minorities should not only enjoy the legal right to effectively participate in the overall governance of the State, but that they should also be encouraged to do so.<sup>33</sup>

***Guidelines on Political Party regulation*** together with the

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34) *The Ljubljana Guidelines on Integration of Diverse Societies & Explanatory Note*, OSCE/HCNM, 2012

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Interpretative Notes were prepared by the Panel of Experts on Political Parties of the Office for Democratic Institutions and Human Rights (ODIHR) of the Organization for Security and Co-operation in Europe (OSCE) in consultation with the European Commission for Democracy through Law (the Venice Commission) of the Council of Europe. It aims to provide an overview of issues regarding the development and adoption of legislation for political parties in democracies.

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*Good and democratic governance serves the needs and interests of a State's entire population. While democracy implies majority rule in political decision-making, it also includes safeguards against the abuse of majority power. This is achieved by ensuring the protection and participation of minorities, and by facilitating inclusive processes of governance that involve all members of the population.<sup>34</sup>*

*Political parties are a collective platform for the expression of individuals' fundamental rights to association and expression and have been recognized by the European Court of Human Rights as integral players in the democratic process. Further, they are the most widely utilized means for political participation and exercise of related rights. Parties are foundational to*

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35) *Guidelines on political party regulation*, OSCE/ODIHR and Venice Commission, 2010

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*a pluralist political society and play an active role in ensuring an informed and participative electorate. Additionally, parties often serve as a bridge between the executive and legislative branches of government and can serve to effectively prioritize the legislative agenda within a system of government.*<sup>35</sup>

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Both Guidelines mentioned before recognize and emphasize exceptional importance of political parties in implementation of minority rights and their social integration regarding the critical role they play as political actors in the public sphere.

The prohibition of discrimination and the promotion of effective equality are principles expressed in international human rights instruments at both the universal and regional levels.

Establishing full membership in society, equal opportunities and equal treatment for all, including in accessing public goods and services, should be guiding principles when developing integration policies. This means that States have to proactively promote diversity and create conditions for everyone to feel like and act as full members of that society. The sense of belonging to a common society implies

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that, when the right conditions are in place, individuals, irrespective of their identity, should not only respect the legislation and the rights of others, but should also avoid self-isolation and take full advantage of their opportunities to channel claims through the legitimate instruments provided by the authorities.

International standards recognize the important role of political parties in promotion of tolerance, cultural diversity and resolution of questions related to minorities. Politicians play an essential role in the processes of integration, both as legislators and decision-makers, shaping the political discourse and contributing to the overall social climate, including with regard to inter-community relations.

Political parties and actors, regardless of political and ideological lines, are bound by the same prohibition against discrimination as the rest of society. Although political parties' and elected representatives' freedom of expression when performing their duties is especially protected due to their key societal and democratic role, the prohibition against incitement to racial, ethnic or religious hatred applies to them as well. In addition, even within the broad limits of their freedom of expression, politicians must also be aware of the impact - both

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36) *Guidelines on political party regulation*, OSCE/ODIHR and Venice Commission, 2010

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positive and negative – that their conduct can have on the prevailing climate of tolerance in society. If political parties and representatives engage in respectful dialogue and take a clear stance against the incitement to hatred, the political climate will become more conducive to the integration of society. Therefore, party systems should be pluralistic, encourage free competition among all parts of society and be inclusive across ethnic lines.<sup>36</sup>

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# 3. / About LGBTI RIGHTS

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37) <http://www.unfoundation.org/features/lgbt-rights.html>

38) <https://www.unfe.org/about/>

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### 3.1. Why are LGBTI rights important?

In too many places, LGBTI (lesbian, gay, bisexual, transgender and intersex) people are among the most persecuted, marginalized, or at risk. In seventy-five countries, a relationship with someone of the same sex is a crime. In every corner of the world, LGBT people continue to face threats of violence and discrimination in their work and private lives. More than a third of the world's countries criminalize consensual, loving same-sex relationships, entrenching prejudice and putting millions of people at risk of blackmail, arrest and imprisonment.<sup>37</sup> Many countries force transgender people to undergo medical treatment, sterilization or meet other onerous preconditions before they can obtain legal recognition of their gender identity. Intersex children are often subjected to unnecessary surgery, causing physical and psychological pain and suffering. In many cases, a lack of adequate legal protections combined with hostile public attitudes leads to widespread discrimination against lesbian, gay, bisexual, transgender and intersex people - including workers being fired from jobs, students bullied and expelled from schools, and patients denied essential healthcare.<sup>38</sup>

The equality and non-discrimination guarantee provided

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39) *Fact sheet; International Human Rights Law and Sexual Orientation & Gender Identity*, United Nations, Office of High Commissioner, 2011

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by international human rights law applies to all people, regardless of sex, sexual orientation and gender identity or "other status". There is no fine print, no hidden exemption clause, in any of our human rights treaties that might allow a State to guarantee full rights to some but withhold them from others purely on the basis of sexual orientation and gender identity.

Moreover, United Nations human rights treaty bodies have confirmed that sexual orientation and gender identity are included among prohibited grounds of discrimination under international human rights law. This means that it is unlawful to make any distinction of people's rights based on the fact that they are lesbian, gay, bisexual or transgender (LGBT), just as it is unlawful to do so based on skin colour, race, sex, religion or any other status. This position has been confirmed repeatedly in decisions and general guidance issued by several treaty bodies, such as the United Nations Human Rights Committee, the Committee on Economic, Social and Cultural Rights, the Committee on the Rights of the Child, the Committee against Torture, and the Committee on the Elimination of Discrimination against Women.<sup>39</sup>

Human rights principles, norms and standards lie at the heart of efforts to raise awareness about and advocate for

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40) *Advancing the Human Rights and Inclusion of LGBTI People: A Handbook for Parliamentarians*, UNDP/PGA, 2017

41) *Fact sheet; International Human Rights Law and Sexual Orientation & Gender Identity*, United Nations, Office of High Commissioner, 2011

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specific actions focused on ending discrimination against and the exclusion of LGBTI people.<sup>40</sup>

The UN human rights office has documented a wide range of human rights violations committed against individuals on the basis of their sexual orientation and gender identity.<sup>41</sup> The main fields of discrimination based on sexual orientation and gender identity are:

Discrimination of LGB persons:

- Same-sex couples
- Adoption of children by same-sex couples and parental rights
- Employment and working conditions
- Discrimination in other fields than labour market, i.e. insurance, banking services
- Freedom of assembly and association
- Criminal law
- Freedom of movement in the EU and refugee claims

Discrimination of transsexual and transgender persons:

- Gender reassignment and change of name
  - Consequences of gender reassignment for family life
  - Health care
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- Free movement of transgender persons in the EU
  - Transgender asylum seekers
  - Transgender people and employment
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### 3.2. Which documents and institutions are important?

#### *United Nations*

Although today there are eight UN bodies created under the human rights treaties, their practical benefit for individuals seeking protection of LGBT rights is rather low.

The individual complaints to Human Rights Committee procedure is by far the most efficient method of fighting discrimination and protecting LGBT rights. The **Human Rights Committee** is a body of independent experts that monitors implementation of the **International Covenant on Civil and Political Rights (ICCPR)** by its State parties. LGBT persons who claim that their rights and freedoms under the ICCPR have been violated may call the State in question to account for its actions if that State is a party to the First Optional Protocol. Though the grounds for discrimination listed in the ICCPR itself and in the First Optional Protocol do not explicitly include sexual orientation or gender identity, the Human Rights Committee in 1994 in the case of *Toonen v. Australia* held that the references to "sex" in Articles 2(1), (non-discrimination) and Article 26 (equality before the law) of the ICCPR should be taken to include sexual orientation. With this

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case, the Human Rights Committee created a precedent within the UN human rights system in addressing discrimination against lesbian, gays and bisexuals.

Concerns about human rights violations experienced by LGBTI people have also been voiced by the United Nations Secretary-General and many other senior United Nations officials. The United Nations, including its funds programmes, specialized agencies and affiliated organizations, are increasingly addressing priority issues facing LGBTI people in their respective work.

Specific actions have included:

- In June 2011, the United Nations Human Rights Council adopted **Resolution 17/19**, which recognizes that acts of violence and discrimination are committed against LGBTI persons around the world. The Resolution requested the United Nations Office of the High Commissioner for Human Rights (OHCHR) to prepare a report on these issues. This report submitted by OHCHR to the United Nations Human Rights Council outlined the problems faced by LGBTI people and reiterated each State's duty to protect the rights of all citizens. The report recommends that all States investigate serious acts of violence, repeal laws criminalizing homosexuality and enact legislation to
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prevent discrimination on the basis of sexual orientation and gender identity.

- In September 2015, 12 United Nations entities issued a **Joint Statement** calling on States to act urgently to end violence and discrimination against LGBTI adults, adolescents and children. The entities stated: *"All people have an equal right to live free from violence, persecution, discrimination and stigma. International human rights law establishes legal obligations on States to ensure that every person, without distinction, can enjoy these rights. While welcoming increasing efforts in many countries to protect the rights of LGBTI people, we remain seriously concerned that around the world, millions of LGBTI individuals, those perceived as LGBTI and their families face widespread human rights violations. This is cause for alarm - and action."*

The United Nations entities pointed out in this Joint Statement that failures to uphold the human rights of LGBTI people and protect them against violence and discriminatory laws and practices constitute serious violations of international human rights law. These failures bring additional negative outcomes, like fostering ill health, including HIV, as well as social and economic exclusion. The entities noted the negative impact of such

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42) *Advancing the Human Rights and Inclusion of LGBTI People: A Handbook for Parliamentarians*, UNDP/PGA, 2017

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exclusion on decent work, economic growth and progress towards achieving the Sustainable Development Goals (SDGs). Furthermore, they emphasized that States bear the primary duty under international law to protect everyone from discrimination and violence. These violations therefore require an urgent response by governments, parliaments, judiciaries and national human rights institutions. The recommendations in the Joint Statement (see Annex 4), focused on protecting LGBTI people from violence and discrimination and on repealing discriminatory laws. The Statement also offers the support of the signatories to Member States to achieve this progress.<sup>42</sup>

### ***Council of Europe***

***The European Convention on Human Rights (ECHR)*** represents the major source for international protection of LGBT rights.

Article 14 of the ECHR states: "*The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, color, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.*" Though the international treaty itself does not include direct

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43) <http://hrlibrary.umn.edu/edumat/studyguides/sexualorientation.html>

44) *The Equal Ius Legal Handbook to LGBT rights in Europe*, [www.equal-jus.eu](http://www.equal-jus.eu)

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reference to sexual orientation, the case-law adopted by the European Court of Human Rights clearly states that discrimination on the grounds of sexual orientation or gender identity is prohibited and must be abolished.

The observance of the engagements undertaken by the Contracting Parties in the ECHR and its Protocols is ensured by the **European Court of Human Rights**. The European Court of Human Rights has the longest and largest jurisprudence in addressing sexual orientation issues. It was the first international body to find that sexual orientation criminal laws violate human rights. In most of the cases of discrimination on the ground of sexual orientation or gender identity the European Court of Human Rights has found the violations of the right to respect for private life and more recently family life in conjunction with Article 14.<sup>43</sup>

**The European Social Charter** is a Council of Europe treaty which guarantees social and economic human rights. The European Committee of Social Rights is the body responsible for monitoring compliance by State Parties.<sup>44</sup> The European Social Charter submits that *"the enjoyment of the rights set forth in this Charter shall be secured without discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national*

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45) [https://www.coe.int/t/democracy/migration/bodies/ecsr\\_en.asp](https://www.coe.int/t/democracy/migration/bodies/ecsr_en.asp)

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*extraction or social origin, health, association with a national minority, birth or other status.”* The provision does not make explicit reference to sexual orientation, it certainly might be perceived today as to include prohibition to discriminate on sexual orientation ground.

Every year the States Parties submit a report indicating how they implement the European Social Charter in law and in practice. ***The European Committee of Social Rights*** examines the reports and decides whether or not the situations in the countries concerned are in conformity with the European Social Charter. If a State takes no action on a Committee of Social Rights decision to the effect that it does not comply with the European Social Charter, the Committee of Ministers addresses a recommendation to that State, asking it to change the law and/or practice.<sup>45</sup>

In March 2010 the member states of the Council of Europe agreed to take a broad range of measures to combat sexual orientation and gender identity discrimination. These measures are set out in a Council of Europe ***Recommendation CM/Rec (2010)5 of the Committee of Ministers to member states on measures to combat discrimination on grounds of sexual orientation or gender identity***, which is the world’s first comprehensive intergovernmental agreement on the rights of LGBT people. Recommendation invites the member

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46) <https://www.ilga-europe.org/resources/guide-european-institutions/council-europe/lgbti-rights/pace>

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states to guarantee that the principles and measures set out in its appendix are applied in national legislation, policies and practices relative to the protection of the human rights of lesbian, gay, bisexual and transgender persons and the promotion of tolerance towards them.

**The Parliamentary Assembly of Council of Europe** monitors the human rights situation in the Member States and provides recommendations as to what should be done in order to improve the existing practices. It encourages the Member States to take all positive measures to combat homophobic attitudes, particularly in schools, the medical profession, the armed forces, the police, the judiciary and the Bar, as well as in sports.<sup>46</sup> The non-binding resolutions and recommendations it has adopted so far regarding LGBT rights aimed at eliminating discrimination on the ground of sexual orientation (**Recommendation 924/1981**); ensuring that persecution on grounds of homosexuality would be recognized as a ground for asylum (**Recommendation 1470/2000**); fighting homophobic attitudes in sports (**Recommendation 1635/2003**); ensuring that sexual orientation is considered a profound part of the identity of each and every human being (**Resolution 1728/2010**).

Except legal documents Council of Europe has published a publication **Combating discrimination on grounds of**

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47) <https://www.coe.int/en/web/sogi/council-of-europe-standards>

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*sexual orientation and gender identity* about standards and mechanisms which seeks to promote and ensure respect for the human rights of lesbian, gay, bisexual and transgender persons.<sup>47</sup>

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4. / About  
**WOMEN'S RIGHTS**

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48) <http://www.ohchr.org/EN/Issues/Women/WRGS/Pages/WRGSIndex.aspx>

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#### 4.1. Why are women's rights important?

Gender equality is at the very heart of United Nations values. Equality between men and women has been among the most fundamental guarantees of human rights and a fundamental principle of the United Nations Charter adopted by world leaders in 1945 is "equal rights of men and women", and protecting and promoting women's human rights is the responsibility of all States.<sup>48</sup> It proclaimed the equal entitlements of women and men to the rights contained in it, "without distinction of any kind, such as ... sex, ..." This prohibition of discrimination based on sex is repeated in its Articles 13 (mandate of the General Assembly) and 55 (promotion of universal human rights).

The International Covenant on Civil and Political Rights guarantees, among other rights, the right to life, freedom from torture, freedom from slavery, the right to liberty and security of the person, rights relating to due process in criminal and legal proceedings, equality before the law, freedom of movement, freedom of thought, conscience and religion, freedom of association, rights relating to family life and children, rights relating to citizenship and political participation, and minority groups' rights to their culture, religion and language. The International Covenant on Economic, Social and Cultural Rights guarantees,

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49) *Women's Rights are Human Rights*, United Nations, Office of the High Commissioner, New York and Geneva, 2014

50) Ibid.

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for instance, the right to work, the right to form trade unions, rights relating to marriage, maternity and child protection, the right to an adequate standard of living, the right to health, the right to education, and rights relating to culture and science.<sup>49</sup>

Yet millions of women around the world continue to experience discrimination:

- Laws and policies prohibit women from equal access to land, property, and housing
- Economic and social discrimination results in fewer and poorer life choices for women, rendering them vulnerable to trafficking
- Gender-based violence affects at least 30% of women globally
- Women are denied their sexual and reproductive health rights
- Women human rights defenders are ostracized by their communities and seen as a threat to religion, honour or culture
- Women's crucial role in peace and security is often overlooked, as are the particular risks they face in conflict situations<sup>50</sup>

Moreover, some groups of women face compounded forms

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51) Ibid.

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of discrimination – due to factors such as their age, ethnicity, disability, or socio-economic status – in addition to their gender.

Effectively ensuring women's human rights requires, firstly, a comprehensive understanding of the social structures and power relations that frame not only laws and politics but also the economy, social dynamics and family and community life.

Harmful gender stereotypes must be dismantled, so that women are no longer viewed in the light of what women "should" do and are instead seen for who they are: unique individuals, with their own needs and desires.<sup>51</sup>

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## 4.2. Which documents and institutions are important?

### *United Nations*

The founding **United Nations charter** (1945) included a provision for equality between men and women (chapter III, article 8). Subsequently, from 1945 various female officials within the United Nations and leaders of women's movements on the global stage attempted to turn these principles into action.

**The Convention on the Political Rights of Women** adopted in 1953 by UN General Assembly is a first international legislation regarding political rights of women and it aims to codify a basic international standard for women's political rights. It has 122 state parties.

**The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)** is an international treaty adopted by UN General Assembly in 1979. The Convention defines discrimination in its article 1 as "... any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental

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52) <http://www.un.org/womenwatch/daw/cedaw/text/econvention.htm#part1>

53) *Women's Rights are Human Rights*, United Nations, Office of the High Commissioner, New York and Geneva, 2014

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*freedoms in the political, economic, social, cultural, civil or any other field.*<sup>52</sup>

The Convention articulates the nature and meaning of sex-based discrimination and lays out State obligations to eliminate discrimination and achieve substantive equality. As with all human rights treaties, only States incur obligations through ratification. However, the Convention articulates State obligations to address not only discriminatory laws, but also practices and customs, and discrimination against women by private actors.<sup>53</sup>

Both civil and political rights (rights to vote, to participate in public life, to acquire, change or retain one's nationality, equality before the law and freedom of movement) and economic, social and cultural rights (rights to education, work, health and financial credit) are covered by The Convention. CEDAW and its Optional Protocol from 1999 are referred to as the international bill of rights for women. Structured around the concepts of equality and non-discrimination, the Convention asserts: *"...the equality of women and men and the right of women to be treated equally in every sphere of life. Focusing on civil and political as well as economic and social rights, the Convention urge[s] States to take positive measures in the field of public administration, education, health,*

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54) *Handbook for the protection of women and girls*, Office of the United Nations High Commissioner for Refugees, 2008

55) *Women's Rights are Human Rights*, United Nations, Office of the High Commissioner, New York and Geneva, 2014

56) *Ibid.*

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*employment and the family to ensure that women enjoy full equality with men.*"<sup>54</sup>

CEDAW encompasses a variety of possible discriminatory actions (any distinction, exclusion or restriction) having either the express purpose or the actual effect of discriminating against women. The Convention goes further than other human rights treaties in also describing in detail the State obligations and actions to be taken to achieve gender equality in practice. It not only requires equality between women and men, but also prohibits practices that can perpetuate women's inequality. Substantive gender equality and formal gender equality, as well as de facto discrimination and de jure discrimination, are central concepts in the Convention's equality framework.<sup>55</sup> Among the countries that have ratified CEDAW few have a legal bar to the eligibility of women, yet women remain seriously underrepresented at all levels of government.<sup>56</sup>

***Declaration on the Elimination of Violence against Women (DEVAW)*** was adopted by UN General Assembly in 1993.

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Article 1

*For the purposes of this Declaration, the term "violence against women" means any act of gender-based violence*

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57) <http://www.unwomen.org/en/what-we-do/ending-violence-against-women/global-norms-and-standards>

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*that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life.*

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*DEVAW* became the first international instrument explicitly addressing violence against women, providing a framework for national and international action. It defines violence against women as any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life.<sup>57</sup>

Fourth World Conference on Women convened by the United Nations in 1995 had a key outcome in **Beijing Declaration**. This document, alongside its **Platform for Action** set up a visionary agenda for the empowerment of women. It still remains today the most comprehensive global policy framework and blueprint for action and is a current source of guidance and inspiration to realize gender equality and the human rights of women and girls, everywhere. The Beijing Declaration is an agenda for women's empowerment. It aims at removing all the obstacles to women's active

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58) *Handbook for the protection of women and girls*, Office of the United Nations High Commissioner for Refugees , 2008

59) Resolution adopted by the General Assembly of United Nations on 27 July 2012, "*The future we want*"

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participation in all spheres of public and private life through a full and equal share in economic, social, cultural and political decision-making. It emphasizes that equality between women and men is a matter of human rights and a condition for social justice and is also a necessary and fundamental prerequisite for equality, development and peace.<sup>58</sup>

In 2012 UN General Assembly adopted a resolution called **A Future We Want** which calls for enhancing gender equality and women's rights. Resolution supports prioritizing measures to promote gender equality and women's empowerment in all spheres of societies, including the removal of barriers to their full and equal participation in decision-making and management at all levels, and emphasizes the impact of setting specific targets and implementing temporary measures, as appropriate, for substantially increasing the number of women in leadership positions, with the aim of achieving gender parity.<sup>59</sup>

**The Special Rapporteur on violence against women** is a part of what is known as the Special Procedures of the UN Human Rights Council. Special Procedures, the largest body of independent experts in the UN Human Rights system, is the general name of the Council's independent fact-finding and monitoring mechanisms that address either specific country

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situations or thematic issues in all parts of the world.

The United Nations Commission on Human Rights in resolution 1994/45, adopted on 4 March 1994, decided to appoint a Special Rapporteur on violence against women.

According to his/her mandate the Special Rapporteur is requested among others to:

- recommend measures, ways and means at the local, national, regional and international levels to eliminate all forms of violence against women and its causes, and to remedy its consequences
- work closely with all special procedures and other human rights mechanisms of the Human Rights Council and with the treaty bodies, taking into account the request of the Council that they regularly and systematically integrate the human rights of women and a gender perspective into their work, and cooperate closely with the Commission on the Status of Women in the discharge of its functions.<sup>60</sup>

One of the latest urges that Special Rapporteur on violence against women, pointed was regarding the topic of violence against women in politics called "Stop violence against women in politics". She pointed that violence against politically active women is, when it results in a tragic

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61) <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21652&LangID=E>

62) *Women's Rights are Human Rights*, United Nations, Office of the High Commissioner, New York and Geneva, 2014

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outcome in particular, a form of highly visible violence against women that aims to discourage their political participation. It constitutes a major barrier to women's political participation and thus denies them their civil and political rights. It also hinders the participation of half of the world's population, thus undermining the democratic exercise and good governance and as such is creating a democratic deficit.<sup>61</sup>

### ***Council of Europe***

In 2011 the Council of Europe adopted the ***Convention on preventing and combating violence against women and domestic violence*** (Istanbul Convention).<sup>62</sup>

By ratifying The Istanbul Convention, states are obliged to implement in their legislation a document whose main task, as the name implies, is protection of women from all forms of violence and consequently eliminating violence against women and domestic violence.

This is the first legal-binding international instrument which criminalizes acts such as physical, mental and sexual violence, sexual harassment, forced marriage, female genital mutilation and forced abortion. It practically means that states that ratify it for the first time are

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obliged to introduce these serious criminal offenses into their criminal procedures.

This Convention for the first time includes enabling financial aid to victims as well as the obligation of the state to annually finance an adequate number of shelters for women.

**GREVIO** is a body that oversees the implementation of the Convention. It consists of 10 to 15 persons who ought to be distinguished in the field of human rights protection, protecting women from violence and must not be members of political parties. GREVIO can collect information about the implementation of the Convention from NGOs and civil society, as well as from national institutions for the protection of human rights.<sup>63</sup>

States are obliged to undertake measures for promoting programs and activities for empowerment of women and prevention of violence through various campaigns for informing the public. Campaigns such as these will also be undertaken to eliminate gender stereotypes.

Responsibility for ensuring a certain form of legal aid to the victims is also provided in order for victims to gain information and access to regional and international mechanisms of complaints as well as to free phone lines

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64) *Gender Equality and Women's Rights*, Council of Europe Standards, Council of Europe

65) *Introducing Parity Democracy: The Role of the International Community and the European Women's Lobby*, International Institute for Democracy and Electoral Assistance (IDEA)/CEE Network for Gender Issues Conference, Budapest, 2004

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for help.

All 28 EU member states have individually signed the convention, but only 18 of them have ratified it.

In 2003 Committee of Ministers of Council of Europe brought up **Recommendation Rec (2003)3 on balanced participation of women and men in political and public decision making**. This document sets out the standard which has since been followed by other organisations and countries: balanced participation of women and men is defined as a minimum 40% representation of each sex in any decision-making body in political and public life. A set of legislative, administrative and supportive measures is recommended to member states in order to achieve balanced participation and equal sharing of decision making power between women and men. Its implementation by member states has been monitored to provide member states with information on progress and existing gaps.<sup>64</sup>

There are vast disparities between European countries in terms of the representation of women in national parliaments. The average representation of women in January 2005 stood at 21.2 percent for the Lower Houses in EU member states, accession countries and the Balkans.<sup>65</sup>

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66) <http://archive.ipu.org/wmn-e/classif.htm>; <http://www.kuvendikosoves.org/?cid=2,102>

67) approx.

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Representation of women in national parliaments by country:<sup>66</sup>

- Bosnia and Herzegovina: 9/42
- Croatia: 28/151
- Kosovo: 32/120
- Montenegro: 19/81
- Serbia: 31/250<sup>67</sup>

Despite the widespread movement towards democratization in most countries, women are largely underrepresented at most levels of government, especially in ministerial and other executive bodies, and have made little progress in attaining political power in legislative bodies. The equitable distribution of power and decision-making at all levels is dependent on Governments and other actors undertaking statistical gender analysis and mainstreaming a gender perspective in policy development and the implementation of programmes. Having that in mind, equality in decision-making is essential to the empowerment of women.

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**5. / About**  
**TRANSITIONAL JUSTICE**

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## 5.1. Why is transitional justice important?

Transitional justice is a response to systematic or widespread violations of human rights. It seeks recognition for victims and promotion of possibilities for peace, reconciliation and democracy. Transitional justice is not a special form of justice but justice adapted to societies transforming themselves after a period of pervasive human rights abuse. In some cases, these transformations happen suddenly; in others, they may take place over many decades.

The 2004 Secretary General's Report to the Security Council on the rule of law and transitional justice in conflict and post-conflict societies defines transitional justice as *the full range of processes and mechanisms associated with a society's attempts to come to terms with a legacy of large scale past abuses, in order to ensure accountability, serve justice and achieve reconciliation.*<sup>68</sup>

The question of transitional justice arises in two sets of constellations: either as a matter of post conflict justice in the context of armed conflict; or when dealing with past abuses committed by dictatorships or authoritarian regimes. The concept is characterised by a past of massive human rights abuses and a process of transition to peace and democracy. The primary objective of transitional justice

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69) <https://www.ictj.org/publication/nepal-truth>.

70) *Truth Commissions and Transitional Justice*, David A. Crocker, Report from the Institute for Philosophy & Public Policy

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is to end impunity and establish the rule of law in the context of democratic governance.<sup>69</sup> Some of the most known countries that experienced massive and systematic human rights violations and started the process of transitional justice are South Africa, Chile, Sierra Leone, Argentina, Rwanda and successor states of SFR Yugoslavia.

How a fledgling democracy ought to reckon with severe human rights abuses is a question central to the notion of transitional justice. Many discussions commonly assume that there are only two possible responses to past wrongs: trial and punishment or forgetting the past. Although "transitional justice" often refers exclusively to prosecution of human rights violators, it is more accurate to apply the term more broadly to cover the possibilities of establishing an accurate account of the past, compensation to victims, fair distribution of goods and opportunities, and the restoration of what has been lost. As a new democracy deals with its "difficult past" by responding appropriately to past evils, it must also take care not to undermine its prospects for future development.<sup>70</sup>

The major transitional justice mechanisms to deal with past human rights abuses are criminal prosecutions; truth commissions; reparations; institutional reform and

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memorialisation.

***Criminal prosecutions***

The criminal prosecution of perpetrators who have committed major human rights violations is a first and perhaps most obvious way of dealing with past abuses. These are judicial investigations of those responsible for human rights violations. Prosecutors frequently emphasize investigations of the "big fish": suspects considered most responsible for massive or systematic crimes.

Prosecution initiatives aim to ensure that those responsible for committing crimes, including serious violations of international humanitarian law and gross violations of international human rights law, are tried in accordance with international standards of fair trial and, where appropriate, punished. The credibility and legitimacy of prosecution initiatives require that they are conducted in a non-discriminatory and objective manner, regardless who the alleged perpetrators may be. States have the primary responsibility to exercise jurisdiction over these crimes. Therefore, in relation to the alleged crimes committed in the context of the conflict or repressive rule, transitional justice programmes will seek to reinforce or develop national investigative and prosecutorial capacities, an

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71) *Guidance note of the Secretary - general, United Nations Approach to Transitional Justice, United Nations, New York, 2010*

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independent and effective judiciary, adequate legal defence, witness and victims' protection and support, and humane correctional facilities.

At the same time, states emerging from years of conflict or repressive rule may be unable or unwilling to conduct effective investigations and prosecutions. In such situations, international and hybrid criminal tribunals may exercise concurrent jurisdiction. The establishment of these various criminal tribunals represents a historic achievement in seeking accountability for international crimes. The establishment of various criminal tribunals represents a historic achievement in seeking accountability for international crimes. When establishing an international or hybrid criminal tribunal, it is essential that priority consideration is given to their legacy in the country concerned as well as to the exit strategy. The establishment of the **International Criminal Court (ICC)**, the only permanent international criminal tribunal, represents the most significant recent development in combating impunity.

The ICC operates on the basis of the principle of complementarity articulated in Article 17 of the Rome Statute. As such, it should also contribute to the development of national capacities to bring alleged perpetrators of international crimes to justice.<sup>71</sup>

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72) *Unspeakable Truths:  
Transitional Justice and the  
Challenge of Truth Commissions,*  
Priscilla B. Hayner

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### *Truth commissions*

Truth-seeking processes assist post-conflict and transitional societies investigate past human rights violations and are undertaken by truth commissions, commissions of inquiry, or other fact-finding missions. Truth commissions are non-judicial inquiries established to determine the facts, root causes, and societal consequences of past human rights violations. Through their focus on the testimony of victims of atrocity, truth commissions provide acknowledgement and recognition of suffering and survival to those most affected.

Truth commissions are typically tasked with some or all of the following goals: to discover, clarify, and formally acknowledge past abuses; to address the needs of victims; to "counter impunity" and advance individual accountability; to outline institutional responsibility and recommend reforms; and to promote reconciliation and reduce conflict over the past.<sup>72</sup>

A fundamental difference between trials and truth commissions is the nature and extent of their attention to victims. Although commissions may investigate the involvement of individual perpetrators in abuses and may receive critical information from perpetrators and others from within the

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73) *Unspeakable Truths: Transitional Justice and the Challenge of Truth Commissions*, Priscilla B. Hayner

74) *Guidance note of the Secretary - general, United Nations Approach to Transitional Justice*, United Nations, New York, 2010

75) *Truth Seeking: Elements of Creating an Effective Truth Commission*, Eduardo González and Howard Varney, eds., Amnesty Commission of the Ministry of Justice of Brazil, International Center for Transitional Justice; New York), 2013

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system of repression, much of their time and attention is focused on victims. By listening to victims' stories, perhaps holding public hearings and publishing a report that describes a broad array of experience of suffering, commissions effectively give victims a public voice and bring their suffering to the awareness of the broader public.<sup>73</sup>

The effective implementation of the right to the truth requires a strong national archival system. In many societies emerging from conflict or repressive rule, however, such systems are weak or non-existent, and vulnerable to efforts to destroy evidence of human rights violations.<sup>74</sup>

Many truth commissions have the explicit goal of fostering national reconciliation, with many incorporating the word "reconciliation" in their official mandate and/or name. Reconciliation should be understood as a long-term social process that cannot be achieved by a truth commission alone, in a short amount of time. At best, commissions can help to create better conditions for reconciliation by encouraging institutional reform and changes in the political culture of a state, and by restoring the dignity of those most affected by violence.<sup>75</sup>

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76) <https://www.ictj.org/our-work/transitional-justice-issues/reparations>

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### ***Reparations***

These are initiatives that help repair the material and moral damages of past abuse. They typically distribute a mix of material and symbolic benefits to victims, benefits that may include financial compensation and official apologies. These can also include museums and memorials that preserve public memory of victims and raise moral consciousness about past abuse, in order to build a bulwark against its recurrence.

Reparations for victims of human rights violations are meant to recognize and address the harms suffered and acknowledge wrongdoing. With their material and symbolic benefits, reparations are important to victims because they are often seen as the most direct and meaningful way of receiving justice.<sup>76</sup>

### ***Institutional reform***

Institutional reforms are concerned with the building of fair and equitable institutions as a safeguard against the recurrence of human rights violations. They embrace constitutional and legal reforms (including security system reforms) as well as free elections. Measures such as vetting, lustration and disarmament, demobilisation

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77) *Guidance note of the Secretary - general, United Nations Approach to Transitional Justice, United Nations, New York, 2010*

78) *Ibid.*

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and reintegration programmes are important components of such reforms.<sup>77</sup>

Reforming public institutions is a core task in countries in transition from authoritarianism or conflict to democracy and peace. Public institutions that perpetuated a conflict or served an authoritarian regime need to be transformed into institutions that support the transition, sustain peace and preserve the rule of law. Institutions that abused human rights and defended the partisan interests of a few need to become institutions that protect human rights, prevent abuses and impartially serve the public. Dysfunctional and inequitable institutions that created fear need to turn into efficient and fair institutions that enjoy civic trust. By reforming or building fair and efficient public institutions, institutional reform enables post-conflict and transitional governments to prevent the recurrence of future human rights violations.<sup>78</sup>

Vetting is an important aspect of personnel reform in countries in transition. Public employees who are personally responsible for gross violations of human rights or serious crimes under international law revealed a basic lack of integrity and breached the trust of the citizens they were meant to serve. Vetting processes aim at excluding from public service persons with serious integrity deficits in

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79) *Rule-of-law, for post conflict States, Vetting: An operational framework*, Office of the High Commissioner, New York and Geneva, 2006

80) <https://www.ictj.org/about/transitional-justice>

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order to (re-) establish civic trust and (re-) legitimize public institutions.<sup>79</sup>

### ***Gender justice***

These efforts challenge impunity for sexual and gender-based violence and ensure women's equal access to redress of human rights violations. A gender justice approach should be a central element, exploring how women and men experience conflict and human rights violations differently. The pursuit of gender justice includes prosecutions for gender-based violence; reparations delivery to diverse groups of women and their families; memorials recognizing women's experiences; and institutional reform that serves human security needs and promotes women's access to justice.<sup>80</sup>

### ***Memorialisation***

Memorials seek to preserve memories of people or events. In the context of transitional justice, they serve to honour those who died during conflict or other atrocities, examine the past, address contemporary issues and show respect to victims. They can help create records to prevent denial and help societies move forward. Memorials may include commemoration activities, such as architectural memorials,

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81) <https://www.ictj.org/our-work/transitional-justice-issues/truth-and-memory>

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museums, and other commemorative events.

Victims of human rights abuses cannot forget and states have a duty to preserve the memory of such crimes. For this memorials, museums, and commemorative activities are indispensable educational initiatives to establish a historical public record that is beyond denial and to help prevent repetition.<sup>81</sup>

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82) <https://www.ictj.org/transitional-justice-legal-and-policy-references>

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## 5.2. Which institutions and documents are important?

### *United nations*

There are dozens UN instruments related to the promotion of truth, justice, reparation and guarantees of non-recurrence of mass human rights violations. Key International Instruments are stemming from general documents like the ***United Nations Charter*** or ***Universal Declaration of Human Rights***, to the specific treaties like the ***Geneva conventions***, ***Convention on the Prevention and Punishment of the Crime of Genocide*** and ***International Convention for the Protection of All Persons from Enforced Disappearance***.<sup>82</sup>

There are two very important UN General Assembly resolutions concerning transitional justice in post-conflict societies which are most relevant for Western Balkan states. These are ***Resolution adopting the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power*** adopted in 1985 and ***Resolution adopting the Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law*** adopted in 2006.

The latter affirms the obligations of States and legal

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implications in connection with gross violations of international human rights law and serious violations of international humanitarian law, notably the obligation to prevent violations, the obligation to investigate, prosecute and punish perpetrators, the obligation to provide effective access to justice to all persons alleging a violation, and the obligation to afford full reparation to victims (principles 1-4). The legal implications relate to and qualify universal jurisdiction, extradition, judicial assistance and cooperation as well as statutes of limitations (principles 5-7). The larger part of the Principles and Guidelines, with strong domestic law implications, sets out the status and the rights of victims, and corresponds to the title of the document as it refers to the right of victims to a remedy and reparation (in particular principles 11-23). A core component of the Principles and Guidelines, denoting a broad range of material and symbolic means to afford reparation to victims, is laid out in the principles describing the various forms of reparation.<sup>83</sup>

As a response to mass atrocities and violations of human rights on the territory of former SFRY and its successor states, United Nations established ***International Criminal Tribunal for former Yugoslavia (ICTY)*** in 1993. The ICTY was the first war crimes court created by the UN and the first international war crimes tribunal since the Nuremberg

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and Tokyo tribunals. It was established by the Security Council in accordance with Chapter VII of the UN Charter.<sup>84</sup>

The ICTY has charged 161 and produced sentences for 90 persons. Those indicted by the ICTY include heads of state, prime ministers, army chiefs-of-staff, interior ministers and many other high and mid-level political, military and police leaders from various parties to the Yugoslav conflicts. Its indictments address crimes committed from 1991 to 2001 against members of various ethnic groups in Croatia, Bosnia and Herzegovina, Serbia, Kosovo and the Former Yugoslav Republic of Macedonia.

In its decision for establishing ICTY by UN Security Council and national acts which are defining state cooperation with this UN body it is defined that all states should fully cooperate with ICTY in providing evidence, investigation, extradition of the accused persons, enforcing sentences, identification and location of suspects and the accused.

Since ICTY closed its doors in 2017 the ***Mechanism for International Criminal Tribunals (Mechanism or MICT)***, formally referred to as the International Residual Mechanism for Criminal Tribunals took its place in prosecution of persons responsible for war crime on the territory of former Yugoslavia. Mechanism is mandated to perform a number of

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essential functions previously carried out by ICTY. In carrying out its multiple functions – as listed below – the Mechanism maintains the legacies of this pioneering ad hoc international criminal courts and strives to reflect best practices in the field of international criminal justice.

In its precedent-setting decisions on genocide, war crimes and crimes against humanity, the Tribunal has shown that an individual's political position cannot protect them from prosecution. ICTY made efforts that those suspected of bearing the greatest responsibility for atrocities committed are called to account, that guilt is individualised, protecting entire communities from being labelled as "collectively responsible". Experience of the ICTY helped the creation of the **International Criminal Court (ICC)** in 1998. Court's statute enshrines state obligations of vital importance to the fight against impunity and respect for victims' rights.

Other United Nations rule of law and transitional justice activities include developing standards and best practices, assisting in the design and implementation of transitional justice mechanisms, providing technical, material and financial support, and promoting the inclusion of human rights and transitional justice considerations in peace agreements.

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***Organisation for Security and Cooperation in Europe***

Based on the experience of the OSCE High Commissioner on National Minorities and the advice of internationally recognized experts the Commissioner published ***The Graz Recommendations on Access to Justice and National Minorities*** to provide guidance to OSCE participating States on access to justice and national minorities. Access to justice for national minorities is not only about minorities' enjoyment of rights but is also relevant to conflict prevention within and between states.<sup>85</sup>

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*States should, as a matter of urgency, provide effective redress to persons belonging to national minorities who have suffered serious human rights violations as a result of inter-ethnic conflict.*

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Human rights violations committed against individuals, including persons belonging to national minorities, often invite retaliation and further violence. If these tensions and crimes are left unaddressed, they are likely to foster resentment on the part of victims, entrench divisions between communities and lead to another cycle of conflict, violence and possibly mass atrocities. Societies that have

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experienced conflict and serious human rights violations involving national minorities need to find ways to deal with the past so they can build a future in which all communities, including national minorities, can coexist peacefully. States should therefore and as a matter of urgency provide redress to victims and, where appropriate, to communities that have been affected by serious human rights violations in the context of communal conflict.

Other important set of guidelines are HCNM **Ljubljana Guidelines on Integration of Diverse Societies**. They seek to provide guidance to OSCE participating States on how best to integrate diverse societies. They cover structural principles without which good integration policies are difficult to conceive as feasible.<sup>86</sup>

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*States should promote integration by respecting the claims and sensitivities of both minority and majority groups regarding the display and use of symbols in shared public space. While being mindful of freedom of expression, States should avoid the divisive use of symbols and discourage such displays by non-State actors. Where appropriate, opportunities to promote inclusive symbols should be sought.*

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**6. / RECOMMENDATIONS  
FOR YOUNG POLITICAL  
LEADERS**

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- 1.) Your political organisations should ensure the presence of issues relevant to national minorities, LGBTI persons, women's rights and transitional justice in their party programs.
  - 2.) Your political organisations may consider taking a variety of measures to support minority participation, including creation of advisory committees on minority issues, training and recruitment programs focused on national minorities, and provisions requiring minority membership on internal party committees and candidates' lists.
  - 3.) Any limitations on the formation of political organizations on ethnic or religious basis must be in line with the norms of international law and the principles embedded in the human rights mechanisms.
  - 4.) Overall party frameworks for political participation should be designed to facilitate the inclusion of minority and LGBTI issues in the public debate as well as to promote the political participation of LGBTI persons or persons belonging to national or religious minorities.
  - 5.) In public speeches members of your political organisations should restrain from incitement to racial,
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ethnic, religious hatred or hatred based on individual's sexual orientation or gender identity. Instead they should be encouraged to promote tolerance and respect for the human rights of minorities and LGBTI persons.

6.) Members of your political organisations are encouraged promote dialogue and tolerance, including sensitization campaigns, among fellow politicians to address discrimination and exclusion on the basis of ethnicity, race, religion, gender, sexual orientation and gender identity.

7.) Your political organisations should remove all barriers that directly or indirectly discriminate against the participation of women in respective political organisations.

8.) Your political organisations are advised to develop initiatives that allow women to participate fully in all internal policy-making structures and appointive and electoral nominating processes.

9.) Your political organisations are encouraged to incorporate gender issues in their political agenda, taking measures to ensure that women can participate in the leadership of political parties on an equal basis with

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men.

**10.)** Your political organisations should take measures, including, where appropriate, in internal electoral system that encourages integration of women in elective positions in the same proportion and at the same levels as men.

**11.)** Members of your political organisations are encouraged to honour and respect victims of massive human rights violations from the past regardless of their political, ethnic, civic or racial identity.

**12.)** You and your colleagues are encouraged to promote integration by respecting the claims and sensitivities of different social groups regarding the display and use of symbols in shared public space. While being mindful of freedom of expression parties should avoid the divisive use of symbols and where appropriate, promote inclusive symbols.

**13.)** Your political organisations should exclude from public service members who are personally responsible for gross violations of human rights or serious crimes under international law.

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## 7. / CONCLUSION

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This handbook has highlighted the necessity of furthering the protection of human rights as well as the role young politicians can have in that process.

The chapter **About MINORITY RIGHTS** describes how inter-ethnic tensions, divisions and exclusion that remain unaddressed can easily become a source of instability and conflict. If diverse societies do not have good integration policies, there is a danger that different communities, particularly large and territorially concentrated ones, may become increasingly separate, with few or no common interests and no shared sense of belonging. There are number of international and European documents on protection of national minorities with most important ones being enlisted and described in this chapter. It is underlined that minority rights do not constitute privileges, but act to ensure equal respect for members of different communities. Hence, minority rights serve to bring all members of society to a balanced enjoyment of their human rights. In other words, their aim is to ensure that persons belonging to a national minority enjoy effective equality with those persons belonging to the majority. The participation of persons belonging to minorities in public affairs and in all aspects of the political, economic, social and cultural life of the country where they live is essential to preserving their identity and combating social exclusion.

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The chapter **About LGBTI RIGHTS** describes how the LGBTI population continue to be discriminated based on sexual orientation and gender identity. Despite the fact that criminalisation and medicalisation of homosexuality belongs to the past in Europe, attitudes towards gay, lesbian, bisexual, transgender and intersex persons are often still characterised by outdated and incorrect information on what constitutes someone's sexual orientation and gender identity. There is an urgent need to counterbalance such attitudes and deeply rooted prejudices by disseminating unbiased and factual information on sexual orientation and gender identity in the media, in schools and society at large. This chapter has presented main mechanisms of international and European system of protection of LGBTI rights, offered several recommendations for advancing the human rights and inclusion of LGBTI people and underlined the significant role politicians play in advancing aforementioned rights. This chapter also looks beyond the legislative frameworks and demonstrates that LGBTI persons continue to be subjected to homophobia and transphobia in their everyday lives. Further efforts are needed in order to pursue legislative reforms and social change to enable LGBTI persons to fully enjoy universally recognised human rights.

The chapter **About WOMEN'S RIGHTS** has put its focus on two out of several systematic injustices against women: their under-representation in political bodies and violations

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against their bodily integrity. As shown in this chapter, there are slight variations across the Balkans regarding female representation in politics and women are largely underrepresented at most levels of government, especially in ministerial and other executive bodies. The argument for this poor practice is still that women are not interested in political power and direct representation, which is not only false, but discriminatory as well. As for public perception of violence against women, this issue continues to be seen as solely a private matter. Such "privatisation" cannot be accepted. Domestic violence is today recognised as a human rights problem and authorities have a responsibility to prevent and punish such abuses. Gender equality is central to the protection of human rights, the functioning of democracy, respect for the rule of law, and economic growth and as such. It should be a political priority to protect women from threats they deal with on a daily basis.

The chapter **About TRANSITIONAL JUSTICE** refers to the ways countries emerging from periods of conflict and repression address large scale or systematic human rights violations so numerous and so serious that the normal justice system will not be able to provide an adequate response. This chapter has outlined main recommendations on access to justice as well as the role International Criminal Tribunal for former Yugoslavia had as a response to mass atrocities and violations of human rights on the territory

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of former SFRY. Transitional justice mechanisms, such as criminal prosecutions, truth commissions, reparations and memorialisation, although different approaches, should not be seen as alternatives for one another. Instead they should be seen as a set of complementary mechanisms which provide effective and comprehensive access to justice. Contrary, societies that choose to leave unaddressed past human rights abuses risk the sustainability of their transition to a more democratic and peaceful future. Transitional justice, understood in previous described manner, is increasingly recognized as fundamental to peacebuilding efforts. Combined with other sets of policies, transitional justice can strengthen the democratic rule of law and prevent the recurrence of violations.

In this handbook we have covered four extremely important human rights topics. In new democracies younger generations are faced with the challenge of creating stability in the place of the chronic instability of the past. Young people today are often criticised for being apathetic and uninterested in politics, but a number of studies have shown that opposite is actually the case. You, young politicians and future leaders, are the proof young people do care about better future and wellbeing of your own societies. Having that in mind, this handbook should serve you as guidance for dealing with the human rights abuses in your local communities and societies in general.

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**8. / WHERE CAN I FIND  
MORE INFORMATION?**

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<b>ORGANISATION</b>	<b>BODY</b>	<b>DOCUMENT</b>
United Nations	General Assembly	Universal Declaration of Human Rights (UDHR)
United Nations	General Assembly	International Covenant on Civil and Political Rights (ICCPR)
United Nations	General Assembly	Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and Optional Protocol to the Convention
United Nations	General Assembly	Convention on preventing and combating violence against women and domestic violence (Istanbul Convention)
United Nations	General Assembly	Declaration on the Elimination of Violence against Women

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<b>ORGANISATION</b>	<b>BODY</b>	<b>DOCUMENT</b>
United Nations	General Assembly	The Convention on the Elimination of All Forms of Discrimination against Women
United Nations	General Assembly	Convention on the Political Rights of Women
United Nations	Development Programme and Parliamentarians for Global Action	Advancing the Human Rights and Inclusion of LGBTI People: A Handbook for Parliamentarians
United Nations	Office of High Commissioner	International Human Rights Law and Sexual Orientation & Gender Identity Fact sheet
United Nations	Office of High Commissioner	Born Free and Equal
United Nations	Office of High Commissioner	Living Free and Equal

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<b>ORGANISATION</b>	<b>BODY</b>	<b>DOCUMENT</b>
United Nations	Office of High Commissioner	Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law
United Nations	Office of High Commissioner	Women's Rights are Human Rights
United Nations	Office of High Commissioner	Rule of law tools for post conflict states Reparations programmes
United Nations	Secretary General	Guidance note of the secretary general United Nations Approach to Transitional Justice

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ORGANISATION	BODY	DOCUMENT
United Nations	Division for Social Policy and Development Youth	Youth, political participation and decision making
Council of Europe		Gender Equality and Women's Rights
Council of Europe		The European Convention on Human Rights (ECHR)
Council of Europe		The Framework Convention for the Protection of National Minorities
Organization for Security and Co-operation in Europe (OSCE)		Ljubljana Guidelines on Integration of Diverse Societies
Organization for Security and Co-operation in Europe (OSCE)	Office for Democratic Institutions and Human Rights (ODIHR) and Venice commission	Guidelines on political party regulation

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**ORGANISATION**

Organization for  
Security and Co-  
operation in Europe  
(OSCE)

**BODY**

High Commissioner on  
National Minorities

**DOCUMENT**

The Graz Recommendations  
on Access to Justice and  
National Minorities

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**The Ljubljana Guidelines on Integration of Diverse Societies**

<https://www.osce.org/hcnm/ljubljana-guidelines>

**Reparations**

<https://www.ictj.org/our-work/transitional-justice-issues/reparations>

**Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law**

<http://www.ohchr.org/EN/ProfessionalInterest/Pages/RemedyAndReparation.aspx>

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<http://www.icty.org/en/about>

**What is Transitional Justice?**

<https://www.ictj.org/about/transitional-justice>

**Truth and Memory**

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