

Handbook on Observations of Pride Marches

**Written by
Dr Christine Loudes
ILGA-Europe**



**The European Region of the International
Lesbian and Gay Association**

**rue de la Charité 17
1210 Brussels Belgium**

**Telephone: + 32 2 609 54 10
Fax: + 32 2 609 54 19**

**info@ilga-europe.org
www.ilga-europe.org**

Layout: Silja Pogule www.siljadesign.lv

Printer: Sofadi www.sofadi.be

**© ILGA-Europe
Reproduction permitted,
provided that appropriate
reference is made to the source.**



This handbook
is published with the support of the
European Commission – The European Union
against discrimination. The information contained
in this publication does not necessarily reflect
the position or opinion of the European Commission.

Handbook on Observations of Pride Marches

June 2006

Written by Dr Christine Loudes
ILGA-Europe

Acknowledgements

The author of the report would like to thank the following persons for their inputs in the drafting of the handbook:

Paula L. Ettelbrick, Executive Director, International Gay and Lesbian Human Rights Commission, for contributing to the introduction to this report

Juris Lavrikovs, Information & Communications Officer, ILGA-Europe, for sharing his knowledge of working with the media

Kurt Kickler and **Nigel Warner**, current and former members of the board of ILGA-Europe, for helpful comments and advice

Evelyne Paradis, Policy Officer (Network), and **Patricia Prendiville**, Executive Director, ILGA-Europe, for thorough proof reading.

Content

Introduction: Advancing human rights; two sides of the same coin	6
Importance of making use of rights	6
Importance of recording human rights violations	7
1. Principles of human rights monitoring	8
1.1. Elements of monitoring	9
1.2. Different types of obligations	10
1.3. Human rights violations	10
2. International standards regarding Pride marches	12
2.1. International human rights standards	13
2.1.1. Universal Declaration of Human Rights	13
2.1.2. International Covenant on Civil and Political Rights	13
2.1.3. United Nations Resolutions	14
2.2. European human rights standards	16
2.2.1 Council of Europe	16
2.2.2 Organization for Security and Co-operation in Europe (OSCE)	22
2.2.3 European Union	23
2.3. National legislation	25
2.4. Conclusion	26
3. Observing Pride marches	28
3.1. What is an observation?	29
3.2. How is an observation done?	29
3.3. In which circumstance is an observation necessary?	29
3.4. Why is it important?	30

3.5.	Practical steps to monitoring Pride marches	31
3.5.1.	Before the march	31
3.5.2.	During Pride	35
3.5.3.	Afterwards	36
4.	Reporting	38
4.1.	United Nations system	39
4.1.1.	Human Rights Committee	39
4.1.2.	Special Rapporteurs/Representatives	41
4.2.	Council of Europe	43
4.3.	OSCE	44
4.4.	European Union	45
4.5.	The media	46
4.5.1.	Working with media	46
4.5.2.	Some tips on how to write a good media release	47
4.5.3.	Example of ILGA-Europe media release	48
5.	Legal action	50
5.1.	United Nations Committee on Human Rights	52
5.2.	European Court of Human Rights	53
Appendix 1	Example of observer guide	56
Appendix 2	Guidelines for submitting allegations of violations against human rights defenders	60
Appendix 3	Preparing for human rights monitoring	62
	Resources on human rights monitoring	62
	Documents on monitoring parades and demonstrations	63
	NGOs Contacts	64



Introduction:

Advancing human rights; two sides of the same coin

Importance of making use of rights

Among the most important human rights for all social change activists – and certainly for sexual minorities such as lesbian, gay, bisexual and transgender people – are the rights that fall into the overarching frame of civil and political rights. As LGBT people we know that:

- **without the right to speak, we cannot publicly name ourselves or make our lives visible**
- **without the right to expression, we are confined from acting on our personal attraction, fully committing our love, or freely living with gender expressions that do not conform to conventions**
- **without the right of association, we cannot legally form the groups that allow us to collectively channel our time, energy and passion into challenging oppression and discrimination**
- **without the right of assembly, we cannot gather in the public square to challenge the abuses of government, lies of bigots, or the injustice of laws**
- **without these rights, we cannot build a movement.**

In 1969, after decades of enduring harassment, ridicule, arrests, and abuse, drag queens and dykes, fags and queers fought back. When the New York City police raided the Stonewall bar that June night – as they had on many occasions – the indignant rage of generations of queer people was unleashed. And it has not been stuffed back into the closet since. Night after night, police raided the bar, and each night more and more people filed into Greenwich Village to stand up against their actions and make sense of the new sense of movement that was taking hold. Eventually, the police surrendered.

The next year, on the anniversary of the “Stonewall Rebellion,” marches were held to commemorate the newly found Pride that these previously marginalised people were now presenting to the world. By claiming their presence in the community and asserting their right to live free of discrimination, abuse and shame, these marches signalled a dramatic change to social and legal conventions of the time. And, of course, they drew taunts, violent responses, and shock.

During the year 2006, hundreds of Pride Marches will take place around the world. In some places, thousands, even millions, will march. In others, perhaps only 10 or 40 or 100. But in all places, whatever the size of the march, the public visibility of LGBT people who take to the streets is a powerful political statement. Not only are we visible, but through Pride marches we engage in the most important form of political expression: dissent. Dissent against the social customs that keep us in fear. Dissent against the laws that imprison us for who we are or how we dress. Dissent against religious zealots who

scapegoat us. Dissent against violence that many still feel free to commit against us.

Our freedom will not be won through conformity, but through dissent. Let's all support dissenters everywhere.

This section was written by Paula L. Ettelbrick, Executive Director, International Gay and Lesbian Human Rights Commission.

Importance of recording human rights violations

Advancing human rights also entails playing a less visible part, distinct from their exercise which is commonly referred to as monitoring human rights violations. In order for human rights to be exercised by LGBT people and organisations, it is important that violations of these rights are recorded and reported. This handbook seeks to contribute to the protection of the rights of LGBT people by encouraging and supporting documentation of the exercise of the rights and documenting how the states protect those rights.

This publication has been designed for people and organisations who are thinking of monitoring human rights abuses occurring during Pride marches. The human rights monitoring technique described here is the observation of marches by independent observers.

This handbook focuses on the monitoring of Pride marches. ILGA-Europe is currently also working on the preparation of a document aimed at providing more general know-how on organising Pride events in a hostile environment. It will cover many subjects including preparing for the march, media and public relations strategies, dealing with opposition by faith based groups, international solidarity, and making use of the European human rights institutions. It is being prepared as the output from the EuroPride London 2006 Prides against Prejudice Conference, with the support of Amnesty International UK and the European Pride Organisers Association. It will be published at the ILGA-Europe web site in the summer of 2006.

This handbook has five chapters. The first one explains briefly the principles of human rights monitoring and what it entails. The second chapter lists relevant human rights instruments which can be invoked when a Pride march is banned or violent. The third chapter gives some practical advice and tools on human rights monitoring through observation of Pride marches. Once the factual information is collected it is important to gather the information in a report and to send it to the relevant human rights organisation. Chapter four highlights the possibility of reporting human rights abuses at international level. Information is given on organisations that monitor the implementations of human rights standards and how to approach them. The fifth chapter looks into the possibility of taking case before courts at national and international level and the challenges attached to this approach.



1. Principles of human rights monitoring

Human rights monitoring is a mechanism used to highlight the violations of a human right standard recognised internationally, in a systematic and factual manner. Human rights monitoring can take different forms: observations of events such as Pride marches or trials, interviews of victims or perpetrators of human rights abuses.

1.1. Elements of monitoring

As part of the monitoring, three elements have to be considered:

- 1. The existence of international human rights standards related to Pride marches in particular considering the right to freedom of assembly and expression and dispositions on non-discrimination.**
- 2. The obligations of states or states actors to protect these rights. Practical implications are developed when looking at international standards.**
- 3. The facts supporting the statement that rights of lesbian, gay, bisexual and transgender people have been violated.**



Human rights monitoring is usually conducted by a third party who is not the person taking part in the Pride nor the victim of the human rights abuse, is not acting for the state and nor is the human rights abuser. This third party can be an individual, an NGO or an international organisation. For instance, the Organization on Security and Co-operation in Europe (OSCE) organises regular elections monitoring in the countries which are members.

Human rights monitoring is usually conducted over a period of time so that a pattern or an evolution in the human rights protection can be uncovered. In relation to observation of Pride marches, this implies the organisation of human rights monitoring, by observations, over several years in countries where Prides are banned or counter-demonstrations are expected to be violent.

The purpose of human rights monitoring is therefore to document a human rights violation and draw the attention of public authorities or international organisations to a situation or to a pattern of violations.



1.2. Different types of obligations

States have obligations flowing from the international treaties and declarations they have signed and ratified. Some declarations and agreements have a political value which means that they are politically and morally binding on the states. Although they are not legally binding on states and therefore cannot be invoked before a court, they can be invoked in lobbying activities. This is the value for instance of the Universal Declaration on Human Rights and the United Nations Resolution on promoting the rights to peaceful assembly and association¹ or the OSCE declaration from conference.²

Some international treaties or covenants are legally binding on signatory states when they have signed and ratified the treaties. For instance, all the member states of the Council of Europe have ratified the European Convention of Human Rights and they have agreed that individuals can take a case before the European Court of Human Rights if they feel that their rights have been violated. Another important standard in relation to the right to freedom of assembly is the International Covenant on Civil and Political Rights which has been ratified by 156 states throughout the world.³

Some norms are binding on institutions as is the case for the Charter on Fundamental Rights in the EU which is binding on the Commission but not legally binding on member states of the European Union as long as the text is not ratified through the EU Constitution.

1.3. Human rights violations

Human rights violations occur when states transgress rights protected by national, regional and international human rights law. The term “states” includes all actors when they are exercising a public function such as the administrations, public services, national courts and tribunals, the police and the army. With regard to recognised human rights standards, states usually have a double obligation:

¹ Human Rights Resolution 2005/37.

² The Final Act of the Conference for Security and Cooperation in Europe, Aug. 1, 1975, 14 I.L.M. 1292 (Helsinki Declaration); Conference for Security and Cooperation in Europe Document of the Copenhagen Meeting of the Conference on the Human Dimension, Copenhagen, 29 July 1990.

³ A list of states having signed and ratified the Covenant is available on this website

<http://www.ohchr.org/english/countries/ratification/4.htm>

- **a negative obligation.** This means that law, policies and practices should not interfere with the exercise of the right. For instance, the ban of Pride marches by a mayor constitutes a breach of this obligation.
- **a positive obligation.** This implies that states have to provide the conditions for the exercise of the right to the best of their capacity. For instance, the refusal to offer protection to participants in Pride marches from violent counter demonstration can constitute a breach of such an obligation.

Additionally, states might be subjected to obligations of a more programmatic type for economic, social and cultural rights. In this case, states have obligations to take positive steps to implement the rights through policies and programmes. However the rights considered in this document are of a civil and political nature and therefore subject to the double obligation solely.





2. International standards regarding Pride marches

The right to freedom of assembly has been recognised and protected in several human rights treaties and instruments. This right should be exercised without discrimination. Alongside the freedom of expression, freedom of thought, conscience and religion, freedom of association, the freedom of assembly is a core right in a democracy. This being said, the exercise of this right can be subjected to certain conditions.

2.1. International human rights standards

2.1.1. Universal Declaration of Human Rights

This document was adopted by a General Assembly Resolution in 1948 and has a value of principle and is morally binding on the states which are part of the United Nations. It recognises amongst other rights, the right to freedom of expression and freedom of assembly.

“Article 19

Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.”

“Article 20

**(1) Everyone has the right to freedom of peaceful assembly and association.
(2) No one may be compelled to belong to an association.”**

Despite its limited legal value, this Declaration is the basis for many conventions and treaties which have a legally binding value, for instance the International Covenant on Civil and Political Rights.

2.1.2. International Covenant on Civil and Political Rights

The following are the most relevant articles of the Covenant concerning Pride marches:

“Article 21

The right of peaceful assembly shall be recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (“ordre public”), the protection of public health or morals or the protection of the rights and freedoms of others.”





“Article 19

1. Everyone shall have the right to hold opinions without interference.

2. Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.

3. The exercise of the rights provided for in paragraph 2 of this article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:

(a) For respect of the rights or reputations of others;

(b) For the protection of national security or of public order (*ordre public*), or of public health or morals.”

Furthermore, the banning of Pride marches is often motivated by discriminatory intentions. This is contrary to Article 2(1) of the International covenant on civil and political rights.

“Article 2(1)

Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.”

Although sexual orientation is not specifically mentioned in the list of grounds, the Human Rights Committee has affirmed that discrimination on grounds of sexual orientation is covered under the ground of “sex”.⁴

2.1.3. United Nations Resolutions

The rights of people who are defending human rights are often violated by states or private parties. This is why the General Assembly of the United Nations adopted in 1998, a resolution on the rights and duties of human rights defenders which has a political value. This Declaration has also been complemented by the creation of a United Nations Special Representative on Human Rights Defenders.⁵

⁴ *Toonen v. Australia*, Communication No. 488/1992, 4 April 1994, para 8.7. “The State party has sought the Committee’s guidance as to whether sexual orientation may be considered an “other status” for the purposes of article 26. The same issue could arise under article 2, paragraph 1, of the Covenant. The Committee confines itself to noting, however, that in its view, the reference to “sex” in articles 2, paragraph 1, and 26 is to be taken as including sexual orientation.”
<http://www.unhcr.ch/tb/s/doc.nsf>.

⁵ In its resolution 2000/61 of 26 April 2000, the Commission on human rights requested the appointment of a special representative on human rights defenders. AS of June 2006, Ms Hina Jilani is holding the mandate. More information on her role is available in part 4.1.3.

**Declaration on the Rights and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognised Human Rights and Fundamental rights (extract)
Adopted by General Assembly Resolution 53/144 of 9 December 1998**

“Article 5

For the purpose of promoting and protecting human rights and fundamental freedoms, everyone has the right, individually and in association with others, at the national and international levels:

- (a) To meet or assemble peacefully;**
- (b) To form, join and participate in non-governmental organizations, associations or groups;**
- (c) To communicate with non-governmental or intergovernmental organizations. [...]**



A recent resolution on the rights to freedom of assembly and association adds to the political obligations of states party to the United Nations. This resolution highlights the role that can be played by member states, the High Commissioner for Human Rights and the NGOS to secure the freedom of assembly.

Human Rights Resolution 2005/37 (extract)

“1. Calls upon Member States to respect and fully protect the rights to assemble peacefully and associate freely of all individuals, including those espousing minority or dissenting views or beliefs, and to take all necessary measures to ensure that any restrictions on the free exercise of the rights to freedom of peaceful assembly and of association are in accordance with applicable international law, including the International Covenant on Civil and Political Rights;

2. Calls upon the Office of the United Nations High Commissioner for Human Rights to assist States to promote and protect the rights to freedom of peaceful assembly and of association, including through the technical assistance programmes of her Office, at the request of States, as well as to cooperate with relevant bodies of the United Nations system and other intergovernmental organizations to assist States to promote and protect the rights to freedom of peaceful assembly and of association;

3. Encourages civil society, including non-governmental organizations and the private sector, to promote and facilitate the enjoyment of the rights to freedom of peaceful assembly and of association;



4. Calls upon the special procedures of the Commission, as appropriate, to consider the rights to freedom of peaceful assembly and of association in the exercise of their mandates;
5. Decides to consider the present resolution at its sixty-third session under the same agenda item.”

57th meeting
19 April 2005

[Adopted by a recorded vote of 45 votes to none, with 8 abstentions. See chap. XI, E/CN.4/2005/L.10/Add.11]

2.2. European human rights standards

There are several sources for human rights standards in the European region. This section will highlight standards set up by the Council of Europe, the Organization for Security and Co-operation in Europe (OSCE) and the European Union.

2.2.1 Council of Europe European Convention on Human Rights

The European Convention on Human Rights has a particularly significant role to play since it has been ratified by all member states of the Council of Europe.⁶ The European Court of Human Rights has been able to clarify the meaning of articles of the European Convention on Human Rights, through its case-law. Below are some of the most relevant articles of the Convention.

⁶ As of 25th May 2006, 46 states have ratified the European Convention for the Protection of human Rights and Fundamental Freedoms

<http://conventions.coe.int/Treaty/Commun/ChercheSig.asp?NT=005&CM=7&DF=5/25/2006&CL=ENG>

European Convention for the Protection of Human Rights and Fundamental Freedoms

“Article 11 Freedom of assembly and association

1. Everyone has the right to freedom of peaceful assembly and to freedom of association with others, including the right to form and to join trade unions for the protection of his interests.

2. No restrictions shall be placed on the exercise of these rights other than such as are prescribed by law and are necessary in a democratic society in the interests of national security or public safety, for the prevention of disorder or crime, for the protection of health or morals or for the protection of the rights and freedoms of others. This article shall not prevent the imposition of lawful restrictions on the exercise of these rights by members of the armed forces, of the police or of the administration of the State.”

The right to freedom of assembly is also linked with the right to freedom of expression in Article 10 of the European Convention on Human Rights.

“Article 10 Freedom of expression

1. Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. This article shall not prevent States from requiring the licensing of broadcasting, television or cinema enterprises.

2. The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.”





Both rights should be recognised and accessible without discrimination as stated in Article 14 of the Convention.



“Article 14 Prohibition of discrimination

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.”

The right to freedom of assembly and freedom of expression are both qualified rights. This means that their exercise can be limited under particular circumstances. The case-law of the Court has shown that these circumstances have to be narrowly interpreted.

European Court of Human Rights

The development of case-law by the European Court of Human Rights (ECtHR) has contributed to making the European Convention of Human Rights (ECHR) a strong human rights instrument in the European region. The Court has developed an extensive case-law in relation to the right of assembly and freedom of expression. In particular it has clarified the following points:

- The right to freedom of assembly and expression are key rights to the exercise of democracy.

“It is also recalled that in a democratic society based on the rule of law, political ideas which challenge the existing order and whose realisation is advocated by peaceful means must be afforded a proper opportunity of expression through the exercise of the right of assembly, as well as by other lawful means.”⁷

- The right to assembly can be exercised even when the **views are challenging** to the majority of the population. The fact that those views are challenging cannot justify any violence against the participants to the march:

⁷ *Stankov and the United Macedonian Organisation Ilinden*, 2 October 2001, paragraph 97 in fine

"A demonstration may annoy or give offence to persons opposed to the ideas or claims that it is seeking to promote. The participants must, however, be able to hold the demonstration without having to fear that they will be subjected to physical violence by their opponents; such a fear would be liable to deter associations or other groups supporting common ideas or interests from openly expressing their opinions on highly controversial issues affecting the community. In a democracy the right to counter-demonstrate cannot extend to inhibiting the exercise of the right to demonstrate."⁸

- The states which are parties to the Convention, not only have negative duty in relation to freedom of assembly (not to interfere) but they also have a **positive duty** to protect the participants to marches:

"Genuine, effective freedom of peaceful assembly cannot, therefore, be reduced to a mere duty on the part of the State not to interfere: a purely negative conception would not be compatible with the object and purpose of Article 11. Like Article 8, Article 11 sometimes requires positive measures to be taken, even in the sphere of relations between individuals, if need be (.)."⁹



"The authorities were therefore bound to take adequate measures to prevent violent acts directed against the participants in Ilinden's rally, or at least limit their extent. However, it seems that they, while embarking on certain steps to enable the organisation's commemorative event to proceed peacefully, did not take all the appropriate measures which could have reasonably be expected from them under the circumstances, and thus failed to discharge their positive obligations under Article 11."¹⁰ (emphasis added)

- The state has to demonstrate that it has taken **reasonable and appropriate measures** to enable the march but it can decide what form these measures will take.

"While it is the duty of Contracting States to take reasonable and appropriate measures to enable lawful demonstrations to proceed peacefully, they cannot guarantee this absolutely and they have a wide discretion in the choice of the means to be used (.). In this area the obligation they enter into under Article 11 of the Convention is an obligation as to measures to be taken and not as to results to be achieved."¹¹

- All limitations on the right to freedom of assembly or expression needs to be **proportionate** to the aim requested.

⁸ Case of *Plattform Ärzte für das Leben v Austria*, No 10126/82, 44 DR 65 (1985).

⁹ Case of *Plattform Ärzte für das Leben v Austria*, No 10126/82, 44 DR 65 (1985), paragraph 31.

¹⁰ Case of the *United Macedonian Organisation Ilinden and Ivanov v. Bulgaria* (Application no. 44079/98) Judgment Strasbourg, 20 October 2005, paragraph 115.

¹¹ Case of *Plattform Ärzte für das Leben v Austria*, No 10126/82, 44 DR 65 (1985), paragraph 34.



"The Court has examined the disciplinary sanction in question in the light of the case as a whole in order to determine in particular whether it was proportionate to the legitimate aim pursued, having regard to the special importance of freedom of peaceful assembly and freedom of expression, which are closely linked in this instance. The proportionality principle demands that a balance be struck between the requirements of the purposes listed in Article 11 § 2 and those of the free expression of opinions by word, gesture or even silence by persons assembled on the streets or in other public places. The pursuit of a just balance must not result in advocates being discouraged, for fear of disciplinary sanctions, from making clear their beliefs on such occasions."¹²

- There should be no restrictions on these rights except for reasons of national security and public safety and even in this case these need to be justified.

Limitation: Justified interferences to the exercise of the right

- Whether the interferences were "**prescribed by law**" i.e. a legislation that exists prior to the Pride.
- The restriction is justified by **legitimate aim** such as protecting national security and the territorial integrity of the country, guaranteeing public order in the local community, protecting the rights and freedoms of others and preventing disorder and crime
- The right can be limited when it is "**necessary in a democratic society**." In the hypothesis when the assembly is threatening the existing system and would lead for instance to a *coup d'état*, a limitation can be imagined.
- In any case the limitation should be **proportionate to the aim sought**. This means that the exercise of the right can be restricted only when there is no other way to achieve an acceptable result.

The legal obligations defined through the case-law of the European Court of Human Rights have been recently complemented with a statement by the Council of Europe Commissioner on Human Rights.

¹² Case *Ezelin v. France*, 26 April 1991, paragraph 51.

Council of Europe Commissioner on Human Rights

“Freedom of assembly belongs to all people

Statement by Thomas Hammarberg, Council of Europe Commissioner for Human Rights

Recently, there have been calls for banning gay Prides – events organised to celebrate diversity and equality – in a number of Council of Europe member states. A recent example is from Moscow, where the first ever gay Pride scheduled for 27 May, was not given permission by the Mayor of Moscow. The case is pending in local courts and final outcome is not yet known. Regrettably, this is not the only case. There are also reports that the Mayor of Chisinau, Moldova has decided to ban a similar manifestation.

The rights to freedom of expression and peaceful assembly are fundamental rights in a democratic society and belong to all people, not just the majority. A demonstration may annoy or give offence to persons opposed to the ideas or claims expressed, but this cannot be a reason to ban a peaceful gathering. If the authorities have grounds to fear for the security of the demonstrators they should provide protection or, at least, suggest alternative venues for such a manifestation. A general ban of a peaceful demonstration can only be justified if there is a real danger of disorder which cannot be prevented by reasonable and appropriate measures.

Solutions should be found which guarantee both security and freedom of assembly. This is particularly important in a context of increasing racism and xenophobia, including homophobia. Violent incidents against those who are different or perceived to be different are taking place with alarming frequency, and all too often with impunity. This is unacceptable and has to be stopped. Authorities at all levels must strongly respond to such individual acts of violence and actively promote tolerance and respect in their communities.”

Source: Human Rights Commissioner website

http://www.coe.int/T/Commissioner/Media/News/062305statement_en.asp



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

The Organization for Security and Co-operation in Europe (OSCE) is the largest regional security organisation in the world with 55 participating States from Europe, Central Asia and North America. What makes the OSCE unique is the fact that it was the first regional security organisation to include a human dimension in its mandate. The philosophy behind the OSCE's policy is that regional security is dependent on co-operation between the participating States and on the strengthening of the human dimension. Taking positive steps in the areas of human rights, democratisation, election monitoring and establishing the rule of law are seen as security building measures. The OSCE is also active in early warning, conflict prevention, crisis management and post-conflict rehabilitation.

All OSCE participating States have equal status, and decisions are based on consensus. While the decisions are of a political nature nevertheless, the OSCE has set some agreed standards such as the Helsinki Declaration.

This Declaration which links the human rights concerns with security, was signed in 1975. It confirms that member states of the OSCE should act in accordance with the United Nations Charter (1945) as well as the Universal Declaration of Human Rights (1948).



The Final Act of the Conference for Security and Cooperation in Europe, Aug. 1, 1975, 14 I.L.M. 1292 (Helsinki Declaration).

"VII. Respect for human rights and fundamental freedom, including the freedom of thought, conscience, religion or belief

[...]

In the field of human rights and fundamental freedoms, the participating States will act in conformity with the purposes and principles of the Charter of the United Nations and with the Universal Declaration of Human Rights. They will also fulfill their obligations as set forth in the international declarations and agreements in this field, including *inter alia* the International Covenants on Human Rights, by which they may be bound."

The right to freedom of assembly has been reaffirmed alongside the right to freedom of expression, the right of association, and the freedom of thought, conscience and religion in following conference of the OSCE:

Conference for Security and Co-operation in Europe Document of the Copenhagen Meeting of the Conference on the Human Dimension, *Copenhagen, 29 July 1990*

**“(9) The participating States reaffirm that:(...)
(9.2) - everyone will have the right of peaceful assembly and demonstration.
Any restrictions which may be placed on the exercise of these rights will be
prescribed by law and consistent with international standards;”**

The Office for Democratic Institutions and Human Rights (ODIHR) is currently working on guidelines for drafting laws pertaining to freedom of assembly.¹³

2.2.3 European Union

Although there are very few legally binding documents in relation to fundamental rights in the European Union, it is important to recall that equality and fundamental rights are key principles of the European Union.

Article 6 of the Treaty of the European Union

**“1. The Union is founded on the principles of liberty, democracy, respect for human rights and fundamental freedoms, and the rule of law, principles which are common to the Member States.
2. The Union shall respect fundamental rights, as guaranteed by the European Convention for the Protection of Human Rights and Fundamental Freedoms signed in Rome on 4 November 1950 and as they result from the constitutional traditions common to the Member States, as general principles of Community law.
3. The Union shall respect the national identities of its Member States.
4. The Union shall provide itself with the means necessary to attain its objectives and carry through its policies.”**



¹³ A draft copy is available at http://www.osce.org/documents/odihr/2004/10/3776_en.pdf.



The risk of serious breach or systematic breach of human rights by a member state of the EU can be sanctioned by political procedures.¹⁴ However, these mechanisms are very difficult to use in practice as they requires a high majority or unanimity (outside of the member state which is breaching human rights) in Council.

Political pressure can be put also towards the countries which are candidates to entry in the European Union. The Copenhagen criteria, which rule the accession process, require accession countries to demonstrate their respect for human rights. In particular, countries have to show their respect for the rights of minorities, equality, the rule of law and human rights. Usually, references to the freedom of assembly or freedom of expression are often included in the Accession Partnership – i.e. treaty dealing with the conditions for accession to the EU- with candidate countries. For instance, references are made to the right to freedom of assembly and the state obligations in the Accession Partnership with Turkey under the political criteria.

Consequently, Turkey has to:

“Implement all reforms concerning freedom of association and peaceful assembly in accordance with the European Convention on Human Rights and its related case-law. Implement measures to prevent the excessive use of force by security forces.

[...]
Guarantee in law and in practice the full enjoyment of human rights and fundamental freedoms by all individuals without discrimination and irrespective of language, political opinion, race, sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation.”¹⁵

¹⁴ Article 7 of the Treaty of the European Union

¹⁵ Council Decision of 23 January 2006 on the principles, priorities and conditions contained in the Accession Partnership with Turkey (2006/35/EC), http://europa.eu.int/smartapi/cgi/sga_doc?smartapi!celexapi!prod!CELEXnumdoc&lg=en&numdoc=32006D0035&model=guichett.

¹⁶ See for instance in relation to Croatia: 2006/145/EC: Council Decision of 20 February 2006 on the principles, priorities and conditions contained in the Accession Partnership with Croatia and repealing Decision 2004/648/EC.

¹⁷ Communication from the Commission Compliance with the Charter of Fundamental Rights in Commission Legislative Proposals Methodology for Systematic and Rigorous Monitoring, Brussels, 27.4.2005 , COM (2005) 172 Final.

Similar dispositions in relation to non discrimination are present in other treaties dealing with Accession of candidate countries to the European Union.¹⁶

Finally, the EU institutions are bound to respect the rights contained in the EU Charter of Fundamental Rights of the European Union. This means that in their actions they should not violate the Charter. In order to prevent violations, the Commission has set up a mechanism which assesses the impact on human rights of new legislative proposals.¹⁷

Charter of Fundamental Rights of the European Union¹⁸

“Article 12 Freedom of assembly and of association

1. Everyone has the right to freedom of peaceful assembly and to freedom of association at all levels, in particular in political, trade union and civic matters, which implies the right of everyone to form and to join trade unions for the protection of his or her interests.
2. Political parties at Union level contribute to expressing the political will of the citizens of the Union.”

“Article 21 (1) Non-discrimination

1. Any discrimination based on any ground such as sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation shall be prohibited.”

In the absence of an agreement on a constitutional text for the European Union, the Charter remains politically binding on member states who have signed up to it in October 2004.

2.3. National legislation

The right to freedom of assembly is protected in the national legislation usually, by the Constitution. A few examples of such texts can be found below.¹⁹

Constitution of Croatia

“Article 42

Assembly, protest

Everyone shall be guaranteed the right of public assembly and peaceful protest, in conformity with law.”

Poland’s Constitution

“Article 57

The freedom of peaceful assembly and participation in such assemblies shall be ensured to everyone. Limitations upon such freedoms may be imposed by statute.”



¹⁸ The full text of the Charter is available at http://www.europarl.europa.eu/charter/pdf/text_en.pdf

¹⁹ A more extensive list of the constitutional dispositions is available on ILGA-Europe’s website http://www.ilga-europe.org/europe/advocacy_lobbying/human_rights_issues/freedom_of_assembly.



Russia's Constitution

"Article 31

Assembly, Demonstration

Citizens of the Russian Federation have the right to gather peacefully, without weapons, and to hold meetings, rallies, demonstrations, marches and pickets."

However, it is also important to look into the rules of implementation in particular as the European Convention on Human Rights allows for restrictions provided by law. The exercise of the right to freedom of assembly is also subject to prior agreement with the administrative authorities or mayor of the city where it is organised.

2.4. Conclusion

Freedom of assembly is an internationally and nationally recognised right. This right has to be recognised and protected without discrimination. In order to avoid a ban, it is important to conform to the administrative obligations linked to the exercise of this right (such as asking for authorisation) and to ensure that the march will be peaceful.

The exercise of this right can be limited under restricted circumstances. According to European jurisprudence, these limitations have to be narrowly interpreted. Some states have tried to argue that the notions of "public order" or "protection of morals" can be understood as allowing a ban on Pride marches. However, it is important to point out that banning a march on the ground that the ideas promoted during the march are not accepted by the government or a part of society is a violation of the right to assembly. The Pride parades are part of a process by which LGBT identity and political existence is established as a legitimate part of society.

The right to hold a counter-demonstration is protected as much as the right to demonstrate. A peaceful counter-demonstration (for instance by religious groups) is not violating human rights if it has a peaceful character. However, if the purpose of the counter-demonstration is to intimidate participants to a Pride parade and to stop the parade, then it is violating the right to freedom of assembly and expression of the participants to a Pride event.



In short here are some questions to ask to determine whether violations of human rights have taken place:

Pride and rights

- **Is the Pride parade and/ counter-demonstration peaceful?**

It is a prerequisite to claim the right to assembly that the Pride or the counter-demonstration is peaceful

- **Is there a ban on the march?**

If so the reason for the ban needs to be sought and it should not be discriminatory. In case of ban, the case should be brought before the administrative tribunal as soon as possible.

- **Is this restriction “necessary in a democratic society”? Is the restriction provided by law?**

Those are two elements considered by the ECtHR when deciding if the restriction is violating human rights or not. However, these hypotheses have been interpreted very narrowly by the court. For instance, the ban or restriction cannot be justified by the fact that homosexuality is offending to religious people.

- **Is the restriction applying to counter-demonstrators too?**

Counter-demonstrators should not be treated in a more favourable way otherwise this could constitute a discrimination.

- **In case of violence did the state authorities (police, army) protect you?**

This is an important aspect of the state’s obligation: the protection of participants in a peaceful assembly.





3. Observing Pride marches

In the case of Pride events, the technique mostly used to monitor the respect for human rights is the **observation** of the Pride.

3.1. What is an observation?

Observation is a distinct activity from organising a Pride or taking part in Parades. The aim of the observation is to ensure that the right to assembly is protected. It has been defined by the United Nations as “[...] the active collection, verification and immediate use of information to improve human rights protection.”²⁰

3.2. How is an observation done?

The observation must be as **factual** as possible in order to be considered **independent** and **objective**. It is a process of watching events and recording any facts which might constitute a breach of legal provisions and/or a human rights abuse. The observation presumes that there will be a dedicated team of observers.

3.3. In which circumstance is an observation necessary?

It is needed in particular circumstances for instance when the exercise of the right to freedom of peaceful assembly is impeded or when violence is expected from the police or counter-demonstrators.

A good observation is conducted independently from the Pride march or the counter-demonstration. It is very important that observers are seen as independent. A first step should be to assess beforehand whether observation is necessary and how to organise the observation of the Pride march.

²⁰ Office of the High Commissioner for Human Rights, *Training Manual on Human Rights Monitoring*, Professional Training Series No.7., United Nations, New York and Geneva, 2001, p. 3.



Questions to assess if observation is necessary and how many observers are needed:

1. How many participants will take part in the Pride march?

- This will allow you to decide how many observers are necessary.

2. Are you expecting a counter-demonstration? How many people? Do you think it will be violent?

- Observation is necessary when you are expecting violence.

3. How many police officers will be available? What is the attitude of the police towards the LGBT community?

- If the community has good co-operation with the police, the monitors will focus on whether there are enough police available.
- If the attitude is negative, it will be important to be quite visible and to let the police know about the exercise in order to make them aware and more cooperative. The focus will then be on looking at the reaction of the police.

4. How long will the Pride be (time and distance)?

- This information will help you to determine the numbers of observers needed (usually people work by pairs). Monitors need to be placed in the areas where violence might take place (e.g. cross road, in front of churches etc...)

The organisation of an observation requires some important logistics as is explained in the part on practical steps (part 3.5). It is recommended to organise this activity in conjunction with other human rights organisations at national or international level.

3.4. Why is it important?

There are several reasons why human rights monitoring by observations should be carried out:

- In establishing the facts in a particular situation, it is important to have an accurate picture of the context and the events.
- In certain cases the simple fact of observing the march can have the effect of decreasing the violence. Knowing that actions are being recorded for reporting purposes might have an important impact on the behaviour of police and counter-demonstrators.
- Findings from the monitoring can then be reported to national or international human rights institutions to avoid the re-occurrence of such events.

- They can also be used to lobby for changes in law, policies and practices.
- Some evidence collected during the observations (pictures, medical record, and statements of the victim, witnesses and the police) can constitute proof in a legal case.
- The information can also be used to inform a wider audience about the situation of LGBT people. In this case, press releases and educational material can be produced.



3.5. Practical steps to monitoring Pride marches

When observing a Pride, there are two key issues:

- I to ensure your safety and the **safety** of other people involved (e.g. if there is a fight, not get involved but record what is happening).
- I to be seen as **independent monitors**.

The following is a list of practical steps for actions to do before the march, at the time and after the march.

3.5.1. Before the march

Organise a meeting with observers

- During this meeting it is important to appoint a team leader/coordinator who will coordinate actions and will liaise with the police, the authorities and the Pride organisers. This person will monitor the procedures, and if there is a case before an administrative court for a ban of Pride, this person can arrange observation of the trial.
- This meeting is also the time when the issues to observe are explained and everyone is briefed on the way the observation will take place. The particular role of observers is defined clearly; as different from Pride organisers and stewards. Observers are reminded that observation is based on legal human rights standards.
- It is also important to find out about the mapping and the route of the Pride and safe places from where to observe the march; and the timing of the Pride.



Develop guidelines for observers

It is important to develop guidelines to provide a framework and support to the work of observers. The guidelines should reiterate some rules about monitoring such as independence and security. It should reiterate that the aim of monitoring is to check whether the public authorities (in particular the police) are respectful of the law and international human rights standards in their actions and behaviours. Guidelines should contain practical information such as contact number in case of emergency (in particular the phone number of the coordinator of the monitoring). An example of guidelines for observation of Pride is presented below and can be adapted to your national context.



Guidelines for observations of Pride

Information on Pride

- Observers should be provided with a map of the Pride route.
- Indication of when and where they will be posted.
- Usually observers are asked to be at the venue of the Pride half an hour before the beginning of Pride and to stay there until the crowd has dispersed.
- Time and place of debriefing meeting.

Important principles of observation

- Observers should respect human rights of all parties: the right to assembly applies also to peaceful counter-demonstrators.
- Observers must remain independent and unobtrusive. They should not walk in the Pride but observe from an agreed point.
- They should not respond to any type of incitements but remain calm in all circumstances.
- The observation should focus primarily on the attitude of the police and the army (states' actors). If violence occurs, every factual information should be recorded.
- Observers should comply with national law and legislations.
- Observers should refrain from personal and premature declarations to the media. Public comments should be agreed with the co-ordinator at the debriefing meeting.
- Evidence collected must be as reliable and verifiable as possible.
- Observers should not give instructions to any parties in the demonstration.

Contact details

Provide phone numbers for people to contact in case of need or emergency such as:

- Co-ordinator
- Police
- Ambulance
- Hospital

Safety

- It is very important that observers work in pairs.
- They should be in contact with the co-ordinator before starting the observation, during the observation and after the observation.
- Observers should never intervene if they witness violence but record the events as accurately as possible.
- If possible, they should identify a café or a public place from where to observe if the situation deteriorates.

Comfort

- Comfort of the observers is important as they will be staying in the same spot for some time.
- They should wear comfortable shoes, have water, and bring protection against rain, sun and cold weather.

Material needed

- Monitoring sheet
- Pen and paper
- Camera
- Mobile phone
- Watch
- Video/audio recording devices
- Distinctive signs such as T-shirts or arm band as agreed.
- Identification papers.

The legal observer guide used by the Midnight Special Law Collective is available in the Appendix 1 of this handbook. The Midnight Special Law Collective is an independent non-profit organisation dedicated to providing legal training and accessible, relevant, democratic and accountable legal support to a wide range of activists participating in the struggle for social change.

Code of Conduct for observers

In some instances, observers of demonstrations have been asked to adhere to a Code of Conduct. One such example is the Code of Conduct used by the Network of Independent Monitors during demonstrations in South Africa, which is presented here as good practice.²¹

“Monitors were expected to adhere to a 12-point code of conduct, which said that they would:

- **be committed to the principles of the UN Declaration of Human Rights;**
- **be committed to independent monitoring;**
- **be accessible to all parties being monitored;**
- **pledge to promote peace and work to end violence;**

²¹ For more information see Dominic Bryan & Neil Jarman, *Independent Intervention Monitoring the police, parades and public order*, Democratic Dialogue, 1999, p. 25-30.



- be committed to non-violent action and methods of monitoring;
- report truthfully and accurately on situations;
- strive to act confidently, calmly and diplomatically;
- display sensitivity and empathy for the vulnerability of victims of violence;
- respect the need for confidentiality;
- not publicly display any party preference (in word, by action or by wearing party badges or clothing) while monitoring;
- respect the role of other structures dealing with conflict mediation/resolution;
- Not publicly undermine monitors who were part of the network."

Source: Dominic Bryan & Neil Jarman, Independent Intervention Monitoring the Police, Parades and Public Order, Democratic Dialogue, 1999, p. 27.

Agree templates for recording events during observation

To support the recording of factual information during the observation and ensure coherence in the observation, the co-ordinator should circulate a template sheet for observers. The following template can be adapted to the local situation.

Template sheet for observers	
<p>The observation team</p> <ul style="list-style-type: none"> ● Situation where the observation is taking place ● Time of the observation (from .. to) ● Name of person accompanying ● Have you made clear to the police that you are observing? ● Action taken <p>Pictures, audio and film collected</p>	<p>The incident(s)</p> <ul style="list-style-type: none"> ● What happened? ● Time when incident occurred ● Place where incident occurred ● Information about victims ● Information about perpetrator ● Information about people arrested and their conduct ● If people are injured take pictures of injuries
<p>Pride March</p> <ul style="list-style-type: none"> ● Number of participants ● Are there media present? ● Is there a counter-demonstration? ● Reaction of the counter-demonstrators ● Record use of homophobic language or insults (best if recorded on tape) 	<p>Behaviour of state actors</p> <ul style="list-style-type: none"> ● Reaction of the police on the spot, after the incidents. ● Any information to identify the person: police number... ● Are any other public authorities present (city authorities...) ● Reaction of medical staff: how did they treat the persons injured?

Communication with Pride organisers, authorities, counter-demonstrators and the police.

It can be a good idea to let the authorities and the protagonists know that monitoring will take place, in order to protect the participants of the Pride from brutality.

3.5.2. During Pride

Independence and objectivity

Observers must avoid participating in or be seen as participating in the march. They must be independent from the organisers of the parade and the people taking part in the Pride. They are not stewards or security officers for the Pride but their role is to report objectively about the respect of the right to freedom of assembly by the authorities, in particular by the police.

Safety

It is very important that observers are conscious of safety issues. The observation should not endanger anyone. It is also important that they take care of their own safety and do not intervene in cases of violence. In such circumstances they should record in an adequate manner the course of events and the behaviour of the police and, where relevant, of the participants or counter-demonstrators. It is also important that observers are aware of places (for e.g. cafes, post office) or streets where they can go if they feel that their safety is jeopardised.

Work in pairs

As part of the safety procedure, it is very important that monitors work in pairs and that they stay together in the event of violent attacks. This also allows for monitors to compare notes when writing the report and dismissing elements based on perceptions rather than factual information. The best combination would be that one observer records events by taking notes and the other records with a camera or recording device.



Identifiers for the monitors

It can be a good idea to identify the monitors in particular if the information has been given to the police. It can also increase the security level for the monitors.

Taking notes during the Pride

It is essential to take note of any incident during the march in a factual manner; in particular to note the name of the police officer or his/her identification number, attitude of the police and the counter-demonstrators. This information will later be included in the monitoring report.

Recording events

- Get a video camera & photo camera to get visual information to include in the monitoring report.
- The template sheet can give an idea of the type of information to record during the observation.

Keeping contact with the co-ordinator

Mobile phone contact with the co-ordinator: monitor should be in regular contact with the co-ordinator to report on their security situation and the evolution of the event.

3.5.3. Afterwards

It is important that the data is collected and analysed and that a report is written after the observation of Pride. The reporting by observers needs to be done promptly so as to remember all elements and ensure the collection of the maximum level of information.

Other steps should be taken when needed to ensure adequate follow-up, for example:

- Report any incidents which occurred during the march to the police or the ombudsman.
- Write a report or a letter to the different national and international institutions that monitor human rights.



- Use the report in lobbying actions: some data collected can be used to ask for a change in legislation or policy at national level.
- Communicate information about the main issues widely (Council of Europe, United Nations and of course ILGA-Europe).

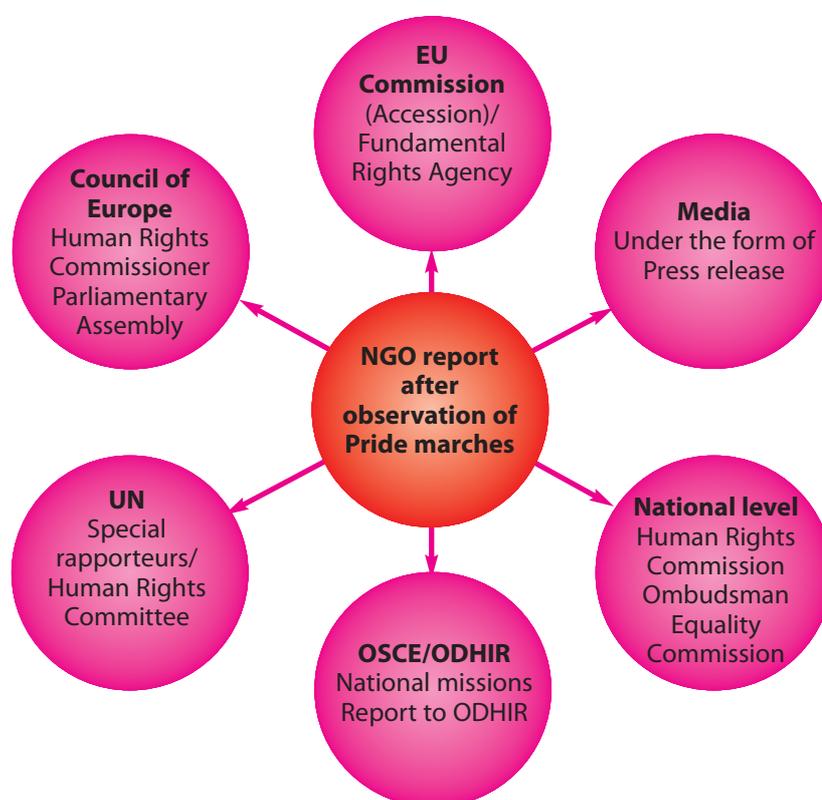
Most of these actions are developed in the next sections of this report. In some cases, international institutions will issue a report which can be used as leverage to push for changes at the national level. In other circumstances it might be important to take up a case before the courts. In both situations, similar information is necessary.





4. Reporting

This section provides information on how to use the information collected through observation of Pride parades. This information can be sent to many different institutions which may be able to take action on the basis of the evidence gathered. Some of these institutions may appear intimidating and complicated but it is possible to identify bodies within these organisations which are advancing the rights of LGBT people. Please note that this list is not exhaustive and that it is possible to find other LGBT-friendly bodies.



When writing to these different institutions, it is recommended to link the situation you are describing to one of the international instruments mentioned in chapter 2 of this handbook. This gives your report more weight and will make it easier for the different institutions to consider your reports.

4.1. United Nations system

4.1.1. Human Rights Committee

An important mechanism to raise the issues with the Human Rights Committee is the shadow report based on the report from observation of Pride marches. A report can be presented by non governmental organisations (NGOs) or individuals when a state's record on human rights is examined by the Human Rights Committee. This reporting procedure should take place on a regular basis at the request of the Committee, usually every four years. The trend has been for these regular examinations to be delayed because of the workload of the Committee. In order to find out when your state is being examined, by the Committee you should look at the UN treaty bodies database.²²

²² The list of countries to be examined under the reporting system is available at <http://www.unhcr.ch/tb/s/doc.nsf/RepStatfrset?OpenFrameSet>.

The shadow reports have played an important role in highlighting human rights violations and guiding the work of the Committee. It provides an important source of information for the Committee. The Committee can ask questions to states on controversial issues raised in NGO reports to obtain clarification.



Example of questions asked to member states by the Human Rights Committee

**“How does domestic legislation guarantee the effective exercise of the right to assembly?
How many permit applications for public demonstrations have been rejected, and on what grounds?”**

(Source: List of issues to be taken up in connection with the consideration of the second periodic report of Azerbaijan adopted by the human rights committee on 5 April 2001)

Some NGOs have expertise in working with the United Nations system and can offer useful advice in relation to drafting a shadow report and bringing information to the United Nations.

ARC International

John Fisher
Co-Director,
62, rue de Vermont, # 44
Geneva 1202
Tel.: +41 22 733 4705
Mobile: +41 79 508 3968
Fax: +41 22 734 4761
john@arc-international.net
www.arc-international.net

International Service on Human Rights (ISHR)

Chris Sidoti
Director
P.O. Box 16
CH-1211 Geneva 20
Switzerland
c.sidoti@ishr-sidh.ch
<http://www.ishr.ch>

ISHR organises training sessions in international law and on the UN human rights system.

OMCT International Secretariat

PO Box 21

8, rue du Vieux-Billard

CH-1211 Geneva 8

Switzerland

Tel.: + 41 22 809 4939**Fax:** + 41 22 809 4929**omct@omct.org****http://www.omct.org/index_en.cfm?CFID=3658442&CFTOKEN=39202182****FIDH representation to the United Nations**

15 rue des Savoises, CH-1205

Genève, Suisse

Tel.: + 41 22 700 12 88**Fax:** + 41 22 321 54 88**<http://www.fidh.org>**

4.1.2. Special Rapporteurs/Representatives

There are several Special Rapporteurs or Special Representatives in the United Nations system. Over the last few years, more and more of them have shown a real support for LGBT issues by talking about cases of human rights violations against LGBT people and their supporters. They have done so in their reports or by meeting with LGBT people during country visits. A number of special rapporteurs have also intervened directly with governments when they received information about serious human rights violations to ask the governments to take appropriate action.

Discrimination on the basis of sexual orientation is now being addressed by a number of special rapporteurs and now features as a crosscutting theme for special procedures. See OHCHR website at **<http://www.ohchr.org/english/bodies/chr/special/sexualorientation.htm>**

In relation to restriction on or violence during Pride Parades, the two most relevant mandates are the Special Representative on human rights defenders and the Special Rapporteur on freedom of expression. These rapporteurs can contact the government asking for information and justification for example in the case of a ban of Pride march. Additionally, they can issue reports about the situation in different countries. Through this action Special Rapporteurs can increase the rights and the visibility of LGBT people. However, they can only do so when they are sent relevant and factual information by people or organisations whose rights are affected. This is why it is important to send them the information you collected.

The Rapporteur and Representative mentioned below have been raising issues relating to the rights of LGBT people.





The Special Representative on Human Rights Defenders

Has highlighted:

- attacks and harassment of defenders of the rights of sexual minorities
- the greater risks faced by those who defend the rights of sexual minorities (taking into consideration social structures, traditional and religious practices used to justify violation of the human rights of members of such groups)
- defenders and members of sexual minorities are often very vulnerable to prejudice, marginalisation and public repudiation
- specific legislation that is used to limit the work of human rights defenders

Human rights defenders

Special Representative: Ms. Hina Jilani (Pakistan)

Assistant: Ms Melinda Ching Simon

MChingSimon@ohchr.org

and

Chloé Marnay-Baszanger

Cmarnay-baszanger@ohchr.org

The Special Rapporteur on Freedom of Expression

Has argued in favour of:

- the right to privacy and confidentiality (public disclosure of personal information such as medical information, civil and legal status, registration at birth)
- the ability to report and demonstrate on sexual minority issues
- the ability to publicly express one's sexual orientation and gender identity (for instance through clothing, official name registration, public and social behaviour)

Right to freedom of opinion and expression

Special Rapporteur: Mr Ambeyi Ligabo

Assistant: Mr. Luca Lupoli

llupoli@ohchr.org

In order to take action, Special Rapporteurs/Representatives need to receive information which is as detailed as possible. The facts or a general situation should be described as clearly as possible. An example of reporting to the Special Representative on Human Rights Defenders is available in Appendix 2 of this handbook.

Special Rapporteurs/Representatives will use the information in different ways:

- 1) if they consider that the situation calls for an immediate action, they may decide to do an urgent action i.e. intervene directly with a government to ask them to remedy the violation immediately

2) if they consider that the situation does not require such urgent intervention, they may use the information in their annual reports or for country missions.

If you have a case that requires **urgent action** by one of the special procedures (such as an activist being arbitrarily detained and at risk of torture or ill-treatment), you can send the information by email (urgent-action@ohchr.org) or by fax at the following number: (41 22) 917 9006.

To find out more about the United Nations human rights treaties see:

Office of the High Commissioner on Human Rights Factsheet No.30

The United Nations Human Rights Treaty System: An Introduction to the Human Rights Treaties and treaty bodies <http://www.ohchr.org/english/about/publications/docs/fs30.pdf>

4.2. Council of Europe

Human Rights Commissioner

Functions:

The Commissioner:

- promotes education in and awareness of human rights
- fosters the effective observance and full enjoyment of human rights
- provides advice on the protection of human rights
- identifies possible shortcomings in the law and practice concerning human rights
- assists member states in the implementation of Council of Europe human rights standards.

In a recent statement, the Commissioner has made clear that banning of Prides Parades is violating human rights (see part 2.2.1).

Contact details

Thomas Hammarberg,

Commissioner for Human Rights of the Council of Europe

http://www.coe.int/T/Commissioner/About/welcome_en.asp

commissioner.humanrights@coe.int

The Parliamentary Assembly of the Council of Europe also provide opportunities for taking up human rights violations. These will be documented in the Prides against Prejudice Toolkit referred to in the Introduction.





4.3. OSCE

The OSCE provides a European wide forum for raising LGBT issues in the context of the OSCE's mandate on the human dimension. Although not a treaty organisation where states take on legal obligations when they join, the OSCE is a political organisation. It seeks to exercise authority through political pressure on those states that do not live up to the Commitments they make to human rights and the rule of law when they join the organisation.

The OSCE's relevance to LGBT rights has increased in the past years as the OSCE has taken on an expanded mandate in the area of tolerance and non-discrimination. Although not all OSCE states agree that 'sexual orientation' should be included as a discrimination ground in OSCE's work, many OSCE Missions and institutions are open to the involvement of LGBT people in the activities promoting tolerance and non discrimination.

Office for Democratic Institutions and Human Rights (ODIHR)



The ODIHR's mandate is to assist OSCE participating states in "ensuring full respect for human rights and fundamental freedoms, to abide by the rule of law, to promote principles of democracy and to build, strengthen and protect democratic institutions, as well as promote tolerance throughout society."

The ODIHR, based in Warsaw, Poland, has been growing steadily since its creation in 1990 and now includes a human rights section and a tolerance programme. Today, it employs more than 140 staff members and is active throughout the whole OSCE region.

The "Tolerance and Non-Discrimination" (TND) programme and the Human Rights Department are of specific interest to LGBT groups and organisations. Whereas the TND programme monitors violent acts of intolerance in the OSCE region, the Human Rights Department monitors Freedom of Assembly and Association problems in the OSCE region.

Contact details

Human Rights Department
Al. Ujazdowskie 19
00-557 Warsaw
Poland

Tel: +48 22 520 0600

Fax: +48 22 520 0605

humanrights@odihr.pl

<http://www.osce.org/odihr/13460.html>

OSCE field missions

The OSCE has 18 missions and field operations located in South-Eastern Europe, the Caucasus, Eastern Europe and Central Asia. They work 'on the ground' to facilitate political processes, prevent or settle conflicts, and promote civil society and the rule of law.

These missions can be a first point of contact, at national level, for individuals and NGOs who had their rights violated. LGBT organisations in Kyrgyzstan and Serbia reported positive experiences with OSCE Missions: in Bishkek the OSCE Center hosted a roundtable on intolerance against LGBT people and in NIS a lesbian group was involved by the OSCE Mission in a "Community Policing" project. To find out more about the missions please see the OSCE website at:

<http://www.osce.org/about/13510.html>

4.4. European Union

Issues can be brought to the European Union institutions through different channels; one effective way to make the issue known at the European level is to send it to the Intergroup on Gay and Lesbian Rights.

Aims

The European Parliament's Intergroup acts as a pressure group: to ensure that the rights of LGBT people are protected and promoted in the European Union institutions and across society.

- To ensure that the fight against discrimination continues.
- To act to promote equality and diversity and to ensure that LGBT rights remain at the forefront of the Parliamentary agenda.

Who's who?

The Intergroup on Gay and Lesbian Rights is formed of cross-party support and dedicated to advocating for the rights and interests of LGBT people. It has a small Steering Committee and more than 150 members within the EU institutions (more than half being MEPs).

Steering Committee

The Steering Committee is constituted of the president and vice-presidents and meets once a month in order to update each other and discuss developments and future activities of the Intergroup.





President:

Michael Cashman - PES / UK mcashman@europarl.eu.int

Vice-presidents:

Sophie in't Veld - ALDE / NL sintveld@europarl.eu.int

Alexander Stubb - EPP / FI astubb@europarl.eu.int

Raül Romeva i Rueda - Green/ALE SP rromeva@europarl.eu.int

More information on:

<http://www.gayandlesbianrightsintergroup.com/about.htm>

4.5. The media

4.5.1. Working with media



Monitoring of and cooperation with the media is extremely important when you are organising a pride event. Media information helps you to convey your message, helps the community, the politicians and the general public to develop and form opinions, make decisions and judgments. Media information can also help to identify where the main difficulties and obstacles are coming from, what counter actions are being prepared and what arguments are being used against your event. Being prepared and equipped with accurate facts will help you to counter misinformation, educate the public, and generate wider support for your issue.

To maximise the potential benefit of your media work, be strategic! There is no recipe for the best and most successful media strategy. A lot depends on your human, financial and time resources, but there are a few points which you might find useful:

- **identify the objectives of your media strategy** – what exactly you want to achieve with this particular media campaign. Is it better to communicate the meaning and importance of a pride march to a local LGBT community, or to get a message of the legal consequences of banning the pride march and the international human rights law standards regarding the freedom of assembly for LGBT people to the national politicians?
- **identify your main audiences:** is it more important to target the national broadsheets or during this particular pride event is it more important to concentrate on various internet-based portals?
- **identify your messages:** consistency and coherence are the keys in strategic media communication. Write down a comprehensive case covering all the key messages and emphasise the different elements for the case for different audiences. For example, while the politicians must be better aware of the international human rights standards on the freedom of assembly, your local LGBT community might need more information on why it is important for them to be visible

and come out and support the event.

- **identity your tools and activities:** clarify the means by which you are going to pursue your media strategy. In some cases well-written and accurate media releases might be enough. In other instances you might think of a number of feature articles to propose to newspapers, or suggest good speakers for the TV and radio programmes.
- **identify realistic resources and timetable:** the golden rule – deliver what you promise and do not overestimate your resources and time. Be realistic in your abilities. While many organisations cannot afford paid staff and volunteers are conducting media work, it might be wise to think of a short-term part-time paid intern to coordinate media work. You might be surprised by the outcome of such a strategic decision!
- **evaluation!** Always examine and evaluate your media work. Why the media picked one subject and not another? Did you employ the best public speakers? What seems to attract most interest in the media around the Pride event?

4.5.2. Some tips on how to write a good media release

- **format & style:** use A4 letterhead, all on one page, or two at the most. Include 'MEDIA RELEASE' and date in large print at the top. Be consistent and as catchy as possible in terms of style. What is the essence of your story and why should the journalists be interested in picking your media release? Make the editor or the journalist want to read and follow up your story.
- **title:** this should be short, providing the essence of the story in just a few words. It must be accurate.
- **first paragraph:** it has to clearly communicate your story and intrigue the media. Follow the five 'w's rule: who, what, where, when and why.
- **second paragraph:** this provides more and further information on the story.
- **third paragraph:** normally this space is used to provide a quote from your organisation's leader/spokesperson to provide authoritative and strong language.
- **contact details:** provide the name and contact details such as phone number on the bottom of the document. Do not hesitate to include mobile number for contacting you outside the office hours. Sometimes it is crucial to be contacted at any time of the day and get the story through.
- **notes for editors:** this is a very useful space to provide details on your organisation, any other relevant information, statistics, references etc.



4.5.3. Example of ILGA-Europe media release

MEDIA RELEASE

28 April 2006



For immediate release

Moldovan capital refuses gays to assemble

On 28 April 2006, the Chisinau Mayor refused a request by the Moldovan lesbian, gay, bisexual and transgender (LGBT) organisation GenderDoc-M to organise a manifestation by the Moldovan Parliament on 5 May 2006 during the fifth Moldovan LGBT Pride festival. The Chisinau Mayor refused a similar request last year.

ILGA-Europe condemns such a decision of the Chisinau Mayor and calls upon the Moldovan capital's mayor to immediately reconsider his decision and urges the European Union, the Council of Europe and the Organization for Security and Cooperation in Europe to intervene and uphold the right to assembly for the Moldovan LGBT people.

Instances of denying or hindering LGBT people the right to assemble and demonstrate by the municipal authorities have occurred during the last couple of years also in other European countries. LGBT people in those countries have experienced violence, threats and appalling expressions of hate during the marches and demonstrations. These breaches of the basic human right to free assembly and homophobic attitudes have been condemned by the European Parliament's Resolution on Homophobia in Europe earlier this year.

Deborah Lambillotte, Co-Chair of ILGA-Europe Executive Board, said:

"We are seriously concerned with the decision of the Chisinau Mayor to deny LGBT people the right to assembly. We would like to remind the Chisinau city authorities about Article 40 of the Moldovan Constitution which guarantees everyone a right to peaceful demonstration.

We also want to stress that such arguments against LGBT demonstration as religious objections and plans for counter-demonstrations cannot legitimise a serious breach of the right to assembly as confirmed by the European Court of Human Rights.

We also hope that the European organisations and institutions will express their outrage by such lawless actions of the Chisinau Mayor."

Ends

For more information please contact

Juris Lavrikovs at + 32 2 609 54 16 / + 32 496 708 375

Notes for editors:

(1) ILGA-Europe is the European region of the International Lesbian and Gay Association and works for equality and human rights for LGBT people in Europe.

(2) LGBT marches and demonstrations have been hindered, banned or experienced violent protests in such cities as Belgrade, Chisinau, Bucharest, Zagreb, Warsaw, Riga, Krakow, and Poznan.

(3) Bans on LGBT pride marches have already been successfully challenged in the courts in Riga and Poznan. Also the European Court of Human Rights confirmed that there are positive duties on a state to protect those exercising their rights of freedom of peaceful assembly from violent disturbance by counter-demonstrators. Because both sides may claim to be exercising their right, initially this may be a duty to hold the ring between rival meetings or processions, but if one of them is aimed at disruption of the activities of the other, the obligation of the authorities is to protect those exercising their right to peaceful assembly, case of *Platform "Ärzte für das Leben" v Austria*, No 10126/82, 44 DR 65 (1985).

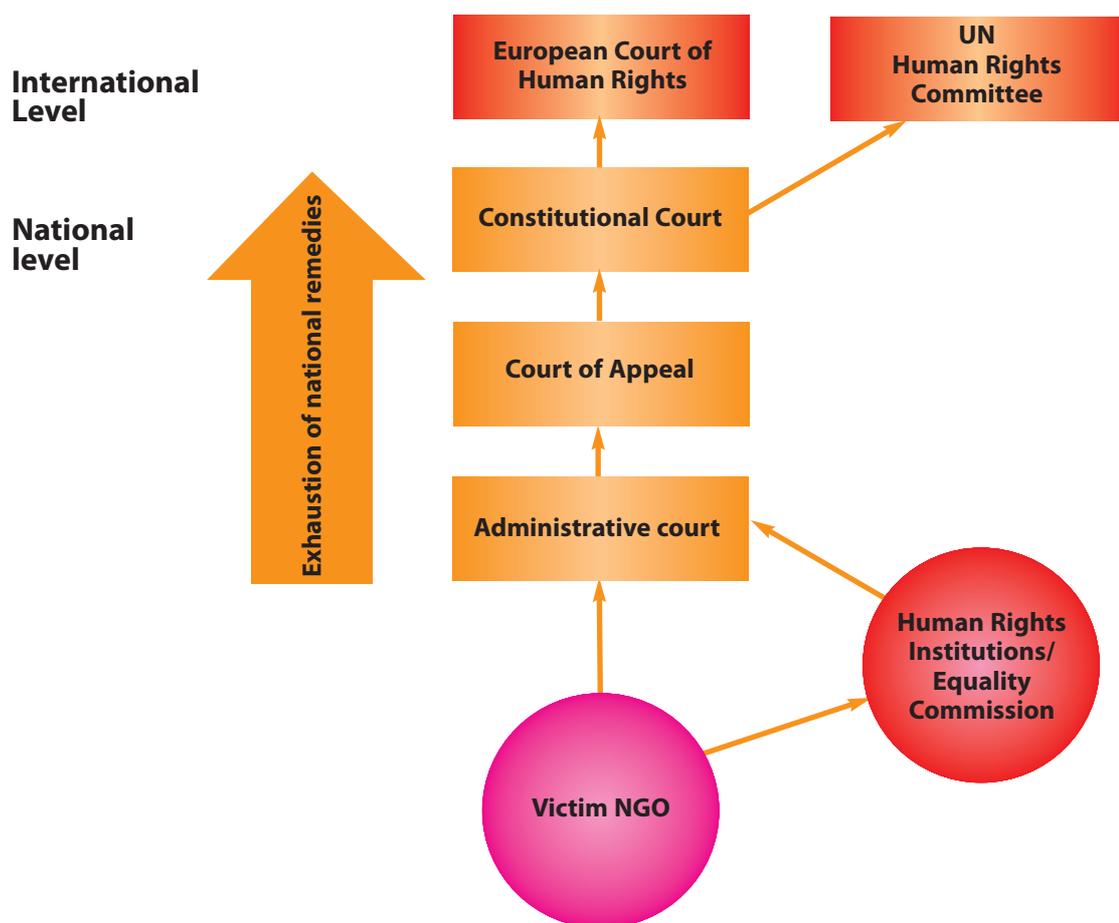
The section on media was drafted by Juris Lavrikovs, Information and Communication officer at ILGA-Europe.





5. Legal action

In certain cases, it might be strategic to take case before national and international courts. As shown by the drawing below, taking a case at international level presupposes that all other legal options at national level have been exhausted. It also supposes getting legal advice at national level. This can be accessed through a private solicitor; through organisations set to defend human rights (such as national human rights institutions) or through NGOs taking strategic case (e.g. Interights). Additionally, taking legal action supposes the identification of a victim and a perpetrator of the human rights violation. In the case of Pride the perpetrator will usually be the police or the mayor if there is a ban and the victim participants or organisation not allowed to march or exposed to violence.



When might a legal action be taken?

In case of:

- Refusal to allow Pride marches by mayors or administrative authorities
- Violence from the police and army towards the participants at Pride
- Refusal to protect participants at Pride from violent counter-demonstrations

How is a legal action progressed and advanced?

- Individual and/or NGO taking a case to court at national level
- Human Rights Commission or Equality Commission supporting the case
- NGO supporting a strategic case



5.1. United Nations Committee on Human Rights

The Human Rights Committee - a panel of 18 experts who meet three times a year- monitors the respect of the norms stated in the Covenant. Issues can be raised with the Committee in different ways: either under the form of a report (shadow report mentioned in section 4.1.1.) or as an individual complaint.

It is possible to bring an individual complaint before the Human Rights Committee if the state has ratified the First Optional Protocol to the International Covenant on Civil and Political Rights.²³ This is a procedure similar to bringing a case to the European Court of Human Rights. The Declaration and the Covenant have been complemented by resolutions making explicit reference to the right to peaceful assembly.

Conditions to be fulfilled to bring a complaint before the Human Rights Committee:

- The state must have signed the International Covenant on Civil and Political Rights²⁴ and its First Optional Protocol.²⁵
- The state or one of its agents must have violated one of the rights contained in the Covenant.
- It can be the violation of a negative (interference by the state) or positive duty (omission to act to protect rights).
- Exhaustion of national remedies: the case has been put forward to all the courts at national level without reaching a satisfactory remedy.
- The complaint can be brought forward by the victim or representative of the victim.

For more information on the complaint procedure see:

<http://www.ohchr.org/english/bodies/petitions/individual.htm#contact>

Contact details

Petitions Team
Office of the High Commissioner for
Human Rights
United Nations Office at Geneva
1211 Geneva 10, Switzerland
Fax: + 41 22 917 9022
(particularly for urgent matters)
E-mail: tb-petitions@ohchr.org

²³ Countries having ratified the Optional Protocol are listed on <http://www.ohchr.org/english/countries/ratification/5.htm>

²⁴ A list of states having signed and ratified the Covenant is available on this website <http://www.ohchr.org/english/countries/ratification/4.htm>

²⁵ Countries having ratified the Optional Protocol are listed on <http://www.ohchr.org/english/countries/ratification/5.htm>

5.2. European Court of Human Rights

The Court is composed of the same number of judges as contracting states (currently 45) who are elected by the Parliamentary assembly of the Council of Europe for a mandate of 6 years. Judges are usually academics, national judges or lawyers.

Judges sit in groups of 3, 7 or 17 depending of the type of case they have to deal with. When a case is sent to the Court in Strasbourg, it is first assessed by the registry which acts as a filter and checks if cases are founded in law and if it can be brought before the Court (for instance if national remedies have been exhausted). The registry also provides administrative support to the Court.

Conditions to take a case to the European Court of Human Rights:

- One of the rights contained in the European Convention on Human Rights has been violated.
- The complaint should concern state's authorities for their actions or their omission to act (on their positive duties).
- The complainant should be an individual or an organisation living in one of the states party to the European Convention on Human Rights
- Exhaustion of national remedies: the case has been put forward to all the courts at national level without reaching a satisfactory remedy.
- The case has to be brought before the Court in Strasbourg within 6 months of the last decision at national level.

Application form is available in all languages spoken by the Council of Europe's states parties at the following site:

[http://www.echr.coe.int/ECHR/EN/Header/Applicants/Information+for+applicants/
Application+form/](http://www.echr.coe.int/ECHR/EN/Header/Applicants/Information+for+applicants/Application+form/)

For information on how the Court functions, look at

<http://www.echr.coe.int/ECHR/EN/Header/The+Court/The+Court/History+of+the+Court/>





Interights is a NGO based in London which has been set up to advance human rights through case-law. It supports cases worldwide to advance the protection offered by human rights mechanisms and the jurisprudence. The thematic areas relevant to Pride parades which Interights has identified in its workplan are equality on grounds of sexual orientation and freedom of expression.

Interights

Lancaster House
33 Islington High Street
London N1 9LH
United Kingdom

Tel.: +44 20 7278 3230

ir@interights.org

<http://www.interights.org>

If you decide to take a case to the European Court of Human Rights, you can ask ILGA-Europe to intervene in the case as *amicus curiae*. This means that ILGA-Europe will be able to advise the Court on the situation of human rights of LGBT people in your country and in Europe in general.

For more information contact: **maxim@ilga-europe.org**.



Concluding remarks:

- Given the high numbers of cases brought before both mechanisms, there might be a delay of several years between the submission of a complaint and its resolution.
- If the state towards which the complaint is brought has ratified the European Convention on Human Rights, it is recommended to bring the complaint before the European Court of Human Rights. The main reasons for this are:
 - ◆ The Court has an established case-law in relation to freedom of assembly and in relation to rights of LGBT people. Furthermore, its decisions are usually implemented within a few years by states.
 - ◆ Furthermore, the jurisprudence in relation to the right to freedom of assembly in the Human Rights Committee is less developed than in the European Court of Human Rights in relation to freedom of assembly.



- Taking a case might put a financial burden for individuals and NGOs, it is advised to look for funding or for institutions to support the case (for instance national human rights institutions).
- Bringing a complaint before a court requires a technical knowledge of the law and mechanisms to defend human rights, it is therefore necessary to get advice from a lawyer who knows national and international remedies.





Appendix 1

Example of observer guide

Legal Observer Guide

Written by Midnight Special Law Collective

Legal observers watch and record the actions of all law enforcement officers⁷. The presence of legal observers helps keep people safe by discouraging police attacks. Also, the information you collect can be useful in criminal defense of protesters or in suing police or other government agencies. The information in this guide is geared for legal observing at demonstrations, but it is also important to watch police outside of protest situations. Whenever you see police making an arrest or acting inappropriately, stop and take notes.

The cops are at demonstrations to observe and deter actions of the protesters. As a legal observer, you are there to observe and deter the cops. Even though protesters are usually more interesting to watch, make sure you are paying attention to the cops at all times. Also, be careful to represent yourself to the police and media as an observer, not as a spokesperson for other activists. Work in pairs to corroborate each other's testimony and to keep each other safe. If one person is using a still camera or video camera, their partner should be taking written notes. And since people using cameras often get "tunnel vision," their partner should be keeping an eye out for danger or activity.

Preparation

Knowing what type of demonstration you will be observing (mass permitted rally, small direct action, etc.) will help you prepare yourself appropriately. If you are unfamiliar with the area where you'll be observing, spend some time learning key street names and landmarks as well as orienting yourself by compass directions. Also, make sure you have any phone numbers you'll need handy: the National Lawyer's Guild, organizers of the protest, Legal Observer Coordinator, legal team, legal support person, medical team, etc.

Practice

Television culture makes people very passive observers. To hone your active observation skills, practice by taking notes or making a running commentary of everyday events. You can improve your ability to estimate distances by marking off increments on the sidewalk and memorizing them, or by estimating distances and checking with a tape measure.

⁷ We use the terms "police" and "cops," but this info is true for all law enforcement officers of all jurisdictions.

Equipment:

- Notebook(s)
- Pens (waterproof ink – it could rain water or pepper spray)
- Watch
- Legal Observer Hat/T-shirt/Armband
- Extra water
- Optional
 - ◆ Tape recorder (& extra tapes)
 - ◆ Still camera (& extra film)
 - ◆ Video camera (& extra film)
 - ◆ Cell phone, radio, or pager
 - ◆ Extra batteries for all!

At large demonstrations, it is good to have a cell phone, radio, or pager so you can quickly communicate when someone gets arrested, to verify/debunk rumors, etc. If you don't have one, try to team up with someone who does. If there is a Legal Observer Coordinator, make sure s/he has your number.

If you are using a tape recorder or video camera, by law (in California) you must give people notice that you are recording them. However, you don't have to announce it – having the device in plain view is notice enough. ***Having a tape recorder and especially a video camera makes you a cop magnet.***

In order to keep your notes, tapes, and film safe from the elements and from overzealous cops, you can periodically mail them to yourself or to the legal team, or have a runner who can take sensitive footage (or your whole camera) and run away with it.

Taking Notes

It sounds easy, but taking real-time notes when events are unfolding quickly is a skill that takes some practice.

The information you collect could mean the difference between conviction and dropped charges for activists (and cops). The easiest way to make your notes useful for the legal team is to transfer them to a police misconduct report or copy them in an organized, legible format. Do this as soon as possible after the action, before your memory fades.

Number and date each page you take notes on and write "Attorney Work Product – Privileged and Confidential" on top of each sheet. Do this before the demonstration. By each entry, write the exact time. If you are taking pictures, write the roll number and shot number by the entry to give it context.



Some things to note:

- Name, rank, badge number, agency, and description of each officer present and the commanding officer (note if officers refuse to give this information)
 - Police equipment and weapons (body armor, shields, pepper spray, tasers, etc.)
 - Which weapons police used and how (e.g. Protesters drenched with pepper spray, tear gas canisters fired directly at someone, horses used to run into people, etc.)
 - License plate and ID # of law enforcement or emergency vehicles or of any private cars moving through the demonstration
 - Police actions and demeanor (e.g. marching around rhythmically thumping their leg armor with their batons, putting on or taking off gas masks etc.)
 - Detailed description of arrests and anything the cops do that seems messed up
 - Any force used by cops – pushing, shoving, blocking protestors with their bodies, grabbing arms, tripping, striking people, etc.
 - Any inappropriate language, including swear words, identity-based insults (racist/sexist/homophobic, etc.), and rude language (“You idiots,” “Moron,” etc.)
 - Not warning people to disperse before arresting them, refusing to let them disperse, etc.
 - Warnings not audible and/or intelligible
 - Exact date, time and location
- Include street names, address #s, landmarks, what side of the street you’re on, etc.
- Name or nickname and affinity group of victim(s)
 - Names and contact information of any witnesses, including members of the media (corporate or independent)
 - Routes taken by demonstrators and police
 - If the cops are blocking traffic – with their vehicles, hand motions, etc.
 - If bystanders are taking leaflets, talking with protestors, and other 1st Amendment activities
 - Statements made by police and civil officials.

Effective Camera Work

Much of this information was provided by Whispered Media. Visit them at www.videoactivism.org.

Camera and Battery Care

Turning your video camera off and removing the battery will keep your batteries going a lot longer than having the camera on standby or turned off with the battery still attached.

Carry lens paper and clean your lens frequently.

Date/Time Stamping

Make sure to keep your video camera’s date/time stamping function on at all times. Before you begin recording, check to make sure the date and time are correct. If you are visiting from another time zone, set the camera’s clock to local time. If you are using an audio tape or a video camera

without date/time stamping, narrate the information at the beginning and end of each segment:

"It's now 9:30am on August 14th, 2000 . . ."

Lead Time

The tape at the very beginning and end of your cassette will have more imperfections and sound/color irregularities. Allow one minute to run at the beginning of a new tape before you start recording. If you are near the end of your tape, and you like what you are recording, insert a new tape.

Frame and Establish

Before (or after) shooting each event, pan in (or out) from street signs, building addresses or other landmarks to prove your location. Shoot long (10 or more seconds) shots for important scenes.

Consider shooting from better vantage points, such as from a second-story window.

Audio

Even in the absence of a decent shot, the audio portion of your video tape may provide evidence needed to win a case. Don't stop your video just because you can't see well enough.

Labeling

Label your tape cassettes or film cartridges while you're in the field. Include your name, date, time and location. Number each tape consecutively.

Keeping Footage Safe

People with video cameras are often targeted by cops for arrest or abuse — often they want to destroy the footage you took. If you are going to be in high-risk situations, you may want to bring self-addressed stamped padded envelopes with you so that you can drop completed tapes in the mail to yourself (or the legal team).

Content

When documenting police brutality, remember that the lawyers representing the State will be able to use all the footage on your video tape in court. So, if you are shooting footage of police misconduct, replace your tape when you are finished filming the scene. Don't film anything on the tape that might take away from the incident you are documenting. For example, if footage of cops beating someone is on the same tape as footage of protesters doing something that could be considered aggressive, the cops can claim they were using a reasonable amount of force considering the dangerous environment. If you can help it, NEVER film protesters doing things that seem illegal or dangerous. Also, announce to activists that you have a camera and would like to start taping and ask if it's okay. Don't take it personally if people are suspicious or hostile.



Appendix 2

Guidelines for submitting allegations of violations against human rights defenders

A. Essential information	B. Useful information	C. Sample letter to the SRSG
<p>1. Name of alleged victim/s</p> <p>Take care to give first and family names and to spell names correctly. Victims can be individuals, groups or organizations.</p>	<p>If the victim is an individual, please provide information on gender, age, nationality and profession. If the victim is an individual or an organization, please provide contact details. Contact details are treated as confidential.</p>	<p>Ms. Aabb Ddee, a lawyer, lives in [name of city/town and country].</p>
<p>2. Status of the victim as a human rights defender</p> <p>In what human rights activity is the victim (person/s, organization) engaged?</p>	<p>Where relevant, please also indicate the city and country in which the victim (person/s, organization) conducts this human rights work.</p>	<p>Aabb Ddee takes up legal cases supporting the right to adequate housing on behalf of ethnic minorities. She is also a member of the National Commission for Human Rights.</p>
<p>3. Alleged violation/s committed against the victim</p> <p>What happened? Where? When? What is the current situation?</p>	<p>If an initial violation leads to other events, please describe them chronologically. E.g. if the initial concern is that a human rights defender has been arrested, details should be provided. But if he or she is later detained, other useful information would include: the place of detention; the person's access to a lawyer; conditions of detention; the charges; etc.</p>	<p>Aabb Ddee received an anonymous threat to her safety. On [day/month/year] Ms. Ddee received a letter at her office in [name of town]. The letter was addressed to her and contained only the words "Be careful". In addition, the following day Ms. Ddee was followed closely while driving home from her office by two men in a white car.</p>

<p>4. Perpetrators</p> <p>Give available information on who allegedly committed the violation: e.g. two men (in uniform?); rank, unit or other identification or title.</p>	<p>Witnesses</p> <p>Were there any witnesses to the alleged violation? Were there any other victims?</p>	<p>Aabb Ddee was unable to identify the two men following her or their vehicle. A friend accompanying Ms. Ddee in her car also saw the vehicle following them.</p>
<p>5. Action by authorities</p> <p>Has the matter been reported to the relevant authorities? What action has been taken?</p>	<p>Action taken by the victim or by human rights organizations</p> <p>Has the alleged violation been made public? Has this information been sent to others?</p>	<p>Aabb Ddee reported both incidents to the police [name/address of police office] the same days they occurred. The police have opened an investigation. She also reported the incidents to a local newspaper [name].</p>
<p>6. Link between the violation and human rights work</p> <p>Why do you think the alleged violation is a response to the human rights work of the victim?</p>	<p>Previous incidents</p> <p>If there have been previous incidents which are relevant, please give details.</p>	<p>A year ago [date], another lawyer representing the same ethnic group as Aabb Ddee received a threatening letter similar to Ms. Ddee's and was later [date] killed by unknown persons.</p>
<p>7. Who is submitting this information? (Confidential)</p> <p>Give name, contact details and professional role (if relevant).</p>	<p>Submissions may be made by organizations or individuals.</p>	<p>This letter is submitted by the National Commission for Human Rights, with which Aabb Ddee works.</p>

Updates

Please send any updated information you have as soon as possible. It is especially important to know if there has been any change in the situation of the victim. Updates might be given where: 1) additional information becomes known (e.g. the identity of the perpetrator of the violation); or 2) new events occur (e.g. the victim's release from detention).

two months later] We learned today [date] that the police investigation was closed yesterday. Two men have been arrested and detained on charges of sending a threatening letter to Aabb Ddee on [date] and of following her in their car when she left work the next day. The men are due to appear in court in two weeks. While pleased with the arrests, Ms. Ddee believes that the person who ordered these acts to be committed remains at liberty. She has asked that the police investigation be continued.



Appendix 3

Preparing for human rights monitoring

Resources on human rights monitoring

Equitas, *Monitoring and Advocacy*

<http://www.equitas.org/english/ed-manuals/downloads/CHRF-Manual-Fac-IHRTP-English2004-S7-MKT.pdf>

University of Minnesota Human Rights Library Training Manual on Human Rights monitoring

<http://www1.umn.edu/humanrts/monitoring/index.html>

Huridocs, *What is monitoring*, by Manuel Guzman and Bert Verstappen, 2003

<http://www.huridocs.org/popbmon.htm>

Huridocs, *What is documentation*, by Manuel Guzman and Bert Verstappen, 2001.

<http://www.huridocs.org/popbdoc.htm>

New Tactics, *Uncovering the Evidence* by Luis Fondebrider

http://database.newtactics.org/NewTactics/notebooks.aspx?Name=Fondebrider_Uncovering&ID=997

Office of the High Commissioner for Human Rights: *the United Nations Human Rights Treaty System: An Introduction to the core human rights treaties and the treaty bodies*, Fact Sheet No. 30.

<http://www.ohchr.org/english/about/publications/docs/fs30.pdf>

Office of the High Commissioner for Human Rights: *Seventeen Frequently Asked Questions about United Nations Special Rapporteurs*, Fact Sheet No.27

<http://www.ohchr.org/english/about/publications/docs/factsheet27.pdf>

Office of the High Commissioner for Human Rights: *Training manual on Human Rights Monitoring, professional training series no. 7.*

http://www.ohchr.org/english/about/publications/docs/train7_a.pdf



Frontline, *Human Rights Human Wrongs: A guide to the human rights machinery of the United Nations*, 2001.

<http://www.frontlinedefenders.org/manuals/901>

Documents on monitoring parades and demonstrations

University of Minnesota Human Rights Library Training Manual on Human Rights Monitoring - Chapter XV: Monitoring Demonstrations and Public Meetings

<http://www1.umn.edu/humanrts/monitoring/chapter15.html>

Dominic Bryan & Neil Jarman, *Independent intervention: Monitoring the police, parades and public order*, Democratic Dialogue, 1999.

<http://www.democraticdialogue.org/report12/report12.htm>

National Lawyers Guild, *Legal Observer Training Manual*, 2003 available at

http://www.nlg.org/resources/LO_Manual.pdf



NGOs Contacts

If you are thinking of organising a monitoring of Pride you can contact the following organisation for advice and send them your report:

ILGA-Europe

Christine Loudes, Policy and Research Officer
christine@ilga-europe.org
Maxim Anmeghichean, Programmes Director
maxim@ilga-europe.org
www.ilga-europe.org

Arc International

John Fisher, Co-Director
john@arc-international.net
www.arc-international.net

Amnesty International

<http://www.amnesty.org/>

Human Rights Watch

Scott Long, Director, Lesbian, Gay, Bisexual, and Transgender Rights Program
longs@hrw.org
<http://www.hrw.org/doc/?t=lgbt>

International Lesbian and Gay Human Rights Commission

Paula Ettelbrick, Executive Director
pettelbrick@iglhrc.org
<http://www.iglhrc.org>

Midnight Special Law Collective

info@midnightspecial.net
<http://www.midnightspecial.net/index.html>

Front Line Defenders of Human Rights Defenders

info@frontlinedefenders.org
<http://www.frontlinedefenders.org/>

International Service on Human Rights (ISHR)

Chris Sidoti, Director
c.sidoti@ishr-sidh.ch
<http://www.ishr.ch>

Images used throughout this handbook were taken at Pride events and anti-Pride activities in Estonia, France, Germany, Italy, Latvia, Malta, Poland, Russia, Slovenia and the United Kingdom.

This handbook has been designed for people and organisations who are thinking of monitoring human rights abuses occurring during Pride marches. The human rights monitoring technique described here is the observation of marches by independent observers.

The handbook looks at different aspects of observing Pride marches. It explains briefly the principles of human rights monitoring. It lists relevant human rights instruments which can be invoked when a Pride march is banned or violent. Then it gives some practical advice and tools on human rights monitoring through observation of Pride marches. Once the factual information is collected it is important to gather the information in a report and to send it to the relevant human rights organisation. Information is given on organisations that monitor the implementation of human rights standards and how to approach them. Finally it looks into the possibility of taking cases before courts at national and international level and the challenges attached to this approach. This document can be used in conjunction with the toolkit on how to organise pride marches in a difficult environment which is available on the ILGA-Europe website.