



**HANDBOOK FOR  
NATIONAL HUMAN RIGHTS INSTITUTIONS  
ON WOMEN'S RIGHTS  
AND GENDER EQUALITY**

# HANDBOOK FOR NATIONAL HUMAN RIGHTS INSTITUTIONS ON WOMEN'S RIGHTS AND GENDER EQUALITY

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# TABLE OF CONTENTS

<b>LIST OF ACRONYMS AND ABBREVIATIONS .....</b>	<b>5</b>
<b>ACKNOWLEDGEMENTS .....</b>	<b>6</b>
<b>EXECUTIVE SUMMARY .....</b>	<b>7</b>
<b>INTRODUCTION.....</b>	<b>11</b>
<b>1 NHRI MODELS AND LEGAL FRAMEWORK.....</b>	<b>19</b>
1.1 OVERVIEW.....	19
1.2 LEGAL FRAMEWORK.....	23
<b>2 PROTECTION STRATEGIES .....</b>	<b>29</b>
2.1 OVERVIEW.....	29
2.2 MONITORING AND DATA COLLECTION .....	30
2.3 COMPLAINT HANDLING AND INVESTIGATIONS/PUBLIC INQUIRIES .....	31
2.4 SYSTEMIC INITIATIVES .....	32
2.5 REMEDIAL POWERS.....	34
2.6 ALTERNATIVE DISPUTE RESOLUTION .....	35
2.7 ADVISORY OPINIONS.....	36
<b>3 PROMOTION STRATEGIES .....</b>	<b>39</b>
3.1 OVERVIEW.....	39
3.2 PUBLIC EDUCATION AND AWARENESS RAISING .....	41
3.3 RESEARCH AND PUBLICATIONS.....	43
3.4 TRAINING AND CAPACITY BUILDING.....	44
<b>4 ADVICE AND ASSISTANCE TO GOVERNMENT.....</b>	<b>47</b>
4.1 OVERVIEW.....	47

4.2	LEGISLATION AND POLICY .....	49
4.3	NATIONAL ACTION PLANS.....	49
4.4	GENDER MAINSTREAMING .....	50
4.5	WOMEN'S PARTICIPATION IN POLITICAL AND PUBLIC LIFE.....	51
4.6	GENDER-RESPONSIVE BUDGETING .....	53
4.7	LIAISON WITH GOVERNMENT OFFICIALS .....	53
<b>5</b>	<b>CO-OPERATION WITH CIVIL SOCIETY .....</b>	<b>55</b>
<b>6</b>	<b>PARTICIPATION IN INTERNATIONAL HUMAN RIGHTS FORUMS .....</b>	<b>61</b>
6.1	OVERVIEW.....	61
6.2	THE HUMAN RIGHTS COUNCIL .....	62
6.3	THE UN COMMISSION ON THE STATUS OF WOMEN.....	66
6.4	ORGANIZATION FOR SECURITY AND CO-OPERATION IN EUROPE .....	67
<b>7</b>	<b>ORGANIZING NHRIS TO ACHIEVE WOMEN'S RIGHTS AND GENDER EQUALITY .....</b>	<b>69</b>
7.1	OVERVIEW.....	69
7.2	PLANNING AND PRIORITIES.....	70
7.3	GENDER MAINSTREAMING .....	74
7.4	INTERNAL STRUCTURE AND FOCAL POINTS.....	74
7.5	INSTITUTIONAL LEADERSHIP .....	76
7.6	INTERNAL GENDER-RESPONSIVE BUDGETING.....	77
7.7	HUMAN RESOURCES MANAGEMENT.....	78
7.8	KNOWLEDGE MANAGEMENT.....	80
7.9	NHRI ACCESSIBILITY .....	83
<b>8</b>	<b>CONCLUSIONS AND WAY FORWARD.....</b>	<b>87</b>
	ANNEX 1: RESULTS OF ODIHR SURVEY ON THE ROLE OF NHRIS IN PROTECTING AND PROMOTING WOMEN'S RIGHTS AND GENDER EQUALITY .....	95
	ANNEX 2: PRINCIPLES RELATING TO THE STATUS OF NATIONAL INSTITUTIONS (THE PARIS PRINCIPLES).....	115
	ANNEX 3: SELECTED INTERNATIONAL AND REGIONAL INSTRUMENTS AND STANDARDS RELEVANT TO THE PROTECTION AND PROMOTION OF WOMEN'S RIGHTS AND GENDER EQUALITY ISSUES .....	120
	ANNEX 4: ABOUT OSCE/ODIHR .....	126

## **LIST OF ACRONYMS AND ABBREVIATIONS**

<b>ADR</b>	Alternative Dispute Resolution
<b>CEDAW</b>	Convention on the Elimination of All Forms of Discrimination against Women
<b>CRC</b>	Convention on the Rights of the Child
<b>CSO</b>	Civil society organization
<b>CSW</b>	United Nations Commission on the Status of Women
<b>HRC</b>	United Nations Human Rights Council
<b>ICC</b>	International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights
<b>ICCPR</b>	International Covenant on Civil and Political Rights
<b>ICESCR</b>	International Covenant on Economic, Social and Cultural Rights
<b>NGO</b>	Non-governmental organization
<b>NHRI</b>	National Human Rights Institution
<b>NPM</b>	National Preventive Mechanism
<b>ODIHR</b>	OSCE Office for Democratic Institutions and Human Rights
<b>OHCHR</b>	United Nations Office of the High Commissioner for Human Rights
<b>OPCAT</b>	Optional Protocol to the Convention against Torture
<b>OSCE</b>	Organization for Security and Co-operation in Europe
<b>UDHR</b>	Universal Declaration of Human Rights
<b>UN</b>	United Nations
<b>UNDP</b>	United Nations Development Programme

## **ACKNOWLEDGEMENTS**

This Handbook was prepared by the OSCE Office for Democratic Institutions and Human Rights (ODIHR), on the basis of research done and drafts by Pearl Eliadis, a lawyer who has worked extensively with national human rights institutions at the international level for almost two decades.

The Handbook would not have been possible without the information provided by national human rights institutions (NHRIs) from across the OSCE region. Their commitment has been demonstrated through their daily hard work and genuine desire to continuously improve the protection and promotion of women's rights and gender equality. ODIHR would like to thank all participating NHRIs for sharing their invaluable experiences and ideas, which form the very basis of this Handbook.

ODIHR is also grateful to all those who generously contributed their time to reviewing this Handbook, particularly colleagues from the Swedish Equality Ombudsman; the United Nations Development Programme, Europe and the CIS, Bratislava Regional Centre; and the UN Women, Sub-Regional Office for Eastern Europe and Central Asia. ODIHR also appreciates the advice and guidance received from June Zeitlin, Special Representative of the OSCE Chair-in-Office on Gender Issues. Special gratitude is extended to the Ministries of Foreign Affairs of the Czech Republic and Kazakhstan for hosting the International Expert Workshops on NHRIs and Gender Equality, held in Prague in March 2011 and in Almaty in June 2012, respectively.

# EXECUTIVE SUMMARY

In 2011, the OSCE Office for Democratic Institutions and Human Rights (ODIHR) conducted a survey to document how national human rights institutions (NHRIs) in the OSCE region address women's rights and gender equality. This Handbook presents the results of the survey, based on responses received from 38 NHRIs in OSCE participating States. It also provides analysis and recommendations for action.

**NHRIs** are envisaged as independent bodies, established by law to protect and promote human rights. The United Nations Principles relating to the Status of National Institutions (The Paris Principles) outline minimum standards for NHRIs, including a broad human rights mandate, autonomy from government, independence, pluralism, adequate resources and adequate powers of investigation. The role of NHRIs in protecting and promoting women's rights and gender equality has been recognized in the 2004 OSCE Action Plan for the Promotion of Gender Equality and in international human rights standards.

NHRIs mandates and structures are usually stipulated in national founding legislation. The ODIHR survey did not reveal any particular organizational structure as being more effective than others in protecting women's rights and promoting gender equality. NHRIs reported that a broad mandate with specific reference to women's rights and gender equality, ability to address the private sector and an institutionalised relationship with specialized national bodies were factors that positively impacted on their ability to address women's rights and gender equality. In addition, adequate resource allocation was essential, in particular when NHRIs were faced with additional responsibilities.



Gender equality should be mainstreamed into all activities of the NHRI. **Protection** strategies should address the particular needs of women and girls in the national context. NHRIs should address protection needs through gathering gender-disaggregated data; training staff to work with victims of gender-based discrimination and violence against women, including sexual violence; and recommending remedies for victims, among other activities. It is essential that an effective referral system is in place that respects confidentiality and provides security for victims. The particular obstacles women may face in terms of accessing NHRIs may be addressed by a number of initiatives, such as flexible opening hours, confidential arrangements for reporting or targeted outreach, including to isolated communities or vulnerable groups, such as refugees, migrant workers and persons with disabilities.

**Promotional** activities, including public education and awareness-raising, research and capacity building, are at the core of mandates for NHRIs. They should consider how messages on women's rights and gender equality can be mainstreamed into all promotional activities and should also develop targeted campaigns relevant to their national context. It will often be useful to collaborate with civil society or government partners to reinforce messages and reach a wider audience. In addition to explaining rights, promotional activities should also promote awareness of redress mechanisms available to victims of gender-based discrimination and violence against women.

NHRIs provide **advice and assistance to governments** in areas of legal drafting and reform, gender mainstreaming and policy development, and gender-responsive budgeting. Regular and constructive interaction with policy-makers in these areas can have a profound impact in ensuring that gender aspects are mainstreamed across all government departments. Participation in the development of national action plans and monitoring of the implementation of such plans can promote a comprehensive approach and identifying gaps between commitments and action taken.

**Civil society** actors are key partners of NHRIs. They often have specialized knowledge, access to individuals the NHRI may not reach, and additional human or financial resources to support promotional activities. NHRIs surveyed reported that they engaged with civil society by exchanging information, referring complaints and collaborating on reports, trainings and joint advocacy. In addition, in certain contexts, NHRIs can play an important role in the protection of women human rights defenders, who may face gender-specific risks because of who they are and because of the type of rights they work on.

A number of mechanisms for the protection and promotion of women's rights and gender equality exist at the **international and regional levels**. NHRIs should engage actively in international and regional human rights forums and should make such engagement part of the overall strategy to promote and protect women's rights and gender equality. This includes collaboration with ODIHR. They should also support civil society actors to engage with UN and other relevant mechanisms. In addition, NHRIs should seek to engage actively with the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights and its regional groups.

NHRIs can employ a range of **organizational tools** to strengthen their effectiveness in addressing women's rights and gender equality. Women's rights and gender aspects should be included in all stages of NHRI planning, decision-making and policy and programme development. In addition, NHRIs should designate particular resources to women's rights and gender equality by appointing an internal focal point, with adequate funding and staffing. While 47 per cent of NHRIs surveyed have established internal gender focal points, approximately two-thirds of the NHRIs identified lack of financial and human resources as a barrier to systemic work on women's rights and gender equality.

Equal representation of women and men at all staffing levels within the NHRI is an important aspect of gender mainstreaming. Steps must be taken to ensure equal opportunities for promotion and human resource policies that take into consideration particular needs of pregnant women and persons with parental and/or caretaking responsibilities. Staff should receive regular training on women's rights and gender equality.

Women's rights and gender equality **priorities**, as assessed by NHRIs in their own national contexts, are largely similar across the OSCE region. These shared priorities also suggest opportunities for NHRIs to co-operate more actively on a regional or thematic basis, through information sharing, exchange of good practices and referral of individual cases, as relevant. Such co-operative arrangements or partnerships can have the advantage of leveraging individual NHRI's resources and capacities.

The NHRIs surveyed demonstrate impressive knowledge, skills and commitment to protecting and promoting human rights, including women's rights and gender equality. Their work is central to strengthening protection and promotion at the national level. All relevant national, regional and international bodies should support NHRIs in the important task of advancing women's rights and gender equality. It is hoped that this Handbook can serve as a contribution in this direction.



# INTRODUCTION

National human rights institutions (NHRIs) are independent bodies established by a constitutional or legislative act, funded by the state and specifically mandated to protect and promote human rights.<sup>1</sup> This role includes the protection and promotion of all human rights.

Women's rights and gender equality are fundamental human rights, guaranteed in numerous human rights treaties, resolutions, declarations, platforms and programmes of action. The main international human rights treaty for women is the United Nations Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) and its Optional Protocol. However, women's rights and non-discrimination are fundamental components of other UN norms, including the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, and the Declaration on Violence against Women. Other policy frameworks that commit states to gender equality and women's rights include the Vienna Declaration and Platform for Action,<sup>2</sup> the Beijing Declaration and Platform for Action,<sup>3</sup> the Programme of Action of the International Conference on Population and Development,

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1 UN Principles relating to the status and functioning of national institutions for protection and promotion of human rights (the "Paris Principles"), UN General Assembly Resolution A/RES/48/134, 1993, Annex 1.

2 UN World Conference on Human Rights, Vienna Declaration and Programme of Action, 1993, Art. 18.

3 Fourth UN World Conference on Women, Beijing Declaration and Platform for Action, 1995, Art. 14.

UN Security Council Resolution 1325 on Women, Peace and Security,<sup>4</sup> and the Millennium Development Goals.

The importance of NHRIs has been recognized in the commitments of the OSCE participating States, which have pledged to “(...) facilitate the establishment and strengthening of independent national institutions in the area of human rights and the rule of law (...)”.<sup>5</sup> Additionally, in the 2004 OSCE Action Plan for the Promotion of Gender Equality, participating States explicitly recognized the role NHRIs can play in this area and tasked ODIHR to “provide know-how and support for the building-up of democratic institutions for advancing gender equality, such as Ombudsman’s offices at local and national levels (...)”.<sup>6</sup> ODIHR is implementing this aspect of the Action Plan by compiling and facilitating exchange of good practices and expertise across the OSCE region.

There are a variety of institutional mechanisms for advancing women’s rights and gender equality in the OSCE participating States. National human rights institutions are only one piece of the puzzle of human rights and gender equality machinery, which also includes governmental bodies, independent institutions, civil society and others. While an overall analysis of institutional mechanisms for women’s rights and gender equality is beyond the scope of this project, it is important that various actors involved join efforts and objectively assess how best to position themselves in their national contexts. Acknowledging the important role of the different parts of the gender machinery, efforts should be made to avoid overlap in mandates and activities, to maximize outcomes with resources available, and to provide the most added value in the protection and promotion of women’s rights and gender equality.

## **HANDBOOK OBJECTIVES**

This Handbook aims to improve the capacity of NHRIs to protect and promote women’s rights and gender equality. It offers examples and questions for consideration to guide NHRIs in strengthening their institutional capacity and practical work on women’s rights and gender equality. ODIHR conducted a survey in 2011 to document how NHRIs address women’s rights issues in the

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4 UN Security Council Resolution 1325 on Women, Peace, and Security, 2000; and related Resolutions 1820, 1888, 1889, and 1960.

5 Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE, 1990, Art. 27

6 OSCE Action Plan for the Promotion of Gender Equality, MC Decision 14/04, 2004, Art. 44 (g).

OSCE region. The survey results are documented in this Handbook and will help NHRIs to identify next steps to build their capacities and to contribute to a culture of human rights in their national contexts.

#### **WHO THE HANDBOOK IS FOR**

This Handbook is for NHRIs in the OSCE region that are seeking to strengthen their capacity to protect and promote women's rights and gender equality. It can also be useful for governments and specialized institutions interacting with NHRIs and mandated to address discrimination and equality issues. The Handbook can serve as a tool for human rights activists, gender advocates, non-governmental organizations (NGOs) and international actors working with NHRIs.

#### **HANDBOOK METHODOLOGY**

The information in this Handbook is based on a survey of NHRIs in the OSCE region, conducted in 2011. The survey questionnaires requested information on institutional models, human rights programming, interactions with government and civil society, and internal organizational strategies, with a view to identifying institutional features that might support or hinder efforts to protect and promote women's rights and gender equality. A copy of the questionnaire is provided in Annex 1.

ODIHR invited independent NHRIs from across the OSCE region to participate in the survey. A total of 47 NHRIs in the OSCE participating States<sup>7</sup> received the questionnaire, and 38 responded – an 81 per cent response rate. The survey responses<sup>8</sup> were statistically analysed, and the findings are presented in blue text boxes throughout the Handbook, as well as in Annex 1.

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7 For a list of OSCE participating States, see online: <<http://www.osce.org/who/83>>.

8 ODIHR does not bear any responsibility for the accuracy of the responses provided by the NHRIs.

The following institutions participated in the survey:

	<b>OSCE participating State<sup>9</sup></b>	<b>NHRI</b>
1	Albania	People's Advocate of the Republic of Albania
2	Armenia	Human Rights Defender of the Republic of Armenia
3	Austria	Austrian Ombudsman Board
4	Azerbaijan	Commissioner for Human Rights
5	Bosnia and Herzegovina	Human Rights Ombudsman of Bosnia and Herzegovina
6	Bulgaria	Ombudsman of the Republic of Bulgaria
7	Canada	Canadian Human Rights Commission
8	Croatia	Ombudsman of the Republic of Croatia
9	Czech Republic	Public Defender of Rights
10	Denmark	Danish Institute for Human Rights
11	Estonia	Chancellor of Justice of Estonia
12	Finland	Parliamentary Ombudsman of Finland
13	France	National Advisory Commission on Human Rights
14	Georgia	Public Defender
15	Germany	German Institute for Human Rights
16	Greece	Greek National Commission for Human Rights
17	Hungary	Parliamentary Commissioner for Civil Rights of Hungary
18	Iceland	Parliamentary Ombudsman of Iceland
19	Ireland	Irish Human Rights Commission
20	Kazakhstan	Commissioner for Human Rights
21	Kyrgyzstan	Ombudsman
22	Latvia	Ombudsman of the Republic of Latvia
23	Lithuania	The Seimas Ombudsmen's Office of the Republic of Lithuania

<sup>9</sup> ODIHR aimed to include NHRIs in all OSCE participating States in the survey. However, a number of states did not have an NHRI at the time when the survey was conducted, and several NHRIs did not respond to the survey.

	<b>OSCE participating State<sup>9</sup></b>	<b>NHRI</b>
24	Luxembourg	Consultative Commission on Human Rights
25	Moldova	Centre for Human Rights
26	Montenegro	Protector of Human Rights and Freedoms
27	Netherlands	Dutch Equal Treatment Commission
28	Norway	Norwegian Centre for Human Rights
29	Poland	Human Rights Defender of the Republic of Poland
30	Portugal	Ombudsman
31	Romania	Romanian Institute for Human Rights
32	Serbia	Protector of Citizens of the Republic of Serbia
33	Spain	Ombudsman
34	Sweden	Equality Ombudsman
35	Switzerland	Swiss Centre of Expertise in Human Rights <sup>10</sup>
36	Tajikistan	Human Rights Commissioner (Ombudsman)
37	Ukraine	Parliamentary Commissioner for Human Rights
38	United Kingdom	Equality and Human Rights Commission

In addition and independently of the survey, a number of institutions from the OSCE region shared with ODIHR their expertise in promoting women's rights and gender equality, either in consultation or in writing, including the Commissioner on Human Rights in the Russian Federation, the Gender Equality Ombudsperson of Croatia, the Equal Opportunities Ombudsperson of Lithuania, and the Icelandic Centre for Gender Equality. While the responses of these institutions are not reflected in the quantitative survey analysis, some of the information provided is included in specific examples throughout the Handbook.

<sup>10</sup> The Swiss Centre of Expertise in Human Rights (SCHR) is not an NHRI according to the Paris Principles, but a pilot project launched by the Swiss government to strengthen Switzerland's capacities with regard to the implementation of human rights obligations. The SCHR's legal basis is not a law but an agreement between the Swiss Confederation and the universities involved in the project (so called Framework Agreement).



Two international expert workshops on NHRIs and Gender Equality were organized by ODIHR, gathering over 50 NHRI practitioners, experts and academics, as well as international organizations and civil society representatives. The first workshop was organised in Prague, Czech Republic on 28 and 29 March 2011, gathering NHRIs from across the OSCE region and representatives of the United Nations Office of the High Commissioner for Human Rights (OHCHR), to present the initial survey findings and to identify areas of good practice. The resulting Pilot Comparative Review, *National Human Rights Institutions and their Practices in Protecting and Promoting Women's Rights and Gender Equality*, was published in August 2011. Organized in co-operation with the OSCE Centre in Astana, the second workshop was held in Almaty, Kazakhstan on 20 June 2012. This event gathered NHRIs from Central Asia, Eastern Europe and the South Caucasus, as well as representatives of international and civil society organizations. The workshop participants reviewed a draft of this Handbook.

As part of the consultation process, a draft of this Handbook was shared with all participating NHRIs in August 2012, seeking their feedback and comments. Responses from 12 NHRIs were received. Every effort was made to address and include all the suggestions of NHRIs in the final version of the Handbook, to the extent possible.

Current literature was also reviewed to ascertain the activities and structural features of NHRIs relevant to women's rights and gender equality. A query was posted on HuriTALK,<sup>11</sup> seeking information on NHRI practices relating to women's rights and gender equality, with cross postings on the Gender Group, the Governance Network and the Justice Network community. Telephone interviews were conducted with staff in the OHCHR National Institutions and Regional Mechanisms Unit.

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11 HuriTALK is a UN-wide virtual knowledge network on human rights policy, connecting more than 1,200 development practitioners from over more than 12 UN agencies and programmes. The network focuses on the exchange of information, good practices and lessons learned.

## HANDBOOK OVERVIEW

The Handbook covers functional areas of NHRI performance, based on the survey responses. Each section offers a summary of trends, practical examples, recommendations and a series of guiding, open-ended questions to prompt the reader to consider possible future initiatives.

**Chapter 1** provides an overview of NHRI models in the OSCE region and their legislative frameworks, focusing on implications for women's rights and gender equality.

**Chapters 2 and 3** examine protection and promotion strategies that may help NHRIs strengthen their capacity to address women's rights and gender equality.

**Chapter 4** considers how NHRIs can provide advice to governments, in order to assist the state in fulfilling its commitments to respect, protect and advance women's rights and gender equality.

**Chapter 5** considers collaboration between NHRIs and civil society to promote and protect women's rights and gender equality.

**Chapter 6** identifies strategies to enhance international co-operation, a growing area of attention and activity for NHRIs at both the international and domestic level.

**Chapter 7** proposes standard organizational tools that can improve performance in the area of gender equality and women's rights, including planning, gender mainstreaming, organizational structuring, leadership and management strategies and accessibility as key strategies.

**Chapter 8** offers conclusions and ways forward, bringing together the observations from the above sections, and proposing pragmatic solutions and possible future steps for NHRIs to consider in their own organizational development, their relationships with other actors and the broader society they serve.

ODIHR acknowledges the fact that NHRIs have their own distinct institutional features, practices and legislative mandate. Moreover, not all NHRIs work in the same context, legally or socially. Efforts are made in this Handbook to reflect the diversity and specificity of states and sub-regions represented.

The Handbook is envisaged as a tool to help NHRIs strengthen their work on women's rights and gender equality. It does not assess the situation or performance of any particular institution, nor does it seek to determine compliance with any principles or standards that may apply to NHRIs or other similar institutions.

Finally, this Handbook should be seen as work in progress – a first step towards better understanding of NHRIs and opportunities to strengthen their capacity, as well as their specific role in protecting women's rights and gender equality. ODIHR welcomes ongoing consultation, comments and feedback on this topic, and may decide to update this Handbook as needed.

# **1 NHRI MODELS AND LEGAL FRAMEWORK**

## **1.1 OVERVIEW**

National Human Rights Institutions (NHRIs) are public, state-funded bodies that are, nonetheless, functionally and institutionally independent. Their legal authority is usually derived from their parliament and is referred to in this Handbook as the NHRI “mandate”. The most important feature of the NHRI mandate is the responsibility to protect and promote human rights. This may include activities such as the handling of complaints, monitoring public and private actors, advising governments, carrying out legislative reviews, engaging in promotion and advocacy, conducting human rights education and working with civil society. All of these have the potential to contribute to the protection and promotion of women’s rights and gender equality. The scope of NHRI activities will depend on the mandate of the institution.

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### SURVEY RESULTS

In the OSCE region, there are three principal NHRI models:

**45%** of NHRIs are human rights commissions with an explicit human rights mandate.

**11%** of NHRIs are ombudsperson offices with a general maladministration mandate, and no specific human rights mandate.

**26%** of NHRIs are hybrid institutions, combining human rights and maladministration mandates.

Other less common models include human rights advisory commissions and research institutes.

**!** The ODIHR survey suggests that neither model can be considered more or less conducive to protecting and promoting women's rights or gender equality.

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The United Nations Principles relating to the Status of National Institutions (The Paris Principles)<sup>12</sup> formulate the minimum standards an NHRI must meet to be considered credible by its peers and within the UN system. These include a broad mandate, autonomy from government, independence, pluralism, adequate resources and adequate powers of investigation.<sup>13</sup>

There are a variety of acceptable nomenclatures and models of NHRIs. No single terminology or nomenclature is generally accepted as definitive. In fact, the proliferation of institutions that have a wide range of mandates and institutional features has made the task of classifying NHRIs more, rather than less, complex over the years. The Paris Principles set out minimum standards for the roles and responsibilities of NHRIs but do not dictate how NHRIs are to be organized at the national level.

That said, NHRIs can be grouped in three main categories in the OSCE: human rights commissions, ombudsperson offices and hybrid institutions.

**Human rights commissions** have an explicit human rights mandate to investigate human rights violations, combined with broader advisory and educational roles. They are sometimes established to address specific issues, such as anti-discrimination or equality. In most cases, however, they have responsibilities over the full range of human rights.

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12 United Nations General Assembly Resolution A/RES/48/134, 20 December 1993, Annex 1.

13 For further information see: National Human Rights Institutions: History, Principles, Roles and Responsibilities, OHCHR Professional Learning Series No. 4 (Rev.1), OHCHRHR/P/PT/4/Rev.1, 2010.

The “classical” **Ombudsperson** offices or institutions have a general mandate to investigate maladministration,<sup>14</sup> namely poor or failed administration, with no specific human rights mandate. They provide individual legal protection and complaint-handling in relation to administrative deficiencies.

Most Ombudsperson offices in the OSCE region today are **hybrid institutions**, combining their mandate to address maladministration with a broader mandate to investigate human rights violations.

Other less common models include human rights advisory commissions and research institutes. In general, institutions of this nature issue advice, reports and/or recommendations on human rights, but do not handle individual complaints.

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## QUESTIONS TO CONSIDER

***For NHRIs with a broad mandate, in states with a single human rights institution:***

- ❓ Does the NHRI systematically identify and address issues that affect women’s rights and gender equality across all programme areas?
- ❓ If the NHRI has many existing responsibilities, how can it ensure that the work on women’s rights and gender equality receives continuous attention and adequate resources?
- ❓ If the NHRI has received new responsibilities, how can it ensure that it maintains focus on women’s rights and gender equality, and integrates women’s rights and gender aspects into new areas of responsibility?

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14 Maladministration occurs if an institution fails to act in accordance with the law, fails to respect the principles of good administration, or violates human rights. Some examples are administrative irregularities, unfairness, discrimination, abuse of power, failure to reply, refusal of information, or unnecessary delay. European Ombudsman, *What is maladministration?*

***For NHRIs with a broad mandate, in states where there are other national specialized institutions (i.e., specialized bodies addressing discrimination, gender or women's rights issues):***

- ?** How can interactions and exchanges between the two institutions be improved and formalized, for example through memoranda of understanding or protocols about handling intersectional complaints (i.e., complaints that involve two or more human rights grounds and might affect the mandates of several institutions)?
- ?** How are complaints, investigations or inquiries handled when they include gender dimensions but also engage other human rights areas?
- ?** How can the NHRI integrate a gender aspect into its own programmes and policies, independently of the existence of specialized institutions?

***For NHRIs with mandate to address private-sector discrimination:***

- ?** Does the NHRI collect data on discrimination in the private sector and undertake promotion strategies to address complaints about women's rights and gender equality (for example, by supporting the private sector to develop internal complaints procedures or dispute-resolution processes)?
- ?** Does the NHRI lobby the government to adopt policies and laws that prohibit gender discrimination and promote equality in the private sector?

***For NHRIs with no mandate to address private-sector discrimination:***

- ?** What strategies can be developed to encourage the government to adopt policies and laws that will apply to the private sector and the private sphere?
  - ?** How can the NHRI mandate be enhanced so that it can deal with issues arising from the private sector? For example, several states have explicitly expanded the NHRI mandate so that it can accept complaints specifically in the field of discrimination.
-

## 1.2 LEGAL FRAMEWORK

NHRIs operate within the mandate established in their founding laws. NHRIs with broad, unrestricted mandates conferred by law can address the full range of human rights, including women's rights. Other institutions have more limited mandates, and most of these are restricted to anti-discrimination and equality rights.

In the OSCE region, three features appear to have implications for the extent to which NHRIs address women's rights and gender equality: whether the NHRI has been given additional responsibilities without adequate resource allocation; whether the NHRI mandate extends to the private sector; and whether other specialized institutions have been created by the state to assume specific responsibility for gender equality or anti-discrimination issues.

### ADDITIONAL NHRI RESPONSIBILITIES AND LIMITED RESOURCES

NHRIs with broad mandates to address the full range of human rights issues may face challenges if they are also called upon to take on additional responsibilities, often without corresponding increases in resources. Two recent United Nations treaties, the *Optional Protocol to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*<sup>15</sup> and

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### SURVEY RESULTS

**71%** of NHRIs stated that they have a general mandate to protect all human rights, whereas

**11%** reported that their mandate was restricted to a specific type of rights, e.g., equality rights and anti-discrimination.

**19%** of NHRIs reported that their legislation specifically authorizes them to address gender issues and/or equality (in addition to their general human rights mandates).

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15 The Optional Protocol to the Convention against Torture (OPCAT) obliges each State party to "...set up, designate or maintain at the domestic level one or several visiting bodies for the prevention of torture and other cruel, inhuman or degrading treatment or punishment". National Preventive Mechanisms (NPMs) are required to conduct regular visits to places of detention with a view to protecting persons held in such places from torture and ill-treatment. OPCAT, 2002, Art. 3 – 4 and 17.



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## SURVEY RESULTS

**61%** of NHRIs reported that they are restricted to the investigation of complaints from the public sector and cannot consider allegations related to the private sector (unless a private-sector organization has been given public-sector responsibilities by the government).

**39%** of NHRIs reported that their mandate allows them to consider allegations related to the private sector. Most of these private-sector responsibilities are limited to anti-discrimination complaints.

**!** *Even those NHRIs with no authority over the private sector reported that they:*

- promote anti-discrimination laws that apply also to the private sector; or
  - advise the government to enhance its legal and policy framework relating to women's rights and gender equality in the private sector.
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the *Convention on the Rights of Persons with Disabilities*,<sup>16</sup> provide for the designation of national monitoring mechanisms, and many states have designated their NHRIs to undertake these new responsibilities.

These new responsibilities reflect the increased recognition of the important role NHRIs play in implementing and monitoring international human rights at the domestic level, especially for individuals belonging to vulnerable groups, such as refugees, migrant workers and persons with disabilities. However, the broad range of NHRI responsibilities can make it challenging for NHRIs to fully meet requirements in all areas they are mandated to cover, all of which are important. Whenever an NHRI is tasked with additional responsibilities, this should be accompanied by adequate financial and human resources. Gender equality and women's rights should be integrated into the NHRIs' work on these new areas. Moreover, careful consideration must be given to the various areas covered by NHRIs, including gender equality and women's rights.

## APPLICATION TO THE PRIVATE SECTOR

The private sector is important for women's rights and for gender equality, because women experience inequality at work, in services and in housing, all of which are provided in large part by the private sector. Lack of pay equity and employment equity, as well as discrimination against women who are pregnant, are also issues that occur in the private sector.

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<sup>16</sup> The Convention on the Rights of Persons with Disabilities requires states to establish one or more independent mechanisms, to promote, protect and monitor implementation of the Convention. The Convention specifies that the established framework should take into account the Paris Principles on NHRIs. Convention on the Rights of Persons with Disabilities, 2006, Art. 33.

Many NHRIs are not permitted to investigate allegations of human rights abuses that occur in the private sector. Despite this, these NHRIs may still advise the government to enhance laws, policies and practices relating to the protection of women's rights and gender equality in the private sector. Occasionally, NHRIs have sought to encourage public authorities to take action to address discrimination complaints involving the private sector.

### **SPECIALIZED INSTITUTIONS**

In many OSCE participating States, independent bodies have been established with specialized human rights mandates to protect and promote the rights of particular groups, such as women, children or persons with disabilities. The ODIHR survey found that NHRIs are less engaged with women's rights and gender equality if other institutions have been given these responsibilities.

The Paris Principles provide that NHRIs should consult with other institutions that have responsibility for human rights.<sup>17</sup> Where various institutions accept complaints, procedures should be established to determine whether claimants may file complaints with one or the other institution. The institutions should jointly develop a clear referral system, which respects confidentiality and the informed choice of complainants. This is particularly important in cases that involve gender-based discrimination or violations of women's rights in combination with other alleged abuses.

If the relationship between the NHRI and other specialized human rights institutions is not clearly defined in relevant legislation, this could be done, for example,

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### **EXAMPLE**

The Spanish Ombudsman's Office monitors the *Organic Act on Integrated Protection Measures against Gender Violence (2004)*, with respect to all incidents and failures stemming from its enforcement by the various public authorities, State security forces, judges, prosecutors and lawyers. The Office publishes the information collected and encourages relevant authorities to prevent future incidents and failures.

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### **SURVEY RESULTS**

**46%** of the NHRIs surveyed said that there is another specialized body dealing with anti-discrimination, equality rights, children's rights and/or women's rights in their state.

Most of these NHRIs refer gender matters to the specialized institution(s).

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17 UN Principles relating to the status and functioning of national institutions for protection and promotion of human rights (the "Paris Principles"), op. cit.

by developing memoranda of understanding or other protocols between NHRIs and specialized bodies. In cases where the applicant has filed or wishes to file complaints with several bodies, it is important for these institutions to avoid overlap and potentially conflicting decisions. Hence, when submitting an application, applicants can be asked to indicate whether they have taken their case to any other institution.

NHRIs should integrate a gender perspective in their programmes and policies, even if there is a specialized anti-discrimination or gender equality body in their country. International gender equality policies – such as the UN Fourth World Conference on Women: Platform for Action (Beijing, 1995) – recommend that governments and national mechanisms should promote mainstreaming of gender perspectives in all policies and programmes, so that an analysis is made of the effects on both women and men, before decisions are taken.<sup>18</sup>

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#### A GOOD PRACTICE

A participating State has both an NHRI and a specialized institution that has responsibility for gender equality. The NHRI has received complaints from women about access to health care. The fact that the cases may involve gender-based discrimination does not necessarily mean that the matter should be referred to the specialized agency alone. Health care is a social right that may be in the purview of the NHRI, and there might be other issues related to the complainants' status, such as refugee or national status, children's rights, marital status or ethnic origin. In fact, these may be the factors in the denial of access to health care. The intersection between gender and other human rights grounds would require an investigation.

Normally, the NHRI would refer gender-based discrimination cases to the specialized institution, but in situations like this one, the NHRI can partner with the specialized institution to co-ordinate efforts and cover all the issues in a single joint, systemic initiative. Complementary research could be undertaken by the specialized institution on the particular impact on women, and the NHRI can investigate whether other particular or marginalized groups may also be facing challenges in gaining access to health care.

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<sup>18</sup> Fourth UN World Conference on Women, Beijing Declaration and Platform for Action, H. Institutional mechanisms for the advancement of women, 1995

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**ODIHR RECOMMENDATIONS**

- The NHRI founding legislation should make a specific reference to the broad mandate of the NHRI, including the responsibility of the NHRI to engage in women's rights and gender equality issues.
  - Regardless of institutional model, each NHRI should pay specific attention to the promotion and protection of women's rights and gender equality. Even if assigned additional responsibilities by the government, the engagement in women's rights and gender equality should persist.
  - Given that the actions of non-governmental actors have a significant impact on gender equality and women's rights, NHRI should advise their governments to ensure that laws, policies and practices promote gender equality and women's rights across all sectors of society, including the private sector.
  - Where specialized bodies exist, NHRIs should strive to institutionalize their relationship with these bodies, creating rules and procedures for engagement, and should continue to mainstream gender perspectives into their own programmes and policies.
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## 2 PROTECTION STRATEGIES

### 2.1 OVERVIEW

One of the main roles of NHRIs is to protect individuals from human rights violations. The Paris Principles establish a range of protection strategies that NHRIs ought to undertake on general issues and in specific cases.<sup>19</sup> These strategies are equally relevant for NHRIs working on gender equality and on more specific issues, such as violence against women. In this regard, NHRIs should ensure that gender equality and women's rights are mainstreamed into all of their protection strategies and that policies are also in place to address the particular protection needs of women and girls in the national context.

The CEDAW Committee has stated that it "expects national human rights institutions to ensure that their work concerning, inter alia, the consideration of individual complaints and the elaboration of recommendations on laws, policies and their activities in human rights education is based on the principle of formal and substantive equality between women and men and non-discrimination (...) and that women have easy access to all services for the protection of their rights provided by National Human Rights Institutions."<sup>20</sup>

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19 UN Principles relating to the status and functioning of national institutions for protection and promotion of human rights (the "Paris Principles"), Competence and responsibilities, Art. 3.

20 Statement by the Committee on the Elimination of all forms of Discrimination against Women on its relationship with national human rights institutions, E/CN.6/2008/CRP.1.

The ODIHR survey shows that NHRIs use a diverse range of protection strategies and techniques to protect women's rights and prevent discrimination based on gender:

- Monitoring and data collection
- Complaint handling
- Systemic initiatives
- Remedial powers
- Alternative dispute resolution
- Advisory opinions.

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### QUESTIONS TO CONSIDER

- ? What internal mechanisms exist to identify gender-based discrimination or violations of women's rights, including violence against women, both in individual cases and more generally?
  - ? What processes, such as issue-management strategies, media analysis and independent research, can be used to support efforts to identify and respond to systemic gender-based discrimination and violations of the rights of women?
  - ? How can the NHRI monitor access to protection mechanisms? If problems are identified, what steps can be taken to improve access?
  - ? Does the NHRI have policies in place to facilitate adequate witness/victim protection mechanisms?
  - ? Is the NHRI linked to, or aware of, the broader referral mechanism for victims of violence against women?
  - ? How does the NHRI ensure collaboration with civil society, experts and relevant government actors in its protection strategies?
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## 2.2 MONITORING AND DATA COLLECTION

Monitoring and data collection are key aspects of human rights-protection responsibilities and should also serve as the basis for opinions, recommendations, proposals and reports issued by the NHRI (this latter aspect is addressed in the next section, on promotional strategies). Women's rights and gender equality aspects must be considered at all stages of the monitoring process, from the planning and data-collection strategy to analysis and response. Data can be obtained from complaints, own-initiative investigations, public inquiries and on-site visits. NHRIs should also monitor legislative, judicial and political processes. NHRIs should collect data disaggregated on the basis of sex in relation to complaint handling and outcomes. This includes, among other things, disaggregating data on the sex of the complainants or victims, on the alleged grounds for discrimination, on alleged perpetrators and on the type of alleged violations or abuses.

NHRIs can also undertake specialized forms of monitoring, such as ad hoc or systemic audits of employers and/or the public sector to determine the representation of women in the workforce or among elected or appointed officials. In cases where companies or organizations engage in discriminatory practices and fail to comply with recommendations, appropriate administrative procedures may be initiated.

Information from monitoring and data collection can also provide the basis for independent reports by NHRIs to treaty bodies.

## 2.3 COMPLAINT HANDLING AND INVESTIGATIONS / PUBLIC INQUIRIES

In the OSCE region, the majority of NHRIs can receive individual complaints. As investigations and complaints-handling are often the main points of contact

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### EXAMPLE

The Icelandic Centre for Gender Equality requires all official institutions and private companies with 25 employees or more to have a Gender Equality Action Plan. The Centre monitors the performance of employers over time to assess their progress. In cases of non-compliance, it can impose fines on companies that do not send their action plan within a prescribed period of time.

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### SURVEY RESULTS

**56%** of NHRIs stated that they register complaints disaggregating them by the sex of the complainants or victims, independently of the alleged ground of discrimination.

**71%** of NHRIs stated that they register complaints disaggregating them on the basis of the alleged ground of discrimination.

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### EXAMPLE

In 2011, the Dutch Equal Treatment Commission made an inquiry into the pay of men and women in 18 general hospitals in the Netherlands. Comparisons of salaries in 1,346 cases where men and women held the same job grade were conducted. In 43 per cent of cases, an unjustified pay gap was identified, in two-thirds of cases to the disadvantage of women.

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### SURVEY RESULTS

NHRIs reported that they use the following strategies to handle complaints:

Ensuring a gender-balanced interviewing team and gender-balanced sample of persons to be interviewed (for example, in the context of visits to detention facilities);

Working with community organizations and international organizations to facilitate victims' access to the complaints mechanism;

Undertaking studies on community-based resources for victims of violence and/or trafficking, and publishing the results so that victims know which services are available and how to find them.

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between the NHRI and individual citizens, effective resolution will provide legitimacy and credibility to the NHRI.

The mandate to receive complaints should be broad and should, in cases involving gender-based (or other) discrimination, also extend to private companies. For example, this could include cases of gender-based discrimination in employment.

NHRIs should have the authority to take up issues on their own initiative. In terms of gender equality and women's rights, this prerogative is particularly important in countries where women appear to be reluctant to file complaints – for cultural, educational, access-related or other reasons.

It is essential that NHRI staff have the professional skills to handle individual complaints. This includes not only technical skills, such as case management, interviewing and forensic skills, but also specialized skills and training to work with and interview victims of sexual harassment, discrimination, human trafficking or forms of violence against women. In this regard, NHRIs should have the ability to facilitate secure witness-protection programmes, in co-operation with the competent judicial authorities, as well as to recommend suspension from duty of officials under investigation, without prejudice to the investigation. However, NHRIs do not substitute for or replace police interventions and investigations.

Finally, NHRIs should require authorities to respond to recommendations or findings within a given time frame, and to recommend reparation for victims.

Whenever faced with complaints beyond their jurisdiction, NHRIs should refer these complaints to other independent human rights institutions or competent governmental and judicial bodies.

## 2.4 SYSTEMIC INITIATIVES

Given the long-standing and embedded inequalities experienced by women across virtually all social and economic dimensions, systemic initiatives are especially important for women's rights and gender equality. These may include pooled complaints, system-wide investigations and public inquiries, as well as monitoring programmes paired with publications and public-awareness strategies to redress inequalities at the systemic level in terms of women's rights, gender equality and gender-based stereotypes.

- NHRIs may choose to pool complaints that come from a common source or factor, and investigate them together.
- System-wide or systemic investigations are used to inquire into broad-based, organizational or structural factors that may be the cause of discrimination.
- Monitoring programmes are useful because they track progress within sectors or areas of activity and can then provide information about women's rights and equality at a system-wide level.

The ODIHR survey revealed that a number of NHRIs in the OSCE region appeared to face difficulties identifying and sustaining major strategic initiatives to redress systemic inequalities in terms of women's rights and gender equality. For this reason, the Handbook refers to opportunities for conducting systemic initiatives and taking systemic approaches across all NHRI activities.

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### EXAMPLE

The Equality and Human Rights Commission in the United Kingdom reported that it had launched an inquiry to assess the prevalence and impacts of human trafficking, given that the victims are often "hidden" and unable to come forward to complain.

! Human trafficking affects women and men, and it is, first and foremost, a criminal matter. However, in the OSCE survey, human trafficking was identified by NHRIs as one of the main issues relating to women's rights.

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### EXAMPLE

In 2012, the Polish Human Rights Defender submitted a petition to the Minister of National Education, emphasizing the importance of systemic human rights education, and assessing the national efforts on this issue as insufficient. The petition stated that insufficient human rights education reinforces stereotypes, including those based on gender. The Human Rights Defender based the petition on pooled complaints received regarding stereotypical and degrading images of women in advertisements and prejudiced gender roles in school textbooks. The Human Rights Defender also highlighted the need for gender-sensitive language in the official classification of professions and specializations.

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## SURVEY RESULTS

**31%** of NHRIs surveyed have the power to appear before courts or quasi-judicial/ administrative bodies.

**14%** of NHRIs have the power to issue some form of order.

**55%** of NHRIs have no compliance powers or standing before courts or administrative bodies.

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## EXAMPLE

The Portuguese Ombudsman has the power to file appeals on the constitutionality of legislation, and has exercised this power in a number of gender equality cases before the Constitutional Court, addressing issues of “legitimate” children in the system of family allowance for the military (1979), functions that could only be performed by unmarried women or widows without children (1942), discrimination against unmarried couples (1991), and discrimination in terms of male and female survivors’ pension from the death of spouse (1993).

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## 2.5 REMEDIAL POWERS

The ability to recommend or provide remedies is an important aspect of the protection responsibilities of NHRIs. The ability to address not only individual complaints, but also to identify and remedy root causes of discrimination and address systemic discrimination where this exists, depends on remedies.

Some NHRIs are legally able to receive complaints or communications, but are unable to issue orders or appear before administrative or judicial bodies to enforce them. Nonetheless, good offices’ interventions may, directly or indirectly, facilitate remedies. For example, some NHRIs can monitor proceedings of gender-based discrimination cases before the courts or administrative bodies, and can also investigate complaints concerning excessive length of such proceedings. Some NHRIs even have the power to file appeals on the constitutionality of legislation before the competent courts.

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## EXAMPLE

The Polish Human Rights Defender uses a wide range of judicial enforcement and compliance techniques, including constitutional complaints, administrative proceedings, motions to the Constitutional Tribunal and petitions to the courts and to executive bodies.

In one case, the Human Rights Defender brought a case to the Constitutional Tribunal arguing that differences in the common retirement age for women and men meant that women’s retirement pay was lower than average. Although the Constitutional Tribunal found that the different common retirement age for women and for men did not discriminate against women, it decided to refer the matter to the parliament to consider the advisability of legislative actions aimed at gradually making retirement age for women and men the same.

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## 2.6 ALTERNATIVE DISPUTE RESOLUTION

The Paris Principles state that NHRIs with quasi-judisdictional competencies should “seek an amicable settlement through conciliation.”<sup>21</sup> Settlements can be achieved through a number of techniques that are collectively called alternative dispute resolution (ADR) techniques. ADR takes place outside the judicial process, and focuses on addressing the human rights concerns of both parties. It is generally less adversarial and less formal than the regular judicial processes.<sup>22</sup>

ADR can be particularly relevant in addressing cases that may otherwise not be effectively addressed in the formal system. In some societies, cultural factors, limited understanding of judicial processes, financial restrictions or other factors may limit the extent to which women can access the formal justice system.

ADR may serve to offer a broader platform from which to address systemic issues and provide remedies, if conducted in accordance with human rights principles, and in a context in which any solutions uphold the rights of all parties. On the other hand, techniques like mediation and conciliation should be used cautiously if there is a history or threat of violence, and every effort should be made to protect the identity and safety of victims and witnesses. Techniques such as shuttle mediation, where the parties do not actually come face to face, should be used in such cases.

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### SURVEY RESULTS

Approximately **20%** of NHRIs indicated that they undertake some form of alternative dispute resolution, mostly on a non-binding or voluntary basis.

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### EXAMPLE

The Estonian Chancellor of Justice can undertake non-binding conciliation proceedings in discrimination cases where the parties agree to the conciliation, and make proposals as to the appropriate resolution of disputes.

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21 UN Principles relating to the status and functioning of national institutions for protection and promotion of human rights (the “Paris Principles”), Art. D (1).

22 See National Human Rights Institutions. History, Principles, Roles and Responsibilities, OHCHR p. 93–99. This publication provides concrete advice to NHRIs engaging in alternative dispute resolution.

**EXAMPLE**

In 2006, the Dutch Equal Treatment Commission (ETC) advised the Minister of Social Affairs and Employment to arrange insurance for self-employed women, which would guarantee an adequate compensation for the period of maternity leave. In 2012, the ETC plans to give an advisory opinion about the existing differences in the insurance compensation received by men and women for injuries suffered.

**2.7 ADVISORY OPINIONS**

An advisory opinion is a non-binding opinion by an official on the interpretation of a law, a proposed statute or a hypothetical question submitted by a legislative or executive body, or by an interested party in this case, about compliance with human rights norms. Advisory NHRIs can serve a protective function because they provide information about the position of the NHRI on a submitted question and can also furnish recommendations as to how organizations and institutions can best address human rights issues.

**ODIHR RECOMMENDATIONS**

- NHRIs should ensure that gender equality and women's rights are mainstreamed into all protection strategies, and that policies are in place to address the particular protection needs of women and girls in the national context.
- NHRIs should apply a diverse range of protection strategies and techniques in order to protect women's rights and address gender-based discrimination.
- Women's rights and gender equality aspects must be considered at all stages of the monitoring process, from the planning and data-collection strategy to analysis and response.
- NHRIs should collect sex-disaggregated data in relation to complaint handling and outcome. This can be done, for example, by disaggregating complaints based on the sex of complainants or victims, on the alleged grounds for discrimination, on alleged perpetrators, and/or on the type of alleged violations or abuses.
- NHRI staff should be trained to properly handle and/or refer individual complaints by victims of sexual

violence, sexual harassment at work and public places, discrimination, trafficking or other forms of violence against women.

- NHRIs staff should be trained to properly handle and/or refer complaints by women victims from vulnerable groups, such as refugees, migrant workers or persons with disabilities.
  - NHRIs should have the ability to facilitate secure witness-protection programmes, in co-operation with the competent judicial authorities, as well as to recommend suspension from duty of officials under investigation, without prejudice to the investigation or the type of alleged violations or abuses.
  - NHRIs should require the relevant authorities to respond to recommendations or findings within a given time frame and to recommend reparation for victims.
  - Whenever faced with complaints beyond their jurisdiction, NHRIs should refer these complaints to other independent human rights institutions or the competent governmental and judicial bodies.
  - NHRIs engaging in alternative dispute resolution should ensure that any resolutions guarantee the human rights of all parties and ensure the safety of victims and witnesses.
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## 3 PROMOTION STRATEGIES

### 3.1 OVERVIEW

NHRIs play an important role in the promotion of human rights and in building and sustaining a culture of human rights at the national level. Promotional activities are important in their own right, and can also reinforce protection strategies. The Paris Principles require that NHRIs have a mandate to promote human rights.

Promotional activities help to raise awareness and can foster debate and dialogue. Over time, they can help change attitudes and correct misperceptions.

Promotional activities may provide an opportunity for joint initiatives with governmental and independent bodies, as well as with civil society organizations.

NHRIs may consider different types of promotional activities on women's rights and gender equality, including:

- Public education and awareness raising
- Research and publication
- Training and capacity-building

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#### SURVEY RESULTS

In the OSCE region, all NHRIs surveyed undertake various promotional activities on general human rights issues, **although** not necessarily on gender equality and women's issues specifically.

Among those who undertake promotional activities in the area of women's rights and gender equality, the following types of activities were most prevalent:

**57%** of NHRIs engage in public education and awareness-raising activities.

**54%** of NHRIs conduct research and produce publications.

**37%** of NHRIs undertake training and capacity-building activities.

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## QUESTIONS TO CONSIDER

- ? Are promotional activities part of a broader strategic plan to promote women's rights and gender equality?
  - ? How can promotional campaigns be used most effectively to highlight the human rights situation of women and girls?
  - ? Which thematic areas related to women's rights and gender equality could most benefit from targeted public-awareness campaigns and public education?
  - ? What other actors carry out promotional activities? How can the NHRI complement these?
  - ? Is the NHRI well placed to conduct training and capacity-building for NGOs and civil society on women's rights and gender equality? Could such training also be conducted by civil society actors with expertise in these issues?
  - ? Are promotional campaigns targeted at different audiences, are different media used, and are strategies in place to ensure that they reach the intended audiences?
  - ? How can the NHRI use its status and authority as a national institution to convene experts and opinion leaders on issues affecting women, and particularly vulnerable women?
  - ? Is a gender perspective integrated into all promotional activities?
  - ? Are there particular limits, challenges and risks in relation to promotional activities to highlight violations against women and gender equality? How can these be addressed?
  - ? Does the NHRI carry out internal or external evaluations of the impact of promotional strategies?
  - ? Are there particular actors (judiciary, security sector, legislature, etc.) that require particular attention, and how can the NHRI contribute to raising awareness among these actors?
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### 3.2 PUBLIC EDUCATION AND AWARENESS RAISING

NHRIs can engage in public education and awareness-raising activities to promote women's rights and gender equality. This can be achieved through meetings, outreach and training. Collaboration with media, government, business organizations, religious leaders, civil society and academics can significantly increase the effectiveness of promotional strategies and convey key messages to a broad audience and to particular targeted groups.

Given that NHRIs usually have limited resources for promotional activities, they need to prioritize issues and develop strategies for conveying key messages most effectively. In addition to general awareness-raising campaigns, NHRIs may develop targeted thematic campaigns, for example, on issues related to women's rights and gender equality.

NHRIs should also be aware of intersectional issues that affect vulnerable populations of women and girls (for example, discrimination based on age; minority and migrant status; or disability). These types of issues can form the basis of targeted campaigns, whereby appropriate outreach opportunities and communications strategies need to be identified and used to reach the targeted group.

**Utilizing mass media:** NHRIs can use television, radio and print media to publicize topics related to women's rights and gender equality. Public broadcasters in many OSCE participating States are required by law to dedicate a given share of their programming to public service messages and social causes; NHRIs can collaborate with them to develop public service announcements, news coverage, interviews or other types of programming on women's rights and gender equality. NHRIs may also undertake initiatives to ensure that journalists have training to cover these issues in a human rights-based and gender-sensitive manner.

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#### EXAMPLE

The Austrian Ombudsperson appears on the 45-minute weekly television show "Bürgeranwalt" ("Advocate for the People"), a major platform for human rights issues. Each week, individual cases are presented to an average audience of 320,000 viewers.

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**EXAMPLE**

The Stroller Campaign was carried out by the Swedish Equal Opportunities Ombudsman (now the Equality Ombudsman) in 2007. The campaign used newsletters, personal stories, a website and promotional materials to inform parents of the impact of the new *Parental Leave Act* in Sweden, which came into force in 2006 and strengthened protections for parents with child care responsibilities.

The campaign also offered positive examples from a model employer that is "family-friendly", providing tips to other companies on how to accommodate employees with new parenting responsibilities. In addition, it was reported that the awareness-raising of the stroller campaign led individuals who felt they had been treated less favourably to file complaints. Some of these cases were mediated, while others were tried in the Labour Court.

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**EXAMPLE**

The Ombudsperson of the Republic of Kyrgyzstan holds academic conferences and selects students from universities across the country to present papers. A portion of the event is focused on women's rights and gender equality. The three best papers are published and all participants receive recognition certificates.

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**Websites and social media:** NHRIs can develop online publications and other online materials, as well as use social media to raise awareness about women's rights and gender equality. Promotional publications and campaigns on women's rights can be posted on NHRI websites. Facebook, Twitter and other social media are inexpensive ways to improve awareness among younger groups.

**Organizing events and mobilizing creative channels:** NHRIs can themselves convene meetings or public events at which various groups, including civil society, academia, media, victims' groups or government officials and policymakers come together to discuss issues related to women's rights and gender equality. Attention around such events can improve public awareness and further debate at the national level. Such events may also discuss emerging issues or initiatives for legislative or policies changes.

NHRIs can also use interactive and creative methods to promote women's rights and gender equality. For example, this can be done by ensuring that NHRIs have a presence at street fairs, theatre, music and art festivals, exhibitions, parades and charity events. These activities may best be carried out in collaboration with civil society partners.

**Campaigns targeting children and youth:** Children and youth are an important audience in relation to women's rights and gender equality. NHRIs can develop particular strategies to reach these groups, including by developing relevant promotional materials and by seeking to actively engage children and youth. NHRIs can also play an important role in facilitating the systemic inclusion of women's rights and gender equality in school curricula and pedagogical activities, particularly through human rights education programmes.

### 3.3 RESEARCH AND PUBLICATIONS

The Paris Principles state that NHRIs have the responsibility “[t]o submit to the government, parliament and any other competent body (...) opinions, recommendations, proposals and reports on any matters concerning the promotion and protection of human rights”, and may decide to publicize them. The reports may be general or on specific human rights matters. They may be directed at national officials or the international community. Examples at the international level include treaty body reporting and the Universal Periodic Review under the auspices of the UN Human Rights Council.<sup>23</sup> Publications can focus on explaining the role of the NHRI and/or the national and international human rights framework.

Most NHRIs are legally required to produce annual reports. This allows them to present their work to the parliament (or any other state institution or body to which they report), but it also presents an opportunity for the reports to be communicated to the public. Annual reports should provide, at a minimum, statistics about complaints and/or investigations on a sex-disaggregated basis, as well as analyses or overviews of the situation of women and/or gender equality in their states, or even at the regional level. Information can then be repackaged and communicated through targeted avenues and channels to women’s groups, NGOs and other parts of civil society, or to governments, as appropriate.

In addition to annual reports, NHRIs can publish special and thematic reports on a wide range of topics pertinent to women’s rights and gender equality. For example, NHRIs are well suited to bring reasoned

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#### EXAMPLE

In 2012, the Polish Human Rights Defender commissioned sociological research to inform the upcoming *Report on Violence against Elderly Women and Women with Disabilities*. Performed by teams of social and health care workers, education officials and police officers, the report will assess the scope of violence against these groups, knowledge of relevant authorities about legal remedies available to victims, and the efficiency of the violence-prevention system.

Based on the findings of the report and consultations with relevant stakeholders, the Human Rights Defender will formulate and issue recommendations for the relevant public authorities.

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<sup>23</sup> UN Principles relating to the status and functioning of national institutions for protection and promotion of human rights (the “Paris Principles”), Art. A (3)(a)(iii).

**EXAMPLE**

The Norwegian and Austrian NHRIs have developed publications on preventing discrimination based on religion or belief for women who wear headscarves. The Austrian ombudsperson institution has intervened with public authorities to inquire why young trainees who wear the headscarf are being refused training opportunities in employment. It has also informed potential employers of the consequences of such discrimination.

**!** While such forms of religious discrimination can also affect men, they seem to affect women disproportionately, as reported by NHRIs.

**EXAMPLE**

The Croatian Gender Equality Ombudsperson conducted a specialized study examining the judicial treatment of gender-based discrimination cases. By looking at how the courts treat cases of gender-based discrimination, NHRIs are better placed to advocate for change, improve judicial training and develop robust data on how litigants have been dealt with by the courts.

human rights-based approaches to socially sensitive or difficult issues. (Further information on research and publications is provided in *Section 7.8: Knowledge Management*.)

**3.4 TRAINING AND CAPACITY BUILDING**

NHRIs should provide training and capacity building on women's rights and gender equality, which can be done effectively in collaboration with civil society organizations working on these issues.

Despite their importance, the survey shows that training and capacity-building programmes are the least-used promotional strategies reported by NHRIs. While this may be due to insufficient financial or human resources, a number of NHRIs have delivered targeted training and capacity-building programmes on women's rights and gender equality.

Among the activities offered by NHRIs, according to the ODIHR survey, are training for government officials, legal practitioners and law-enforcement officials on women's rights and gender issues. NHRIs also reported conducting community-based activities to strengthen the capacity of civil society and women's organizations to protect women's rights and promote gender equality. For example, NHRIs reported that they:

- Organize training on cultural and social issues that affect women and girls, such as forced marriages;
- Train civil society organizations on writing shadow reports for CEDAW, as well as follow-up measures and conferences related to CEDAW;
- Train civil society organizations on writing shadow reports for other treaty bodies and addressing gender issues in those reports;

- Provide grants to community organizations and NGOs;
- Include community organizations in NHRI training sessions on substantive human rights issues related to women's rights and gender equality.

NHRIs also provide training on gender equality and women's rights to their own staff. More information about staff training can be found in *Section 7.7: Human Resources Management*.

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#### **SURVEY RESULTS**

The ODIHR survey revealed that training and capacity-building programmes are the least-used promotional strategies reported by NHRIs.

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#### **ODIHR RECOMMENDATIONS**

- Any promotional activity developed by the NHRI should be tailored to the audience to be reached. NHRIs should make efforts to reach diverse audiences, including members of minority or migrant groups, persons with disabilities, illiterate persons and others.
- NHRIs should develop human rights promotion programmes in a way that responds to the particular needs of their country. Awareness of women's rights and gender-based discrimination should be part of such programmes.
- In addition to explaining rights, NHRI promotional activities should promote wide awareness of complaints mechanisms available to victims of violence against women and gender-based discrimination.
- NHRIs should allocate sufficient financial and human resources to human rights promotion, to ensure that the immediate urgencies of protection work do not unduly limit promotional activities.
- NHRI staff should receive media and outreach training on how to communicate messages related to

women's rights and gender-based discrimination, and how to integrate these topics into general promotional work.

- Outreach to or training of professional associations that have regular contact with vulnerable groups of women should be considered. This could include law-enforcement officers, social service and health workers, teachers, armed forces personnel, prison officials, journalists and community leaders.
  - Where appropriate, NHRIs should co-operate with partners to increase impact and audiences reached and to ensure coherent messages.
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## **4 ADVICE AND ASSISTANCE TO GOVERNMENT**

### **4.1 OVERVIEW**

According to the Paris Principles, NHRIs are responsible for submitting opinions, recommendations, proposals and reports to the government, parliament and any other competent body on any matters concerning the protection and promotion of human rights.

In relation to protection and promotion of women's rights and gender equality, the main areas NHRIs in the OSCE region deal with are:

- Legislation and policy
- National action plans
- Gender mainstreaming
- Women's participation in political and public life
- Gender-responsive budgeting
- Liaison with government officials.



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## QUESTIONS TO CONSIDER

- ? Does the NHRI have a comprehensive understanding of the impact of the state's legal framework and policies on women's rights and gender equality? Have key problem areas been identified and raised with government actors? How are laws and policies analysed and monitored for gender impact?
  - ? Considering its mandate, what role can the NHRI play in legal reform and policy development?
  - ? Are there National Action Plans on human rights, gender equality or other relevant areas? Does the NHRI monitor national plans and evaluate the outcomes?
  - ? What steps have been taken to monitor and report on the representation of women in the public sector and in elected office?
  - ? Does the NHRI analyse national budgets and assess whether they contribute to the advancement of gender equality and the fulfillment of women's rights?
  - ? What opportunities are there to engage with government officials?
  - ? What are the most strategic areas of government that the NHRI can engage with on women's rights and gender issues? For example, are there standing committees, legislative bodies or working committees that the NHRI can participate in on a regular basis?
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## 4.2 LEGISLATION AND POLICY

States have a responsibility to ensure that their national legal framework and policies comply with OSCE commitments and human rights obligations in general and, more specifically, in the area of protecting women's rights and gender equality. NHRIs can assist states by reviewing national legislation and identifying gaps, highlighting problem areas in the existing legal framework and contributing to the development of new laws and policies. NHRIs can also monitor the impact of laws and policies on women's rights and gender equality.

NHRIs in the OSCE region provide advice and assistance in the following legislative and policy areas, among others: domestic violence laws, electoral-code reform, employment equity, parental rights, social benefits and health and education policies.

## 4.3 NATIONAL ACTION PLANS

The development of a national action plan on human rights shows a commitment by the government to promote and protect human rights.<sup>24</sup> In the OSCE region, these plans exist in the form of general national human rights action plans, as well as specific action plans, such as gender action plans, plans to prevent and combat domestic violence, and action plans against trafficking in human beings.

While the governments should take the lead in developing national action plans, NHRIs can recommend that such plans are developed, and offer advice and

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### SURVEY RESULTS

**64%** of NHRIs reported that they comment on draft legislation in the area of women's rights and gender equality.

**52%** of NHRIs monitor the implementation of policies and legislation that affect women's rights and gender equality.

**45%** of NHRIs initiate contacts with government departments, senior officials and cabinet members on proposed legislative initiatives.

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### SURVEY RESULTS

**42%** of NHRIs reported that they participate in developing national plans with respect to women's rights and gender equality. One NHRI noted that its independence prevented it from contributing directly to the national action plan.

**12%** of NHRIs reported that they initiate the development of national action plans on human rights.

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24 The Vienna Declaration and Programme of Action, 1993, Art. 71, recommends that states consider preparing national action plans. The Beijing Declaration and Platform for Action, 1995, Art. 124(j), calls on all governments to establish and implement plans of action to eliminate violence against women.

**EXAMPLE**

The Bulgarian Ombudsman monitors the implementation of national action plans relating to human rights. It also actively encourages the inclusion of gender equality aspects in the plans. The Ombudsperson's involvement is at the invitation of the Ministry of Labour and Social Policy.

**EXAMPLE**

The Ukrainian NHRI reports that it initiated and provided legal advice in the development of the National Programme to Promote Gender Equality in Ukrainian Society for the period ending 2016. The NHRI also facilitated the approval of the Plan, and also contributed to development of national action plans to combat domestic violence.

commentary. NHRIs are also well placed to monitor the implementation of national action plans over a period of time, track progress and provide advice on how to facilitate their implementation.

**4.4 GENDER MAINSTREAMING**

“Mainstreaming a gender perspective is the process of assessing the implications for women and men of any planned action, including legislation, policies or programmes, in all areas and at all levels.

It is a strategy for making women's as well as men's concerns and experiences an integral dimension of the design, implementation, monitoring and evaluation of policies and programmes in all political, economic and societal spheres so that women and men benefit equally and inequality is not perpetuated.

The ultimate goal is to achieve gender equality.”

See Official Records of the UN General Assembly, Fifty-Second Session, Supplement No. 3 (A/52/3/Rev.1), (1997), Chapter IV.

The 2004 OSCE Action Plan for the Promotion of Gender Equality states that effective gender mainstreaming with the goal of achieving gender equality is crucial if full use is to be made of the human capital in the OSCE region.<sup>25</sup> International instruments and declarations have also emphasized the importance of gender mainstreaming.<sup>26</sup>

<sup>25</sup> OSCE Ministerial Council, Decision No. 14/04, “2004 OSCE Action Plan for the Promotion of Gender Equality”, Sofia, 7 December 2004.

<sup>26</sup> See for example, the Fourth UN World Conference on Women, Beijing Declaration and Platform for Action, 1995 and the Report of the Economic and Social Council for 1997 (A/52/3/Rev.1).

NHRIs can implement gender mainstreaming by developing gender-assessment strategies or impact analyses for draft legislation and existing laws, policies, programmes and activities. Supporting the government to find ways to integrate gender perspectives into its work across all government departments can be a powerful way of combating gender-based discrimination and advancing gender equality.

#### 4.5 WOMEN'S PARTICIPATION IN POLITICAL AND PUBLIC LIFE

“The (OSCE) participating States recognize that full and true equality between men and women is a fundamental aspect of a just and democratic society based on the rule of law. The full development of society and the welfare of all its members require equal opportunity for full and equal participation of men and women.”<sup>27</sup> OSCE commitments further “call on the participating States to consider possible legislative measures, which would facilitate a more balanced participation of women and men in political and public life and especially decision-making.”<sup>28</sup>

The right of women to participate in political and public life is enshrined in international standards and national legislation of OSCE countries.<sup>29</sup> This refers to women’s ability to participate on an equal footing with men in all aspects of political and public life, at all levels, and in decision-making. In spite of these commitments, women continue to be under-represented in governance structures in the OSCE region, currently

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#### EXAMPLE

The Canadian Human Rights Commission is currently developing a Gender Relevancy Assessment, designed to offer practical guidance to NHRI staff, public servants and government officials on gender mainstreaming. To incorporate a gender perspective into their work, the staff should ask themselves the following questions:

- What is the project/issue you are working on?
  - Are there divergences in the experiences of women and men that could impact them differently? (i.e., women prisoners as distinct from men prisoners)
  - Are there multiple or intersecting grounds present that could potentially aggravate their experience of discrimination? (i.e. a young woman from a minority group who has a disability)
  - If so, how could you address this reality in your work?
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#### SURVEY RESULTS

**33%** of NHRIs identified promoting women’s participation in political and public life as one of five priority areas.

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<sup>27</sup> Document of the Moscow Meeting of the Conference on the Human Dimension of the CSCE, Moscow, 1991.

<sup>28</sup> OSCE Ministerial Council Decision No. 7/09, “Women’s Participation in Political and Public Life”, Athens, 2 December 2009.

<sup>29</sup> UDHR (1948), ICCPR (adopted 1966, entered into force 1976) Art 3; CEDAW, Art. 7, (adopted 1979, entered into force 1981), and the Beijing Declaration and Platform for Action (1995), Art. 190–195.

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**EXAMPLE**

As part of the “How Fair is Britain?” initiative, the Equality and Human Rights Commission in the United Kingdom collected quantitative data on women’s representation in senior positions. The report, *Sex and Power 2011*, compared data on the representation of women in top positions in 27 categories to data from 2007/2008. It concluded that, while women’s representation in top leadership increased in 17 categories, there was a drop in women’s participation in ten categories, including as members of Cabinet and local authority council leaders and in public appointments.

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**EXAMPLE**

The Lithuanian Equal Opportunities Ombudsman collects quantitative data on the participation of women in the political and public sectors. The data has revealed a correlation between the number and the position of women on candidates’ lists and the number of women elected. If women were among the first three candidates on the list they had a better chance of being elected.

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making up 23.4 per cent of members of parliaments in OSCE participating States.<sup>30</sup>

NHRIs can play an important role in promoting women’s participation in political and public life, by monitoring the extent to which women are elected to office and appointed to senior positions in government, identifying the root causes for under-representation, and working with relevant actors to address these issues. Data on the status of women in the public sector and in public life can be included in annual or ad hoc reports.

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30 Inter-Parliamentary Union, *Women in National Parliaments*, as of 31 July 2012. IPU data also shows a significant disparity between participating States, with the percentage in Georgia being 6.6 per cent, Sweden 44.7 per cent, and Andorra 50 per cent.

#### 4.6 GENDER-RESPONSIVE BUDGETING

Governments should report on how public resources are mobilized for human rights, and this includes women's rights. By monitoring how public funds are spent, NHRIs can help to ensure that public-policy choices are not discriminatory and that they reflect a progressive approach to the realization of women's rights and the achievement of gender equality. NHRIs should also be prepared to deal with scrutiny in terms of their own spending allocations.

#### 4.7 LIAISON WITH GOVERNMENT OFFICIALS

The Paris Principles require that NHRIs consult with other bodies that are responsible for human rights.<sup>31</sup> Because women's rights and gender equality depend on complex and interrelated factors, the involvement of governments is crucial to addressing a range of issues. NHRIs should liaise with government officials on a regular basis. This liaison should not be limited to government officials who are focused on women's rights or gender equality issues, but should include all governmental departments and institutions whose work has an impact on these areas.

It should also be noted that national mechanisms for gender equality, the so-called gender machineries, play a key role in protecting and promoting women's rights and gender equality on the national level. Almost all states in the OSCE region have such mechanisms in place. It is essential for NHRIs to collaborate and develop synergies with the national gender machineries, whose areas of responsibility are often similar to those of the NHRIs, including work on gender-related

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#### SURVEY RESULTS

**15%** of NHRIs surveyed reported that they advocate for gender-responsive budgeting at the national level.

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#### EXAMPLE

In 2011, the Protector of Citizens of the Republic of Serbia sent official letters to all municipalities requesting that their 2012 annual budgets allocate the necessary resources for local NGOs to protect women against domestic violence.

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#### SURVEY RESULTS

**39%** of NHRIs surveyed report that they meet regularly with government officials in order to discuss women's rights and gender equality.

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31 UN Principles relating to the status and functioning of national institutions for protection and promotion of human rights (the "Paris Principles"), Art. 3(f).

legislation and policies, national action plans, or gender-responsive budgeting at the national level. While an analysis of the mandates and programmes of the national mechanisms for gender equality is beyond the scope of this publication, more information can be found in the publication *National Mechanisms for Gender Equality in South-East and Eastern Europe, Caucasus and Central Asia: Regional Study*.<sup>32</sup>

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### ODIHR RECOMMENDATIONS

- NHRIs should advocate for the adoption and full implementation of legislation and policies that protect women's rights and promote gender equality.
- NHRIs should provide assistance by reviewing national legislation and identifying gaps, highlighting problem areas in the existing legal framework, and contributing to the development of new laws and policies. NHRIs should also monitor the impact of laws and policies on women's rights and gender equality, and report on these to the government.
- NHRIs should monitor the development of national action plans related to rights of women or gender equality. They should also monitor the actual implementation of such national action plans.
- NHRIs should assist governments to implement gender mainstreaming, including by developing gender-assessment strategies for all government draft legislation, policies, programmes and activities.
- NHRIs should liaise with government officials on a regular basis. This should not be limited to government officials who are focused on women's rights or gender equality issues, but should include all government departments and government institutions whose work has an impact on these areas.

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<sup>32</sup> UN, Dono Abdurazakova, *National Mechanisms for Gender Equality in South-East and Eastern Europe, Caucasus and Central Asia: Regional Study*, 2010

## 5 CO-OPERATION WITH CIVIL SOCIETY

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In view of the fundamental role played by the non-governmental organizations in expanding the work of the national institutions, (NHRIs shall) develop relations with the non-governmental organizations devoted to promoting and protecting human rights, to economic and social development, to combating racism, to protecting particularly vulnerable groups (especially children, migrant workers, refugees, physically and mentally disabled persons) or to specialised areas.

Paris Principles, (1991) Art. C (7)

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The importance placed by the Paris Principles on links between NHRIs and civil society actors is reflected in the fact that one of the standards for accreditation by the ICC is the quality and consistency of engagement with civil society. The founding legislation of a number of NHRIs in the OSCE region makes specific reference to working with civil society organizations. Whether or not such co-operation is specified, NHRIs and NGOs can benefit from a collaborative approach. Civil society organizations have specialized knowledge in areas related to women's rights and gender equality, and can also assist in promotional activities. Collaborating with civil society will enhance NHRIs' capacity to reach a wider audience.

Co-operation with civil society organizations working on women's rights is of particular importance as, in some contexts, women may face obstacles to accessing NHRIs directly. Civil society organizations often provide direct services and protection to victims, including running shelters, operating hotlines and providing counselling and legal advice. If there are established referral



systems, civil society organizations may inform individuals where to file complaints or obtain information about legal provisions and protection. In some cases, with the victim's consent, the civil society organizations can forward individual complaints to relevant authorities for action. NHRIs should be aware of the services provided by civil society organizations and should engage in collaborative activities, to be able to refer victims to the most appropriate services and to ensure that complainants receive the support they require. NHRIs and civil society organizations can also benefit by respective areas of expertise, for example, by mutual or joint training.

There are some caveats in working with civil society, especially when it comes to investigations. NHRIs cannot delegate their responsibilities under their statutes, and co-operation with NGOs in the context of human rights investigations requires special attention. In particular, NHRIs must be clear about the respective roles and responsibilities of civil society organizations. In the context of women's rights and gender equality, many community-service organizations have highly developed investigatory and support services, and while close co-operation will be important for effective partnering, the NHRI also needs to ensure that it retains its independence.

NHRIs can also play an important role in the protection of human rights defenders.<sup>33</sup> Women human rights defenders may face the same risks as those faced by all human rights defenders, regardless of gender, for example, when they challenge the state or make demands for free speech or assembly. However, women human rights defenders may face additional and gender-specific challenges because, as women, they are exposed to or targeted for violence and gender-specific attacks, which could include threats to their families and allegations relating to their behaviour and "conduct".<sup>34</sup> The nature of their work – sometimes challenging what are viewed as traditional norms or values in areas such as women's rights, reproductive rights and gender-based violence – may also put them at particular risk.<sup>35</sup>

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33 This, as well as their role as human rights defenders themselves, is recognized in Human Rights Council Resolution 13/13, Art. 9. See also the United Nations *Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms* ("Declaration on Human Rights Defenders"), A/RES/53/144, 8 March 1999.

34 Women Human Rights Defenders International Coalition, *Global Report on the Situation of Women Human Rights Defenders* (2012).

35 For a full discussion on the issues facing women human rights defenders see: Report of the Special Rapporteur on the situation of human rights defenders, Margaret Sekaggya, A/HRC/16/44, 20 December 2010.

NHRIs can play an important role in protecting women human rights defenders by denouncing violations and heightening visibility of human rights violations, particularly by denouncing gender specific aspects of human rights violations. Documenting human rights violations and publicizing them can help to ensure that public awareness contributes to protecting these human rights defenders. NHRIs can further provide case studies or analyses at the international level, as well as letters for urgent action to Special Rapporteurs, regional mechanisms and international bodies, such as the UN Human Rights Council.

NHRIs in the OSCE region reported that they engage with civil society in the following ways:

- Exchanging information on women's rights and gender equality issues;
- Referring complaints to NGOs and receiving complaints from them;
- Funding NGOs to support complainants;<sup>36</sup>
- Training civil society organizations to assist individual complainants in national and/ or international proceedings;
- Collaborating on treaty-body reporting; and
- Joining efforts in advocacy work on women's rights and gender equality.

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<sup>36</sup> For further information on collaboration between NHRIs and civil society, see, for example: *A Partnership for Human Rights: Civil Society and National Human Rights Institutions*, Commonwealth Initiative for Human Rights (2011).

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## QUESTIONS TO CONSIDER

- ? Does the NHRI's founding legislation formalize relationships between the NHRI and civil society? What is the nature of the relationship?
  - ? How has the NHRI developed such relationships in practice?
  - ? Has the NHRI developed institutionalized ways to engage with women's organizations and human rights defenders?
  - ? What is the nature and extent of interaction that the NHRI has with civil society?
  - ? What steps can the NHRI take to protect women human rights defenders?
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### EXAMPLE

The Azerbaijan Commissioner for Human Rights has partnered with the NGO Resource Centre for Older Women to provide psychological, medical and legal support to internally displaced women, isolated women, and women whose families are victims of violence and conflict.

The Azerbaijan NHRI has also collaborated with the Child and Youth Peace Network. Meetings and events are organized, and the NHRI staff work to provide information in order to strengthen the capacity of the NGO to protect and promote women's rights and gender equality. Certain detrimental practices involving women, such as early marriage, are also analysed and discussed.

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### EXAMPLE

For the development of its own 2012–2015 Strategic Plan, the Equality and Human Rights Commission (EHRC) in the United Kingdom undertook a three-stage consultation process, receiving comments, holding focus groups, and conducting outreach to various relevant stakeholders. In the final stage of the consultation process, the ECHR reached out to groups that might be affected by the NHRI work but had not yet participated in the consultations. The EHRC provided feedback on whether contributors' comments had been included in the final strategic plan.

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### EXAMPLE

The Georgian NHRI (Public Defender) has produced a "Pocketbook for Police Officers on the Issues of Family Violence", in partnership with the NGO Centre for Women and Children's Rights.

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**ODIHR RECOMMENDATIONS**

- NHRIs should develop mutually beneficial and, ideally, institutionalized relationships with civil society organizations. This could include information sharing and establishment of referral mechanisms for victims of violence against women and gender-based discrimination.
  - NHRIs should raise awareness of the Declaration on Human Rights Defenders, and on the legitimate and important role played by women human rights defenders in particular. Any attacks against human rights defenders should be condemned and appropriate measures taken.
  - NHRIs should consider the development of joint outreach campaigns or joint publications on women's rights and gender equality, with a range of civil society actors. In planning such initiatives, it is important to ensure the genuine involvement of civil society actors from the early planning stages.
  - Where relevant, NHRIs should facilitate specialized or general training for civil society actors involved in particular areas of the protection and promotion of women's rights and gender equality. Training of trainers for civil society may also multiply the impact of such programmes.
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# 6 PARTICIPATION IN INTERNATIONAL HUMAN RIGHTS FORUMS

## 6.1 OVERVIEW

NHRIs play an important role in linking national governments and domestic legislation with the international human rights community and standards. The Paris Principles task NHRIs with promoting the harmonization of national legislation, regulations and practices with applicable international human rights instruments; encouraging ratification of or accession to such treaties; contributing to treaty reports to the UN and regional bodies; and co-operating with the UN, regional institutions and NHRIs in other countries.<sup>37</sup>

This provides opportunities for NHRIs to promote women's rights and gender equality in their interactions with the Human Rights Council and its procedures and mechanisms, and when monitoring their states' commitments under the Millennium Development Goals

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### SURVEY RESULTS

**71%** of NHRIs report they liaise with other institutions at the international level.

**54%** of NHRIs provide commentary for reports to treaty bodies.

**51%** of NHRIs promote the ratification of international human rights instruments.

**37%** of NHRIs provide independent reports to treaty bodies.

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<sup>37</sup> UN Principles relating to the status and functioning of national institutions for protection and promotion of human rights (the "Paris Principles"), Art. 3(iv)(b)-(e)

and Beijing Platform for Action. It also provides opportunities to promote and facilitate implementation of regional human rights commitments, including those made by the OSCE participating States.

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### QUESTIONS TO CONSIDER

- ? Does the NHRI make use of the increasing recognition and new opportunities in the Human Rights Council to engage on women's rights and gender equality?
- ? How does the NHRI promote the adequate inclusion of women's rights and gender equality in state reports to treaty bodies, in stakeholders reports to treaty bodies and in its own submissions?
- ? Does the NHRI attend pre-sessions or sessions of the CEDAW Committee, the Committee on the Status of Women or other forums?
- ? Does the NHRI include training on women's rights and gender equality when building the capacity of civil society actors to prepare shadow reports?
- ? In what ways does the NHRI engage with special procedures? Which special procedures are most relevant to the human rights situation? To what extent are women's rights and gender equality reflected in the engagement?

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## 6.2 THE HUMAN RIGHTS COUNCIL

NHRIs have increasing opportunities to play an active role in the Human Rights Council. Since 2007, NHRIs with A-status accreditation from the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC), as well as regional and international coordinating bodies of NHRIs, have been able to make oral statements under all agenda items of the Human Rights Council, submit documents and take separate seating in all sessions.<sup>38</sup> In 2011 and 2012, the Human Rights Council adopted resolutions on NHRIs which further increased opportunities for participation by NHRIs, including by providing A-status NHRIs the opportunity to:

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<sup>38</sup> *Institution-Building of the United Nations Human Rights Council*, A/HRC/RES/5/1, adopted by the HRC on 18 June 2007.

- Include a separate section with NHRI contributions in the stakeholders report during the Universal Periodic Review (UPR) process;
- Intervene immediately after the state under review, during the adoption of the outcome of the UPR review by the plenary;
- Nominate candidates as special procedures mandate holders; and
- Intervene immediately after the country concerned during the interactive dialogue, following the presentation of a country mission report by a special procedure mandate holder.<sup>39</sup>

In relation to the promotion of women's rights and gender equality, NHRIs could use this access by, for example, highlighting women's rights and equality issues in the UPR stakeholders report; including gender issues in its comments following state reports; nominating qualified women as candidates for special procedure mandates; and providing additional information on women's rights and gender equality during the interactive dialogue. It is hoped that the HRC model for active engagement with NHRIs will encourage increased recognition in other international forums. In 2012, the Human Rights Council recommended to the General Assembly that it explores the feasibility of enabling A-status NHRIs to participate at its meetings, based on practices in the Human Rights Council.<sup>40</sup>

### **Special Procedures of the Human Rights Council**

NHRIs are likely to have access to specific knowledge of the particular issues facing women in their countries, including in relation to the legal framework, cultural practices and obstacles to change. Depending on their mandates, expertise and relationships with women's rights organizations, they may also receive information about alleged individual violations and the verification of these. They, therefore, have the potential to play an important role in submitting information to all special procedures mandate holders.

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39 *Review of the Human Rights Council, A/RES/65/281*, adopted at the sixty-fifth session of the General Assembly on 20 July 2011. See in particular paras. 9, 13, 22(a) and 28.

40 *National institutions for the promotion and protection of human rights, A/HRC/20/L.15*, 29 June 2012, para. 16.



Several mandates are explicitly related to women's rights, including the Special Rapporteur on trafficking in persons, especially women and children, the Working Group on the issue of discrimination against women in law and in practice, the Special Rapporteur on violence against women, its causes and consequences, and the Special Rapporteur on the human rights of migrants. NHRIs can support the work of the special procedures by:

- Encouraging their governments to extend standing invitations to all thematic Special Procedures;
- Providing objective information on the situation of women and gender equality in their country to all relevant mandates;
- Providing information during the preparation of, course of and follow-up to country visits, including by distributing findings broadly at the national level, advocating for their implementation, and providing feedback to mandate holders on implementation of recommendations.
- Flagging relevant (draft) laws to the special procedures and their analysis of gender aspects of the law and its impact on women's rights; and
- For NHRIs with A-status, attending sessions of the Human Rights Council and make an oral statement during the interactive dialogue, or considering doing so by video link.

### **Treaty Reporting**

States are required to submit reports on the implementation of treaties they have ratified or to which they have acceded. NHRIs can engage at different stages of this process. They can contribute to their governments' reports, including through consultation and commenting; they can draft their own reports; they can make presentations during the pre-session working groups and provide written information prior to the formal examination of a State party report.

NHRIs can play a significant role in the follow-up to treaty body concluding observations and recommendations, including by monitoring implementation and raising awareness about the findings at the national level. They may also build the capacity of civil society to draft shadow reports.

The status granted to NHRIs, as well as the nature and scope of their participation in different treaty bodies, varies. Currently, three committees have general comments on NHRIs: the Committee on the Rights of the Child;<sup>41</sup> the Committee on Economic, Social and Cultural Rights;<sup>42</sup> and the Committee on the Elimination of Racial Discrimination (CERD).<sup>43</sup> The CERD has formalized the participation of NHRIs in its working methods and rules of procedure.<sup>44</sup> In engaging with treaty bodies, NHRIs can promote the inclusion of women's rights and gender equality by:

- Monitoring and providing objective information on women's rights and gender-related issues during the drafting of the government report;
- Ensuring that its own report or contribution mainstreams and fully reflects the impact of the issue at hand on women's rights and gender equality;
- Taking note of any recommendations and concluding observations related to gender or women's rights, translating recommendations into local languages and facilitating their distribution at the national level, supporting the government in developing strategies to implement these recommendations, and monitoring the implementation; and
- Including gender and women's rights in any capacity-building initiatives for civil society, and promoting the inclusion of these in stakeholders' reports, as well as ensuring that civil society groups with expertise in women's rights are included in capacity-building initiatives.

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41 General Comment No. 2 (2002), *The role of independent national human rights institutions in the promotion and protection of the rights of the child*, CRC/GC/2002/2, 15 November 2002.

42 General Comment No. 10, *The role of national human rights institutions in the protection of economic, social and cultural rights*, E/C.12/1998/25, 10 December 1998.

43 General Recommendation No. 17, *Establishment of national institutions to facilitate implementation of the Convention*, 25 March 1993.

44 *Committee on the Elimination of Racial Discrimination – Working Methods* complementing and/or amending the report of the Committee on the Elimination of Racial Discrimination on its forty-eighth and forty-ninth sessions. Official Records of the General Assembly, Fifty-first Session, Supplement No. 18 (A/51/18), paras. 587–627.

**EXAMPLE**

The French National Advisory Commission on Human Rights provided comments to government's sixth periodic report to CEDAW, considered in 2008, which were reflected in the state report. The Commission also separately submitted additional information on the list of questions posed by the CEDAW Committee. This demonstrates the Commission's role both as a contributor to the state report and as an independent body.

France: Sixth periodic report on implementation of the Convention on the Elimination of All Forms of Discrimination against Women

## The UN Committee on the Elimination of Discrimination against Women

The UN Committee on the Elimination of Discrimination against Women (CEDAW) monitors the implementation of the Convention on the Elimination of Discrimination against Women and is of particular relevance to NHRIs working for the protection and promotion of women's rights and gender equality. In 2008, CEDAW issued a statement recognizing the important role played by NHRIs in implementing the Convention.<sup>45</sup> The statement clarified that NHRIs may:

- Provide comments and suggestions to the States party reports;
- Where the state has recognized the individual complaint mechanism, assist alleged victims in submitting individual communications to the Committee;
- Provide information on States party reports before the pre-session working groups and attend the relevant sessions;
- Engage with the Committee through time allocated for NHRIs contributions in the provisional agenda; and
- Provide information in relation to the mandate of the Committee to conduct an inquiry.<sup>46</sup>

<sup>45</sup> *Statement by the Committee on the Elimination of Discrimination against Women on its relationship with national human rights institutions*, Committee on the Elimination of Discrimination against Women, 40th Session, 14 January – 1 February 2008. Annex II.

<sup>46</sup> CEDAW issues specific information for NHRIs in relation to its sessions and pre-sessions. See: *Participation by National Human Rights Institutions (NHRIs), Committee on the Elimination of Discrimination Against Women (CEDAW)*.

### **6.3 THE UN COMMISSION ON THE STATUS OF WOMEN**

The UN Commission on the Status of Women (CSW) is the principal UN policy-making body dedicated exclusively to gender equality and the advancement of women. It meets annually in New York to evaluate progress on gender equality, identify challenges, set global standards and formulate concrete policies to promote gender equality and advancement of women worldwide.<sup>47</sup>

NHRIs do not have independent participation status in the CSW. If attending, they must either do so at the invitation of their government, as part of the government delegation, or register as an NGO. Since 2008, the International Coordinating Committee has advocated for independent participation of A-accredited NHRIs at the CSW. Such independent status would allow NHRIs to contribute their expertise on human rights issues facing women and girls in their countries and bring greater human rights expertise to the development of global policies. It would also give formal recognition to the important role played by NHRIs, and be in line with practice at the Human Rights Committee.

In relation to the CSW, NHRIs can:

- Participate in government delegations and provide information, if requested to do so by their governments; and
- Support the ICC campaign for independent participation status at the CSW, including by securing political support from their governments for such independent recognition.

### **6.4 ORGANIZATION FOR SECURITY AND CO-OPERATION IN EUROPE**

The OSCE participating States, in line with the Organization's comprehensive concept of security, have made politically binding commitments in relation to promoting human rights, NHRIs and women's rights and gender equality. Participating States have recognized that "the full and equal exercise by women of their human rights is essential to achieve a more peaceful prosperous and democratic OSCE area".<sup>48</sup>

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<sup>47</sup> For more information, see the Commission on the Status of Women.

<sup>48</sup> OSCE Charter for European Security, OSCE, SUM.DOC/1/99, Istanbul, 19 November 1999.

The 2004 OSCE Action Plan for the Promotion of Gender Equality contains a number of recommendations for the participating States, including to:

- Establish or strengthen existing mechanisms for ensuring gender equality, *inter alia*, by making available the services of an impartial and independent person or body, such as an Ombudsman/Human Rights Commissioner, to address gender-related discrimination against individual citizens;
- Adhere to and fully implement the international standards and commitments they have undertaken concerning equality, non-discrimination and women's and girl's rights; and
- Comply with CEDAW or consider ratifying this convention and its optional protocol, the UN Convention against Transnational Organized Crime, and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children.<sup>49</sup>

Participating States have also decided to “intensify the co-operation of the OSCE with the relevant structures of the United Nations, the Council of Europe, the European Union and other international organizations, as well as with civil society and relevant non-governmental organizations, to promote the prevention of and the fight against all forms of violence against women and girls.”<sup>50</sup>

Within the OSCE, the Office of Democratic Institutions and Human Rights (ODIHR) is the main institution tasked with assisting states with implementing human dimension commitments. It does so through a range of activities, as well as regular meetings to take stock of implementation and recommend follow-up. ODIHR works with governmental and non-governmental partners, including NHRIs and national mechanisms for gender equality, and can provide assistance, including in relation to legal review and capacity building. In terms of co-operating with the OSCE, NHRIs can:

- Participate and provide information on the human rights situation in their countries at OSCE/ODIHR meetings and recommend further action, including in relation to commitments on women's rights and gender equality;

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49 OSCE Action Plan for the Promotion of Gender Equality, Decision No. 14/04, 7 December 2004, para. 42.

50 Decision on Preventing and Combating Violence Against Women, OSCE, MC.DEC/15/05, 6 December 2005.

- Approach ODIHR with requests for assistance, for example requesting legal reviews of draft or existing legislation related to women's rights, gender equality, its own founding legislation or any other human rights issues;
- Where these exist and it falls within their mandates, actively seek advice and assistance from OSCE field operations, or from ODIHR focal points on NHRIs and gender equality; and
- Utilize visits of the Special Representative of the OSCE Chair-in-Office on Gender Issues to report on the situation of women's rights and gender equality in their country.

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### **ODIHR RECOMMENDATIONS**

- NHRIs should engage actively in international and regional human rights forums, taking into account new opportunities to do so, making this part of the strategy to ensure that women's rights and gender equality are adequately addressed.
  - NHRIs with A-status should include a separate section with NHRI contributions in the stakeholders report during the UPR process. This submission should ensure adequate coverage of women's rights and gender equality.
  - In developing the capacity of civil society to engage with UN mechanisms, including the UPR process, special procedures and treaty bodies, NHRIs should emphasize the importance of including women's rights and gender equality.
  - NHRIs should support the ICC campaign for independent participation status at the Committee on the Status of Women.
  - NHRIs should collaborate with OSCE field operations, where these exist, and with the OSCE/ODIHR, as appropriate. NHRIs can approach ODIHR directly or via the OSCE Field Operations, requesting a legal review of draft or existing legislation related to women's rights, gender equality, its own founding legislation, or any other human rights issues.
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# **7 ORGANIZING NHRIS TO ACHIEVE WOMEN'S RIGHTS AND GENDER EQUALITY**

## **7.1 OVERVIEW**

To ensure the enhancement of women's rights and gender equality, NHRIs need to be internally equipped to strengthen their own performance. There is a range of well-established organizational tools that can enhance the protection and promotion of women's rights and gender equality. Many of these tools are standard strategies and techniques available for NHRIs to improve their leadership, focus and effectiveness. Not all of these strategies are specific to women's rights or gender equality, but they can be used to improve institutional effectiveness in these areas as well.

The focus areas identified in this Handbook are:

- Planning and priorities
- Gender mainstreaming
- Internal structure and focal points
- Institutional leadership
- Internal gender-responsive budgeting
- Human resources
- Knowledge management
- NHRI accessibility.



## 7.2 PLANNING AND PRIORITIES

The *Montreal Principles on Women's Economic, Social and Cultural Rights (2002)* (*Montreal Principles*) emphasise planning as a tool to guarantee women's equal exercise and enjoyment of their rights. While choosing women's rights and gender equality issues as priorities may seem easy, it is not as straightforward as one might think.

In 2009, the OHCHR conducted a global survey on NHRIs, evaluating, among other things, their core protection activities and work priorities. The survey found that NHRIs in Africa, Asia Pacific and the Americas listed women's issues among their priorities, while European NHRIs (most of the NHRIs analysed in this review) did not. While there may be a number of reasons for this finding, including higher levels of development among Western European countries, it points to the challenges of placing women's issues high on the agenda of NHRIs and others.<sup>51</sup>

Establishing women's issues as priorities starts with planning for them. The planning process can help to manage competing objectives and other priorities, especially as urgent matters can easily overtake longer-term projects. As discussed earlier, in Section 1.2 Legal Framework, NHRIs are increasingly being tasked with additional responsibilities under new international instruments. Unless these additional tasks are accompanied by additional resources, they can divert attention from other areas that are equally important.

Strategic planning can be a solution to help identify priorities, using the results of consultations, research and data about national priorities.

Planning helps to:

- Promote a long-term focus;
- Impose budgetary discipline;
- Implement priorities over the short, medium and long terms;
- Match resources to future activities; and
- Ensure that priorities are informed by stakeholders' needs, both at the time priorities are selected and later on, in order to respond to changing circumstances.

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<sup>51</sup> In Europe, there was much diversity in the responses. However, the most frequent answers related to: detention conditions and the prevention of torture (11); the rights of migrants, refugees and asylum seekers (9); the administration of justice and access to justice (8); the rights of minority groups; economic, social and cultural rights (7); the right to privacy (5); children's rights (5); and the rights of persons with disabilities (5). OHCHR, Survey on National Human Rights Institutions (2009).

While planning is important within the entire organization and work of the NHRI, it is especially relevant, if not critical, for women’s rights and gender equality. Long-term investments are required to sustain the efforts needed to achieve a culture change and to eliminate systemic gender-based bias and discrimination.

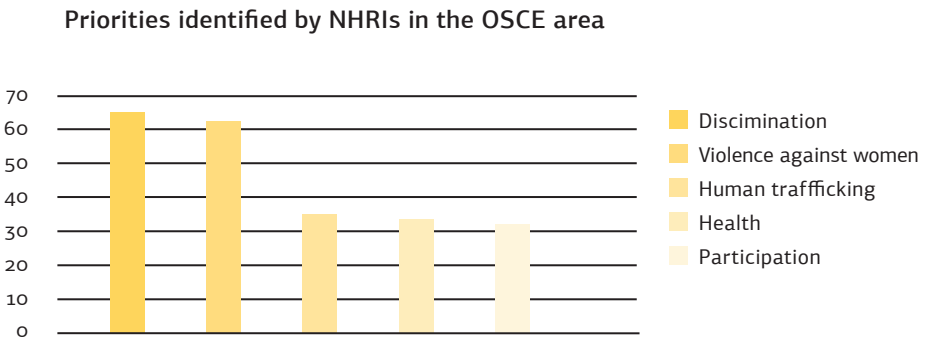
Because NHRIs are autonomous institutions, they must undertake their own strategic-planning processes, independently of governments, and they must identify their own priorities in line with their mandates. It is, indeed, possible that the state may view certain aspects of women’s rights or gender equality as priorities, but that the NHRI may choose different ones, based on complaints from women or on its own research.

The Paris Principles require NHRIs to engage with external stakeholders; this includes not only NGOs but also specialized institutions. Consultation with specialized institutions and NGOs can help to define the organizations’ respective roles and responsibilities and promote collaboration in strategic areas.

Because the OSCE region contains a large number of NHRIs working alongside specialized institutions (which also work on gender equality and anti-discrimination), a strategic and collaborative approach to planning takes on a special significance.

**Priorities of NHRIs in the OSCE Region**

The ODIHR survey collected information on gender equality and women’s rights priorities of NHRIs in the OSCE region. The following areas were identified as top priorities:



## 1. DISCRIMINATION

### SURVEY RESULTS

**67%** of NHRIs reported that discrimination in employment, access to services and education were their priorities.

Approximately **20%** of NHRIs reported that they had been given or were seeking additional authority in the areas of anti-discrimination and/or gender equality.

### EXAMPLE

The Human Rights Ombudsperson Institution of Bosnia and Herzegovina decided to highlight employment discrimination against women, especially pregnant women, and prepared a Special Report on Violation of Human Right to Remuneration at the Time of Maternity Leave in Joint Institutions of Bosnia and Herzegovina in 2009.

## 2. VIOLENCE AGAINST WOMEN

### SURVEY RESULTS

Violence against women is reported to be a significant and growing area of concern for **64%** of NHRIs surveyed.

### EXAMPLE

The Equality and Human Rights Commission in the United Kingdom developed a country-wide statistical portrait of resources available throughout the country for women who are victims of violence. Working with the *End Violence against Women Campaign*, the report shows there is a crisis in funding for specialist support services. The study on the "postcode lottery" uses postal codes to illustrate differing levels of access to facilities and programmes that provide support services for women who have been subjected to violence. ("Support services" are defined as services that work primarily on violence and provide direct support to women victims).

## 3. HUMAN TRAFFICKING

### SURVEY RESULTS

While human trafficking does not affect only women, the majority of victims of trafficking in the OSCE region are women and girls, possibly due to their often inherently vulnerable position in society. In turn, human trafficking was identified as a priority by **36%** of NHRIs surveyed.

### EXAMPLE

The Equality and Human Rights Commission in Scotland conducted an inquiry into the phenomenon of human trafficking as a form of modern-day slavery and a gross violation of dignity and human rights. While the Inquiry did uncover evidence of good performance at all levels in government, including enforcement, prosecution and, vitally, victim support, the lack of a coherent approach was evident, and a more co-ordinated approach was proposed in the inquiry recommendations.

#### 4. WOMEN'S PARTICIPATION IN POLITICAL AND PUBLIC LIFE

##### EXAMPLE

The Commissioner for Human Rights from Azerbaijan uses awareness-raising campaigns, including in rural areas, to encourage women to exercise their right to vote and to become actively involved in the electoral process. The NHRI reports that its campaigns have resulted in increases in the number of women candidates, the number of elected women and deputies, and the number of women elected at the municipal levels.

##### SURVEY RESULTS

Women's participation in political and public life was identified as a priority by **33%** of NHRIs surveyed.

##### QUESTIONS TO CONSIDER

- ? Does the NHRI undertake regular strategic planning for its decision-making and to identify its priorities?
- ? How is the gender perspective integrated into the planning process?
- ? How does the NHRI identify the most significant priorities for women and for gender equality?
- ? Are strategic plans implemented through operational or action plans containing appropriate, targeted and resourced activities and programmes?
- ? Does the planning process involve all relevant stakeholders, including women's organizations, committee service organizations and research bodies/think tanks?
- ? Does the planning process engage with specialized institutions in the country?
- ? Does the NHRI train its own staff on how to undertake strategic planning, and does this integrate issues related to gender?
- ? How are strategic decisions reinforced internally with staff and communicated externally to stakeholders?

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## SURVEY RESULTS

**69%** of NHRIs report integrating gender perspectives into planning and programming, and considering the impact of programmes and activities on gender equality.

In terms of specific activities:

**71%** integrated gender perspectives into staff training.

**42%** consulted their gender department, division or focal point consistently when planning and developing projects.

**40%** integrated gender sensitivity training into staff training.

(NHRIs were permitted to check more than one option.)

Those NHRIs not involved in gender mainstreaming were likely to be in states with another specialized institution on equality/gender equality, in addition to the NHRI.

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## 7.3 GENDER MAINSTREAMING

Gender mainstreaming is as important internally to NHRIs as it is to external programming. This requires the consideration of both women's and men's experiences at all levels and stages. It extends to decision-making, policy and programme development. There are many terms used for this process: gender mainstreaming, gender integration or gender-relevancy assessments. In all cases, however, it involves the *integration* of gender perspectives throughout all programmes and activities, with the goal of achieving gender equality. A number of gender-mainstreaming tools are listed in Annex 3.

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### QUESTIONS TO CONSIDER

- ? How are gender considerations analysed and integrated into the planning process throughout the organization?
  - ? When an organization is planning a new programme or activity, are the organization's internal gender focal points consulted?
  - ? What strategies are in place to ensure that gender considerations are consistently integrated into the NHRI's work on an ongoing basis?
  - ? How are the equality and rights perspectives of vulnerable women integrated into the NHRIs work?
  - ? How is gender mainstreaming evaluated within the NHRIs?
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## 7.4 INTERNAL STRUCTURE AND FOCAL POINTS

To complement gender mainstreaming, NHRIs can foster expertise within their organization by creating a central point with accountability for women's rights and gender equality. NHRIs bring a variety of organizational responses to this challenge, ranging from individual staff focal points to senior officials who are designated with specific responsibilities, to the establishment of units, departments or even centres dedicated to gender equality, in whole or in part.

Gender mainstreaming can also be made more effective if there is an internal point of expertise and accountability for protecting and promoting women's rights and achieving gender equality.

Whatever format of internal structure is chosen for the responsibility of women's rights and gender equality, it needs to be supported by adequate funds, so as to strengthen its role and ensure its effectiveness.

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### QUESTIONS TO CONSIDER

- ? Is there a focal point in the organization for women's rights and gender equality?
  - ? What protocols are in place to ensure that the NHRI knows about this resource person and when to consult her/him? How is the work of internal focal points integrated into the work of the rest of the organization?
  - ? Are external stakeholders made aware of these focal points, and are they encouraged to communicate with them and share information?
  - ? Does the internal focal point have adequate responsibility and authority in the NHRI to ensure that gender perspectives are properly integrated and managed?
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### SURVEY RESULTS

**47%** of NHRIs have established an internal focal point in the organization by assigning this responsibility to a particular staff person or a group of staff. The strategy requires relatively little institutional investment compared to other strategies. It does, however, permit NHRIs to identify a point of responsibility and accountability both internally and externally.

**24%** of NHRIs opted for a senior official with responsibility for gender issues, although in most instances these officials had multiple responsibilities.

**10%** of NHRIs reported that they had a department, division, unit or centre on women's rights. In many cases, the NHRI grouped women's rights with other rights, such as children's rights, in a single department or division.

**!** Despite the fact that most NHRIs have some form of an internal focal point, either a staff focal point or an organizational unit, only **42%** report that they actually consulted these internal resources or focal points consistently when developing projects.

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## SURVEY RESULTS

**70%** of NHRIs reported that their current head of institution (chief commissioner, ombudsperson, public protector) is **male**.

**73%** of NHRIs reported that their previous head of institution was **male**.

The number of men and women in senior management of NHRIs varies considerably. However, across the OSCE region, more women than men were reported being senior managers in NHRIs. On the other hand, women tend to be clustered in the administrative positions as well.

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## 7.5 INSTITUTIONAL LEADERSHIP

Institutional leadership is fundamental to how women's rights and gender equality are perceived internally, as well as externally. Pluralism and diversity within the composition of an NHRI are requirements under the Paris Principles. Given that women comprise about 50 per cent of the population, one might expect that women would also comprise an equivalent proportion of the leadership in a truly pluralistic and representative institution.

Equitable institutional leadership begins with the equitable representation of women and men throughout the organization – especially in senior management. The establishment of women-friendly human resources policies and other internal organizational features that enable women and men to participate and advance in the organization on an equal footing are also important. Institutional leadership is also shown through the governance and direction provided by the senior officials of the organization to ensure that women's rights and gender quality remain priorities in programming and decision-making at the organizational level.

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## QUESTIONS TO CONSIDER

- ? What steps can be taken before the government or legislature so that NHRI leadership is balanced between men and women? (For example, by alternating the appointment of men and women to the senior position, and by ensuring that commissioners and other senior appointments reflect gender balance.)
  - ? If there are deputy ombudspersons or other bodies, such as advisory councils, what steps can be taken to ensure a gender-balanced group of leaders?
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## 7.6 INTERNAL GENDER-RESPONSIVE BUDGETING

If NHRIs work to encourage the state to undertake gender-responsive budgeting, they should also track their own spending. This approach will allow the NHRI to maintain a focus on women's rights and gender equality issues, and also to demonstrate the NHRI's commitment as a credible and reliable partner. It is only natural that NHRIs should be able to answer questions about how they themselves are allocating resources in the area of gender, given that they are asking others to do the same.

This does not mean that funds have to be allocated to a "gender" budget line. Instead, NHRIs should be able to identify how resources are allocated to or directed at programmes and policies aimed at advancing women's rights and gender quality.

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### SURVEY RESULTS

**17%** of NHRIs surveyed report that they track their own internal spending from a gender perspective.

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### QUESTIONS TO CONSIDER

- ? What steps can the NHRI take to improve a gender-responsive approach to budgeting? (For example, by offering training and orientation to its own staff on gender budgeting.)
  - ? How are budgeting, and gender-responsive approaches to budgeting, addressed during the strategic planning process of the NHRI?
  - ? How does the NHRI report on its budget from a gender perspective?
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## SURVEY RESULTS

### Parental leave

Almost all NHRIs offer parental leave. Women are guaranteed their positions back once they return from leave. **95%** of NHRIs said that their parental leave policies were based on rules set out in national laws.

Approximately **50%** of NHRIs offer parental leave for up to 12 months.

Approximately **50%** offer longer leaves, between 12 months and three years.

### Staff capacity and training

**67%** of NHRIs reported that lack of human resources, namely the small number of staff members in their institution, was a barrier to systemic work on women's rights and gender equality.

**9%** of NHRIs consider lack of knowledge and skills on gender programming/mainstreaming as a barrier in their institution.

NHRIs reported that they offer specialized training for staff in gender equality as follows:

**71%** integrated women's rights into their staff training.

**9%** undertook gender sensitivity training.

(NHRIs were permitted to check more than one option. Totals do not add up to 100 %.)

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## 7.7 HUMAN RESOURCES MANAGEMENT

Women should be equitably represented in hiring and promotions across the organization, including in senior positions. For organizations with women clustered in the administrative levels of service or in junior positions, it is important to develop strategies to address these issues, including temporary special measures to support their professional development, as well as ensuring that steps are taken so that male colleagues are treated, and perceived to be treated, fairly and equitably.

Human resources policies should include parental leave and flexible work arrangements for persons with parental and/or caretaking responsibilities. Women and men should be guaranteed their positions or equivalent positions upon return from parental leave.

Internal training on women's rights and gender issues should be offered on a regular basis, to ensure that staff are kept up-to-date on recent developments. Gender-sensitivity training for all officials and staff should be part of NHRIs' overall learning strategy as well.

Given the survey findings, OSCE participating States should consider seriously increasing the human resources of NHRIs, as appropriate, to ensure that women's rights and gender equality can be properly protected and promoted. It is also important for the NHRIs to ensure that staff-training programmes on women's rights and gender equality are regularly offered, in order to ensure sustainability and knowledge transfer within the institution.

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## QUESTIONS TO CONSIDER

### **Parental Leave Policies**

- ?** Does the NHRI have parental leave policies to ensure that new parents receive adequate time for childcare? (For example, on average, NHRIs in the OSCE region offer between one and two years of leave to parents of young children/new parents.)
- ?** Are other mechanisms in place designed to ensure that parental leave is a viable option? (For example, by ensuring that parents on leave continue to receive their salary or a significant portion of their salary.)
- ?** Are returning staff guaranteed their positions or equivalent positions when they return from parental leave?
- ?** Does the NHRI have a policy to protect job-seekers from discrimination when they are expecting a child?

### **Flexible Work Arrangements**

- ?** Does the institution offer flexible work arrangements to parents of young children/new parents and staff who are the primary caretakers of relatives requiring care at home? (For example, flexible hours and work-at-home arrangements can accommodate these circumstances, while ensuring productivity and fairness to other employees.)

### **Hiring and Promotion Policies**

- ?** How does the NHRI track the gender balance among its own staff, particularly senior staff?
  - ?** Are there policies in place to ensure equitable hiring practices and to promote the employment of qualified women?
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## EXAMPLE

The Public Defender of Georgia has a Centre of Child and Women's Rights, which offers specialized training for NHRI staff on gender-sensitivity issues, including sexual harassment.

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## 7.8 KNOWLEDGE MANAGEMENT

Knowledge management describes the strategies and practices used to identify, create, disseminate, enable and evaluate an organization's insights, experiences and learning. For NHRIs, knowledge management extends to case processing, development of information systems, archival and documentation practices, and research programmes and publications.

The promotion and protection of women's rights and gender equality present unique challenges to NHRIs. Because women continue to suffer the effects of deep-rooted societal and systemic inequality, it is difficult to single out causes without losing sight of the full picture of the problem. It is also a challenge to measure progress based on individual benchmarks. Knowledge management is one key element to successful assessment and performance in the field of women's rights and gender equality.

Knowledge management can further assist NHRIs to:

- Determine whether operational priorities are supported by national data on the status of women's rights and gender equality;
- Link planning and priorities to evidence;
- Use case-management data to inform research, planning and academic work on human rights;
- Evaluate organizational and programmatic performance across all areas of activity; and
- Contribute quantitative and qualitative information about progress on implementation of human rights commitments and development targets, including the Millennium Development Goals.

Although there is a wide variety of knowledge-management activities undertaken by NHRIs' work on women's rights and gender equality, the focus of this Handbook is on research and publications, as well as the use of sex-disaggregated data. This methodological decision was made on the basis of the type of knowledge-management activities implemented by most NHRIs surveyed.

## Research and Publications

### SURVEY RESULTS

**54%** of NHRIs undertake research and disseminate publications on women's rights and gender equality.

**52%** of NHRIs use annual reports alone, or use them in combination with other forms of reporting on women's rights and gender equality.

**23%** of NHRIs publish thematic reports on women's issues or gender equality (most NHRIs in this group also publish annual reports).

(NHRIs were permitted to check more than one option.)

Other publications include reports and publications on:

- Annual, bi-annual or triennial reviews to assess progress on women's rights;
- Employment equity and pay equity;
- "Power lists" (celebrations of powerful women or groups of women in the country, especially where those women are members of vulnerable or groups facing racial discrimination);
- "Power gaps", snapshots of the proportion of men and women who hold positions of power, with a focus on elected officials. These snapshots can assess where progress has been made and where progress has stalled;
- Human trafficking and co-operative programmes between government departments and civil society to strengthen victims' rights; and
- The role of women as actors in peace-building processes.

NHRIs are also well placed to use their national role to convene stakeholders, experts and community leaders to share research and good practices and to improve public awareness, as well as to facilitate exchanges with NGOs and counselling services that work with women's organizations.

### EXAMPLE

The Human Rights Ombudsperson Institution of Bosnia and Herzegovina decided to highlight employment discrimination against women, especially pregnant women, and prepared a Special Report on Violation of Human Right to Remuneration at the Time of Maternity Leave in Joint Institutions of Bosnia and Herzegovina in 2009.

### EXAMPLE

The Moldovan NHRI produces an "Informative Juridical Bulletin" that addresses cross-cutting legal issues faced by Moldovan women in aspects related to critical areas of everyday life, including labour legislation, land and housing laws, economic rights, and consumer and family rights.

### EXAMPLE

The Romanian Institute for Human Rights has partnered with a campaign of the World Health Organization called "1000 cities, 1000 lives", on health in cities, addressing women's health by holding roundtables, symposia and debates, publishing reports and participating in international conferences on this topic.

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## SURVEY RESULTS

**71%** of NHRIs stated that they register complaints, disaggregating them on the alleged ground of discrimination.

**56%** of NHRIs stated that they register complaints, disaggregating them on the sex of the complainants or victims, independently of the alleged ground of complaint.

**53%** collect data from other sources.

**38%** use national data sources, such as statistical agencies.

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## EXAMPLE

The Montenegro NHRI provides sex-disaggregated data on its website, including the number of complaints and types of complaints filed by women. For example, in its 2009 annual report, the Montenegrin Ombudsperson institution published data on the types and the number of human rights complaints filed by men and women and the areas or sectors related to the complaints.

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## Sex-disaggregated data

The majority of NHRIs collect and publish sex-disaggregated data of some sort. Data is drawn from complaints processes, national statistics or other sources, such as government departments, research programmes and other institutions, including NGOs.

The use of external statistical data is relatively weak as compared to internal complaint-based data. However, the combination of national statistics with complaint-based data provides a powerful tool for analysing actual progress in equality rights, and the status of women's rights and gender equality more generally.

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## QUESTIONS TO CONSIDER

- ? Does the NHRI undertake research on women's rights and gender equality issues, based on its own research and/or research from academic and other sources?
- ? Does the NHRI publish the results of its research on a regular basis?
- ? Does the NHRI convene NGOs, university researchers and other specialized institutions and individuals to hold seminars and sessions on topics of interest for women's rights and gender equality?
- ? Are NHRI publications available on its website and translated in the country's official languages and languages spoken by sizable groups of people in that country? (For example languages spoken by national minorities or migrant communities.)
- ? Does the NHRI record and disaggregate its own complaints data by the sex of the complainants or victims?

- ? Does the NHRI further disaggregate complaints data by the alleged grounds of discrimination, by alleged perpetrators or by the type of alleged violations or abuses? (For example, by employment, public service, housing, etc.)
- ? How can the NHRI work with government statistical agencies to improve access to data about the progress of women across key areas of social and economic well-being?

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## 7.9 NHRI ACCESSIBILITY

NHRIs must be accessible to all people, but women may face particular barriers to reach these institutions. These obstacles include lack of financial resources for travel, limited access to transportation, restrictions imposed by working hours or the opening hours of NHRIs and lack of childcare, as well as cultural or social factors that can make filing complaints or even attending NHRI offices problematic, or even impossible.

Women from vulnerable groups, such as refugees, migrant workers or persons with disabilities, may face particular difficulties, such as linguistic or cultural barriers, that may dissuade them from coming forward to report human rights violations.

These issues can be addressed at least in part by the NHRIs, through the establishment of flexible opening hours, some form of childcare space for complainants and the possibility to receive information and file complaints via the Internet or a telephone hotline. NHRIs should aim to ensure that their offices are located not only in capital cities, but also in regional or rural areas, and that they are easy to reach on foot or by public transportation. Some NHRIs set up mobile clinics and convene meetings throughout the country on a regular basis to reach out to poor, rural or minority

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### EXAMPLE

The Canadian Human Rights Commission has developed a *Framework for Documenting Equality Rights* as a tool for researchers and human rights activists to use in assessing progress in equality rights, including women's rights, violence against women and a number of other socio-economic dimensions of women and men. The Framework does not actually analyze the data but, rather, provides information about what data are available, the extent to which the data can be disaggregated by grounds such as sex or type of alleged discrimination or abuse. The objective is to inform readers, researchers and human rights advocates about how to use available *statistical data* in their research.

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### SURVEY RESULTS

**50%** of NHRIs reported that they offered specific measures to ensure that their institutions are accessible to women, for example, by adjusting office hours or providing childcare in the office.

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**EXAMPLE**

To increase its accessibility to migrant groups, the Portuguese Ombudsman signed a co-operation protocol with the Office of the High Commissioner for Immigration and Intercultural Dialogue in 2012. The Office of the High Commissioner for Immigration and Intercultural Dialogue committed to help raise citizen's awareness of the Ombudsman's functions and means to submit a complaint. The protocol specifies that the National Centres for Immigrant Support should make available free Internet access to the Ombudsman's website as well as provide assistance to victims with filling out complaint forms, whenever requested.

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and migrant communities. Finally, partnerships with grass-roots organizations and local NGOs can serve to offer information and contact points for women so that they can access NHRIs.

While the majority of NHRIs reported taking specific measures to increase accessibility to women, few institutions provided details about what measures were actually used. This is a potential area for future discussion. For example, the extent to which regional or satellite offices are used by women, or whether women from vulnerable groups in fact attend meetings offered by NHRIs is not clear. The issue of whether women from isolated and vulnerable communities file complaints with the NHRI or whether the NHRI communicates with civil society organizations on the ground to facilitate these complaints should also be further explored.

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**QUESTIONS TO CONSIDER**

- ? What steps can the NHRI take to ensure that it is accessible to women? For example, can the public access the NHRI easily, from both urban and rural areas, using public transportation? Is the office open after hours (in cases where in-person attendance is required), and is there some form of childcare provided?
- ? How can the NHRI increase its accessibility to women from vulnerable groups, such as refugees, migrants or persons with disabilities?
- ? Can human rights complaints be filed online or can information be sought via a toll-free telephone line?
- ? Can the NHRI maintain the confidentiality of women who are victims of or witnesses to violence/violations and ensure their protection? Does the location and layout of the NHRI office support the need for confidentiality?

- ❓ What steps are necessary to make sure that women from disadvantaged, minority or migrant groups can access the NHRI?
  - ❓ Does the NHRI co-operate with women's organizations and NGOs that may have better access to women who are victims of human rights violations?
- 

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#### **ODIHR RECOMMENDATIONS:**

- ➔ NHRI planning processes should incorporate consideration of women's rights and gender equality in all relevant areas of the NHRIs substantive work, as well as organizationally within the NHRIs.
  - ➔ Where national specialized institutions exist, in particular gender equality bodies, these could be consulted during the planning process. Civil society actors and other partners could also be consulted and invited to provide input.
  - ➔ NHRIs should appoint a focal point on gender equality and women's rights. The focal point should have adequate authority to ensure that gender perspectives are fully integrated.
  - ➔ NHRIs should track the representation of women and men at all levels in the NHRIs. This information should be included in the NHRIs' annual reports, and steps should be taken to address any significant imbalances.
  - ➔ NHRIs should provide regular training on gender sensitivity, sexual harassment, women's rights and non-discrimination to staff members. All staff, from senior management to administrative and service staff, should be required to participate in gender-sensitivity training.
  - ➔ NHRIs should put in place policies to prevent gender-based discrimination, including against pregnant women. NHRIs should provide flexible hours and work-at-home arrangements to accommodate persons with parental and/or caretaking responsibilities. Attention should be paid to ensure fairness to other employees.
  - ➔ NHRIs should evaluate factors that may prevent women from accessing them and take steps to address these. This may include the establishment of regional or mobile offices, flexible opening hours, a child corner in the NHRI office, access for persons with disabilities and means of reporting that allow for confidentiality.
-





## 8 CONCLUSIONS AND WAY FORWARD

Over the last two decades, the OSCE has witnessed a number of institutional developments in the field of NHRIs. Those changes are reflected not only in the number and diversity of NHRI models and different kinds of legal frameworks, but also in the proliferation of specialized institutions that have overlapping or complementary mandates, notably those dealing with anti-discrimination and/or gender equality.

The results of the ODIHR survey suggest that no particular NHRI model gives rise to better or worse performance in terms of women's rights and gender equality. However, a number of institutional features appear to be relevant to the protection and promotion of women's rights and the ability to achieve further progress on gender equality.

First, 46 per cent of NHRIs in the OSCE region work alongside specialized institutions, most of which have mandates directly relevant to NHRIs. The creation of specialized institutions for gender equality affects the NHRI's disposition and tendency to deal with women's rights and gender equality. While a division of labour between the two institutions is normal and appropriate in the circumstances, the cross-dimensional nature of human rights entails that there is often not a clear distinction between gender complaints and other types of complaints. Collaboration and co-operation between NHRIs and specialized institutions is, therefore, critical and increasingly visible across the OSCE region.

Given the large number of specialized institutions in the OSCE region, it is important to co-ordinate protection strategies so that victims of discrimination and other human rights violations know which organization to turn to and from, to enable the institutions to be aware of complaints pending with similar bodies, and to ensure that the full range of human rights issues are raised in a comprehensive manner.

NHRIs can face challenges in addressing competing priorities, especially when they involve core human rights issues, which may require urgent responses. The strategies discussed in this Handbook are aimed at sustaining a focus within NHRIs and building their capacities so that women's rights and gender equality continue to be integrated into the development and implementation of all programmes and activities, including in the face of new responsibilities.

### **Protection strategies**

Given that 55 per cent of NHRIs cannot issue orders or seek compliance measures, it is essential that NHRIs work co-operatively with state mechanisms that have the ability to enforce remedies or to lobby for enforcement measures and remedies for victims of human rights violations. In particular, advocacy for stronger compliance measures (even if those measures are taken by other institutions and bodies) and for the application of discrimination prohibitions to the private sector are important starting points for many countries in the OSCE region.

Those NHRIs that have enforcement or compliance-related powers should examine the extent to which complaints reflect problems at a structural level, and should focus on systemic initiatives to address as wide a number of individual complaints as possible, as well as to address the underlying causes of discrimination or human rights violations. For example, NHRIs can support such systemic initiatives by collecting data and disaggregating them on the sex of the complainants or victims, and on the nature of the complaints that they receive, in order to inform their own planning processes and identify priorities about women's issues and gender equality. Again, systemic initiatives can be developed based on the outcomes of data analysis and can inform public investigations or inquiries into human rights violations.

## **Promotion strategies**

Gender-based stereotypes in society are assessed by 48 per cent of NHRIs as the main challenge for women's rights and gender equality in the societies they serve. Moreover, about two-thirds of NHRIs say they lack the resources to make women's rights and gender equality a priority. The need for additional human and financial resources is clear.

These data highlight the importance of public education and awareness campaigns in order to dismantle stereotypes about women, while developing a broader human rights culture. Regrettably, 43 per cent of NHRIs do not undertake any public education and awareness programmes or campaigns on women's rights and gender equality.

An overwhelming majority of NHRIs state that they co-operate with civil society organizations. However, only 37 per cent of NHRIs co-operate in terms of undertaking joint training and capacity-building exercises with civil society organizations. Indeed, this area was the weakest of the three promotion strategies surveyed, the other two being public education and awareness, and research and publications.

Given that only half of NHRIs direct their research, public education and awareness campaigns specifically towards women and gender equality, there is need for improvement in these areas.

## **Advice and assistance to government**

The extent of NHRIs' engagement in the development of national human rights plans, gender equality plans and specific thematic plans (such as those aimed at combating violence against women) is relatively weak in the OSCE region. Fewer than half of the NHRIs reported that they participate in the development of national human rights plans with respect to gender issues, and only 12 per cent proactively encouraged the government to develop such plans.

Advocating for gender-responsive budgeting at the national level is similarly weak, with only 15 per cent of the surveyed NHRIs reporting that they conduct this activity. This is another area for further engagement in the future, and it will likely require capacity-building for both NHRIs in the context of a broader engagement with government officials. Moreover, NHRIs' active

engagement in this field depends on whether there are other more specialized bodies addressing gender budgeting in a particular state.

The major area of NHRIs engagement with the government is in providing advice on legislation. About two-thirds of NHRIs provide commentary on draft legislation, although this activity appears to be somewhat based on requests and ad hoc in nature rather than the result of a systematic review of all legislation. Less than half (45 per cent) of NHRIs spearhead discussions with government on proposed legislation. This figure suggests that a more proactive and systematic approach might be appropriate.

Beyond commenting on legislation, whether draft or in force, monitoring the impact of legislation and policies on women and on gender equality is another, possibly more important, matter to consider. Only 52 per cent of NHRIs reportedly monitor the implementation of policies and legislation. Again, this is an area for targeted institutional investment in the future.

### **Participation in international human rights forums**

Although 71 per cent of NHRIs report that they liaise with other institutions at the international level, the extent of engagement with international human rights forums is relatively low. For example, 54 per cent of them provide commentary for reports to treaty bodies and 51 per cent promote the ratification of instruments. Only 37 per cent provide independent reports. These figures suggest that more could be done to improve NHRI's engagement with international mechanisms in the area of women's rights and gender equality.

### **Organizing NHRIs**

#### *Institutional priorities in the OSCE region*

Five areas of priority were identified by NHRIs surveyed, namely discrimination against women in employment, education and services (67 per cent), violence against women (64 per cent), human trafficking (36 per cent), women's participation in politics and the public sector (33 per cent), and women's health, including maternal health (30 per cent).

Women's rights and gender equality priorities, as assessed by NHRIs in their own national contexts, are largely similar across the OSCE region. The exist-

ence of shared priorities suggests that there are opportunities for NHRIs to co-operate more extensively on a regional or thematic basis, for example, through information sharing, the exchange of good practices, or the referral of individual cases, as relevant. Such co-operative arrangements or partnerships between NHRIs can have the advantage of leveraging individual NHRI's resources and capacities.

### *Gender mainstreaming*

The data for this activity were somewhat contradictory. Almost 70 per cent of NHRIs reported they integrate gender perspectives into planning and programming while considering the impact of programmes and activities on gender equality. However, only 42 per cent said that they consistently consulted their gender department, division or focal point in this regard. Whilst 70 per cent of NHRIs integrated gender perspectives into general staff training, only 40 per cent provided gender-sensitivity training for their own staff.

These data suggest that the ability to integrate gender perspectives into planning and programming could be improved simply by consulting with the gender focal points within the institution. The ODIHR survey suggests that gender focal points are often not integrated in the decision-making, and the results confirm that these resources are not consulted in the majority of cases across the OSCE region. Thus, an internal organizational change or other organizational strategies should be explored to systematically integrate a gender perspective into NHRI programmes and activities.

### *Internal structure and focal points*

The previous observation is especially important because focal points at the staff level are the most prevalent organizational tool for integrating gender perspectives into NHRIs, being used by 47 per cent of NHRIs. The effective use of staff-level focal points should be improved. These resources need to be better integrated into decision-making and given appropriate levels of both responsibility and authority.

### *Institutional leadership*

During initial meetings with various NHRIs, many noted that the most important factor in advancing gender equality through institutional leadership is senior management's commitment to gender equality rather, than a given senior manager's sex.

In terms of NHRI senior management, it appears that women are well represented across the OSCE region as a whole, with approximately 20 per cent more women than men (the representation of men and women in individual NHRIs varies widely). At the same time, women tend to be clustered in administrative positions, as is the case in virtually all areas of the public sector.

It should be stressed that governments are encouraged to pay special attention to ensuring a gender balance in their procedures for nominating NHRI leaders, given that, at the time of the ODIHR survey, 70 per cent of current office holders were men, and 73 per cent of previous office holders were also men.

#### *Internal gender-responsive budgeting*

The number of NHRIs that use gender-responsive budgeting in tracking their own spending roughly corresponds to the number of NHRIs that advocate for gender-responsive approaches to national budgeting. As noted earlier, this is an area for both internal capacity building and for the provision of training at the national level.

#### *Human resources*

It is imperative that NHRIs have internal policies based on gender equality principles.

Parental leave policies are generally adequate across NHRIs in the OSCE region, with a few exceptions. The majority fall within the one – to two-year range of leave for persons with parental responsibilities. Flexible hours and work-at-home arrangements were not the subject of the ODIHR survey, but are important strategies for ensuring that women and men with parental and/or caretaking responsibilities can meet their family obligations and maintain their work productivity.

Temporary measures to support the promotion of qualified women in workplaces where there are gender imbalances can assist in achieving gender equality within NHRIs.

With respect to training, the principal gap appears to be the gender sensitivity training within NHRIs, which was undertaken in only 9 per cent of cases. It should be noted that 29 per cent of NHRIs do not train their staff on the substantive law of women's rights and gender equality or on the treatment of

female complainants, and this is an area for improvement in almost one-third of NHRIs in the OSCE region.

### *Knowledge management*

Slightly more than half (52 per cent) of NHRIs say that they use annual reports to publicize data and research about women's rights in their jurisdictions. An even smaller number (23 per cent) reportedly publish thematic reports on women's issues or gender equality. Although this is clearly an area that could be improved upon, there are several interesting and progressive reports on issues that have been identified as priorities in the OSCE region. These include reports and studies on women and public life in elected office, analyses of human trafficking and surveys of the participation of women in public office.

Although 85 per cent of NHRIs reported that they collect and publish sex-disaggregated data of some sort, 30 per cent do not publish any of their own data, and only 38 per cent use national statistics as part of their analytic framework. Capacity-building in the latter could highly benefit NHRIs.

### *NHRI Accessibility*

This section dealt, in part, with the extent to which women use NHRIs and the relationship between this factor and NHRIs' own accessibility. About half of NHRIs report that they have measures to ensure the accessibility of their organization and/or their offices. However, relatively little information was provided as to specific measures taken beyond the adjustment of office hours, and this could be an area for future follow-up.

Information provided by NHRIs early in the project suggested that a relatively small number of women come forward to file complaints in certain OSCE participating States. Although the connection between this observation and the NHRI accessibility is speculative, three of the five priority areas identified by NHRIs are not areas where human rights complaints are likely to be filed. For example, women's participation in political and public life is an issue for systemic examination and reporting, but it is not one where complaints are traditionally filed. Similarly, violence against women and human trafficking tends to warrant criminal law enforcement rather than human rights complaints, for obvious reasons. But this also points to the critical importance of systemic initiatives on both the protection and the promotional side, such as public inquiries and investigations, as well as research and publications.



To conclude, NHRIs in the OSCE region are experiencing significant financial and human-resources constraints, reported by 61 per cent and 67 per cent of NHRIs, respectively, as the main challenge faced in addressing women's rights and gender equality. At the same time, the establishment of additional specialized institutions and the assignment of new responsibilities to NHRIs may be having an impact on the institutional attention that can be given to women's rights and gender equality. On the other hand, if gender is fully mainstreamed, it may also promote greater attention to gender aspects of particular areas, such as the rights of women with disabilities.

The ODIHR survey points to several traditional tools, such as strategic planning or knowledge management, that are significantly underutilized by NHRIs. The limited resources of NHRIs can be maximised through co-operative arrangements with specialized institutions and civil society, and through synergies with institutions with similar visions and missions.

NHRIs could improve their own accessibility by enhancing the internal use of focal points and improving outreach to rural and remote areas, for example through mobile clinics that could include gender specialists. In countries where there is reasonably widespread access to telephones and the Internet, cost-free telephone lines and on-line forms can be used for filing complaints or obtaining information, in order to facilitate women's access to NHRI services.

**ANNEX 1: RESULTS OF ODIHR SURVEY  
ON THE ROLE OF NHRIs  
IN PROTECTING AND PROMOTING  
WOMEN'S RIGHTS AND GENDER EQUALITY**

**QUESTIONNAIRE**

**WOMEN'S RIGHTS, GENDER EQUALITY AND  
NATIONAL HUMAN RIGHTS INSTITUTIONS**



# QUESTIONNAIRE

1. **NAME OF THE NHRI:** \_\_\_\_\_

The following institutions participated in the survey:

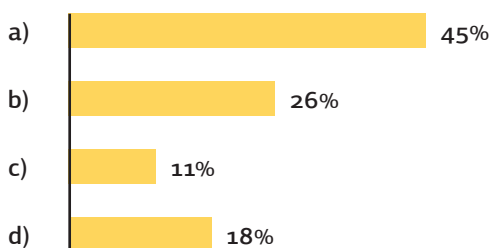
	<b>OSCE participating State</b>	<b>NHRI</b>
1	Albania	People's Advocate of the Republic of Albania
2	Armenia	Human Rights Defender of the Republic of Armenia
3	Austria	Austrian Ombudsman Board
4	Azerbaijan	Commissioner for Human Rights
5	Bosnia and Herzegovina	Human Rights Ombudsman of Bosnia and Herzegovina
6	Bulgaria	Ombudsman of the Republic of Bulgaria
7	Canada	Canadian Human Rights Commission
8	Croatia	Ombudsman of the Republic of Croatia
9	Czech Republic	Public Defender of Rights
10	Denmark	Danish Institute for Human Rights
11	Estonia	Chancellor of Justice of Estonia
12	Finland	Parliamentary Ombudsman of Finland
13	France	National Advisory Commission on Human Rights
14	Georgia	Public Defender

	<b>OSCE participating State</b>	<b>NHRI</b>
15	Germany	German Institute for Human Rights
16	Greece	Greek National Commission for Human Rights
17	Hungary	Parliamentary Commissioner for Civil Rights of Hungary
18	Iceland	Parliamentary Ombudsman of Iceland
19	Ireland	Irish Human Rights Commission
20	Kazakhstan	Commissioner for Human Rights
21	Kyrgyzstan	Ombudsman
22	Latvia	Ombudsman of the Republic of Latvia
23	Lithuania	The Seimas Ombudsmen's Office of the Republic of Lithuania
24	Luxembourg	Consultative Commission on Human Rights
25	Moldova	Centre for Human Rights
26	Montenegro	Protector of Human Rights and Freedoms
27	Netherlands	Dutch Equal Treatment Commission
28	Norway	Norwegian Centre for Human Rights
29	Poland	Human Rights Defender of the Republic of Poland
30	Portugal	Ombudsman
31	Romania	Romanian Institute for Human Rights
32	Serbia	Protector of Citizens of the Republic of Serbia
33	Spain	Ombudsman
34	Sweden	Equality Ombudsman
35	Switzerland	Swiss Centre of Expertise in Human Rights <sup>52</sup>
36	Tajikistan	Human Rights Commissioner (Ombudsman)
37	Ukraine	Parliamentary Commissioner for Human Rights
38	United Kingdom	Equality and Human Rights Commission

<sup>52</sup> The Swiss Centre of Expertise in Human Rights (SCHR) is not an NHRI according to the Paris Principles, but a pilot project launched by the Swiss government to strengthen Switzerland's capacities with regard to the implementation of human rights obligations. The SCHR's legal basis is not a law but an agreement between the Swiss Confederation and the universities involved in the project (the so-called Framework agreement).

**PART I: NHRI MANDATE AND STRUCTURE****2. Please circle the category that best describes your NHRI's legal mandate. (Circle only one).**

- a) Human rights mandate. NHRI is explicitly limited to addressing issues that are based on human rights.
- b) Hybrid (or "ombuds plus"): NHRI is explicitly authorized to address human rights issues as well as other issues: (e.g. maladministration, abuse of power, corruption, etc.)
- c) Limited to government maladministration: Our NHRI can address any act or omission by government and/or public sector officials.
- d) Other: (Please describe)

**3. Please circle the category that best describes your NHRI's human rights mandate as set out in its authorizing legislation. (Circle only one).**

- a) NHRI has responsibility for protecting and promoting all types of human rights without restriction.
- b) NHRI is legally restricted to certain types of human rights violations (e.g. only civil and political rights; only discrimination issues, etc.).

**Please specify:**

- which rights the NHRI can address
- whether the restriction applies to both the protection (for example receiving complaints) and promotion (for example, public education) aspects of the mandate:

- c) Our NHRI has no specific responsibility for human rights in its legislation, but we are not prevented from addressing human rights violations.

**Please specify:**



4. **Does your NHRI have responsibility for implementing legislation other than the legislation which authorized the establishment of your institution?(for example, under the domestic Anti-Discrimination Law, as a Monitoring Body for persons with disabilities or as a National Preventive Mechanism). If so, please provide the name and citation of each law.**

5. **Please circle the letter that best corresponds to the correct statement.**

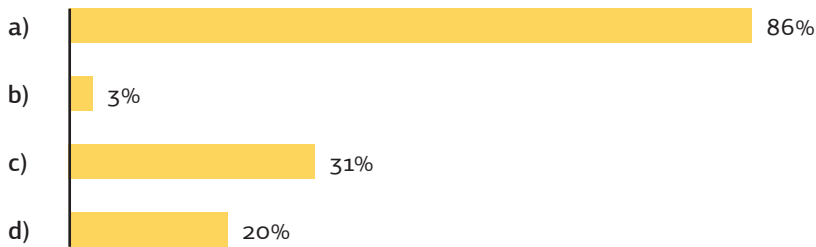
- a) Our NHRI is mandated to process a complaint *against* private companies, organizations, individuals, and NGOs.
- b) Our NHRI is not mandated to process a complaint against a private company, organization or NGO. (Our mandate is restricted to acts of government and/or public sector).

**Comment (if any):**



**6. Please circle the letter corresponding to the statement that best describes your NHRI (circle all that apply).**

- a) NHRI has no authority to issue binding orders.
- b) NHRI can issue binding orders.
- c) NHRI has the legal power to appear before the courts and/or quasi judicial bodies.
- d) Other (Please describe):



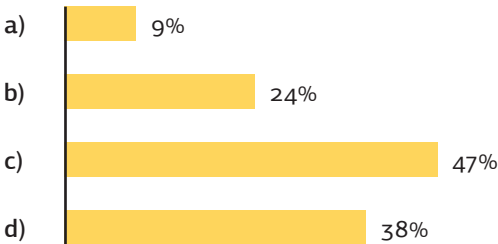
**7. Does the law specifically provide that the NHRI has responsibility for gender issues, gender equality or women's rights?**

- a) Yes, the law specifically provides for the NHRI responsibility for women's rights, sex discrimination or similar protection.
- b) No (please explain): (e.g., the law mentions all human rights).



**8. As part of its organizational structure does your NHRI have a department, division or centre specifically dedicated to women’s issues or women’s rights? (Circle all that apply).**

- a) We have a department, division, unit or centre devoted to women’s rights. **If yes, please provide the name:**
- b) No, but a senior official is responsible for women’s issues (ombudsperson or deputy ombudsperson, senior director or other senior official).
- c) No, but a staff person or agent is an internal focal point for gender issues.
- d) Other (specify)



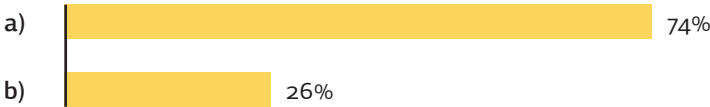


**PART II: LEADERSHIP AND STAFFING**

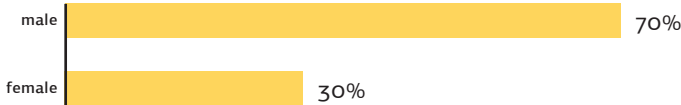
**9. Please indicate whether your NHRI has one formal head of organization (for example, the Ombudsperson) or multiple members (e.g. commissioners).**

a) Single Head of Organization  
Please specify if male or female: \_\_\_\_\_  
Please specify if the previous Head of Organization was male or female: \_\_\_\_\_

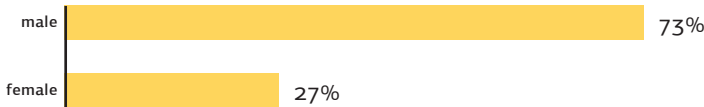
b) Multiple  
Please specify how many male \_\_\_\_\_  
and how many female members \_\_\_\_\_  
Please specify titles and specific responsibilities, if any:



**Present Leadership**



**Previous Leadership**



**10. Please indicate the NHRI staffing level for each of the following:**

a) Overall number of staff currently employed: \_\_\_\_\_

Male \_\_\_\_\_ Female \_\_\_\_\_

b) Number of management/senior staff<sup>53</sup>  
(for example heads of departments): \_\_\_\_\_

Male \_\_\_\_\_ Female \_\_\_\_\_

c) Number of professional/programmatic staff  
(for example lawyers, spokesperson): \_\_\_\_\_

Male \_\_\_\_\_ Female \_\_\_\_\_

d) Number of administrative/general staff  
(for example secretaries, drivers): \_\_\_\_\_

Male \_\_\_\_\_ Female \_\_\_\_\_

*Due to differences in the size of NHRIs, the data received varied greatly (from 5 staff up to more than 400 staff). In turn, it was not considered useful to draw statistical analysis of the responses to this question.*

**11. Does your NHRI offer parental leave benefits to staff?**

a) No

b) Yes



<sup>53</sup> "Management/senior staff" refers to an individual who has supervisory authority over other staff members, and who is responsible for the performance of her or his staff.

**If yes, please specify:**

The length of leave offered (in months)

*The data received varied greatly (from 3 months up to 3 years).*

Is leave offered to both men (paternity leave) and women (maternity leave)?



Is the leave paid? If so, to what extent, as a percentage of full salary?



Does the NHRI guarantee that persons who take parental will return to their position or equivalent after they return?

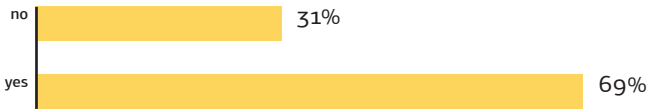


**PART III: PRACTICES AND METHODS**

**12. When planning/programming your activities, do you incorporate a gender perspective?**

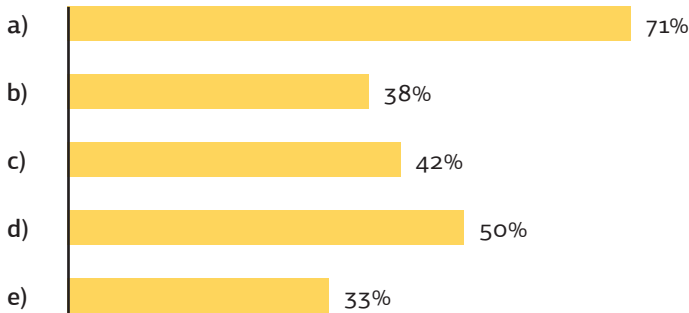
No

Yes



**If yes, please** specify (circle all that apply):

- a) Integrating a women’s rights or gender equality component into the general training for staff (for example, a course on gender equality, or on the CEDAW or other international instruments dealing with women’s rights)
- b) Providing specialized training for staff on gender sensitivity issues, including redress for sexual harassment
- c) Consulting your gender department/division/focal point when developing projects
- d) Ensuring equal access to your services for both men and women (for example, by adjusting office hours or providing a child corner in your office)
- e) Other (please specify):



**13. Does your institution have any financial resources specifically designated for women's rights and gender equality issues?**

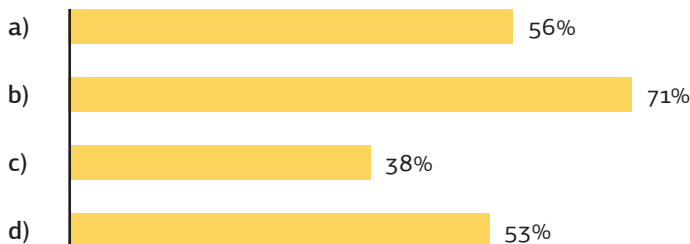
- a) No
- b) Yes, please specify:



**14. Please identify which of the following activities your NHRI undertakes.**

**(Circle all that apply).**

- a) Disaggregate (separate, categorize) data or information about complaints filed by men and women
- b) Disaggregate data or information about complaints based on the ground of discrimination of gender or sex  
**Please specify** (for example, disaggregating domestic violence cases, human trafficking cases, sexual harassment cases, gender-based discrimination)
- c) Collect and/or analyze national data on the status of women in your country
- d) Collect and/or analyze data on women's rights and gender equality from other sources (for example, from civil society or media)



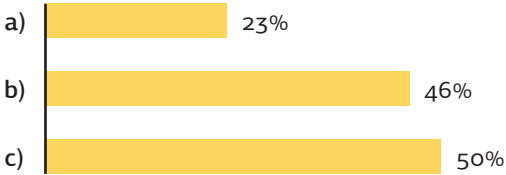
**15. If you collect any of the data above, do you disseminate it publically?**

No

Yes. Please specify (circle all that apply):



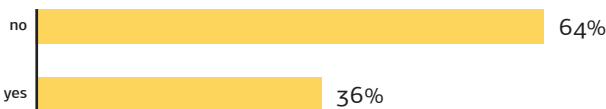
- a) Publish and disseminate reports on women’s rights issues
- b) Report on the status or women and/or key human rights issues facing women in the annual report
- c) Other: Please describe:



**16. Has your NHRI undertaken any of the following activities in the last five (5) years?**

No

Yes. Please circle all activities that apply and provide details. If implemented jointly with other actors (for example civil society), please list partners.



- a) Public education or awareness programs on women’s rights and/or gender equality (for example poster/flier campaigns, discussions, round tables, education in schools).

**Please specify:**

Partners, if any

- b) Training and capacity building programs on women’s rights and/or gender equality (for example, for government officials, legal practitioners, civil society)

**Please specify:**

Partners, if any:

- c) Research and publications

**Please specify:**

Partners, if any:



**17. Which activities are undertaken by your NHRI in providing advice and assistance to government on women’s rights and gender equality issues? (Circle all that apply)**

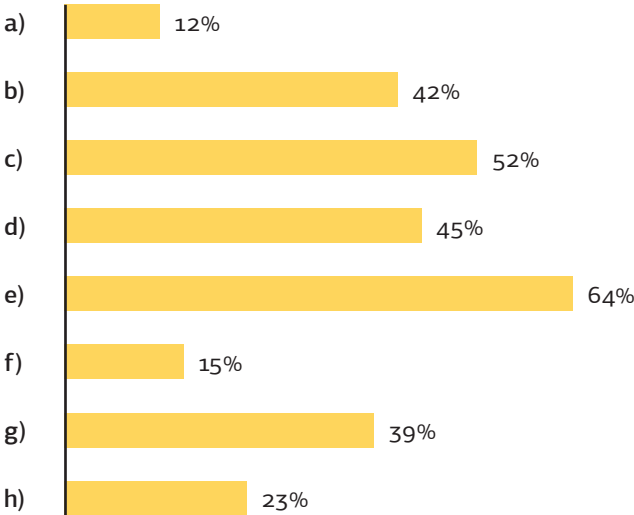
- a) Initiating development of National Human Rights Action Plans, Gender Equality Action Plans, Action Plans to Combat Domestic Violence or equivalent policy documents

**Please specify:**

- b) Participating in the development of National Human Rights Action Plans, Gender Equality Action Plans, Action Plans to Combat Domestic Violence or equivalent policy documents

**Please specify:**

- c) Monitoring implementation of policies on women’s rights or gender equality issues  
**Please specify:**
- d) Initiating legislation or legislative reforms on women’s rights or gender equality issues  
**Please specify:**
- e) Commenting on draft legislation on women’s rights or gender equality issues  
**Please specify:**
- f) Encouraging the government to take a gender-based approach to its national budget  
**Please specify:**
- g) Meeting regularly with elected officials to discuss women’s rights or gender equality issues  
**Please specify:**
- h) Other: **Please describe**

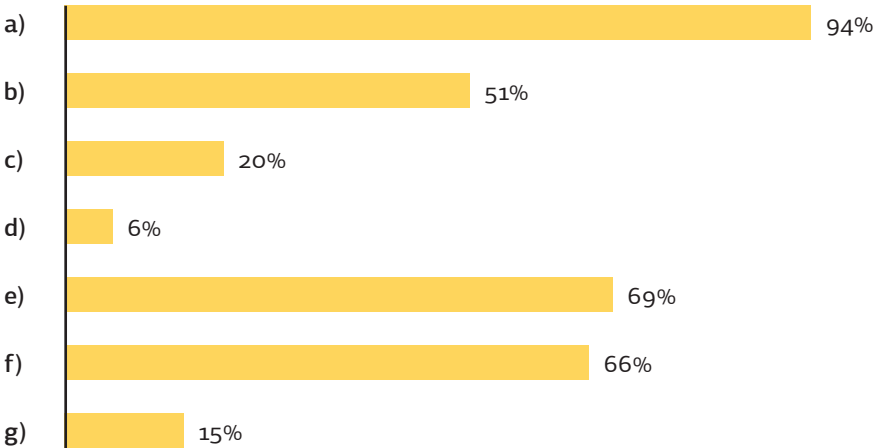




**18. What are the principal women's rights and gender issues in your country?**

**Please circle the three main areas of concern**

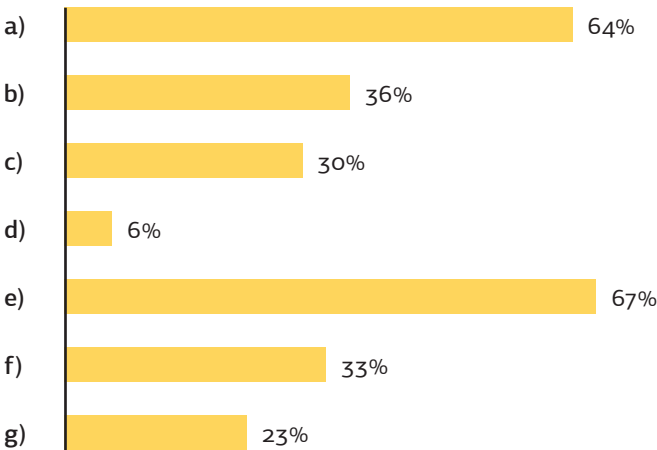
- a) Violence against women
- b) Human trafficking
- c) Women's health (including maternal health)
- d) Inequality in the law (e.g. contracts, private property, successions)
- e) Discrimination in employment, services, education
- f) Women's participation in politics and in the public sector
- g) Other: Please specify



**19. Which of the above, if any, are operational priorities for your NHRI at this time?**

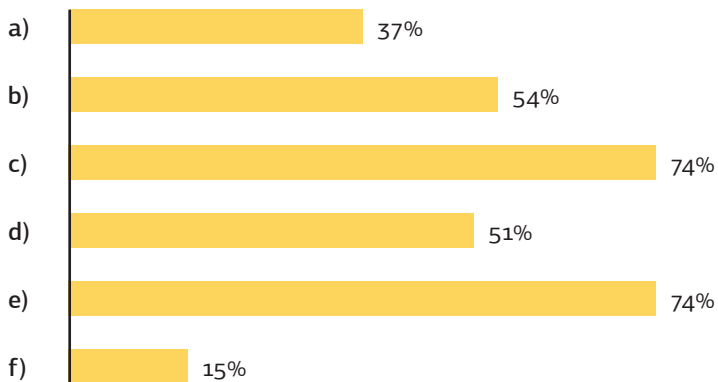
**Circle all that apply.**

- a) Violence against women
- b) Human trafficking
- c) Women’s health (including maternal health)
- d) Inequality in the law (e.g. contracts, private property, successions)
- e) Discrimination in employment, services, education
- f) Women’s participation in politics and in the public sector
- g) Other: Please specify



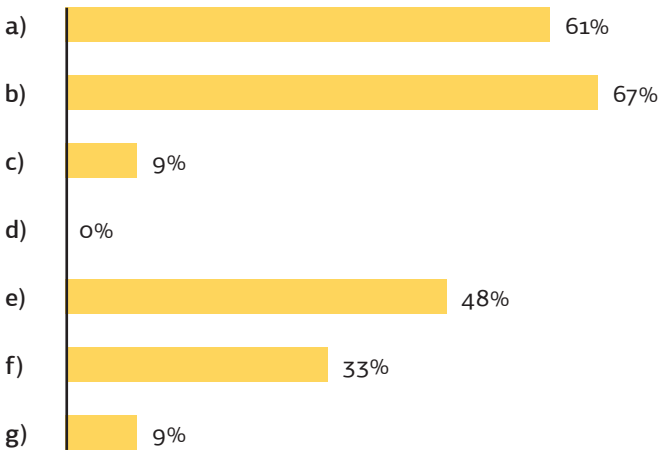
**20. Please indicate whether your NHRI participates in any of the following areas of international liaison with respect to gender issues: (Circle all that apply)**

- a) Preparing independent reports to treaty bodies
- b) Contributing to or providing commentary on official state reports
- c) Liaising with international organizations
- d) Advocating for the ratification of international human rights instruments or the removal of reservations
- e) Co-operating with other NHRIs
- f) Other: Please describe:



**21. What are the main challenges your NHRI faces in protecting women’s rights and promoting gender equality (circle all the apply)**

- a) Lack of financial resources
- b) Lack of human resources
- c) Lack of capacity and skill within institution
- d) Lack of appropriate materials/literature
- e) Gender-based stereotypes in society
- f) Weak political commitment
- g) Other: Please specify:



**22. Other than your NHRI, is there a specialised body in your country mandated specifically to address equality rights and/or anti-discrimination issues (i.e. Equality Ombudsperson, Gender Equality Ombudsperson, Equal Opportunities Ombudsperson)?<sup>54</sup>**

- a) No
- b) Yes. **Please explain** the division of tasks/responsibilities between your institution and the specialized body.



**23. Please let us know if there are other issues or comments that you would like to share:**

**THANK YOU FOR YOUR TIME**

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54 Question 22 was included in the Survey addressed to NHRIs in states where there are other human rights institutions (for example, specialized institutions dealing with discrimination, gender issues or women's issues). NHRIs in states with a single human rights institution did not receive Question 22.

## **ANNEX 2: PRINCIPLES RELATING TO THE STATUS OF NATIONAL INSTITUTIONS (THE PARIS PRINCIPLES)**

Adopted by United Nations General Assembly resolution 48/134 of 20 December 1993

### **A. Competence and responsibilities**

1. A national institution shall be vested with competence to protect and promote human rights.
2. A national institution shall be given as broad a mandate as possible, which shall be clearly set forth in a constitutional or legislative text, specifying its composition and its sphere of competence.
3. A national institution shall, *inter alia*, have the following responsibilities:
  - (a) To submit to the government, parliament and any other competent body, on an advisory basis either at the request of the authorities concerned or through the exercise of its power to hear a matter without higher referral, opinions, recommendations, proposals and reports on any matters concerning the protection and promotion of human rights. The national institution may decide to publicize them. These opinions, recommendations, proposals and reports, as well as any prerogative of the national institution, shall relate to the following areas:

- (i) Any legislative or administrative provisions, as well as provisions relating to judicial organization, intended to preserve and extend the protection of human rights. In that connection, the national institution shall examine the legislation and administrative provisions in force, as well as bills and proposals, and shall make such recommendations as it deems appropriate in order to ensure that these provisions conform to the fundamental principles of human rights. It shall, if necessary, recommend the adoption of new legislation, the amendment of legislation in force and the adoption or amendment of administrative measures;
  - (ii) Any situation of violation of human rights which it decides to take up;
  - (iii) The preparation of reports on the national situation with regard to human rights in general, and on more specific matters;
  - (iv) Drawing the attention of the government to situations in any part of the country where human rights are violated and making proposals to it for initiatives to put an end to such situations and, where necessary, expressing an opinion on the positions and reactions of the government;
- b) To promote and ensure the harmonization of national legislation, regulations and practices with the international human rights instruments to which the State is a party, and their effective implementation;
  - c) To encourage ratification of the above-mentioned instruments or accession to those instruments, and to ensure their implementation;
  - d) To contribute to the reports which States are required to submit to United Nations bodies and committees, and to regional institutions, pursuant to their treaty obligations, and, where necessary, to express an opinion on the subject, with due respect for their independence;
  - e) To cooperate with the United Nations and any other agency in the United Nations system, the regional institutions and the national institutions of other countries which are competent in the areas of the protection and promotion of human rights;
  - f) To assist in the formulation of programmes for the teaching of, and research into, human rights and to take part in their execution in schools, universities and professional circles;

- g) To publicize human rights and efforts to combat all forms of discrimination, in particular racial discrimination, by increasing public awareness, especially through information and education and by making use of all press organs.

## **B. Composition and guarantees of independence and pluralism**

1. The composition of the national institution and the appointment of its members, whether by means of an election or otherwise, shall be established in accordance with a procedure which affords all necessary guarantees to ensure the pluralist representation of the social forces (of civilian society) involved in the protection and promotion of human rights, particularly by powers which will enable effective cooperation to be established with, or through the presence of, representatives of:

Non-governmental organizations responsible for human rights and efforts to combat racial discrimination, trade unions, concerned social and professional organizations, for example, associations of lawyers, doctors, journalists and eminent scientists;

Trends in philosophical or religious thought;

Universities and qualified experts;

Parliament;

Government departments (if they are included, these representatives should participate in the deliberations only in an advisory capacity).

2. The national institution shall have an infrastructure which is suited to the smooth conduct of its activities, in particular adequate funding. The purpose of this funding should be to enable it to have its own staff and premises, in order to be independent of the government and not be subject to financial control which might affect this independence.
3. In order to ensure a stable mandate for the members of the institution, without which there can be no real independence, their appointment shall be effected by an official act which shall establish the specific duration of the mandate. This mandate may be renewable, provided that the pluralism of the institution's membership is ensured.



### **C. Methods of operation**

Within the framework of its operation, the national institution shall:

1. Freely consider any questions falling within its competence, whether they are submitted by the government or taken up by it without referral to a higher authority, on the proposal of its members or of any petitioner,
2. Hear any person and obtain any information and any documents necessary for assessing situations falling within its competence;
3. Address public opinion directly or through any press organ, particularly in order to publicize its opinions and recommendations;
4. Meet on a regular basis and whenever necessary in the presence of all its members after they have been duly consulted;
5. Establish working groups from among its members as necessary, and set up local or regional sections to assist it in discharging its functions;
6. Maintain consultation with the other bodies, whether jurisdictional or otherwise, responsible for the protection and promotion of human rights (in particular, ombudsmen, mediators and similar institutions);
7. In view of the fundamental role played by the non-governmental organizations in expanding the work of the national institutions, develop relations with the non-governmental organizations devoted to protecting and promoting human rights, to economic and social development, to combating racism, to protecting particularly vulnerable groups (especially children, migrant workers, refugees, physically and mentally disabled persons) or to specialized areas.

### **D. Additional principles concerning the status of commissions with quasi-judicial competence**

A national institution may be authorized to hear and consider complaints and petitions concerning individual situations. Cases may be brought before it by individuals, their representatives, third parties, non-governmental organizations, associations of trade unions or any other representative organizations.

In such circumstances, and without prejudice to the principles stated above concerning the other powers of the commissions, the functions entrusted to them may be based on the following principles:

1. Seeking an amicable settlement through conciliation or, within the limits prescribed by the law, through binding decisions or, where necessary, on the basis of confidentiality;
2. Informing the party who filed the petition of his rights, in particular the remedies available to him, and promoting his access to them;
3. Hearing any complaints or petitions or transmitting them to any other competent authority within the limits prescribed by the law;
4. Making recommendations to the competent authorities, especially by proposing amendments or reforms of the laws, regulations or administrative practices, especially if they have created the difficulties encountered by the persons filing the petitions in order to assert their rights.

**NOTE:**

1. A/36/440 (1981), A/38/416 (1983), E/CN.4/1987/37 (1987), E/CN.4/1989/47 and Add. 1(1989), E/CN.4/1991/23 and Add. 1(1991).

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April 1993*

## **ANNEX 3: SELECTED INTERNATIONAL AND REGIONAL INSTRUMENTS AND STANDARDS RELEVANT TO THE PROTECTION AND PROMOTION OF WOMEN'S RIGHTS AND GENDER EQUALITY ISSUES**

### **Universal human rights instruments (*selected*)**

#### **GENERAL**

- International Covenant on Economic, Social and Cultural Rights (ICESCR), 1966
- International Covenant on Civil and Political Rights (ICCPR), 1966
- Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR-OP1), 1966
- General Comment 4 of the Human Rights Committee on Equal Right of Men and Women to the Enjoyment of All Civil and Political Rights, 1981
- Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (ICCPR-OP2), 1989
- General Comment 18 of the Human Rights Committee on Non-Discrimination, 1989
- General Comment 28 of the Human Rights Committee on Equality of Rights between Men and Women, 2000

**PREVENTION OF DISCRIMINATION**

- Equal Remuneration Convention (No. 100), 1951
- Discrimination (Employment and Occupation) Convention (No. 111), 1958
- Convention against Discrimination in Education, 1960
- Protocol Instituting a Conciliation and Good Offices Commission to be responsible for seeking a settlement of any disputes which may arise between States Parties to the Convention against Discrimination in Education , 1962
- International Convention on the Elimination of all Forms of Racial Discrimination (ICERD), 1965
- Declaration on Race and Racial Prejudice, 1978
- Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief , 1981
- World Conference against Racism, Durban Declaration and Programme of Action, 2001
- Convention on the Rights of Persons with Disabilities (ICRPD), 2006
- Optional Protocol to the Convention on the Rights of Persons with Disabilities (OP-CRPD), 2006

**RIGHTS OF WOMEN**

- Declaration on the Protection of Women and Children in Emergency and Armed Conflict, 1974
- Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), 1979
- Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (OP-CEDAW), 1999
- Declaration on the Elimination of Violence against Women, 1993
- International Convention for the Protection of All Persons from Enforced Disappearance (ICPED), 2006

**RIGHTS OF THE CHILD**

- Minimum Age Convention, (No. 138), 1973
- Convention on the Rights of the Child (CRC), 1989
- Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (CRC-OPSC), 2000
- Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (CRC-OPAC), 2000
- Worst Forms of Child Labour Convention (No. 182), 1999

**HUMAN RIGHTS IN THE ADMINISTRATION OF JUSTICE: PROTECTION OF PERSONS SUBJECTED TO DETENTION OR IMPRISONMENT**

- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), 1984
- Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OP-CAT), 2002

**PROMOTION AND PROTECTION OF HUMAN RIGHTS**

- Principles relating to the Status of National Institutions (The Paris Principles), 1993

**MARRIAGE**

- Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages, 1962
- Recommendation on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages, 1965

**RIGHT TO WORK AND TO FAIR CONDITIONS OF EMPLOYMENT**

- Employment Policy Convention (No. 122), 1964

**SLAVERY, SLAVERY-LIKE PRACTICES AND FORCED LABOUR**

- Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, 2000

**RIGHTS OF MIGRANTS**

- International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW), 1990

### **Regional instruments and plans (Europe) (selected)**

- Convention for the Protection of Human Rights and Fundamental Freedoms, 1950 (and its protocols)
- Charter of Fundamental Rights of the European Union, 2000
- European Communities, Susanne Burri and Sacha Prechal, EU Gender Equality Law, 2008
- European Commission: Strategy for equality between women and men, 2010–2015, 2010

### **Additional conference outcomes and principles on women's rights**

- Limburg Principles on the Implementation of the International Covenant on Economic, Social and Cultural Rights, 1986
- Vienna Declaration and Programme of Action, UN World Conference on Human Rights, 1993
- Beijing Declaration and Platform for Action, UN Fourth World Conference on Women, 1995
- Maastricht Guidelines on Violations of Economic, Social and Cultural Rights, 1997
- Montreal Principles on Women's Economic, Social and Cultural Rights, 2002
- OSCE Ministerial Council, Decision No. 14/04, "2004 OSCE Action Plan for the Promotion of Gender Equality", Sofia, 7 December 2004.
- OSCE Human Dimension Commitments, Vol. 1 – Thematic Compilation, 2011

### **Handbooks, guides and tools**

#### **GENERAL**

- UNIFEM, *CEDAW and the Human Rights-Based Approach to Programming*, 2007
- OHCHR, *Thematic study of the Office of the United Nations High Commissioner for Human Rights on discrimination against women, in law and practice, and how the issue is addressed throughout the United Nations human rights system*, A/HRC/15/40, 2010
- Canadian Human Rights Commission, *Framework for Documenting Equality Rights*, 2010
- OSCE, *Gender Matters in the OSCE: CD Toolkit*, 2010
- UN, Dono Abdurazakova, *National Mechanisms for Gender Equality in South-East and Eastern Europe, Caucasus and Central Asia: Regional Study*, 2010
- World Economic Forum, *Global Gender Gap Report 2011*, 2011
- UNDP, *Gender Inequality Index*, 2011

- UN Women, *Women, War and Peace*.
- OSCE, *Mending Inequalities: Men and Gender Equality in the OSCE Region*, 2011

#### **NATIONAL HUMAN RIGHTS INSTITUTIONS**

- OHCHR, *Economic, Social and Cultural Rights. Handbook for National Human Rights Institutions*, Professional Training Series No. 12, 2005
- Equitas – International Centre for Human Rights Education, *Equality for Women: A Handbook for NHRIs on Economic, Social and Cultural Rights*, 2008
- OHCHR, *Survey on National Human Rights Institutions*, 2009
- OHCHR, *National Human Rights Institutions: History, Principles, Roles and Responsibilities*, Professional Training Series No. 4/Rev.1, 2010
- UNDP-OHCHR, *UNDP-OHCHR Toolkit for collaboration with National Human Rights Institutions*, 2010
- OSCE/ODIHR, *Pilot Comparative Review: National Human Rights Institutions and their Practices in Protecting and Promoting Women's Rights and Gender Equality*, 2011

#### **WOMEN'S PARTICIPATION IN POLITICAL AND PUBLIC LIFE**

- OSCE/ODIHR, *Handbook for Monitoring Women's Participation in Elections*, 2004
- OSCE Ministerial Council Decision No. 7/09, "Women's Participation in Political and Public Life", Athens, 2 December 2009
- UNDP, *Enhancing Women's Political Participation: A Policy Note for Europe and the Commonwealth of Independent States*, 2010
- Council of Europe, *Parity Democracy: A Far Cry from Reality*, 2010
- Equality and Human Rights Commission, United Kingdom, *Autonomy, Voice and Power*, 2010
- OSCE Supplementary Human Dimension Meeting *Promoting Gender Balance and Participation of Women in Political and Public Life, Final Report*, 2010
- OSCE/ODIHR, Pippa Norris and Mona Lena Krook, *Gender Equality in Elected Office: A Six-Step Action Plan*, 2011
- OSCE/ODIHR – Venice Commission, *Guidelines on Political Party Regulation*, 2011
- UNDP and National Democratic Institute for International Affairs (NDI), *Empowering Women for Stronger Political Parties: Good Practices Guide to Promote Women's Political Participation*, 2011
- UNDP), UN Women, NDI, Inter-Parliamentary Union (IPU), and International Institute for Democracy and Electoral Assistance (IDEA), International Knowledge Network of Women in Politics, iKNOWPolitics.

**VIOLENCE AGAINST WOMEN**

- UN Special Rapporteur on Violence against Women, *Report of the Special Rapporteur on Violence against Women: Integration of the Human Rights of Women and the Gender Perspective*, Radhika Coomaraswamy, submitted in accordance with Commission on Human Rights Resolution 2002/52, 2003
- UN Special Rapporteur on violence against Women, *Report of the Special Rapporteur on Violence against Women: The Due Diligence Standard as a Tool for the Elimination of Violence against Women*, Yakin Ertürk, E/CN.4/2006/61, 2006
- OSCE, *Bringing Security Home: Combating Violence Against Women in the OSCE Region*, 2009
- DESA-DAW, *Handbook for Legislation on Violence against Women*, 2009

**GENDER MAINSTREAMING**

- UN, Special Adviser on Gender Issues and Advancement of Women, *Gender Mainstreaming: An Overview*, 2002
- UNDP, *Gender Mainstreaming in Practice: A Toolkit*, 2007
- European Commission, *Tools for Gender Equality, including the Manual for Gender Mainstreaming Employment, Social Inclusion, and Social Protection Policies*, 2008
- European Institute for Gender Equality, *Good Practices in Gender Mainstreaming*, 2011

**GENDER RESPONSIVE BUDGETING**

- UNIFEM, Diane Elson, *Budgeting for Women's Rights: Monitoring Government Budgets for Compliance with CEDAW*, 2006
- The World Bank, Caren Grown, Chandrika Bahadur, Jessie Handbury, Diane Elson, *The Financial Requirements of Achieving Gender Equality and Women's Empowerment*, 2006
- Fundar – Centro de Análisis e Investigación, International Budget Project, International Human Rights Internship Program, *Dignity Counts: A Guide to Using Budget Analysis to Advance Human Rights*, 2004



## **ANNEX 4: ABOUT OSCE/ODIHR**

The OSCE Office for Democratic Institutions and Human Rights (ODIHR) is one of the world's principal regional human rights bodies.

Based in Warsaw, Poland, ODIHR is active throughout Europe, the Caucasus, Central Asia, and North America.

It promotes democratic elections, respect for human rights, tolerance and non-discrimination, and the rule of law. As part of this work, the Office supports efforts by participating States to follow through on their gender equality commitments and to address the roots of inequality between men and women in all spheres.

ODIHR is the human rights institution of the Organization for Security and Co-operation in Europe (OSCE), an intergovernmental body working for stability, prosperity and democracy in its 56 participating States.

Spanning a region from Vancouver to Vladivostok, the OSCE is the world's largest regional security organization.

Human rights and democracy are a cornerstone of the OSCE's comprehensive concept of security. All OSCE States have agreed that lasting security cannot be achieved without respect for human rights and functioning democratic institutions.

They have committed themselves to a comprehensive catalogue of human rights and democracy norms. These form the basis of what the OSCE calls the human dimension of security.

ODIHR is tasked with assisting governments in meeting their commitments in the field of human rights and democracy. To this effect, ODIHR observes elections, promotes and monitors respect for human rights, and runs democracy-assistance projects throughout the OSCE region.

The Office works closely with the OSCE's other institutions and field operations, as well as a large number of partners among governments, international organizations and civil society.

ODIHR was established in 1991. It employs more than 150 staff from some 30 countries. ODIHR's activities are funded through a core budget, which is approved annually by participating States, as well as through voluntary contributions.

More information is available on the ODIHR website ([www.osce.org/odihr](http://www.osce.org/odihr)).

