

BACKGROUNDER:
About the Yogyakarta Principles
《日惹原则》问与答

This document provides brief background information to the Yogyakarta Principles.
Please refer to the Principles themselves for a detailed awareness of the text.

本文仅为《日惹原则》简单背景资料，欲了解详细内容，请参阅原则正文。

Q. What are the Yogyakarta Principles?

《日惹原则》是什么？

The Yogyakarta Principles are a set of principles on the application of international human rights law in relation to sexual orientation and gender identity. The Principles affirm binding international legal standards with which all States must comply. They promise a different future where all people born free and equal in dignity and rights can fulfil that precious birthright.

《日惹原则》是指一系列与性倾向和性别认同相关的国际人权法律之应用的原则。这些原则致力集中所有国家都必须遵守的国际法律标准。它们导向一个不一样的未来——人人生而自由，人与人的人格平等，人与生俱来的权利能得以实现。

Q. Why are they needed?

为什么需要这些原则？

Human rights violations targeted toward persons because of their actual or perceived sexual orientation or gender identity constitute an entrenched global pattern of serious concern. They include extra-judicial killings, torture and ill-treatment, sexual assault and rape, invasions of privacy, arbitrary detention, denial of employment and education opportunities, and serious discrimination in relation to the enjoyment of other human rights.

Key human rights mechanisms of the United Nations have affirmed States' obligation to ensure effective protection of all persons from discrimination based on sexual orientation or gender identity. However, the international response has been fragmented and inconsistent, creating the need for a consistent understanding of the comprehensive regime of international human rights law and its application to issues of sexual orientation and gender identity. The Yogyakarta Principles do this.

人们因为其实际或被认定的性倾向或性别认同而遭侵权利侵犯，这成了需要认真对待的全球性痼疾。这些侵权行为包括，法庭之外的杀害、折磨与虐待、性攻击与强奸、侵犯隐私、随意拘禁、拒绝提供就业与受教育机会等其他与享有广泛的人权相违的严重歧视。

尽管联合国核心的人权机构强调了国家在保护人们免受基于性倾向或性别认同歧视的义务，但是，国际社会对此的反应是分散而不统一的。《日惹原则》就是要呼吁大家认识到这种需求，即在广泛国际社会的人权法律基础上达成一个坚实的共识，并将它们应用到性倾向或性别认同的相关问题上。

Q. How did the Principles come about?

这些原则是如何出台的？

The Principles were developed and unanimously adopted by a distinguished group of human rights experts, from diverse regions and backgrounds, including judges, academics, a former UN High Commissioner for Human Rights, UN Special Procedures, members of treaty bodies, NGOs and others. The Rapporteur of the

process, Professor Michael O'Flaherty, has made immense contributions to the drafting and revision of the Yogyakarta Principles.

A key event in the development of the Principles was an international seminar of many of these legal experts that took place in Yogyakarta, Indonesia at Gadjah Mada University from 6 to 9 November 2006. That seminar clarified the nature, scope and implementation of States' human rights obligations in relation to sexual orientation and gender identity under existing human rights treaties and law.

《日惹原则》是来自不同地区、专业背景的知名的人权专家共同形成、并一致通过的，这些专家包括法官、学者、前联合国人权高级专员、联合国特别程序组员、条约国成员、非政府组织和其他机构人员。大会报告起草人Michael O'Flaherty教授为《日惹原则》的起草、修订作出了巨大的贡献。推动原则出台的一个重要事件是，2006年11月6日至9日在印度尼西亚日惹市的Gadjah Mada 大学召开的法律专家国际学术会议，这次会议澄清了原则的性质、范围和在现有的人权条约与法律框架下国家履行与性倾向或性别认同相关人权的义务。

Q. What do they cover?

原则涉及的内容？

The Yogyakarta Principles address the broad range of human rights standards and their application to issues of sexual orientation and gender identity.

These include extrajudicial executions, violence and torture, access to justice, privacy, non-discrimination, rights to freedom of expression and assembly, employment, health, education, immigration and refugee issues, public participation, and a variety of other rights.

《日惹原则》针对性倾向或性别认同相关议题，制定了一系列广泛的人权标准及标准的应用。这些原则包括法庭之外的行刑、暴力与折磨、获取正义、隐私权、非歧视、言论与结社自由、就业、健康、教育、移民和避难问题、公共参与和其他多样的权利。

Q. How can these rights be implemented?

如何实现这些权利？

The Principles affirm the primary obligation of States to implement human rights. Each Principle is accompanied by detailed recommendations to States. The Principles also emphasise, however, that all actors have responsibilities to promote and protect human rights. Additional recommendations are therefore addressed to the UN human rights system, national human rights institutions, the media, non-governmental organisations, and others.

原则强调了国家在实现人权中的基本义务。每条原则都附属了国家履行义务的详细说明。原则也强调，所有的参与者都有责任促进和保护人权，因此原则也向联合国的人权保障系统、国家人权机构、媒体、非政府和其他组织提出进一步的建议。