

# Equal Rights Trust Advocacy

*In the period since the publication of ERR Volume 12 (March 2014), the Equal Rights Trust has continued with its work to expose patterns of discrimination globally and to combat inequalities and discrimination both nationally and internationally. The Trust's advocacy is based on the Declaration of Principles on Equality which is an instrument of best practice reflecting the modern consensus on the major substantive and procedural elements of laws and policies related to equality. Below is a brief summary of some of our most important advocacy actions since March 2014.*

## International Events

In June 2014, the Equal Rights Trust attended the **UNHCR NGO Consultations** in Geneva. While at the Consultations, the Trust carried out awareness raising and advocacy activities on the Rohingya issue, in partnership with the Arakan Project. Activities included: hosting a side-meeting on the Rohingya, at which we presented our project research findings; a briefing of Permanent Missions based in Geneva; and bilateral meetings with the Myanmar desk officer of OHCHR, the Asia Bureau of UNHCR and the UNHCR Statelessness Unit. On 18 June, the Equal Rights Trust co-organised and participated in the launch event of the International Campaign to End Gender Discriminatory Nationality Laws. The Trust is a steering committee member of the campaign. The event was held as a side meeting to the UN Human Rights Council session in Geneva.

On 12 September 2014, the Equal Rights Trust spoke on the human rights of stateless Rohingya at the **World Council of Churches** Interna-

tional Ecumenical Consultation on Advocating for Stateless People. From 14-17 September, the Trust participated in the first **Global Forum on Statelessness**, an international conference attended by 300 representatives of governments, UN agencies, civil society and academia. We hosted and spoke on two panels, the first on the human rights of stateless Rohingya and the second on protecting stateless persons from arbitrary detention.

## Azerbaijan

In June 2014, the Equal Rights Trust made a submission to the UN Committee on the Elimination of Discrimination Against Women (CEDAW), proposing questions for inclusion in the Committee's list of issues for its review of Azerbaijan. The submission focused on the gaps and deficiencies in the Azerbaijani legal framework in respect of prohibiting discrimination against women, particularly a number of definitions within the existing laws which are inconsistent

with international standards and the failure of authorities to implement and enforce the existing legislation. CEDAW's list of issues included, amongst other areas, judicial practice related to cases involving discrimination against women and the consistency of the definitions used in legislation with the requirements of the Convention.

### **Belarus**

In September 2014, the Equal Rights Trust made a submission to the UN Human Rights Council, in advance of the Universal Periodic Review of Belarus. The submission was based on the findings and recommendations of our report *Half an Hour to Spring: Addressing Discrimination and Inequality in Belarus* published in November 2013. The submission urged states participating in the review of Belarus to endorse the principal recommendation made in the report: that, in order to fulfil its international obligations to respect, protect and fulfil the rights to equality and non-discrimination, Belarus should adopt specific and comprehensive equality legislation. The submission also presented evidence and made recommendations on issues such as the need to ensure religious freedom for all religious groups, including adherents of unregistered and "non-traditional" religions; the need to address discrimination and inequality affecting ethnic Poles, the Roma and others; the need to tackle inequalities based on use of the Belarusian language; and the need to adopt a law on prevention of domestic violence and take measures to eliminate gender discrimination in education and employment.

### **Guyana**

In June 2014, the Equal Rights Trust made a submission on Guyana to the Human Rights Council as part of the Universal Periodic Re-

view. The submission focused on two of the three recommendations made at the previous review, on which the state had agreed to undertake consultation: the decriminalisation of same-sex intimacy between men and the repeal of laws permitting corporal punishment of children. The Equal Rights Trust presented evidence on the lack of progress in completing these consultations and on the continued impact of these discriminatory laws. These findings were based on evidence gathered through our research on its forthcoming report on addressing discrimination and inequality in Guyana.

### **Kenya**

In June 2014, the Equal Rights Trust made a submission on Kenya to the Human Rights Council as part of the Universal Periodic Review, presenting the findings of its 2012 report *In the Spirit of Harambee: Addressing Discrimination and Inequality in Kenya*. It urged participating states to adopt the recommendations made in that report, including in particular the recommendation that Kenya enact specific and comprehensive anti-discrimination law, in line with the Declaration of Principles on Equality. It also provided information on Kenya's progress in addressing recommendations made at the previous review (in 2010), including that it decriminalise consensual sex between men, protect the rights of indigenous communities and improve protection from gender-based violence.

### **Kyrgyzstan**

In June 2014, the Equal Rights Trust made a submission to CEDAW, proposing questions for inclusion in the Committee's list of issues for its reviews of Kyrgyzstan. The submission highlighted a number of gaps and deficiencies in the Kyrgyz legal framework and practice, particularly a failure to prohibit multi-

ple discrimination, a lack of any temporary special measures to ensure gender equality and a near absence of efforts to implement and enforce existing legislative provisions. CEDAW's final list of issues included questions on two of these topics – court practices in cases involving sex-based discrimination and the use of temporary special measures.

## **Sudan**

In June 2014, the Equal Rights Trust submitted a shadow report to the Human Rights Committee (HRC) in advance of its consideration of the state report by Sudan. Using original testimony and extensive desk research, the report highlighted the role of discrimination on grounds such as ethnicity, religion or belief, political opinion and gender in the violation of the rights to life, freedom from torture and other forms of ill-treatment, freedom from arbitrary detention, freedom of expression and other rights guaranteed by the International Covenant on Civil and Political Rights. The report called on Sudan to ensure full enjoyment, without discrimination, of the civil and political rights guaranteed by the Covenant and called on Sudan to audit and amend or repeal laws which discriminate or are open to discriminatory application and to develop and enact comprehensive anti-discrimination legislation.

In its concluding observations, issued in July 2014, the HRC made a number of recommendations which echoed those suggested by the Equal Rights Trust, including those related to the need to review and amend discriminatory laws and to adopt comprehensive anti-discrimination law.

## **Turkey**

In June 2014, the Equal Rights Trust made a submission on Turkey to the Human Rights

Council as part of the Universal Periodic Review on a wide range of issues on which recommendations were made to Turkey at its last review. This included developments in Turkey's anti-discrimination legislation, particularly welcome reforms made to the Law on Persons with Disabilities; continued discrimination against religious and ethnic minorities such as the Roma, Greeks and Kurds; ongoing persecution and harassment of LGBT persons; and the limited efforts made to ensure equal participation of women in areas such as employment and public and political life.

## **Ukraine**

In April 2014, the Equal Rights Trust made a submission to the UN Committee on Economic, Social and Cultural Rights (CESCR) in relation to Ukraine. The submission addressed two issues raised in CESCR's list of issues: gaps and weaknesses in the existing anti-discrimination legislation (the Law "On the principles of prevention and combating discrimination") and other legal provisions which prohibited discrimination in employment. The submission also highlighted a number of other pieces of legislation in Ukraine which discriminate in the enjoyment of economic and social rights.

On 23 May 2014, the CESCR published its concluding observations on Ukraine, in which the Committee echoed aspects of five recommendations made in the Equal Rights Trust's submission. Specifically, the Committee recommended that Ukraine amend the Law in order to: explicitly include all the prohibited grounds for discrimination listed in the International Covenant on Economic, Social and Cultural Rights (ICESCR); bring the definitions of direct and indirect discrimination in line with Ukraine's obligations under the ICESCR; prohibit discrimination in both

the public and private spheres; provide for a reversal of the burden of proof in civil proceedings relating to discrimination; and provide for access to redress and remedies in cases of discrimination.

### **United Kingdom**

In 2013, the Equal Rights Trust made a submission to the United Kingdom Parliament's Joint Committee on the draft Deregulation Bill. The submission involved a detailed analysis of provisions of the draft Bill which would impact on the rights to equality and non-discrimination. The submission recommended, *inter alia*, the rejection of a provision which would re-

move the power of employment tribunals to make "wider recommendations" going beyond the specific victim of discrimination. In June 2014, the Parliamentary Joint Committee on Human Rights published its report on the final Bill, highlighting the Equal Rights Trust's evidence on the powers of employment tribunals and noting our conclusion that this would amount to a "clear violation" of the UK's obligations under the International Covenant on Civil and Political Rights before recommending that the relevant provision be deleted. During the second reading of the Bill in the House of Lords on 7 July 2014, a number of peers spoke out against the provision on the basis of the Committee's report.