

# Update on Current ERT Projects

## **Greater Human Rights Protection for Stateless Persons in Detention**

The purpose of this project, which started in 2008, is to contribute to strengthening the protection of the equal rights of stateless persons, particularly in the context of immigration, security and criminal detention.

In the first half of 2011, ERT participated in a number of meetings in a growing network of organisations concerned with aspects of statelessness. For example, in May 2011, ERT took part in a UNHCR and OHCHR led international roundtable on alternatives to detention in Geneva, speaking on alternatives to detention in the context of statelessness. Also in May 2011, ERT conducted a session on stateless Rohingya at the University of Galway Summer School on Migrant Rights. Since March 2011, ERT has worked to finalise its draft Guidelines on the Detention of Stateless Persons (published in the Special section of this issue.) The document has also been sent out to key experts in the fields of detention, statelessness, refugees and human rights for their review of the draft. In recent months ERT has carried out a comprehensive analysis of the manner in which UN treaty bodies have addressed statelessness and related human rights challenges in their work and on the relevance of statelessness as an issue to the specific mandate of each treaty body, with the intention of lobbying them to focus more on statelessness in the future.

ERT has continued its advocacy in the UK. ERT is an active member of the UK Detention Forum. In March 2011, Amal de Chick-

era made a presentation to the Forum on alternatives to detention with a specific focus on statelessness. On 13 April 2011, ERT co-signed a letter to the Parliamentary Joint Committee on Human Rights urging a reform of immigration detention, and in June 2011, it participated in the second Parliamentary meeting on immigration detention. In February 2011 ERT met with Tom Brake MP (LibDem) and convinced him to, from time to time, ask parliamentary questions on statelessness on ERT's behalf and to champion the issue. Since then, at ERT's request, Mr. Brake has asked several parliamentary questions and tabled a few written questions on statelessness. ERT continued to act as an advisor to Asylum Aid and UNHCR in the delivery of their statelessness mapping project. On 23 June 2011, ERT participated in the second Asylum Aid Expert Meeting at which the research findings of the project were discussed in preparation for their report launch in November 2011.

Regarding advocacy at the European level, ERT has worked on a special edition on statelessness of the *European Journal of Migration and Law*. It will comprise five articles and an introduction, and will be published as the 3rd issue of the Journal in 2012. In February 2011, ERT participated in a meeting on the implementation of the European Returns Directive at the University of Nijmegen. In April 2011, ERT entered into discussions with a number of key stakeholders with a view to establishing a European Network on Statelessness. The first meeting of the Network was held in London on 20 July 2011.

In the first half of 2011, ERT has been working on creating a new website on statelessness, intended as a leading resource for NGO staff, policy makers, students and academics. The website will have the domain name [www.statelessness.net](http://www.statelessness.net) and is planned to go live later in 2011. It will have an authoritative database on statelessness, testimonies of stateless persons, an interactive world map on statelessness, toolkits and trainings for NGOs on statelessness, a description of ERT's work on statelessness, an audio-visual section and various other features. ERT is currently producing content to be uploaded on the website.

The outcomes and impact of this project so far include: (1) integrating statelessness as a key issue of the international movement to end arbitrary detention – ERT has worked in close partnership with the International Detention Coalition, UNHCR, OHCHR and other key players to highlight statelessness as an important issue which must be addressed by immigration detention regimes; (2) changing attitudes of civil society towards statelessness – as more NGOs around the world begin new projects on statelessness and/or to integrate statelessness into their existing work, the issue is being increasingly recognised as an important human rights issue which must be addressed. ERT has been one of the catalysts in this regard, and will be in a position to do more work in this area after its website on statelessness goes public; (3) filling a documentation and knowledge gap on statelessness – ERT's report *Unravelling Anomaly* has been widely acknowledged as a key text on statelessness which has filled a research gap and serves as a useful resource to academics, activists and policy makers. The focus on detention

and the highlighting of the connection between statelessness and lengthy immigration detention has resulted in many organisations addressing immigration detention from a statelessness perspective; and (4) promoting statelessness as a human rights issue – while ERT's impact in this regard is yet to be seen, it is an area in which ERT's contribution continues to grow.

### **The Unified Perspective on Equality and LGBT Rights**

In September 2009, ERT launched a project aimed at showing how the unified approach to equality can enhance LGBT rights. One aspect of this project is to explore the possibility for promoting LGBT equality in countries with Islam. In the first half of 2011, ERT prepared for publication a study focusing on the use of equality and non-discrimination law in advancing LGBT rights in countries of the Commonwealth, with a special reference to the decriminalisation of same sex conduct, and a study on LGBT equality in countries with Islam, including secular states. The study on the use of equality law will be published as a chapter in a forthcoming book, and the paper on LGBT and Islam is awaiting peer review.

The expected outcomes of this project include: (1) better understanding among civil society and other actors of the potential of using equality law principles and concepts in efforts to decriminalise same sex sexual conduct; (2) better understanding of the strategic choices for enhancing LGBT equality in countries with Islam; and (3) improved dialogue between LGBT groups, faith-based actors and civil society, particularly human rights organisations.

## **Developing Resources and Civil Society Capacities for Preventing Torture and Cruel, Inhuman and Degrading Treatment of Persons with Disabilities: India and Nigeria**

This project commenced in November 2010 with partner organisations in India (Human Rights Law Network) and Nigeria (Legal Defence and Assistance Project). Its overall objective is to reduce the incidence of torture and ill-treatment of persons with disabilities.

In January 2011, ERT travelled to Lagos and to Delhi and conducted planning meetings with its partners. The project teams in Nigeria and India have spent the first quarter of 2011 working on national baseline studies, following detailed guidelines developed by ERT, and aimed at providing an assessment of: (i) the main patterns of discriminatory ill-treatment against persons with disabilities in their respective countries; (ii) the international and domestic law obligations relevant to the discriminatory ill-treatment of persons with disabilities; and (iii) the existing capacity of civil society organisations and lawyers to identify and challenge such discriminatory ill-treatment. The teams are carrying out monitoring and documentation of discriminatory ill-treatment against persons with disabilities in different geographical areas.

## **Strengthening Human Rights Protection of the Rohingya**

In March 2011, ERT began to implement this 30-month project, the overall objective of which is to strengthen human rights protection for the Rohingya. In March-July 2011, the project was in its planning phase, including the formation and meetings of a Project Advisory Group and a Project Management

Committee; a review of existing literature on the Rohingya; meetings with experts in the field, etc. During this period, Amal de Chickera had an email discussion with Saiful Huq Omi on the Rohingya issue posted on the website of the Magnum Foundation and available at: <http://www.magnum-foundation.org/emergencyfund/projects.html?code=10EF007#START>

## **Promoting Better Implementation of Equality and Non-discrimination Law in India**

This project started in May 2009 and is being implemented in partnership with the Human Rights Law Network with the objective of developing the capacity of Indian NGOs, lawyers and judiciary to implement equality and non-discrimination law through promotion of national, regional and international standards and best practice. In the first half of 2011, ERT worked on a book-sized publication on equality and discrimination in India, which will include chapters on discrimination based on gender, disability, sexual orientation, religion, caste, etc.

The outcomes of the project so far include: (1) an increased capacity on modern equality law among civil society organisations, lawyers and judges, achieved through training of NGOs and lawyers (Mumbai, 2009) and a judicial colloquium for judges of the Supreme and High courts of India (Delhi, 2011); (2) a tangible impact on the capacity of Indian lawyers and civil society organisations to litigate equality cases in India. The participants in the 2009 training sessions have proceeded to apply international and comparative standards on equality and non-discrimination when litigating on discrimination issues before the Indian courts, including in the following cases:

- i) *Laxmi Mandal v Deen Dayal Hari Nager Hospital & Ors* W.P. 8853/2008, and *Jaitun v Maternity Home, MCD, Jangpura & Ors* W.P. No. 10700/2009, Delhi High Court;
- ii) *ICHR v Indian Railways* (April 2010), Bombay High Court;
- iii) *Special Educators Case* (2010), Delhi High Court;
- iv) *Syed Bashir-Ud-Din Qadri v Nazir Ahmed Shah & Ors* (March 2010), Supreme Court;
- v) *AICB v Indian Railways* (Feb 2010), Supreme Court;
- vi) *Naresh Gangaram Gosavi and another v Chembur Education Society* (2011), Bombay High Court;
- vii) *The National Association of the Deaf v Union of India and Ors* (WP (C) 10849/2009), Delhi High Court.

It is anticipated that the impact of the project will be further strengthened after the publication and distribution of the study on equality and non-discrimination law later in 2011, as lawyers, judges and activists will be able to use it as a useful reference for the development of international and comparative law arguments in equality cases.

### **Kenya: Empowering Disadvantaged Groups through Combating Discrimination and Promoting Equality**

In July 2009, ERT started work on this project with the purpose to enable Kenyan civil society organisations to be key players in building a national anti-discrimination regime. ERT is working with two local partner organisations – the Federation of Women Lawyers (FIDA Kenya) and the Kenya Human Rights Commission (KHRC), on a range of activities, with a view to promoting the adoption of comprehensive anti-discrimination legislation, including the development of a draft comprehensive law and the adoption of a joint advocacy strategy.

Since October 2010, ERT and its partner organisations have been engaged in sustained advocacy to build support for the adoption of a new equality Bill. Efforts have centred on the opportunity provided by the passage of the new Constitution, which requires the government to introduce legislation to establish a new Kenya National Human Rights and Equality Commission (KNHREC). ERT and its partners have taken the approach of arguing that this legislation must contain the substantive provisions for equality law included in the Legislative Map, a document of principle agreed among civil society organisations, based on the Declaration of Principles on Equality.

In late February, the project partners issued a Legislative Advisory on the content of legislation required by Article 59 of the Constitution, and sought meetings with various key ministries. In March, the partners met with the Parliamentary Committee on Equal Opportunities, the National Council for Persons with Disabilities, the Kenyan National Human Rights Commission (KNCHR) and the National Gender and Development Commission.

The project's final two one-day workshops – aimed at lawyers and the media – took place in Nairobi in February and March 2011. The lawyers' workshop was organised in partnership with the Law Society of Kenya and was accredited as part of their ongoing professional education programme. The workshop combined technical training with awareness-raising about the importance of comprehensive equality law and was highly successful at building support among 40-50 members of the Kenyan bar. The media workshop was aimed at sensitising different sections of the media to the partners' proposals for comprehensive equality law; it started with a breakfast meeting for editors and senior

correspondents, and continued with training modules for reporters.

The lawyers' workshop was delivered alongside a public debate on proposals for the adoption of comprehensive equality law. The panel for the debate included Commissioner Lawrence Mute from the KNHRC, Mumbi Ngugi from the Albinism Foundation of East Africa, Tom Kagwe from the KHRC, and Barbara Cohen, ERT consultant. The debate received excellent coverage from the national media, including a number of national TV networks.

In April 2010, ERT's partners continued to engage in discussions over the content of planned legislation to establish a new KNHREC (or its successor commissions). Different government departments and Commissions engaged in discussions on the future KNHREC: in mid-April, the Ministry of Justice published three Bills for the establishment of three separate Commissions, while the KNHRC published a Bill to establish a single Commission. ERT engaged its partners in discussions on responses to these developments, and provided commentary on the various draft Bills. A stakeholder forum was convened to discuss these options on 6 May 2011, and ERT's partners were invited to attend and to make a presentation on the need for legislation establishing any Commission(s) to incorporate substantive equality law, as contained in the partners' Legislative Map. ERT and its partners cooperated with the KNCHR on the development of a bill to establish the KNHREC, incorporating the content of the Legislative Map, and as a result, a draft Human Rights and Equality Bill 2011 was produced at the end of May 2011. The draft Bill was the subject a stakeholder discussion on 3 June 2011, and was further amended thereafter.

ERT has provided comments on both drafts; these comments have been collated with comments from Kenyan members of the project working group and fed back to the KNHRC for consideration in the production of a third draft. Although the chances for adopting substantive equality legislation in Kenya at this time (August 2011) appear slim, due to opposition by majorities in both parliament and government, it is clear that the momentum created by the current campaign will ensure that further advocacy efforts will continue over the next few years, after the establishment of a national human rights and equality body.

Overall, this project has achieved its purpose: ERT has overseen a process through which civil society has taken a leading role in defining a national anti-discrimination regime in Kenya. Civil society organisations have developed draft comprehensive equality legislation and built and implemented an advocacy strategy for its adoption. The members of a working group established under the project have assumed a role as national experts on equality law. The advocacy effort has been sufficiently successful at making the case for integration of substantive equality legislation into forthcoming legislation.

### **Kenya: Embedding Equality under Kenya's New Constitution**

This project aims to build on the project described above and is run by ERT in partnership with the Kenya Human Rights Commission (KHRC). It envisages the development of a detailed country report on discrimination in Kenya; delivery of training to judges, health and education professionals and MPs; development of six strategic litigation cases on new elements of the law intro-

duced by the new Constitution; and development and delivery of a public awareness “Your Rights” campaign about the scope of the right to non-discrimination under the new Constitution. The project commenced on 1 October 2010.

In March 2011, ERT undertook a six-day research visit to Kenya facilitated by KHRC. The team travelled to a range of locations across the country (including Central, Nyanza and Coast provinces) and interviewed a variety of groups including women, persons with disability, persons living with HIV/AIDS, men who have sex with men and persons with albinism. In addition, the team sought to investigate patterns of ethno-regional discrimination in respect of political representation and access to resources. In this respect, the team conducted focus groups with a Luo community in Nyanza province, as well as interviewing members of a Turkana community which has been the victim of discriminatory resource and planning policies. The team then travelled to Wajir, in the marginalised North East of the country to conduct further focus groups and interviews. A final draft of the report has been completed in the first week of May 2011. Plans are currently being developed for the four training workshops which will be delivered by the project partners and work is on-going on strategic litigation.

### **Kenya: Promoting LGBTI Rights in Kenya in a Unified Equality Framework**

In October 2010, ERT launched a third project in Kenya whose purpose is to utilise the unitary framework on equality in promoting LGBTI rights. It is implemented together with two project partners, Gay and Lesbian Coalition of Kenya (GALCK) and Kenyan Human Rights Commission (KHRC).

Since the beginning of 2011, ERT has continued to gather information following on extensive field research conducted in late 2010. In June-August, ERT and its partners worked toward a feasibility study on strategies to promote equality in Kenya, inclusive of sexual orientation and gender identity. This included a week-long field research, during which six focus group discussions and over 20 in-depth interviews with key individuals were conducted in Kisumu and Nairobi. The research focused on exploring strategies for institutional strengthening of the equality movement.

The project’s impact consists in creating preconditions for better protection from discrimination of the legal rights of LGBTI and other vulnerable groups. Specifically, this means: (1) stronger, more confident and better included constellations of LGBTI activists; (2) improved understanding among the target groups of equality as a right and as a value on which broader consensus is needed in present-day Kenya, and of the link between the different strands of equality and equality of sexuality; (3) increased accountability of the Kenyan government with a view to its obligation to promote equality and protect against discrimination, including on grounds of sexual orientation and gender identity; (4) better enforcement of existing equality law and policies, including in respect to LGBTI persons; and (5) contribution to the development of comprehensive national equality legislation and policies giving effect to the universal right to equality.

If the project and especially the feasibility study succeed in influencing decision-makers, it may result in a larger coordinated investment in equality in Kenya and the region, inclusive of sexual orientation and gender identity.

## Kenya: Improving Access to Justice for Victims of Gender Discrimination

This project, which commenced on 1 April 2011, has as its purpose to enable Kenyan women to secure legal remedies and enhanced protection from discrimination by adding an equality component to free community based legal services. The project is implemented with a partner organisation, the Federation of Women Lawyers Kenya (FIDA-Kenya) and its planned duration is four-and-a-half years.

In April 2011, the ERT project team met to finalise roles and planning. Members of the project team also held detailed planning discussions with the project partners. ERT appointed an Independent Selection Committee which has selected the first 10 participating community-based organisations (CBOs) to be beneficiaries of the project. In May-July 2011, ERT and FIDA have undertaken the necessary steps to establish legal advice services at the first 10 CBOs, as required by the project plan. In June 2011, the feasibility study for the project was completed. The study provided information on: Kenyan law and patterns of discrimination; potential CBOs with the capacity to provide community based legal services in discrimination matters that may be appropriate to be selected to participate in the project; and the current capacity of CBOs and lawyers to inform the training programme.

In early July, a handbook for use by participating CBOs was completed. The handbook provides information on Kenyan law as well as on how to set up, provide and administer community based legal services in discrimination matters under the project. On 18-22 July 2011, ERT provided training on equality law, and on establishing and providing community based legal services in discrimi-

nation matters to the first ten participating CBOs and ten lawyers who would be paired with the CBOs.

## Malaysia: Empowering Civil Society to Combat Discrimination through Collective Advocacy and Litigation

Launched in March 2010, this project has the general purpose to strengthen the role of Malaysian civil society in implementing equality and anti-discrimination provisions enshrined in the Federal Constitution, in line with international law. ERT has overall responsibility for the implementation of the project and its local partner is the Kuala Lumpur-based NGO Tenaganita.



Honey Tan delivering training to lawyers and human rights activists in Kuala Lumpur, June 2011.

Photo credit: The Equal Rights Trust

In 2011, Tenaganita continued to host meetings of the Equality Forum, each of which was attended by at least 30 NGO representatives. The fifth meeting of the Equality Forum took place on 22 May 2011, and focussed on the issue of discrimination against migrant workers in Malaysia. A training workshop on equality and non-discrimination law took place on 24-26 June 2011 in Kuala Lumpur. ERT and Malaysian trainers have worked together during April and May to finalise the training programme, which provided an introduction to: (i) basic concepts and overarching principles of equality law; (ii) the

main issues relevant to litigating on women's rights and gender discrimination, with a particular focus on CEDAW as one of the few international human rights conventions which Malaysia is a party to; and (iii) Malaysian equality law and the manner in which the Malaysian courts approach the issues of equality and non-discrimination. The training participants represented a broad range of interest groups, and this ensured many lively discussions and the initial formation of collaborative alliances which are one of the main objectives of this project. The participants will now be involved in developing an advocacy strategy which will be presented at a Stakeholder Roundtable in September 2011, and pursued further by the Equality Forum thereafter. In an attempt to assist the use of strategic litigation to promote equality, ERT is currently preparing a legal brief to be submitted in support of a case in which four transgender applicants are challenging, by way of judicial review, the Shari'a law which criminalises cross-dressing (see Testimony section in this issue).

### **Moldova: Strengthening Legal Protection from and Raising Awareness of Discriminatory Ill-treatment in the Republic of Moldova, Including Transnistria**

This project, in which ERT is a partner to a Moldovan NGO – Promo-Lex – has two general objectives: (1) to contribute to strengthening the legal protection from discriminatory ill-treatment; and (2) to raise awareness of stakeholders on discriminatory ill-treatment. ERT has been responsible for certain aspects of the project related to building the capacity of local stakeholders on equality law issues.

On 15 March 2011, ERT participated in an event which marked the publication of Volume 5 of *The Equal Rights Review* in Roma-

nian. The event took place in Chişinău and was attended by approximately 50 young lawyers and judges. ERT and Promo-Lex made presentations on hate crime against members of the LGBT community. This event was well-timed as during the same week, the homophobic lobby in Moldova was challenging the inclusion of sexual orientation as a prohibited ground of discrimination in the draft Anti-Discrimination Bill which was before the Moldovan Parliament. ERT subsequently sent a letter to the members of the two Parliamentary Commissions responsible for considering the draft Anti-Discrimination Law, urging them to enact the legislation with certain suggested amendments based on the Declaration of Principles on Equality.

On 7 July 2011, ERT participated in a public event which marked the publication of Volume 6 of *The Equal Rights Review* in Romanian. ERT gave an introduction to Volume 6 and then spoke, alongside Promo-Lex, on the discriminatory ill-treatment of persons with disabilities. This was the last of three public events in Chisinau under this project. These events have provided a valuable opportunity to promote the unitary perspective on equality in relation to a broad range of equality issues.

### **Solomon Islands: Empowering Disadvantaged Groups through Human Rights and Equality Training**

ERT is a partner to this project whose main implementer is the Honiara office of the Secretariat of the Pacific Community. The specific objective of the project is to build the capacity of Solomon Islands civil society organisations to provide basic and wide-reaching training on human rights and equality with a view to building and strengthening the national human rights regime.

In March 2011, ERT conducted two-week long training for human rights activists on equality and non-discrimination law, with a particular focus on gender discrimination and violence against women which has been identified as one of the most significant discrimination issues in the Solomon Islands. The first week of the training



Photo credit: The Equal Rights Trust

ERT Legal Officer Libby Clarke (centre) and SPC Legal Officer Ruby Awa (front left) with trainees during field research in Malaita, Solomon Islands, March 2011.

covered human rights and equality law concepts, gender discrimination, violence against women and monitoring and documentation skills. The second part of the training was carried out in the form of practical skills training during field work, where ERT mentored the activists in leading community focus groups and interviews with victims of discrimination. Following this training, the trainees continued to carry out similar field work in their respective regions of the Solomon Islands.

## **Sudan: Empowering Civil Society in Sudan to Combat Discrimination**

This project, which started on 4 October 2010, is aimed at developing civil society capacity through training, elaboration of a country report on discrimination, and establishment of a civil society coalition to undertake advocacy. In so doing, the project aims to increase the space available for civil society advocacy on human rights issues, in a society where civil society freedoms have been severely restricted in recent years. Given the difficult conditions in Sudan at the present time, the project's objectives have been carefully considered and the targeted outcomes have been set according to what is thought to be feasible in the country context.

In the first week of June 2011, ERT's local partners, the Sudanese Organisation for Research and Development (SORD), were informed that the Ministry of Humanitarian Affairs had refused permission for ERT trainers to enter Sudan, pursuant to an application made in March 2011. While awaiting the Ministry's response, the partners had begun to develop a contingency plan for delivery of the workshops outside Sudan.

The partners have made progress on establishing formats for research on discrimination and inequality in Sudan. In June and July 2011, SORD convened meetings in Khartoum attended by participants from different Sudanese CSOs to finalise the distribution of the research work among NGO representatives, to be carried out in different regions of Sudan (Khartoum, Kassala, White Nile, River Nile, and South Darfur).

## **Sudan: Equality and Freedom of Expression**

ERT launched this project in October 2010, with the objective of enhancing the abil-

ity of Sudanese human rights defenders and journalists to use equality and human rights law concepts in their work, and to be aware about the need to balance freedom of expression with the right to non-discrimination, including in the form of freedom from hate speech. ERT works with anonymous Sudanese consultants operating from outside and inside Sudan. With support from the project, journalists are continuing to write for Sudanese and international media on human rights issues.

### **Guyana: Empowering Civil Society to Challenge Homophobic Laws and Discrimination against LGBTI Persons**

This year-long project started in October 2010. Its objective is building the capacity of civil society to challenge discrimination against LGBTI persons, by both increasing the technical skills and capacity of LGBTI organisations and by fostering improved cooperation between LGBTI organisations and other human rights NGOs. ERT's project partner is the Society against Sexual Orientation Discrimination (SASOD) based in Georgetown.

In January 2011, ERT and SASOD engaged in the completion of the project baseline study, to serve as a basis for focusing project activities. In the last week of May 2011 ERT delivered two workshops, facilitated by a number of Caribbean co-trainers. The workshops provided an introduction to human rights law, an introduction to the key concepts in equality and non-discrimination law, an overview of the Bill of Rights in the Guyanese Constitution and an overview of Guyanese law on equality and non-discrimination. The training participants represented a range of groups vulnerable to discrimination, including women, LGBTI persons, persons with disability and

persons living with HIV and AIDS, together with a number of other interested institutions and organisations. Many of the participants came from organisations involved in service provision for vulnerable groups and had little prior knowledge of law, advocacy or human rights. Efforts were made to customise ERT's standard training materials to ensure relevance for the participants.

On 30 May, SASOD convened a second roundtable under this project, bringing together 20 different organisations to discuss the establishment of a Guyanese Equality Forum. Participants agreed to establish the Forum, and made significant progress on agreeing a mission statement, leadership structure and action plan.

### **Discrimination and Torture in Nigeria**

This project, which started in the autumn of 2010, has as its objective to provide practical and legal assistance to victims of discriminatory torture in Nigeria. Since the start of the project, ERT and its partner in Nigeria, the Legal Defence and Assistance Project (LEDAP), have delivered direct legal assistance to 20 victims of torture arising from discrimination.

From January 2011, ERT began implementing a new cycle of the project, aimed at providing direct assistance to 25 victims of torture in Nigeria (in partnership with LEDAP). Under this cycle, ERT reviewed 15 new cases identified by LEDAP. LEDAP commenced court proceedings in most of these cases and also provided medical, psychological and social assistance to the victims who were in need of such services. In addition to this, continued legal assistance was provided to eight victims of torture who had been provided with assistance under the previous cycle.

## Indonesia: Empowering Civil Society to Use Non-discrimination Law to Combat Religious Discrimination and Promote Religious Freedom

The overall objective of this project, which started on 1 November 2010, is to empower civil society in Indonesia to use non-discrimination law in combating religious discrimination and promoting religious freedom. ERT works with two Indonesian partners.

In February 2011 ERT visited Indonesia to coordinate activities with the project partners. ERT also met and interviewed representatives of two minority religious groups, the Ahmaddiya and the HKBP Christian minority, and participated in a delegation to the National Human Rights Commission (Komnas HAM). ERT and its partners have prepared a baseline study which has been instrumental in conducting three training workshops in June 2011. The workshops provided an introduction to equality law, and examined the intersection between the right to non-discrimination and the right to freedom of thought, conscience and belief, and had a focus on religious discrimination. The workshops were targeted at lawyers and paralegals from local legal aid institutes. The training participants included a large number of representatives from the Indonesian Legal Aid Foundation's (YLBHI – one of ERT's partners) network of local offices across Indonesia, together with staff from leading human rights organisations and some representatives of religious minority groups. Feedback from participants was good and evaluation forms indicated a clear increase in capacity to understand and apply the rights to equality and non-discrimination in documentation, litigation and advocacy.

While in Indonesia, ERT took part in a press conference to publicise the conviction of two

members of the Baha'i community for offences related to proselytising. At the press conference – which was also attended by members of the Indonesian Human Rights



ERT Legal Director Paola Uccellari (third from left) and ERT Advocacy and Communications Officer Jim Fitzgerald (third from right) with staff from YLBHI and ELSAM during training workshops, Bogor, Indonesia, June 2011.

Photo credit: The Equal Rights Trust

Commission and the Special Representative of the Baha'i to the United Nations – ERT expressed its concerns that the state may have failed in its duty to respect and protect the right to non-discrimination on grounds of religion of the individuals concerned.

YLBHI has selected five of its local legal aid offices to receive sub-grants to undertake field research on patterns of discrimination identified through the desk-based research for the baseline study. The second project partner, the Institute for Policy Research and Advocacy (ELSAM) is in the process of undertaking further desk research to supplement work done for the baseline study, and is liaising with YLBHI to ensure that sub-grantee research is properly directed.

## Belarus: Empowering Civil Society in Belarus to Combat Discrimination and Promote Equality

This project started in December 2010. Its objectives are to improve knowledge of discrimination law among NGOs in Belarus to enable them to monitor and report on dis-

crimination and to bring discrimination cases to courts; and to create a coalition of NGOs with a joint advocacy platform on issues of discrimination. ERT works with an informal partner based in Minsk – the Belarusian Helsinki Committee.

Photo credit: The Equal Rights Trust



ERT Legal Director Paola Uccellari (centre) delivering training workshop on equality and non-discrimination law in Minsk, June 2011.

In February 2011, ERT travelled to Minsk for the launch of the project activities. Since February, the partners have been working on a study to provide an accurate picture of NGOs and lawyers' needs, and a workshop on equality law was conducted by ERT in Minsk in June 2011. The training programme was divided into two days, with Day One providing an introduction to basic concepts and overarching principles of equality law, and Day Two consisting of an analysis of the Belarusian context and discussions around advocacy priorities and strategies. In the subsequent months, the work is focusing on documentation of cases of discrimination as well as selection of cases for legal action.

### **Jordan: Addressing Discrimination and Violence against Women in Jordan**

The objective of this project, which started in January 2011, is to contribute to the protec-

tion of women from all forms of discrimination in Jordan at the societal and legal level. ERT is implementing this project in Jordan as a partner to Mizan, a Jordanian organisation which is one of the most prominent and active human rights and legal defence NGOs in the Middle East. In February and March, ERT worked in Amman with the partner, and gave a talk to the lawyers' network of Mizan on strategic litigation. ERT also met with the Dean of the Law Faculty of the Middle East University, Professor Mohammad Alwan, who is coordinating the project's study on gender discrimination. In April ERT prepared detailed guidelines for the study and send them to the partner to guide their research and drafting.

### **Croatia: Empowering Civil Society through Training and Establishing a Croatian Equality Forum**

Work on this project began in May 2011. The project envisages the provision of training on equality and non-discrimination law, production of a toolkit on equality and non-discrimination law for Croatian CSOs and legal professionals, and the establishment of a Croatian Equality Forum bringing together a minimum of 30 civil society organisations working on issues related to equality and non-discrimination law. ERT will visit Croatia in August 2011 to undertake discussions with the project partners, the Croatian Law Centre and Association for Protection of Human Rights and Citizen's Freedoms (HOMO). The partners are currently working on a needs assessment study which will be the basis of future training and other capacity building work.