

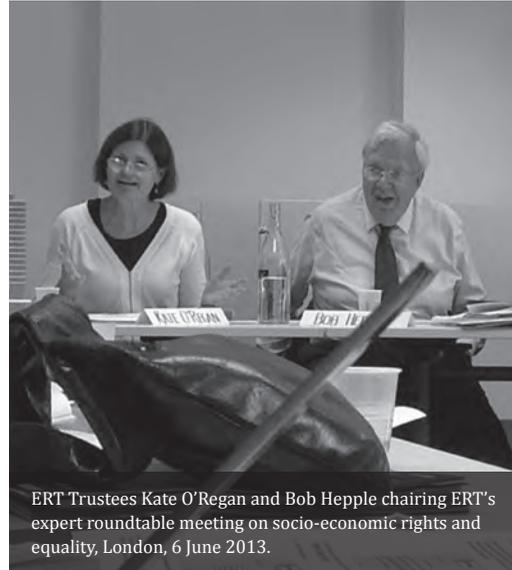
# Update on Current ERT Projects

## I. Thematic Projects

### *Applying Equality and Non-discrimination Law to Advance Socio-Economic Rights*

This thematic project started on 1 July 2011 and is aimed at building strategies of better enforcement of economic and social rights through drawing and communicating lessons from a global review of jurisprudence which has used equality and non-discrimination law to advance the realisation of social and economic rights.

On 6 June 2013, ERT convened an expert roundtable in London in conjunction with University College London Institute for Human Rights. The roundtable was attended by



ERT Trustees Kate O'Regan and Bob Hepple chairing ERT's expert roundtable meeting on socio-economic rights and equality, London, 6 June 2013.

Photo credit: ERT



Distinguished panellists discuss "Poverty and Rights: Can and Should the Law Promote Socio-economic Equality?" at ERT's public event, London, 6 June 2013.

Photo credit: ERT



Participants at international expert roundtable meeting discussing ERT's draft report on socio-economic rights and equality, London, 6 June 2013.

Photo credit: ERT

24 international experts in equality and socio-economic rights. The experts discussed and commented on ERT's draft project report, completed in May 2013. On the evening of 6 June 2013, ERT then hosted a public panel discussion to raise awareness of the topic. It was entitled "Poverty and Rights: Can and Should the Law Promote Socio-economic Equality?" and was moderated by ERT's Chair, Bob Hepple. The discussion was attended by roughly 150 people and was made widely available as a podcast online. Since June 2013, ERT has updated the draft report and continues to work towards its finalisation and publication.

***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 (Hu-

man Rights Law Network – HRLN) and Nigeria (Legal Defence and Assistance Project – LEDAP). Its objectives include the development of legal and policy guidelines on the prevention and remedy of torture and ill-treatment of persons with disabilities, based on documentation of abuses and test litigation, as well as capacity building related to the intersection of disability rights and non-torture rights.

Since March 2013, ERT's key activities under this project have been twofold. Firstly, it has continued to finalise the *Resource Packs on Disability and Torture* for both India and Nigeria, based on the outcome of its consultations with key stakeholders in conjunction with HRLN and LEDAP. These Resource Packs describe patterns of torture and ill-treatment of persons with disabilities identified in the course of field research in the two countries; present legal research and analysis, bringing together

relevant international, regional and domestic law and jurisprudence on disability and torture; and make recommendations for change.

Secondly, the strategic litigation component of the project continues to progress. The project is supporting 10 legal cases which are currently before the courts in India. It also supports 13 cases which, with ERT's assistance, have been filed before the Nigerian courts. Amongst other positive developments, the New Delhi High Court has ordered in one case that guidelines provided to mental health institutions for the care of patients be amended in accordance with our client's suggestions so as to help prevent future cases of ill-treatment of patients.

### ***Empowering Human Rights Defenders in Central Asia to Combat Discrimination on the Basis of Ethnicity and Religion***

This project started in January 2013, in partnership with two NGOs based in Central Asia, and the participation of further local activists and experts. Its purpose is to address ethnic and religious discrimination in some Central Asian countries, and publish studies on the subject.

Following ERT's visit to the region in February 2013, work has been undertaken to research the main patterns of discrimination, the legislative and policy framework related to equality and non-discrimination, and the capacity of civil society in each of the project's target countries. In addition, ERT established an Advisory Committee of experts working on the region to inform and guide work on this project. The Committee held a strategic consultation on 30 August 2013.

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

The project has the following objectives: strengthening human rights protection standards for stateless persons, with a focus on detention; strengthening capacity and awareness on statelessness at an international level; developing networks on statelessness and encouraging greater civil society activity on statelessness; and carrying out advocacy on statelessness at international and regional levels.

In the period March–September 2013, ERT carried out advocacy in cooperation with other organisations, including as a member of the *Asia Pacific Refugee Rights Network* (APRRN) and of its Working Group on Statelessness, the *International Detention Coalition* (IDC), and the European Network on Statelessness (ENS). ERT's *Guidelines to Protect Stateless Persons from Arbitrary Detention*, published in July 2012, continued to be used as a resource by civil society organisations around the world. The *Guidelines* have been used for training purposes in Bangkok, Belgrade, Budapest, Geneva, Kuala Lumpur, and London. ERT has also been able to utilise its *Guidelines* to influence the development of other standards related to detention. For example, the Bingham Centre for the Rule of Law of the British Institute of International and Comparative Law is in the process of drafting and publishing its *Safeguarding Principles on Immigration Detention*. ERT was involved in the process as an expert reviewer, and as a result of ERT's input, the Bingham Centre has added a Principle on Equality. ERT was also able to positively influence the content and drafting of many of the other Principles.

At the annual UNHCR NGO Consultations in June 2013 in Geneva, ERT's *Guidelines* were

promoted at the immigration detention session as well as at meetings with UNHCR, OHCHR, NGOs and other key actors. As NGO Focal Point on statelessness at the Consultations, ERT co-organised and presented at the statelessness session. The session was well attended and there was a visible increase in momentum and engagement on the issue. ERT also attended a retreat organised by UNHCR for organisations working on statelessness related issues prior to the Consultations.

In April 2013, ERT delivered training on statelessness and human rights to ENS associate members in the Western Balkans region. In June, ERT organised and contributed to the ENS side meeting at the UNHCR NGO Consultations in Geneva, and also attended ENS meetings with UNHCR, OHCHR, permanent missions in Geneva and NGOs.

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

This project started in March 2011. It aims to strengthen human rights protection for stateless Rohingya through targeted research and advocacy activities. The project envisages research in six countries (Bangladesh, Indonesia, Malaysia, Myanmar, Saudi Arabia and Thailand) followed by advocacy at national level (Bangladesh, Malaysia and Thailand), regional level (ASEAN and OIC) and the international level.

The project has five objectives. (1) To increase understanding of the scope of discrimination, vulnerability and abuse suffered by stateless Rohingya in Bangladesh, Malaysia, Myanmar, Saudi Arabia, as well as additional countries including China, India, Indonesia, Pakistan and Thailand; and to increase awareness on international, regional and national norms pertaining to the rights

of the stateless in order to lobby for and afford greater protection for the stateless Rohingya; (2) To encourage NGOs, civil society organisations, lawyers' forums and other such groups to prioritise the Rohingya issue in their work; (3) To improve the quality of life of all stateless Rohingya in the region including Rohingya women, children and the disabled through strategic activities aimed at addressing the human rights concerns faced by stateless Rohingya; (4) To pursue change at a structural level to strengthen protection for Rohingya in the ASEAN region and also in specific target countries; (5) To increase visibility of the Rohingya issue internationally, through engaging with the UNHCR, UN Treaty Bodies, Special rapporteurs, and the international community.

During the period since March 2013, field research in six countries was completed. Following discussion of draft reports at a workshop held at Mahidol University Thailand on 16-17 February 2013, second drafts of reports were prepared by July-August 2013 and the ERT team is currently working on finalising them.

ERT was instrumental in establishing the Rohingya Advocacy group in the UK – a loose network of organisations including Refugees International, Human Rights Watch, Christian Solidarity Worldwide, Burma Campaign UK and Amnesty International which share information and advocacy opportunities with each other. In June 2013, ERT spoke at events on the Rohingya issue including at the University of Essex, and at a televised panel discussion aired on the Islam Channel.

In June 2013, ERT attended the UNHCR NGO Consultations in Geneva, and used this opportunity to carry out awareness raising and advocacy activities on the Rohingya issue. For

this purpose, ERT worked in close partnership with Refugees International, The Arakan Project and Burmese Rohingya Organisation UK. Highlights included the successful hosting of a side-meeting on the Rohingya attended by over 80 persons; a briefing of Permanent Missions attended by representatives of the Canadian, German, Japanese, New Zealand, Swedish, UK, and USA embassies; meetings with the OHCHR and the UNHCR.

In June 2013, ERT drafted a joint civil society statement on the Rohingya issue that was endorsed by 76 organisations. The statement was publicly issued and sent to the Myanmar president as well as Myanmar ambassadors in more than 15 countries. It was also sent to relevant UN Agencies and bodies including UNHCR, OHCHR, OCHA, special mandate holders and treaty bodies. Additionally, the statement was submitted to key governments and regional bodies including the EU and OIC. The statement was translated into Burmese, French, and Bosnian by endorsing organisations.

In July 2013, ERT attended a High Level Roundtable Discussion on peace building in Myanmar. The Roundtable, organised by the Overseas Development Institute (ODI) brought together high level participants from London, Geneva, Myanmar, Thailand and India. Participants included representatives of the UK and Turkish governments, senior UNHCR, OHCHR, UNDP and OCHA personnel, representatives of key human rights and humanitarian NGOs and academics.

## II. Country Projects

### ***Azerbaijan: Developing Civil Society Capacity for Preventing Discriminatory Torture and Ill-treatment***

This project began in November 2011 in partnership with Women's Organisation Tomris

based in Ganja, Azerbaijan's second city. It sought to increase the capacity of civil society organisations (CSOs) and other professionals to understand and apply anti-discrimination and human rights law in challenging discriminatory torture and ill-treatment; create an institutional framework for civil society dialogue and advocacy on issues relating to discriminatory torture and ill-treatment through establishing CSO Forums; and increase awareness and understanding among CSOs and other key stakeholders of the link between discrimination and the occurrence of torture and ill-treatment in Azerbaijan. The project featured training workshops in three major cities in Azerbaijan (Baku, Ganja and Kurdemir), the publication of a report on discriminatory torture and ill-treatment in Azerbaijan, the establishment of a CSO Forum, and an advocacy campaign.

This project secured the participation of a large number of CSOs representing a range of groups exposed to discrimination in three regional CSO Forums focused on discriminatory torture and ill-treatment – in Baku, Ganja and Guba, representing the Eastern, Western and Northern/Central regions respectively. Throughout May 2013, the final round of Forum meetings took place in the regional hubs, with a focus on advocacy and awareness-raising in each of the local communities. To this end, alongside each Forum meeting, members hosted an "open door" event where members of the public were able to share their experiences of discrimination and seek advice from social and legal experts. These events proved popular with the local communities and a successful form of outreach.

On 27 May 2013, following the completion of the series of regional Forums, delegates from each region attended a National Forum event in Baku, tying together the work

undertaken by the regional forums over the life of the project, and identifying priorities for future national advocacy. ERT participated in the National Forum, presenting on the unified perspective on equality, the nexus between discrimination and torture and ill-treatment, and relevant international standards on discriminatory torture and ill-treatment. The event was well attended by both civil society stakeholders and governmental representatives.

***Belarus 1: Empowering Civil Society in Belarus to Combat Discrimination and Promote Equality***

This project started in December 2010. Its objectives are to improve knowledge of anti-discrimination law among NGOs in Belarus to enable them to monitor and report on discrimination and to bring discrimination cases to courts; and to create a coalition of NGOs with a joint advocacy platform on issues of discrimination. ERT worked with a partner based in Minsk, the Belarusian Helsinki Committee (BHC). The results of the project included: increased knowledge of anti-discrimination law concepts among NGOs in Belarus, expressed in high quality monitoring and reporting on discrimination; better familiarity with anti-discrimination law among lawyers in Belarus, applied in pilot strategic litigation on discrimination issues; development of an agreed joint advocacy strategy to address deficiencies in Belarusian equality legislation and policies; raised awareness of equality and non-discrimination issues among Belarusian civil society and sections of the public.

The final activity of the project, a comprehensive report on discrimination and inequality in Belarus, was completed in August 2013. A translation of the Russian draft into English

is currently underway, with publication expected later in 2013.

***Belarus 2: Empowering Civil Society to Advocate Collaboratively the Adoption of Anti-discrimination Legislation***

This project began in April 2012, in informal partnership with the Belarusian Helsinki Committee. The project aims to build on the achievements of Belarus 1 by providing training on the development of advocacy campaigns and engaging in international advocacy on equality issues for CSOs; establishing a National Equality Forum; developing and implementing a strategic paper and action plan for the National Equality Forum; creating an online equality forum; supporting international advocacy actions by Forum members; and generating new evidence of discrimination through documentation and research.

On 13 March 2013, a meeting of the core group of the National Equality Forum (NEF), established under this project in November 2012, was held in Minsk. This meeting focused on coordination of documentation and research, including identifying areas for targeted research and refining the methodology to be adopted. This meeting also featured sessions for the development and structure of the online equality forum, and discussion of opportunities for collaboration with other organisations and initiatives.

Monitoring of incidents and patterns of discrimination has been ongoing since early 2013 and continues to date. Researchers trained and supported by ERT are in the process of documenting discrimination on grounds of religion, disability, gender, sexual orientation and gender identity, nationality and ethnicity, and age, in areas such as education, the media and the provi-

sion of goods and services in the public and private sectors.

***Bosnia and Herzegovina: Developing Civil Society Capacity to Combat Discrimination and Inequality in Bosnia and Herzegovina***

This project began in December 2011 with two partner NGOs, the Helsinki Committee for Human Rights (HCHR) based in Sarajevo and the Centre for Informative and Legal Aid (CIPP) based in Zvornik. The project seeks to increase the capacity of CSOs and other professionals to understand and apply anti-discrimination and human rights law in challenging discrimination and inequality; create an institutional framework for civil society dialogue and advocacy on issues relating to discrimination and inequality through establishing an Equality Forum; enhance and strengthen the implementation of the new anti-discrimination law in Bosnia and Herzegovina (BiH) through training, advocacy and strategic litigation; and positively influence social attitudes towards minority groups and those vulnerable to discrimination including ethnic and religious minorities, women, LGBT persons, persons with disabilities and returnees.

Following two training workshops for civil society organisations in August 2012, a third workshop, aimed at members of the judiciary and public prosecutors, took place in early April 2013. It was attended by 22 members of the judiciary and government ministries, together with several independent lawyers. Over the course of two days, the workshop focused on the procedural aspects of equality law, in particular evidence and proof in discrimination proceedings. It also covered substantive aspects of equality law: definitions, scope, rights-holders and obligations. The workshop was positively evaluated both by the participants and an

observer from the European Union Delegation to Bosnia and Herzegovina.

CIPP and HCHR, together with members of the Equality Forum, held the second of two stakeholder roundtable events in April 2013 in Sarajevo. The meeting was attended by 23 people from 20 government departments and agencies, including the Ministry of Justice. Also in April, following sustained advocacy by the project partners and the Equality Forum, the Government of Bosnia and Herzegovina adopted a Regulation concerning methods for data collection on cases of discrimination in Bosnia and Herzegovina. The Government was required to introduce such a regulation by the Law on Prevention of Discrimination which came into force in 2009, but had failed to take any action for over four years.

Also in April ERT conducted a training workshop in Sarajevo on advanced equality law for approximately 20 members of the judiciary and certain law enforcement agencies.

On 10 July 2013, the Equality Forum of Bosnia and Herzegovina held its seventh and final meeting under the project. The Forum, which was launched in May 2012, now has a membership of over 50 organisations, including members from both the Federation of Bosnia and Herzegovina and Republika Srpska. The seventh meeting discussed and agreed a plan for the continuation of the Forum after the end of the project and future advocacy priorities, including on the implementation of the *Sejdić and Finci v Bosnia and Herzegovina* decision.

ERT has also made good progress towards completion of a country report on Bosnia and Herzegovina. At the end of June 2013, ERT and its two local partners launched a consultation on the draft country report on Bosnia

and Herzegovina, which had been completed in May 2013. The report was distributed to more than 50 civil society organisations, the Ministry of Human Rights, the Ministry of Justice, the Human Rights Ombudsmen and the National Legal Institute, with a request for comments and feedback. Recipients of the report were then invited to participate in a consultation meeting as part of the Equality Forum meeting on 10 July 2013. The meeting was well-attended by both civil society and government representatives, and a number of additions and modifications were proposed to improve the report.

In respect of the project's strategic litigation activity, three of four planned cases were developed and filed in June and July 2013.

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

This project is implemented with two partners, the Croatian Law Centre (CLC) and the Association for Protection of Human Rights

and Citizens' Freedoms (HOMO). The project's objectives are to increase the capacity of stakeholders to improve the implementation and application of anti-discrimination law and policy; create an institutional framework for civil society debate on equality and diversity issues through establishing the Croatian Equality Forum (CEF); and increase the communication and coordination of work agendas between CSOs working on different equality issues and key Croatian decision-makers in the field of anti-discrimination.

The CEF established under the project held its first three public meetings in the first half of 2013. All three meetings focused on supporting CSOs to participate in the Regulatory Impact Assessment (RIA) process established by the Croatian Government, and to use this process as a means to ensure that equality considerations were taken into account when new or revised legislation is reviewed. On 9 May 2013, ERT's partners held the first CEF meeting, in the form of training workshop, organised in collaboration with the Legislative Office of the Government of



Participants at a Croatian Equality Forum meeting, Zagreb, July 2013.

Photo credit: HPC



Milanka Opačić, Croatian Deputy Prime Minister and Minister of Social Policy and Youth, interviewed by the media after her participation at a meeting of the Croatian Equality Forum, Zagreb, July 2013.

Photo credit: HPC

the Republic of Croatia. The goal of the training was to inform CSOs on how to engage in legislative reform through the RIA process, and to ensure that CSOs were informed on how to comply with the formal requirements of the RIA process. The second CEF public meeting was held on 28 May 2013, and focused on proposed revisions to the Family Act under the RIA process. Over 40 civil society organisations used the meeting to make representations to the Minister of Social Policy and Youth, the Office of the Ombudsman, various specialist Ombudspersons and representatives of the judiciary who participated in the meeting. A third meeting was held on 8 July 2013, and focused on the introduction of an equality impact assessment into the RIA process. At the meeting, ERT made a presentation on best practices in equality impact assessment to a group of CSOs and government officials involved in the RIA process.

Also at the meeting on 8 July 2013, ERT and its two partners launched a *Toolkit on Anti-discrimination Law* which had been pro-

duced through the project, for use by Croatian lawyers wishing to bring cases under the Croatian Equality Act and by civil society actors wishing to advocate for improvements to laws and policies. The *Toolkit* contains information about international and European standards on anti-discrimination law; the Croatian legal and policy framework on discrimination and equality; litigation techniques and procedures; influencing decision-makers to reform laws and policies on discrimination; and advocacy for progressive change in anti-discrimination standards in Croatia.

### ***Guyana 1: Empowering Civil Society to Challenge Homophobic Laws and Discrimination against LGBTI Persons***

This project, which started in 2010, is implemented in partnership with the Society Against Sexual Orientation Discrimination (SASOD), an LGBTI-rights organisation based in Georgetown, Guyana. The project's objectives are to build the capacity of civil society to challenge discrimination against LG-

BTI 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. The project involves a number of activities, including training for civil society organisations, the establishment of a Guyana Equality Forum and the development of a comprehensive report on discrimination and inequality in Guyana.

Since March 2013, ERT has continued to work to develop the draft report on addressing discrimination and inequality in Guyana, undertaking additional research and taking account of feedback received during the consultation process and recent developments in law and policy in the country.

***Guyana 2: Empowering Civil Society to Address Societal Prejudice and Undertake Advocacy on Discrimination against LGBTI Persons***

This second project on Guyana started in October 2011 in partnership with SASOD, building on the Guyana 1 project. The two projects were closely interconnected: the second, focusing on media, political and international advocacy, grew out from the first, which focused on the development of basic capacities and tools for advocacy. The two principal aims of this project were to increase awareness of discrimination and inequality in Guyana, with a particular focus on tackling stigma and prejudice against LGBTI persons; and to strengthen government commitment to legal reform on equality and non-discrimination. ERT and SASOD were highly successful in both respects, strengthening the position of the LGBTI movement in the process.

Throughout 2013, SASOD continued to implement the advocacy strategy developed

in the latter half of 2012, which included a particular focus on intersectional discrimination and the presentation of discrimination against LGBTI persons in the context of other patterns of discrimination prevailing in Guyana. In January and February, SASOD focused its work on discrimination affecting women, with a particular focus on lesbian, bi-sexual and transgender women. In order to strengthen its advocacy in this area, SASOD partnered with leading women's rights organisations Red Thread and Help and Shelter in their advocacy around the "1 Billion Rising" day of action on 14 February 2013 and International Women's Day on 8 March 2013. On 26 March 2013, SASOD met with the Women and Gender Equality Commission in order to raise its concerns about the treatment of LBT women in Guyana, receiving a favourable response to its proposals. On 4 April 2013, SASOD convened a public forum in Georgetown, entitled "Gender Equality and Sexual Rights in Guyana". Four other organisations, all members of the Guyana Equality Forum established under the first ERT-SASOD project, co-convened the event with SASOD. The forum was a success, attracting significant media attention and a good public attendance.

Alongside these activities, SASOD also continued its direct political and stakeholder advocacy activities focussed on discrimination against LGBTI persons, targeting various government ministers and officials, and religious leaders. In this respect, SASOD met with representatives of the government and opposition parties, and engaged key Christian and Hindu leaders. ERT supported SASOD to develop a public advertising campaign. SASOD developed a series of public radio advertisements highlighting issues of discrimination to air on national radio stations. Developed in partnership with a Guyanese NGO specialising in public communication,

the advertisements aimed to address stigma and prejudice based on traditional perceptions of gender roles in Guyanese society.

### ***Guyana 3: Combating Discrimination through Advocacy and Strategic Litigation in Guyana***

This third project on Guyana formally commenced in January 2013, overlapping with the final phase of ERT's second Guyana project. It is being implemented in partnership with SASOD and the Justice Institute of Guyana. The project aims to address two major problems identified through ERT's research in Guyana: the failure of implementation and enforcement of laws which provide protections from discrimination; and the stark difference between the legal rights of LGBTI persons and all other persons.

Since April 2013, SASOD has completed a number of advocacy and awareness-raising activities. On 18 May 2013, the Guyana Equality Forum, established in 2011 under the first project undertaken by ERT and SASOD, marked International Day Against Homophobia and Transphobia (IDAHO) by painting a mural on the seafront. On 24 June 2013, SASOD held a press conference and public event to mark the 10<sup>th</sup> anniversary of its foundation. In addition to public and media advocacy, SASOD has continued to engage with the consultation on the repeal of laws criminalising same-sex intimacy between men. Following pressure from SASOD and other Forum members, the Government of Guyana has now established a select committee to consult on these laws, honouring a commitment made at the last Universal Periodic Review, and SASOD has sought to cooperate with the committee.

In July 2013, ERT met with SASOD in London to discuss the development of an advocacy strategy which sets out a detailed plan

of action for a year-long advocacy campaign, building on that undertaken under the previous project. The plan combines public-awareness-raising activities with direct engagement with decision-makers to build support for legislative reform to decriminalise same-sex sexual activity and prohibit discrimination on grounds of sexual orientation and gender identity.

In the first quarter of 2013, ERT undertook discussions with the Justice Institute of Guyana on the planning for a judicial colloquium which will be held in 2014.

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

This project, which aims to build the capacity of Indonesian civil society to use the right to non-discrimination to combat religious discrimination and promote religious freedom, started in November 2010, in partnership with two of Indonesia's leading human rights organisations, the Indonesian Legal Aid Foundation (YLBHI) and the Institute for Policy Research and Advocacy (ELSAM). It involved a range of activities including training, documentation, production of a report on discrimination and inequality in Indonesia with a focus on religion-based discrimination, and the development of advocacy strategies.

Since March 2013, ERT has continued to work to develop a report on religious discrimination in Indonesia, in particular expanding the report's focus to examine issues of multiple discrimination and the role of religion in perpetuating discrimination against women, disabled people and other groups. All other project activities were completed by April 2013.

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

The objective of this project, which started in January 2011 and was completed in June 2013, was to contribute to the protection of women from all forms of discrimination in Jordan at the societal and legal level. ERT implemented this project in Jordan as a partner to Mizan, an Amman-based organisation which is one of the most prominent and active human rights and legal defence NGOs in the Middle East.

In early 2013, Mizan published a report on discrimination in Jordan to which ERT contributed, mainly through providing detailed feedback to drafts and by contributing two papers to be incorporated in the report. The first, “Guidelines for the Development of Comprehensive Anti-discrimination Law”, sought to provide a best practice guide, based on the Declaration of Principles on Equality, to the content of anti-discrimination legislation. The paper contained sections on the treatment of grounds; the different forms of prohibited conduct; material scope; exceptions; enforcement; access to justice; remedies and sanctions; positive action; and positive duties. On each of these issues, the paper set out and explained the relevant principle from the Declaration of Principles on Equality and the relevant international obligations and standards, together with draft provisions which might act as a starting point for the development of legislation.

The second paper, “Global Overview of Equality Laws”, provided an introduction to the right to non-discrimination in international law, and the status of the obligation to enact equality legislation. The paper defined and elaborated six different categories of state compliance with the obligation to enact comprehensive equality law, and provided

selected examples of states which fall within each category.

### ***Kenya 4: Improving Access to Justice for Victims of Gender Discrimination***

This 4.5 year-long project is implemented in partnership with the Federation of Women Lawyers – Kenya (FIDA), having started in April 2011. It aims to increase access to justice for women and girls in Kenya who experience discrimination which contributes to or creates poverty. The project’s central activity involves the establishment of community-based legal advice services (referred to as Legal Assistance Scheme Partnerships), situated within existing Community Based Organisations (CBOs). This is to be achieved through a combination of training, production of a handbook, ongoing support and advice and financial support to the CBOs and the lawyers with whom they work on the project.

ERT and FIDA completed a five-day training workshop for 59 CBOs in April 2013. The workshop was designed to both strengthen CBOs’ knowledge of relevant concepts in anti-discrimination law and of Kenyan anti-discrimination laws, and to increase their understanding of how the legal assistance scheme should operate. As a result of lessons learned from the previous year, the workshop programme focused on practical application and role-play exercises designed to replicate real-life cases which the CBOs could expect to deal with under the project. The manual which had been developed for CBOs to use in implementing the project was well-received, with participants commenting positively on its relevance and usability. After the completion of the workshops, the manual was revised in line with CBO’s feedback, to ensure its usability.

Following completion of the training workshops, CBOs established and advertised the legal services which they are being supported to provide, and began receiving cases from women and girls who have been victims of gender-based violence, discrimination in respect of property, land or employment, and education. FIDA is reviewing these reports, providing feedback and support to the CBOs and considering further modifications to the manual, reporting forms and intake and referral process.

In August 2013, ERT visited Kenya to participate in the first round of start-up and monitoring visits with CBOs participating in the project. ERT and FIDA visited a total of eight CBOs across a number of counties in Kenya to ensure that they are working effectively and have the necessary resources and support in order to provide the legal services. ERT and FIDA also discussed the best way to deal with the first round of cases collected by CBOs. FIDA will continue the start-up visits throughout September 2013, visiting all participating CBOs before implementing any changes to the programme, the training manual or the support provided to CBOs which are necessary to ensure the scheme's successful operation.

### ***Kenya 5: Promoting Equality Inclusive of Sexual Orientation and Gender Identity***

This project, which commenced in April 2012, built on some of the work carried out under a previous project with similar objectives. The project has two objectives: to support civil society campaigning for the introduction of comprehensive substantive equality legislation and policies inclusive of sexual orientation and gender identity; and to establish a pilot legal service for LGBTI persons who complain of discrimination.

In the first months of 2013, ERT revived the consensus on the need for – and content of – comprehensive equality legislation inclusive of sexual orientation and gender identity, and facilitated the formation of a new coalition of civil society and state actors committed to the achievement of this objective in the current parliament. ERT also supported the establishment of a new LGBTI-rights organisation, the National Gay and Lesbian Human Rights Commission (NGLHRC) and helped it launch a legal assistance service for LGBTI victims of discrimination. As a consequence of this project's success in these two areas, civil society in Kenya is once again well situated to challenge discrimination against LGBTI persons, after a period in which a lack of focus at the political level and obstacles to effective civil society operations limited progress substantially.

In the final week of March 2013, ERT convened a one-day conference entitled "Legal Reform on Equality and Non-discrimination", in Nairobi, marking the culmination of the advocacy activities under the project. The conference was convened in partnership with the Kenyan Section of the International Commission of Jurists (ICJ) and the National Gender and Equality Commission (NGEC). The conference was a forum for discussion of the main recommendations in the ERT country report, *In the Spirit of Harambee: Addressing Discrimination and Inequality in Kenya*, which had been published a year earlier. The objective was to secure consensus among key stakeholders, including the NGEC itself and four other constitutional commissions with mandates concerning human rights and equality, on the need for legal reform on equality to be a major priority for the new parliament. The conference focused in particular on the need for comprehensive equality law, and the key principles which such



Senator Isaac Mwaura, national coordinator of the Albinism Society of Kenya and member of the Kenya Disability Parliamentary Caucus, speaks at ERT conference, Nairobi, March 2013.

Photo credit: ERT

legislation must adhere to, if Kenyan law is to be brought into line with the country's international obligations.

The conference was a great success. Five highly influential constitutional commissions – the NGEC, the Kenya National Human Rights Commission, the National Cohesion and Integration Commission, the Law Reform Commission and the Commission for the Implementation of the Constitution – all agreed to endorse the enactment of equality legislation in the current parliament. In addition to the five commissions, this objective was endorsed by a wide range of civil society organisations, including those working with and on behalf of LGBTI persons and other groups exposed to discrimination.

In the first quarter of 2013, ERT agreed a partnership with a new Kenyan NGO, the National Gay and Lesbian Human Rights Commission (NGLHRC). Under this partnership,

the NGLHRC is establishing a legal defence service for LGBTI victims of discrimination, thus meeting the second objective of this project. ERT's decision to form a partnership with NGLHRC was taken in response to serious problems affecting its original partner, the Gay and Lesbian Coalition of Kenya (GALCK), which forced it to cease operations in the second half of 2012. It is hoped that the partnership will enable the NGLHRC to become a key actor on LGBTI rights in Kenya, and to support an approach which unites the LGBTI community after the recent re-installment of GALCK.

***Solomon Islands 2: Empowering Civil Society to Promote Gender Equality and Reduce the Incidence of Gender Discrimination***

In this project, which began in April 2012, ERT works in partnership with the Secretariat of the Pacific Community Solomon Islands Country Office (SPC-SI) and the Secretariat

of the Pacific Community Regional Rights Resource Team (RRRT). ERT is responsible for training and report writing activities under this project.

At the beginning of 2013, ERT began researching and drafting a country report on discrimination and inequality in the Solomon Islands. In March, ERT completed a draft section on the legal and policy framework which provides an assessment of national laws relevant to the rights to equality and non-discrimination. The draft section has been distributed to legal experts identified by SPC-SI, in order to ensure that the text provides a comprehensive review of relevant laws. At the same time, ERT provided SPC-SI with guidance for documenting discrimination through interviews with victims and focus groups with affected communities, in order to expand the field research available for the part of the report on patterns of discrimination and inequality. ERT received feedback on both of these components of the report in August 2013 and is currently in the process of compiling the information into a single draft report.

### ***Sudan 1: Empowering Civil Society in Sudan to Combat Discrimination***

This project, implemented in partnership with the Sudanese Organisation for Research and Development (SORD), aims to build the capacity of Sudanese civil society organisations to advocate for improved protection from discrimination and for the promotion of equality, through training, support with documentation, publication of a country report and support with the development of an advocacy strategy.

While a report on discrimination and inequality in Sudan was produced within the project, ERT and SORD agreed that

the potential existed to produce a report of greater depth and breadth, and thus agreed to continue work towards this end. Work to produce this report has continued throughout 2013. In March 2013, ERT representatives travelled to Sudan, met with SORD and interviewed a wide range of stakeholders in order to verify the findings in the report and expand its focus. A revised and expanded version of the country report is currently in production.

### ***Sudan 2: Equality and Freedom of Opinion, Expression and Association***

This project was implemented in an informal partnership with the Journalists for Human Rights (JHR) network operating both inside Sudan and in third countries. The project aimed to support this highly vulnerable group of human rights defenders, and at the same time develop their understanding of the importance of the rights to equality and non-discrimination in responsible journalism, particularly in a conflict country like Sudan. The project came to an end in April 2013.

In late March 2013, ERT and the JHR held a fourth and final strategy development roundtable, with 25 leading members of the JHR in attendance. Over the course of four days this group discussed a long-term organisational strategy and advocacy strategy for the JHR. As a result, the JHR has now agreed its organisational strategy for the coming two years.

### ***Sudan 3: Equality and Freedom of Expression in Sudan and South Sudan***

This project began in November 2012, in informal partnership with Journalists for Human Rights (JHR). The project aims to build on the ERT's previous collaboration with the JHR, expanding the work to involve journal-

ists and human rights defenders from South Sudan as well. In addition to providing ongoing support to journalists working in the challenging media environment in both countries, and providing training on human rights and equality, the project aims to increase collaboration between those working in Sudan and South Sudan. In so doing, the project aims to make a contribution to tackling one of the most important human rights and security concerns between the two countries: the perpetuation of hate speech by the political leadership and media in Sudan and South Sudan.

Work in the first phase of the project was pursued in two strands. In Sudan, the JHR project team worked with the membership to finalise and start implementing the JHR's organisational and advocacy strategy agreed at a roundtable in March 2013 (see *Sudan 2* above). In April 2013, JHR representatives travelled to Banjul, Gambia to participate in a meeting of the African Commission on Human and People's Rights. They also took part in the NGO Forum, met with other organisations and consulted with a delegation from the National Human Rights Council. In May 2013, the JHR published a report on freedom of expression and human rights protection in Sudan during the past year. Throughout the period, the JHR continued to document and publicise abuses of freedom of expression, discrimination and other human rights violations.

In South Sudan, the JHR project team worked to establish networks with South Sudanese journalists and human rights defenders, and to develop consensus on the establishment of a South Sudan Journalists for Human Rights network. From February onwards, the JHR team consulted with key figures in the South Sudanese media and civil society, including owners, editors and managing direc-

tors of various newspapers, the Association for Media Development in South Sudan and the South Sudan Journalists' Union. These consultations led to the identification of a group of journalists and human rights defenders interested in participating in project activities. There was a strong interest in the establishment of a South Sudan Journalists for Human Rights (SSJHR) network. The Sudanese JHR also agreed that establishment of a partner network in South Sudan should be a key priority in its organisational strategy, given the need for coordinated action to protect journalists, particularly in conflict zones, and to challenge hate speech by politicians in both countries.

In late July, a group of 50 journalists (25 each from Sudan and South Sudan) participated in a five-day training workshop held in a third country for security reasons. The training programme covered monitoring and reporting on discrimination and other human rights abuses, journalistic ethics, techniques and best practice in conflict situations. The workshop was effective in equipping participants with the tools to ensure effective reporting on discrimination and other human rights abuses, to promote equality and non-discrimination and to recognise and challenge ethnic and religious hate speech. The workshop also provided an important opportunity to bring leading journalists from the two countries together, the first step towards improving cooperation between the media in these two states.

#### ***Sudan 4: Strengthening Civil Society Capacity to Combat Discrimination in Sudan***

This project began in July 2013, and aims to create the foundations for sustained civil society and media advocacy on issues of discrimination in Sudan. Over the course of the project, ERT aims to: produce the first ever

comprehensive report on discrimination and inequality in Sudan, containing analysis of all major patterns of discrimination and inequality, combined with an assessment of the legal and policy framework on equality and non-discrimination; engage key government departments and agencies, the National Human Rights Commission and civil society stakeholders on the report's findings and recommendations, in order to maximise the impact on government policy; publicise this report in the national, regional and international media; and complete advocacy actions at the international, regional and national levels.

Throughout August and September, ERT continued to research and draft the comprehensive report on equality and non-discrimination in Sudan, building on the work completed during the Sudan 1 project. In addition, ERT commenced the international and regional advocacy activities, by preparing and submitting a List of Issues for consideration by the UN Human Rights Committee, examining Sudan's compliance with its obligations under Articles 2(1) and 26 of the International Covenant on Civil and Political Rights.

***Turkey: Empowering Civil Society to Challenge Discrimination against LGBTI Persons in the Aegean and Marmara Regions of Turkey***

This project began in January 2012 and is implemented in partnership with a Turkish LGBTI rights organisation based in Izmir, the Black Pink Triangle (SPU). It seeks to address the lack of capacity among CSOs in two of Turkey's regions to challenge discrimination against LGBTI persons and to advocate for improved legal protection from discrimination, including on grounds of sexual orientation and gender identity, through improving

documentation of all types of discrimination, increasing knowledge of anti-discrimination law and concepts among CSOs; creating CSO expertise in documenting cases of discrimination in the target regions; and cooperation between CSOs in the target regions through the creation of a Regional Equality Forum.

Earlier in the project, a Regional Equality Forum was established as a body bringing together civil society groups from across the two project regions to collectively advocate for improved protection from discrimination on all grounds, inclusive of sexual orientation and gender identity. The final Forum meeting took place in late July 2013. The Forum had a significant impact in improving communication, coordination and cooperation between regional CSOs on the issue of discrimination and inequality.

Throughout 2013, field research on discrimination in the project region has continued. ERT provided written guidance on research methodology, outcomes and documentation of cases. Participating organisations were tasked with undertaking interviews and focus groups with a number of victims of discrimination on different grounds, but maintaining the project's focus on discrimination against LGBTI persons within the project region.

***Ukraine: Empowering Civil Society to Challenge Discrimination against LGBTI Persons in Ukraine***

This project, which commenced in November 2012, is implemented in partnership with an LGBTI organisation, Nash Mir, based in Kiev. The project involves the delivery of training to civil society organisations, support to the Coalition on Combating Discrimination, and the development of a report on discrimination and inequality in Ukraine.



ERT's Richard Wingfield and Jim Fitzgerald (3 and 4 from left, back row) at a roundtable with the Coalition on Combating Discrimination and other stakeholders, Kiev, April 2013.

In April 2013, a Baseline Study for the project was completed, providing an overview of the main patterns of discrimination and inequality in Ukraine, and the legislative and policy framework on equality. Also in April 2013, ERT and Nash Mir co-convened a roundtable on combating discrimination in Ukraine, with the Coalition on Combating Discrimination. The event was attended by over 50 representatives of civil society organisations, the European Commission, the United Nations Development Programme, and embassies of a number of EU Member States, including the Netherlands and Finland. The roundtable was preceded by a media briefing to raise public awareness of the project and its activities.

In July and August 2013, ERT and Nash Mir began preparations for a series of training workshops for civil society organisations and lawyers on equality and anti-discrimina-

tion law and concepts which will take place in Kiev, Odessa, Kharkov and Dnipropetrovsk in September and October 2013.

### ***United Kingdom: Greater Protection for Stateless Persons***

ERT's key accomplishments under this project are twofold. First, ERT's advocacy on the issue of statelessness has contributed to the UK adopting a statelessness determination procedure in its immigration rules. The new procedure was introduced on 6 April 2013. ERT, in collaboration with Asylum Aid and Garden Court Chambers, has since successfully approached UNHCR for funding to conduct training on the new procedure once published. The training will target lawyers and civil society organisations throughout the UK. ERT continues to play a key role in raising the profile of the statelessness issue in the UK.