

Update on Current ERT Projects

Greater Human Rights Protection for Stateless Persons in Detention

The purpose of this project, which started in 2008 with funding from the Oak Foundation, was to contribute to strengthening the protection of the equal rights of stateless persons, particularly in the context of immigration, security and criminal detention. ERT has continued its advocacy through participation in working groups and discussion forums relating to the issue of statelessness. The European Network on Statelessness (ENS) was officially launched in early June 2012. ERT co-founded and has been an active Steering Committee member of the ENS. ENS is a network of non-governmental organisations, academic initiatives, and individual experts committed to addressing statelessness in Europe. ENS aims to reach its goals by conducting and supporting legal and policy development, awareness-raising and capacity building activities. Amal De Chickera, ERT's Head of Statelessness and

Nationality Projects, is the Chair of the "Law and Policy" pillar of ENS. ERT has also been involved in network and coalition building in other geographical areas, and is a member of both the Asia Pacific Refugee Rights Network (APRRN) and the International Detention Coalition (IDC).

Following the publication of ERT's Draft Guidelines on the Detention of Stateless Persons (the Draft Guidelines) and accompanying Commentary in Volume 7 of this journal, a consultation process took place in which the 7000+ recipients of the journal and over 100 experts in the complementary fields of human rights, equality, immigration, detention, refugees and statelessness were asked to provide their review and feedback. Additionally, the Draft Guidelines were disseminated through four specialist networks on refugees and asylum and detention, and through this process, they reached an additional 1000 persons working close to the



Amal De Chickera (far left) presenting the Guidelines

Photo credit: ERT

issue. The Draft Guidelines were widely acknowledged and welcomed as a timely and positive development, which could have a significant impact on existing law and policy. A further draft was then prepared, taking into account the feedback received during the consultation process, including from the UNHCR. This draft was circulated amongst a smaller group of experts and a roundtable discussion was held on 14 December.

The Guidelines to Protect Stateless Persons from Arbitrary Detention, and a Commentary to the Guidelines, authored by Amal De Chickera, were published in early July 2012. The Guidelines provide detailed guidance on how states should treat stateless persons in the context of immigration detention in order to comply with their obligations under international human rights law, in particular the rights to equality and non-discrimination and the right to be free from arbitrary deten-

tion. The Guidelines are intended both as an advocacy tool to influence policy change and as a practical tool to assist those representing stateless persons in detention. The Guidelines are now open for endorsement and have already been endorsed by key organisations and individuals.

ERT presented the Guidelines at the UNHCR NGO Consultations on 4 July 2012. They were well received and approximately 100 copies were distributed to participants at the Consultations. ERT received requests for large numbers of copies to be sent to organisations working in Africa, Asia, Australia and Europe. The Guidelines were formally launched on 18 July 2012 at an event at Garden Court Chambers in London. The launch event was chaired by Sir Bob Hepple (Chair of the ERT Board of Trustees). The speakers were the Rt. Hon. Lord Justice Sedley (former Judge of the Court of Appeal of England and



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Stefanie Grant and Bob Hepple at the launch of the Guidelines

Wales and Trustee of ERT), Roland Schilling (UNHCR Representative to the UK), Stefanie Grant (Senior Advisor to ERT's statelessness work), and Amal de Chickera. The event was well attended, and the Guidelines well received by an audience including legal professionals, civil society activists, and stateless persons.

A Special Issue on Statelessness of the European Journal of Migration and Law was published in August 2012. The Special Issue, co-edited by Amal De Chickera, contains articles by leading academics, activists and experts on statelessness in Europe, an interview with Thomas Hammarberg and ERT's Guidelines to Protect Stateless Persons from Arbitrary Detention. The five articles in the Special were written by Laura van Waas (University of Tilburg), Rene de Groot and Olivier Vonk (University of Maastricht), Mark Manly (UNHCR Statelessness Unit), Gabor Gyulai (Hungarian Helsinki Committee) and Claude Cahn (UN).

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) developing standards relating to the identification and detention of stateless persons through ERT's Guidelines to Protect Stateless Persons from Arbitrary Detention; (3) changing attitudes of civil society towards statelessness through trainings, networking and capacity building, including through ERT's UK training workshops, the establishment of the ENS and ERT's active participation in key NGO

networks including the Asia Pacific Refugee Rights network, the International Detention Coalition and the UK Detention Forum; (4) 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 (5) promoting statelessness as a human rights issue – ERT continues to raise human rights concerns with regard to the treatment of stateless persons at different international forums, including most recently, at the Universal Periodic Review of the United Kingdom.

The Unified Perspective on Equality, LGBTI Rights and Islam

In September 2009, ERT started work on a project funded by the Arcus Foundation on a study to show how the unified approach to equality benefits LGBTI rights. One aspect of this project is to explore the possibility for promoting LGBTI equality in countries with Islam. The work under this project will produce two published outputs: an article in a forthcoming book focusing on the use of equality and non-discrimination law in advancing LGBTI rights in countries of the Commonwealth, with a special reference to the decriminalisation of same sex conduct; and a study on LGBTI equality in countries with Islam, including secular states. The editorial process for both publications is ongoing.

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.

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

Launched in March 2010, this project involved the provision of training to civil society actors, lawyers and the judiciary on equality law, development of a report on discrimination in Malaysia, and the establishment of a Malaysian Equality Forum. ERT worked with Tenaganita, an NGO based in Kuala Lumpur. Under this project ERT pursued a number of activities including: research and publication, capacity building, training workshops and roundtable discussions.

Since December 2011, ERT has worked on the production of a country report on discrimination and inequality in Malaysia. The draft has been developed further with new research, reflecting fast-paced legislative and political developments of 2011-2012.

The impact of this project includes the successful establishment of a functioning national Equality Forum which provided an institutional framework for civil society dialogue on equality and discrimination issues in Malaysia; the increased understanding of 35 workshop participants of both international and domestic equality and non-discrimination law; an increased capacity to develop advocacy strategies through which their improved knowledge can be used to

seek improvements in domestic protections of the rights to equality and non-discrimination for all vulnerable groups within Malaysian society; and capturing the interest of key stakeholders and legal experts in Malaysia with regards to improving the protection and implementation of the rights to equality and non-discrimination in Malaysia.

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

This project, which started in April 2010, and in which ERT has been a partner to a Moldovan NGO – Promo-Lex – had two general objectives: (1) to contribute to strengthening legal protection from discriminatory ill-treatment; and (2) to raise awareness of stakeholders on discriminatory ill-treatment. ERT was responsible for certain aspects of the project related to building the capacity of local stakeholders on equality law issues.

A bilingual (Romanian-English) report on discriminatory ill-treatment in Moldova, to which ERT contributed, was published by Promo-Lex in March 2012. The report analyses the main patterns of discriminatory ill-treatment prevailing in Moldova and the relevant law, and illustrates the main issues with testimony of specific cases. ERT's contribution was a chapter on relevant international and regional legal standards on discriminatory ill-treatment, examined from the perspective of a number of grounds. In March 2012, ERT participated in a roundtable meeting to launch the report. In its presentation at the event, ERT discussed Moldova's international legal obligations in respect of discriminatory ill-treatment. Referring to the report's recommendations, ERT called for parliament



Photo credit: ERT

Launch event in Moldova, Jim Fitzgerald and Olga Manole

to adopt comprehensive anti-discrimination legislation and for the authorities to take steps to effectively implement the domestic legal framework on discriminatory ill-treatment. Government officials at the event, including the Director of Public Prosecutions, responded positively to the report and its recommendations, though the extent to which this will translate into action remains unclear.

This project has had a strong impact in Moldova, including in particular on the ongoing debates about the adoption of comprehensive anti-discrimination law and effective responses to discriminatory violence and ill-treatment. Over 70 legal practitioners, judges and civil society representatives have been introduced to the unitary framework on equality and its relationship to discriminatory ill-treatment in Moldova. Advocacy submissions made by ERT under the project directly improved the content of the Law on

Preventing and Combating Discrimination, enacted in May 2012. The publication of the report to which ERT contributed has made an important contribution to the understanding of the problems of discriminatory ill-treatment on various different grounds, and the recommendations developed in the report provide a strong basis for further civil society advocacy on this issue.

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 dozens of victims of torture arising from discrimination. Where necessary, LEDAP has arranged for the provision of medical, psychological and social support to those victims receiving legal sup-

port. The project has seen a number of significant court victories, with victims of discrimination successfully obtaining compensation and orders for investigation of the perpetrators.

Since the beginning of 2012, ERT and LEDAP have sought to identify further cases which can be supported through the project, with a view to providing support to an additional 19 victims of torture. It is intended that the project will support 10 legal cases on behalf of disabled victims of torture and ill-treatment, thus developing and supporting the work which ERT is undertaking with LEDAP under its Torture and Disability project (see below). The remaining cases will focus on providing support for cases which commenced in 2011, and which require further legal support to reach their conclusion.

Through providing support to individual torture victims and enabling them to pursue legal claims for torture against the Nigerian authorities, this project has secured redress for the individual victims, and will contribute to efforts to reduce impunity for discriminatory torture in the target countries, and strengthen the capacity of the project partners in this regard.

Sudan 1: Empowering Civil Society in Sudan to Combat Discrimination

This project, which started on 4 October 2010, is aimed at developing civil society capacity to combat discrimination through training, development and publication of a country report on discrimination, and establishment of a civil society coalition to undertake advocacy. It is being implemented by ERT in partnership with the Sudanese Organisation for Research and Development (SORD). The project is being implemented in the context of a rapidly-changing and dif-

ficult political and security environment, which has consistently affected the ability of SORD to operate freely.

At the end of January and in early February, SORD held two training workshops in Kassala and Khartoum. The workshops were delivered by consultants appointed by SORD who had taken part in a joint ERT-SORD train-the-trainer workshop which ERT convened in October 2011. The Kassala workshop targeted participants from NGOs and CBOs and other human rights defenders. Twenty-five persons attended in total, including 16 women; four of the participants were persons with disabilities. The Khartoum workshop targeted a number of NGOs and CBOs working within Khartoum state. Thirty persons attended in total, including twenty-two women; the group included four persons with disabilities. The workshops were well received and have helped SORD to continue its efforts to build the network of NGOs working on equality and non-discrimination issues in Sudan.

In March 2012, field researchers contracted and guided by ERT completed research, including interviews, focus groups and documentation on patterns of discrimination and inequality in Sudan. SORD has worked to incorporate the findings of this research into the draft country report which they have been developing, with guidance and support from ERT.

Since March the implementation of this project has been affected by growing civil unrest and the government's repressive response. In late March, SORD organised a conference to discuss the Sudanese family law and propose reforms. Following the conference, SORD was attacked in the media by both pro-government newspapers and government spokespeople. SORD and its staff were

labelled as pursuing an anti-Muslim, western agenda. In a speech attacking international NGOs and UN agencies, Dr Nafi Ali Nafi, the deputy leader of Sudan's governing party, accused SORD of being unpatriotic, and singled out the organisation's Executive Director. Despite the threats made against them, SORD staff have been directly engaged in a more recent wave of demonstrations against the government, placing them at further risk. What began on 16 June as demonstrations against austerity measures announced by the government, have escalated into significant protests calling for the end of the rule of President Al-Bashir. The Sudanese government has responded to these protests with a wave of repression directed at protestors, including civil society organisations such as SORD. There have been a number of reports of violent dispersal tactics being used by security forces and large scale arrests. A member of SORD staff and a member of the board of trustees were recently detained, though they were subsequently released. SORD has also experienced other forms of interference from security forces, particularly in relation to communications. As a result of the difficulties faced by SORD, the completion of the project's remaining activities faces delays.

Despite the severe challenges which this project has faced, SORD reports that it is having a significant impact in developing civil society capacity. The train-the-trainer workshop delivered in October and the workshops delivered in January and February, have developed the technical capacity and knowledge of participants in the area of anti-discrimination law, and have helped to expand the nascent network of organisations interested in pursuing legal reform on discrimination. Those organisations involved in field research have benefited in terms of increased capacity to document discrimination, while

the research itself, once completed and published, is expected to make a significant contribution in terms of raised awareness of discrimination in Sudan. Finally, the project has enabled SORD to continue its work, both in the area of discrimination and other human rights abuses, in the context of an extremely challenging and hostile environment.

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

ERT launched this project in October 2010, with the objective of enhancing the ability 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. The journalists have launched campaigns and published statements on a number of cases and issues of concern, including the closure of newspapers, arrests of journalists and human rights defenders, and hate speech. Project staff have been able to provide practical help and support to individual journalists who have been detained or otherwise mistreated.

In the first quarter of 2012, two sets of two training workshops were held in an undisclosed location. Each week long event comprised two two-day training workshops and two days of strategy discussion. The first workshop, conducted by ERT staff, covered an introduction to human rights law, freedom of expression, and equality and non-

discrimination, and discussed in detail the interaction between the rights to equality and freedom of expression including in respect of hate speech. The second workshop, delivered by a number of Sudanese and international consultants, focussed on techniques and practices for journalists working in high-risk environments. On the days before, between and after the two workshops, the participants held roundtable meetings at which strategies for reporting on human rights in insecure environments and for improving the quality of human rights reporting were discussed. Both week-long events were successful, with participants providing feedback stating that they felt the training was very useful. Participants' knowledge of human rights and equality law, as evaluated before and after the workshops, improved as a result of the training provided.

As noted above, implementation of ERT's projects in Sudan has been affected by ongoing unrest in the country. Individual journalists and consultants working for ERT's project are directly involved in the protest movement. Despite the significant obstacles faced by ERT and its local consultants, this project has begun to evidence impact in two critical areas. First, by providing financial, practical and technical support, the project has enhanced the ability of journalists to report on human rights violations and provided a mechanism to protect those who put themselves at risk by doing so. The impacts of these changes include a modest increase in freedom of the press, greater awareness of the violations of freedom of expression and other human rights perpetrated by the Sudanese authorities, and, in a small number of cases, the protection of individuals who without intervention would have been detained or otherwise mistreated for challenging the regime's human rights record.

Second, through providing training to Sudanese journalists, the project has successfully increased the understanding of the importance of the rights to equality and non-discrimination among the members of this group. As a result of the training provided by ERT, Sudanese journalists are able to identify and document cases of discrimination and understand the role which the media can play in both combating discrimination and ensuring that speech inciting discrimination and violence is not perpetuated. At this critical juncture in Sudan's history, and in the context of inflammatory racist and nationalist speech in both Sudan and South Sudan, this is a major achievement.

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

This project started in October 2010. Its objective is to build 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.

From November 2011 onwards, having completed all other project activities, ERT and SASOD focussed on completing a report on discrimination and inequality in Guyana, a process which involved collating the field research, undertaking desk research and engaging in legal research and analysis. A first draft report, provisionally entitled *Addressing Discrimination and Inequality in Guyana*, was produced in February 2012. Given the focus of the project, the report

has a strong focus on the problems affecting the LGBTI community in Guyana, but also deals with complex patterns of ethnic tension and discrimination and of persistent gender-based violence and discrimination against women. The draft report's recommendations focus in large part on improved implementation of Guyana's existing anti-discrimination laws, but also includes the repeal of laws which criminalise same-sex intimacy between men and cross-dressing by both men and women. The second draft of the report – a consultation draft – was subjected to review and validation at a conference and a number of other meetings in Georgetown in late June 2012 (see below, Guyana 2 project, for more details). ERT is currently finalising the report for publication in autumn 2012.

This project's principal impacts have been on ERT's local partner SASOD, and its immediate network of groups working on behalf of communities exposed to serious discrimination, such as LGBTI persons, sex workers, persons living with HIV and AIDs and survivors of

domestic violence. This group has benefitted from improved networking and increased knowledge of key concepts in equality law which has enabled effective advocacy. SASOD successfully established a Forum bringing together disadvantaged groups and linking them with larger, better established NGOs, increasing their capacity to challenge discrimination. It also benefited from training, which provided 35 civil society actors with knowledge of the key concepts in equality law. This increased capacity was further developed in the case of consultants and organisations engaged in field research through a sub-granting scheme. Using the knowledge acquired through the training and working with detailed guidelines provided by ERT to document cases of discrimination on different grounds, these individuals enhanced their skills in documenting discrimination. In part as a result of the support provided by this project, SASOD has been undertaking increasingly effective advocacy, entering negotiations with senior government figures on the question of decriminalisation of same-sex intimacy between men.



Photo credit: ERT

Consultation in Georgetown, Guyana, June 2012

Guyana 2: Empowering Civil Society to Address Societal Prejudice and Undertake Advocacy on Discrimination against LG-BTI Persons

This second project in Guyana commenced on 18 October 2011, overlapping with the first Guyana project (see above). It is implemented again in partnership with the Society Against Sexual Orientation Discrimination (SASOD). The two projects are closely interconnected: the second, focusing on media, political and international advocacy, builds on the first, which focussed on the development of basic capacities and tools for advocacy.

In June 2012, ERT, SASOD, and Red Thread (a Guyanese NGO focussed on supporting poor women) co-hosted a conference entitled “Combating Discrimination and Promoting Equality: Legislative and Policy Priorities”. The conference brought together a diverse range of organisations representing women, children, disabled persons, LG-BTI persons, persons living with HIV and AIDS, the indigenous Amerindian population and other groups to discuss the findings and recommendations of the draft report produced by ERT and SASOD (see Guyana 1 project, above).

The two-day conference was presented both as an opportunity for civil society and other stakeholders to comment on the draft report developed under the first Guyana project and as an opportunity to discuss advocacy to give effect to the report’s recommendations. Speakers included Dimitrina Petrova (ERT), who spoke on current trends in international equality law, and Jim Fitzgerald (ERT), who spoke on the legal and policy framework on non-discrimination and equality in Guyana. Liz Deane-Hughes (ERT

Consultant) presented the findings of the section of the report dealing with patterns of discrimination and inequality. Following these presentations, representatives of a number of disadvantaged groups covered in the report commented on specific sections. These included Autry Haynes, Chief Executive of the Indigenous People’s Commission, Vanda Radzik, founder member of Red Thread and member of the Women and Gender Equality Commission, Ganesh Singh, Project Manager at the Guyana Society for the Blind and member of the National Commission on Disability, and Sherlina Nageer, researcher on the situation of persons of different sexual orientation and gender identity and member of SASOD. The reviewers and other participants at the conference welcomed the report and its recommendations, and agreed to engage in further advocacy to promote the recommendations following publication.

ERT and SASOD also undertook a number of smaller meetings with key stakeholders to discuss the draft report and its findings. The two organisations met with three national commissions: the Women and Gender Equality Commission, the Rights of the Child Commission and the Indigenous People’s Commission to discuss the report and its findings, and request feedback. ERT also met with the civil society organisations ChildLink and the Justice Institute of Guyana.

On 21 June 2012, ERT delivered a day-long training workshop for 25 civil society activists and students, providing an introduction to the rights to non-discrimination and equality and an overview of the protection of these rights in Guyanese law. This was the first of four mini-workshops envisaged under the project, which are intended to sensitise participants to the current state of anti-

discrimination law in Guyana, and build their capacity to advocate for reforms to address gaps, inconsistencies and failures of implementation and enforcement.

The trip also provided a number of opportunities to raise awareness of ERT's work in Guyana and of the key legal and policy reforms which will be recommended in the report, once it is published. ERT was interviewed by two national television networks and spoke at a public debate on the rights of LGBTI persons in Guyana. On 22 June, SASOD organised a media briefing which received further coverage in print and broadcast media.

This project has made substantial progress towards its ultimate objective. The week of intensive advocacy activities based on the report developed by ERT and SASOD successfully built on SASOD's work to develop a coalition of organisations interested in advocating improved protection from discrimination. These organisations have developed a shared advocacy agenda based on the recommendations of the report, with repeal of discriminatory laws affecting the LGBTI population, and inclusion of sexual orientation and gender identity as grounds of discrimination, as central concerns. The media has been successfully engaged in support of these advocacy priorities, as evidenced by the favourable coverage received both before and after the conference and the public meeting. While a significant challenge remains in securing the active support of the authorities for reforms, particularly on the protection of persons of different sexual orientation and gender identity, a process of engagement has begun, and should continue following finalisation of the advocacy and awareness-raising plan.

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

This project, which started on 1 November 2010, aims to build the capacity of Indonesian civil society to use equality law to combat religious discrimination and promote religious freedom. It is implemented 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) and involves a range of activities including training, documentation, production of a country report on discrimination and inequality in Indonesia, and the development of advocacy strategies.

In the first half of 2012, ERT and its partners completed field research on patterns of discrimination in Indonesia, and produced a first draft of a report on addressing discrimination and inequality in Indonesia. At the same time, ERT undertook work on the third part of the report, supplementing the initial draft with additional analysis of Indonesia's legal and policy framework from an international and comparative perspective.

In March, ERT participated in an event hosted by UPR-Info in advance of the 13th session of the Universal Periodic Review (UPR) of Indonesia. The meeting was intended to provide an opportunity for non-governmental organisations which had made written submissions to the review process to make representations to states which would be involved in the UPR Working Groups for different countries under review. ERT presented the findings and recommendations from its November 2011 stakeholder submission focused on

discriminatory laws, religious discrimination and discriminatory violence affecting religious minorities. The presentation was well received by both NGOs and states in attendance, and draft recommendations of the UPR Working Group indicate that ERT's advocacy has influenced the outcome.

ERT and YLBHI, the partner with lead responsibility for civil society engagement, have begun planning for an Advocacy Conference, the project's final activity. This conference will review and discuss a consultation draft of the aforementioned report, providing civil society and other stakeholders with the opportunity to comment on its accuracy and balance, and to highlight important omissions. It will also present an opportunity to promote the proposed recommendations of the report, and begin engaging key decision-makers from politics, government and the major religious communities.

The main impact of this project so far has been to add a level of competence on the application of equality law principles among a group of civil society actors which is already highly capacitated and engaged in advocacy on other human rights issues. The project has also provided a platform for ERT to engage in advocacy on the protection of religious minorities, urging such concerns to be addressed through effective protection from discrimination, as well as protection of the rights to freedom of religion and other rights. As a result of these interventions, made both in Indonesia and through the UN system, there is an increasing level of awareness of the need to provide protection from discrimination and discriminatory violence on grounds of religion or belief. It is expected that the publication of the report on discrimination in Indonesia will make a major contribution to this debate.

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 on 26 November 2010 with partner organisations in India (Human 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 equality rights and non-torture rights.

The project envisages publication of a Resource Pack on Disability and Torture, which will describe patterns of torture and ill-treatment of people with disabilities in India and Nigerian identified in the course of field research, present legal research and analysis bringing together relevant international, regional and domestic law and jurisprudence on disability and torture, and make recommendations for change to address the problems identified in the baseline report. ERT has, in conjunction with HRLN and LEDAP, continued to work towards the finalisation of the Resource Pack for each of India and Nigeria.

A further aspect of the project requires the partners to support strategic litigation concerning the ill-treatment of persons with disability. ERT, HRLN and LEDAP continue to work on identifying potential cases in their respective jurisdictions. In India, following analysis of potential cases against the selection criteria developed by ERT, a total of 13 cases have been brought. These include,

amongst others, a number of cases concerning the ill-treatment of persons with mental disabilities in state health care institutions and prisons; a case concerning clinical trials on vulnerable subjects such as children, Dalits, and disabled persons in a government hospital, which seeks an inquiry into the exact number of affected persons and the development and implementation of stronger guidelines and legal regulations; and a demand for an inquiry into the police failure to investigate the gang-rape of a deaf and mute tribal woman by army officers. ERT is also preparing amicus curiae briefs in respect of these cases.

In Nigeria, a long-list of 23 cases has been identified following discussions between LEDAP and ERT. These include cases concerning: i) The care of detainees with mental health problems in jail: Research identified prisoners held in detention on remand who were suspected to have serious mental health problems. No action had been taken to assess the mental health status of these detainees and they were consequently not receiving appropriate medical care. Further, detention conditions in high-security prisons had a particularly detrimental impact on them, because of their particular vulnerabilities; ii) Sexual abuse of children with intellectual disabilities: Children abandoned by their parents, or otherwise without parental support, have been subjected to sexual abuse. The state has not taken action against the perpetrators, nor have they put in place appropriate systems to protect such children; iii) Destruction of aids: Persons with disabilities who rely upon aids, such as wheelchairs, walking sticks, etc., have found that when they come into contact with the authorities the aids upon which they rely have been destroyed, or, when destroyed by others, have not been replaced. This has,

for example, left people to crawl/drag themselves around detention facilities. Progress towards developing these cases for litigation is now underway.

The project also involves capacity-building training to equip CSOs and lawyers in India and Nigeria to tackle problems of ill-treatment of persons with disabilities. ERT has worked in collaboration with the two Senior Advisors and the in-country partners to design and deliver a capacity-building training for CSOs and lawyers working in the fields of equality, disability and/or torture in India and Nigeria. The first set of workshops, focussing on international and domestic law relevant to the discriminatory ill-treatment of persons with disabilities, took place in December 2011, with an additional workshop being run in India in June 2012 to reach a further 50 participants.

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

This project, which started on 21 December 2010, is implemented in partnership with the Belarusian Helsinki Committee (BHC) in Minsk. Its objectives are to improve knowledge of anti-discrimination law among NGOs in Belarus in order to enable them to monitor and report on discrimination and to bring discrimination cases to court; and to create a coalition of NGOs with a joint advocacy platform on issues of discrimination.

In the first half of 2012 ERT and BHC produced a first draft of the report, which was circulated to civil society organisations in Belarus for consultation. A roundtable event took place in mid-June, at which participants were invited to give their thoughts and input on the draft report. Feedback from this event

has been collated by BHC, in order that it can feed into the final draft of the report. ERT and BHC are currently working on a redraft of the report.

Under this project, ERT and BHC identified, developed and provided support to a number of strategic litigation cases on discrimination on grounds such as political opinion, nationality and gender.

This project has had a major impact in highlighting the nexus between discrimination and the ongoing political repression in Belarus. Through providing training, expertise and material support, this project has enabled Belarusian human rights defenders to challenge state-sponsored abuses through the courts, and resist the victimisation of the political opposition and their supporters, including defence lawyers, following the disputed presidential election in December 2010, and the imposition of travel bans on prominent dissidents and human rights defenders, including the members of ERT's partner NGO. As importantly, this project has enabled civil society in Belarus to coalesce around a politically less controversial issue – the right to equality being nominally a priority of the State – providing a vital safe space for joint work and activism.

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

This project began in April 2012, and aims to build upon and complement the work undertaken in ERT's first project in Belarus. ERT works with a partner based in Minsk – the Belarus Helsinki Committee (BHC). This project aims to empower civil society in Belarus to advocate collaboratively for the adoption of anti-discrimination legislation. Its objectives

include: strengthening civil society capacity to advocate for improved human rights protection; increasing civil society cooperation on a common human rights agenda; and increasing human rights protection and political participation for vulnerable groups. This will be achieved through providing training on developing and implementing strategic advocacy campaigns; engaging in international advocacy on equality issues for civil society organisations; 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.

Jordan: Addressing Discrimination and Violence against Women in Jordan

The objective of this project, which started in January 2011, is to contribute to the protection 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 April-June 2012, ERT reviewed a draft report on inequality and discrimination in Jordan, and drafted a critical memo to Mizan with recommendation for revising the draft. In August, ERT drafted and sent two sections to be included in the report: a section on the status of equality legislation around the world and a section containing detailed recommendations on the development of comprehensive equality legislation and policies in Jordan. ERT continues to serve as an expert consultant to its Jordanian partner on an ongoing basis.

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 of the Rohingya. Since the last edition of this journal, the project has moved from the planning and preparatory phase to the research phase.

The project Research Workshop was held on 13-14 January 2012 at Mahidol University in Bangkok, Thailand. The workshop was attended by representatives of ERT and Mahidol, and nine project research consultants and advisors. The workshop focussed on developing the detailed research questions and methodology for each country study and also covered the issues of research ethics, safety and security. At the workshop, the research plan and approach across all six research countries were finalised. Research has now begun in all countries.

All scheduled project activities were overshadowed by the eruption of violence against the Rohingya in Myanmar from 3 June onwards. ERT monitored the situation and on 14 June issued a public statement condemning the violence in Myanmar and the *refoulement* of refugees from Bangladesh. As the situation worsened, ERT's researchers and project staff produced an emergency situation report on the crisis, *Burning Homes, Sinking Lives: A Situation Report on Violence against Stateless Rohingya in Myanmar and their Refoulement from Bangladesh*. The report was published on 2 July and was up-to-date as of 30 June. It has been used both to raise awareness on the issue and to carry out advocacy, reaching

a wide range of actors around the world, and has been picked up by the media including Reuters Alert. ERT has held meetings in Geneva with UNHCR and OHCHR on the situation. ERT's report has also been sent to relevant special mandate holders. The report has been sent to the Bangladesh and Myanmar governments. It has also been sent to "friendly" Bangladeshi MPs, to raise the matter in Parliament, and to the Organisation of Islamic Cooperation. The report has also been sent to the other governments for their consideration.

ERT, Refugees International and the Arakan Project have also collaborated on advocacy on this issue. A joint briefing of Permanent Missions was organised in Geneva at which ERT briefed the representatives of key Missions on the situation, shared ERT's report with them and provided them with recommendations. The three organisations also organised an NGO briefing that was well attended. At the briefing it was decided that a joint statement would be issued and be delivered to Bangladesh and Myanmar Missions around the world. The statement, signed by 58 organisations, was issued on 16 July 2012.

This project's major impact so far has been in its swift and timely response to the recent violence in Myanmar and subsequent *refoulement* of refugees from Bangladesh. Thanks to the strong local networks and expert knowledge built up over the course of this project, ERT has been in a position to monitor the ongoing violations, collect powerful witness testimony, and advocate strongly on behalf of the Rohingya at the international level.



Photo credit: Saiful Huq Omi



On 11 June 2012, boats of Rohingya fleeing ethnic violence in Myanmar began arriving in Bangladesh. They were pushed back - *refouled* - into dangerous waters by Bangladeshi authorities, in contravention of principles of international law. As international criticism grew, the boat people were not pushed back immediately, but detained, provided with drinking water and then pushed back. For the refugees, re-entering Myanmar was not an option, so they would risk taking their boats out to high sea, with the hope of re-entering Bangladesh undetected. On 18 June, the largest push back of 139 persons in eight boats occurred in Teknaf, Bangladesh. These pictures tell their story. On 19 June, ERT learnt that only two boats carrying 33 persons had safely managed to re-enter Bangladesh. To-date, there is no information on the plight of the other six boats or their passengers.





Photo credit: Saiful Huq Omi

Despite the efforts of Bangladesh, many Rohingya were able to enter the country. The first refugees to flee were the elderly, women and young children. This picture is of such a group which managed to enter and find refuge in Bangladesh. After 16 June, the demographic of Rohingya refugees changed, as the Myanmar security forces began targeting Rohingya men and boys for arrests, disappearances and killing. As Rohingya men were forced to flee Myanmar and *refouled* from Bangladesh, increasing numbers of the women left behind were raped by Myanmar security forces.

Greater Protection for Stateless Persons in the UK

This project, which started in March 2011, aims to complement the project “Greater Human Rights Protection for Stateless Persons in Detention” through undertaking advocacy and capacity building actions within the UK. Under this project, ERT, in partnership with Asylum Aid and Detention Action, designed and implemented four workshops for civil society organisations and lawyers on statelessness in the UK. The workshops were delivered in London (January), Cardiff (March), Glasgow (May), and Birmingham (June). The workshops were well attended by a mix of lawyers, case-workers, academics, social workers and detainee visitors. The workshops were well received with all participants giving positive feedback and requesting further workshops to be carried out in future.

ERT has been invited to be part of the Working Group on Indefinite Detention of the UK Detention Forum. ERT attended meetings of the working group in March, May and July 2012, and will continue to work with other participants in joint advocacy to combat indefinite detention in the UK.

This project’s biggest impact so far has been in providing training to lawyers, case-workers, academics, social workers and detainee visitors from all over the UK on statelessness, enabling them to integrate a more nuanced understanding of this issue into their work with refugees, migrants and other disadvantaged groups, and capacitating them to undertake advocacy on statelessness and arbitrary detention.

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

This project, funded by Comic Relief, commenced on 1 April 2011. It aims 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) and its planned duration is four-and-a-half years.

Under this project, ERT has undertaken a number of activities including producing a feasibility study, providing training and development of resources for legal assistance providers. Since the commencement of this project, a first cohort of five community based organisations (CBOs) have been trained and supported to establish legal services. These organisations have provided legal advice to more than 100 individual women at the community level and have launched a number of successful local advocacy campaigns on pressing gender discrimination issues in their communities. In its first year, the project successfully demonstrated that the model of capacitating CBOs to provide advice to victims of discrimination works. ERT and its partner evaluated their progress April 2012 and decided on strategies to improve the effectiveness of the project.

In March 2012, ERT visited FIDA for the purposes of contributing to an organisational development plan for FIDA to improve their capacity particularly in relation to the management of strategic litigation. A draft organisational development plan was prepared in April 2012. A revised monitoring and evaluation plan was agreed in June and ERT and FIDA are currently in the process of implementing the first actions required to give ef-

fect to this plan. This will involve conducting a series of focus groups at a total of 60 locations in five different regions of Kenya, alongside capacity assessment interviews with CBOs in each location. Following this research process, ERT and FIDA will select a larger cohort of CBOs to participate in the next stage of the project and revise the project's proposed outcomes, based on the findings of the focus groups.

The impact of this project includes assisting participating CBOs with enhancing their knowledge and understanding of equality laws and principles, and skills on how to offer legal guidance on arising legal issues in the community setting, ensuring that they are better able to provide useful advice to women who have suffered discrimination at the community level. CBOs have used the knowledge gained in ERT's training workshops to undertake local advocacy in their communities. This advocacy has empowered women and girls as rights holders in these communities by providing them with knowledge of their rights and also sensitised duty bearers to their obligations in relation to rights. For instance, a CBO in Meru has undertaken advocacy around female genital mutilation which has provoked community debate and led to less ostracisation of the girls who choose to not undergo this practice. The project has had a measurable positive impact on women and girls experiencing discrimination in the target communities. In particular, poor women who previously experienced serious difficulties accessing justice have been able to do so in their own community. In addition to these specific impacts, the project has provided a strong evidence base to support the basic model of CBO-provided legal advice on discrimination issues, which will be at the centre of the project as it is further developed.

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

This project, which started in April 2012 with continued support from the Arcus Foundation, builds on some of the work carried out under ERT's previous Arcus-funded project, in collaboration with local partners: the Kenya Human Rights Commission (KHRC) and the Gay and Lesbian Coalition of Kenya (GALCK). The project contains four activities: (1) Continued civil society campaigning for the introduction of comprehensive substantive equality legislation and policies inclusive of sexual orientation and gender identity; (2) Distribution and promotion of the country report on equality in Kenya – *In the Spirit of Harambee* – published by ERT in February 2012; (3) Organisation and convening of a central campaign event featuring a presentation and discussion of the recommendations of the above report; and (4) Establishing a pilot legal service for LGBTI persons who complain of discrimination. Since the project's commencement, copies of the country report on equality in Kenya have been shipped to Nairobi, where they are being distributed by ERT's local partners.

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 number of civil society organisations working on issues related to equality and non-discrimination law.



Photo credit: ERT

Small group discussion at training Zagreb, June 2012

An initial training workshop was held in Pula in March 2012, and a second workshop took place in Zagreb on 1-3 June 2012. This workshop was designed to build on the first and was focused on building participants' capacity and willingness to use litigation and advocacy as tools to promote the enforcement and implementation of anti-discrimination legislation. ERT made a presentation on the use of strategic litigation as a tool for advocacy and

awareness-raising, based on examples from jurisdictions around the world. Participants evaluated the workshop very positively, and there is now strong support for further joint work, to be organised through an Equality Forum which is soon to be inaugurated.

The primary impact of this project to date is that over 25 CSO representatives, lawyers and human rights activists from through-



Photo credit: ERT

Small group discussion at training Zagreb, June 2012

out Croatia have been trained in applying current international equality law and best practice in their work, greatly increasing their capacity to contribute to the implementation of Croatia's recently enacted anti-discrimination legislation.

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

This thematic project started on 1 July 2011 and will contribute to building strategies of better enforcement of economic and social rights through drawing and communicating lessons from a global review of jurisprudence and policies which have used equality and non-discrimination law to advance the realisation of social and economic rights. The planning process for the project is complete. An Advisory Committee comprising Daniel M. Brinks, Brun-Otto Bryde, Sandra Fredman, Bob Hepple, Sandra Liebenberg, Kate O'Regan, Denise Réaume, and Kamala Sankaran has assisted in ERT's preparation of a concept paper, which has formed the basis of the ongoing research on which the final report shall be based. The project research is ongoing.

The final report, which is due to be completed in 2013, is the envisaged main output of this project. It shall contain practical advice as to how equality arguments can be used to advance the implementation of economic and social rights and a compendium of case law examples where this has been done successfully. The report will serve as a resource for human rights activists working to promote economic and social rights. It will provide additional and/or alternative arguments on which human rights activists can rely in seeking to further the enjoyment of economic and social rights in the courts. In doing so, the report will enhance the ability of such activists to achieve the notoriously difficult objective of advancing economic and social rights.

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. The focus of this project is on raising the capacity of Azerbaijani CSOs to challenge and prevent discriminatory torture and ill-treatment.



Hasan Huseynli, Head of the Kamil Citizen's Society, speaking at Equality Forum in Guba, Azerbaijan, May 2012

Photo credit: ERT



Photo credit: ERT

Participants in Equality Forum meeting in Guba, Azerbaijan, May 2012

A first civil society Equality Forum meeting under this project took place in April 2012 in Ganja. Twenty-two representatives from local CSOs from the western region of Azerbaijan working on issues surrounding discrimination and human rights attended a full day session in which they were briefed on the project and discussed priority areas for joint action, including women's rights, minority rights, LGBTI rights, and disability rights. Participants expressed enthusiasm about the project's aims and objectives, and were keen to continue joint working, proposing to establish an online forum in order to exchange news, projects, and partnership ideas in selecting and delivering projects.

A second CSO forum meeting took place in Guba in May, covering similar themes. It was attended by 19 participants from the central and northern regions of the country. A third regional CSO forum meeting took place in Baku in July, and was attended by participants from the east of the country

and the Absheron peninsula, in advance of training workshops scheduled to take place later in the year.

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

This project began in December 2011. It includes a range of activities designed to increase the capacity of civil society organisations to secure improved implementation and enforcement of Bosnia and Herzegovina's recently adopted Law on Prevention of Discrimination: roundtable discussions on combating discrimination and inequality, training workshops on anti-discrimination law and policy, the publication of a report on discrimination in Bosnia and Herzegovina, the establishment of a civil society Equality Forum, direct assistance to victims of discrimination through legal advice, strategic litigation and advocacy.

ERT visited Bosnia and Herzegovina in January 2012 to hold planning meetings with the local partner organisations, Helsinki Committee for Human Rights in Bosnia and Herzegovina (HCHR) based in Sarajevo, and Centre for Informative and Legal Aid (CIPP) based in Zvornik.

In the first months of the project, activity focussed on establishing a civil society Equality Forum. HCHR and CIPP, with expert input from ERT, drafted a concept note and draft statute for the Equality Forum, which were circulated to prospective members prior to a first meeting. The first Equality Forum took place on 16 May 2012 in Zenica. Thirty representatives of 25 organisations were present at the meeting, together with two observer organisations. Twenty-three organisations signed the Statute of the Forum, with others needing to consult with their Boards prior to deciding whether to join. The Equality Forum meeting also included a brief workshop for participants on the fundamentals of international standards and domestic legislation on discrimination and inequality, and the role of CSOs in combating discrimination. Following this, the participants divided into smaller working groups to discuss collaboration in promoting equality and challenging discrimination. Following the meeting, the Forum released a public statement in the form of an open letter to the Ministry for Human Rights and Refugees, announcing its formation and calling upon the Ministry to establish a central database on cases of discrimination, and to adopt rules on the method of collecting data on cases of discrimination in Bosnia and Herzegovina, both of which are legal obligations of the Ministry arising out of the Law Against Discrimination.

This project's key impact to date has been in securing the participation of CSOs in the CSO Forum, representing a range of disadvantaged groups and areas of interest, from both entities (the Federation of Bosnia and Herzegovina and the Republika Srpska), thus strengthening relations between civil society organisations.

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

This 18-month project began on 1 January 2012. The project seeks to increase capacity among local level CSOs in two of Turkey's regions to challenge discrimination against LGBTI persons and advocate for improved implementation of legal protection from discrimination, including on grounds of sexual orientation and gender identity. The action plan for the project includes training seminars on anti-discrimination law and policy in two cities, the establishment of a Regional Equality Forum and the publication of a report on discrimination in the Aegean and Marmara regions of Turkey. ERT is working with the local partner Siyah Pembe Üçgen (SPU), based in Izmir.

With support from ERT, SPU organised an initial roundtable event for civil society in the region. At the event, SPU presented the project's aims and objectives, provided an opportunity for dialogue between stakeholders working on different discrimination issues and problems, promoted the merits of establishing a regional Forum to coordinate work to combat discrimination, and discussed how discrimination on grounds of sexual orientation and gender identity can be incorporated into the work of members of the Forum.

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

This project, which started in April 2012, builds directly on ERT's previous project in the Solomon Islands. ERT is again one of two partners to the Secretariat of the Pacific Community Solomon Islands Country Office (SPC-SI), with the second partner being the Secretariat of the Pacific Community Regional Rights Resource Team (RRRT).

The project will run for 24 months and aims to strengthen the role of civil society in the Solomon Islands in promoting gender equality and combating gender discrimination. In particular it seeks to: (1) increase the capacity of human rights focal points to engage in awareness-raising on issues relating to gender discrimination; (2) improve civil society cooperation on actions relating to the promotion of gender equality and reduction of gender discrimination in the Solomon Islands; (3) increase awareness and understanding of the causes, effects and prevalence of gender discrimination in Solomon Islands society; (4) contribute to the development of legislation and policy promoting gender equality and combating gender discrimination through targeted advocacy; and (5) contribute to the development of relevant jurisprudence through strategic litigation. ERT is primarily responsible for training and report writing activities under this project.

Since the project's commencement, ERT's principal role has been in preparing for and delivering a training workshop, which was held on 12-15 June in Honiara. ERT staff provided training to 18 participants coming from a number of provinces, on an introduction to human rights, the rights to equality and non-

discrimination, advocacy techniques and the development of advocacy strategies. The training received positive feedback from participants and saw participants demonstrate motivation to advocate for the reform of the Solomon Islands Constitution's equality and non-discrimination provisions and to make submissions to the Committee on the Elimination of Discrimination Against Women (CEDAW) to this effect.

Following the training workshop, ERT prepared a submission to CEDAW. The submission contained a set of proposed questions for adoption by the Pre-session Working Group of the Committee, which focused in large part on proposed amendments to the Constitution of the Solomon Islands. ERT is currently preparing a submission to the Constitutional Reform Unit which will cover the same concerns as those outlined in the submission to CEDAW.

The key impact and outcome of this project achieved so far is in increasing the capacity of 18 training participants in understanding and applying anti-discrimination law, and undertaking advocacy. The participants' motivation and capacity to develop advocacy submissions regarding the reform of the Solomon Islands Constitution's equality and non-discrimination provision, and to undertake advocacy at the UN level, indicates a significant improvement in both capacity and interest. Moreover, these 18 persons have been trained to act as focal points within their communities, monitoring and documenting cases of discrimination and advocating for improvements to law and policies. Thus, the project has made an important contribution to developing the capacity of civil society to promote the need for improved anti-discrimination laws in the Solomon Islands.