



# Vote for Equality!

As the Universal Declaration of Human Rights turned 60 in the early winter of global recession, governments worldwide must put equality at the centre of human rights legislation. The ideals of the UN Declaration, launched in the wake of severe repression and economic hardship, will never become a reality unless equality is defined and implemented as a basic human right.

60 years on, we cannot let the hardships of recession blur a vision of a fairer society. Across the world, anti-discrimination law puts individuals into rigid boxes, often serving to reinforce stereotypes rather than breaking them down. The Equal Rights Trust (ERT) is urging a wiser and fairer international and national law approaching equality and human rights from a unified perspective, built on the recognition of difference and on the presumption that human rights are only possible to realise when we have equality.

In the autumn of 2008, ERT launched a global campaign, 'Vote for Equality!', which seeks mass support for new equality and human rights principles to ensure persons and groups around the world are not victimised, excluded and denied equality. The campaign is seeking one million pledges of support for the *Declaration of Principles on Equality*, drawn up by leading human rights lawyers and equality experts, in a bid to get governments to endorse 27 principles which:

- **Define equality as a basic human right** - stating that equality should be seen as an au-

tonomous human right in itself, rather than as subsidiary to other rights.

- **Redefine positive action** - departing from the concept of formal equality and construing positive action as inherent in substantive equality rather than as an exception or a temporary special measure.

- **Ensure consistency and fairness** - enabling stake holders in all nations to enshrine the right to equality in a way that addresses the gaps, inconsistencies and hierarchies of current equality regulations.

Among the intellectual achievements of the *Declaration* is that it breaks and melts two historically constructed dichotomies that today stand in the way of making good law and implementing good practice: the Cold War division of human rights into civil and political on one hand and economic, social and cultural on the other; and the even deeper division created by modernity between identity-based equality (such as gender, race, religion, etc.) and equality of economic status.

The 'Vote for Equality!' campaign is calling for endorsements from individuals and organisations who want to publicly demonstrate their support of the *Principles* set out in the *Declaration*. In this issue, we reproduce the *Declaration* and publish my commentary, in which I provide background on the process of elaborating it, and comment on several of the remarkable legal aspects of the *Declaration*.

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**<http://www.equalrightstrust.org>**

The *Principles* were drafted and signed initially by 128 prominent legal practitioners, academics and human rights activists from 44 countries. The list of the initial as well as subsequent individual signatories and endorsing organisations reveals an exciting potential for an increasingly strong consensus on a future covenant on equality.

Two of the articles in this volume consider ways in which law can provide protection against religious harassment. Protecting the right to freedom of thought, conscience and religion, including the right to manifest one's religion or belief, in a way that does not impose unwarranted restrictions on the right to freedom of opinion and expression ap-

pears to be among the most difficult issues of equality and human rights law. The first article is written from the perspective of an equality law expert with a specific focus on UK legislation and the European legal framework. The second article reflects views of a human rights activist who is also an accomplished artist from Malaysia, a country with a complex mix of ethnic and religious groups. The third article in this volume takes stock of the legal protection against discrimination in the Pacific Islands states.

In the section dedicated to testimonies of victims of discrimination we put on record the voices of internally displaced civilians in the ongoing armed conflict in northern Sri Lanka. And to mark the coming into force of the UN Convention on the Rights of Persons with Disabilities, ERT interviewed two key experts who contributed to its drafting.

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