

Highlights of ERT Impact (June 2012 – May 2013)

The analysis of feedback of our work led us to believe that the impact ERT achieved during the period June 2012 – May 2013 exceeded the level that could be expected of similarly placed small international organisations working in the public interest. The work of ERT was cost-effective for its stakeholders and rewarding for its members, partners and associates.

In the reporting period, the work of ERT had the following impact:

- **National discourses on equality and human rights in two countries changed radically**

In November 2012, ERT launched its country report [*Washing the Tigers: Addressing Discrimination and Inequality in Malaysia*](#). Covered well in **Malaysia**, with many stories appearing online, in print and in broadcast media, the report redefined the way in which Malaysians from all sectors of society would view equality issues in their country in the future. The report became an indispensable reference point in efforts to reform the legal and policy frameworks related to a broad range of equality and human rights issues.

In March 2013, five key constitutional commissions in **Kenya** with mandates related to equality, human rights and legal reform, agreed to support the enactment of equality legislation in the current parliament, following the recommendations of the ERT country report [*In the Spirit of Harambee: Addressing Discrimination and Inequality in Kenya*](#) published in February 2012. This agreement, supported also by over a hundred NGOs, was achieved at a conference convened by ERT in partnership with the Kenyan Section of the International Commission of Jurists and the Kenyan National Gender and Equality Commission, and followed 12 months of sustained advocacy efforts to promote the recommendations of the ERT report.

- **New legal and policy standards were introduced**

In April 2013, the **United Kingdom** introduced a Statelessness Determination Procedure, following sustained advocacy by ERT and several partner organisations calling for the UK to adopt such a procedure in its immigration rules. Also in April 2013, the Government of **Bosnia and Herzegovina** adopted a Regulation concerning methods for data collection on cases of discrimination, as a result of advocacy by ERT and its partners. Earlier, in July 2012, ERT launched its [*Guidelines to Protect Stateless Persons from Arbitrary Detention*](#). This instrument of good practice containing legal and policy recommendations was widely endorsed by key organisations and individuals and was subsequently used to train over 750 organisations around the world.

- **The international community was moved to engage on the Rohingya crisis**

In July 2012, ERT published [*Burning Homes, Sinking Lives: A situation report on violence against stateless Rohingya in Myanmar and their refoulement from Bangladesh*](#). The report, which included testimony collected from over 50 interviews with Rohingya in the period 13-29 June 2012, addressed human rights violations including loss of life, suffering, forced displacement, *refoulement* and damage to property. It was the first

independent account of the situation unfolding in Myanmar and Bangladesh, and the first to characterise the actions of Myanmar as crimes against humanity. In November 2012, ERT issued a second [Emergency Situation Report](#) on the Rohingya crisis in Myanmar, publicising new violations against the Rohingya and other Muslim minorities. In the period since August 2012, ERT was a key source on the Rohingya and advised European Union and USA officials on the Rohingya issue prior to visits of EU representatives and US President Obama to Myanmar.¹

- **New jurisprudence on equality was generated**

ERT's *amicus curie* briefs to the European Court of Human Rights and the Inter-American Court of Human Rights assisted these courts in finding discrimination in landmark decisions on issues concerning:

- (i) the positive obligations of states in respect to domestic violence, recognised as discriminatory ill-treatment under ECHR ([Eremia and Others v Moldova](#));
- (ii) systemic and structural discrimination; and the positive duties of states to investigate alleged discriminatory elements of killings, injuries and ill-treatment by state actors ([Nadege Dorzema and others v Dominican Republic](#));
- (iii) the discriminatory impact of the total ban on *in vitro* fertilisation on women and infertile persons ([Gretel Artavia Murillo et al \("In Vitro Fertilization"\) v Costa Rica](#)). Additionally, ERT helped file or continued to pursue 32 cases raising discrimination claims in four countries.

- **States were subjected to increased international pressure regarding their human rights records**

As a result of work in this and the previous reporting period, in June 2012 – May 2013 at least **12 states** were subjected to more international scrutiny and pressure to improve compliance with their equality and non-discrimination commitments. For example, in August 2012, the **UN Committee on the Elimination of Discrimination against Women** adopted reviews of [Guyana](#) and [Jamaica](#) reflecting ERT recommendations. Also in August, 2012, the **UN Human Rights Committee** adopted a number of the [recommendations](#) made by ERT in relation to Kenya. In October 2012, the **UN Human Rights Council** adopted the [report](#) of the working group on the Universal Periodic Review of the United Kingdom, incorporating recommendations made by ERT in its stakeholder [submission](#) and including, inter alia, matters related to a statelessness determination procedure and the detention of immigrants.

In February 2013, in advance of an **EU-Ukraine summit**, ERT [wrote](#) to key leaders in the European Union calling on them to raise the issue of Draft Law 0945 which would prohibit the “promotion of homosexuality” in Ukraine. A response from Baroness Ashton, High Representative of the Union for Foreign Affairs and Security Policy, re-affirmed the EU’s continuing assessment of Ukraine’s obligations under the Visa

¹ Mr Obama was the first politician to make a public reference to Rohingya inside Myanmar.

Liberalisation Action Plan, including its requirements for Ukraine to observe the principles of equality and non-discrimination.

- **Civil society activism on key human rights and equality issues was generated and/or shaped by ERT's projects**

In the reporting period ERT, established and/or enabled the functioning of human rights defenders' and other civil society networks aimed at combating discrimination. This included networks in countries where human rights are most at risk due to armed conflict and/or persecution, and activists are forced to work wholly or in part underground, in severe security conditions, with their lives and wellbeing constantly threatened. In addition to the above work in support of human rights defenders at risk, ERT organised or co-organised:

- **45 meetings** (roundtables, civil society forum meetings, and similar events)
- attended by over **1200 civil society representatives**
- in **15 countries**,

devoted mostly to elaborating common strategies or advocacy plans on equality issues.

- **Expertise on equality law was created or increased among people in several countries**

During the period from June 2012 to May 2013, ERT:

- held **17 training workshops** on equality law or various aspects of equality and human rights
- in **ten** countries,
- creating or raising expertise of **443 participants** on essential elements of equality law.

Participants included members of civil society groups, practicing lawyers, members of the judiciary, prosecutorial authorities, police, members of government administrative bodies, and media.

- **New resources on equality were created**

In the reporting period two new volumes of [The Equal Rights Review](#) were published. [Volume 9](#) had a focus on **disability equality** and [Volume 10](#) on the right to **equality in family life**. The ERT [online news](#) service continued to spread news on some of the most important court cases and legislative developments related to equality.

- **Ground-breaking research on new equality and human rights issues was carried out**

ERT continued its research under innovative thematic projects on:

- (i) the intersection between **torture and disability**;
- (ii) **Rohingya**, and
- (iii) the **application of equality law in advancing socio-economic rights**.

Making use of its research on torture and disability, and presenting to the public its preliminary results, in February 2013 ERT hosted training sessions and roundtable discussions in Delhi and Lagos. Each event was well attended and followed by a press conference, resulting in good coverage of the research produced by ERT and its partners in national print and broadcast media in both India and Nigeria. Research on the Rohingya is expected to be publicised later in 2013 and research on the application of equality law to advance socio-economic rights was presented and discussed at an expert roundtable held on 6 June 2013 in London.