



EQUAL RIGHTS TRUST

Equal Rights Trust

Statement for the Organisation for Security and Cooperation in Europe Human Dimension Implementation Meeting 2017

Working Session 14: Economic, social and cultural rights as an answer to rising inequalities

1. The Equal Rights Trust is an international organisation which exists to combat discrimination and promote equality as a fundamental human right and a basic principle of social justice. In the last ten years, we have been engaged in combating discrimination and promoting equality in seventeen of the Organisation for Security and Cooperation in Europe (OSCE) participating states.
2. We welcome the inclusion of two sessions on ***Economic, social and cultural rights as an answer to rising inequalities*** on today's agenda. In our view, the links between inequality and economic and social rights are mutual: just as improving enjoyment of these economic, social and cultural rights will reduce social inequalities, so inequality – more specifically discrimination – can result in denial or limitation of these rights.
3. As such, I would like to focus the role of discrimination in denial or limitation of economic, social and cultural rights, and, therefore, the role of comprehensive anti-discrimination laws in increasing the enjoyment of these rights.
4. Our research in various OSCE states has found consistent evidence that discrimination, arising on various grounds, is a significant factor in the limitation of economic and social rights.
 - a. Horizontal and vertical **gender** segregation in the labour market – a product of both direct and indirect discrimination – significantly impacts women's enjoyment of the right to work, and our research confirmed this. Moreover, Azerbaijan and some other states retain discriminatory laws aimed at "protecting" women from forms of work judged to be hazardous.
 - b. **Racial and ethnic discrimination** remains a barrier to the enjoyment of economic and social rights in many places. In both Ukraine and Moldova, for example, we found consistent evidence that discrimination and harassment against Roma persons limits enjoyment of the right to health
 - c. Similarly, in both these countries, we found evidence that the states had failed to address the exclusion of children with **disabilities** from the mainstream school system, limited their right to education. In all of the states in which we have worked, failure to make reasonable accommodation limits the enjoyment of the right to work for persons with disabilities.
 - d. In Russia, and indeed to a greater or lesser extent in other states where we have worked, we found evidence that **lesbian, gay, bisexual, transgender persons** had experienced direct discrimination in employment, as a result of prejudice.

- e. In Kazakhstan, Kyrgyzstan, Tajikistan and Uzbekistan, we found evidence of **religious discrimination** against both men and women who demonstrate their Islamic faith through their attire and appearance the enjoyment
 - f. In Belarus, we found evidence of direct discrimination on the basis of **political opinion**, affecting those in opposition to – or perceived to be in opposition to – the government, who have faced dismissal from employment in public bodies, and exclusion from higher education institutions.
5. While many of these patterns of discrimination persist, to a greater or lesser extent, in all OSCE member states, there is a striking difference in the legal framework which is in place to eliminate such discrimination. While an increasing number of OSCE participating countries have comprehensive anti-discrimination legislation and others – like Armenia – are making welcome steps in this regard, many do not.
 6. Article 26 of the ICCPR imposes a clear obligation to enact laws which prohibit discrimination in law, an obligation which OSCE states reiterated at the Copenhagen HDIM Conference, in June 1990. Article 26 is of course complemented by Article 2(1) of the same Covenant, and Article 2(2) of the ICESCR, which creates an obligation to ensure non-discrimination in respect of economic, social and cultural rights. In 2008, the Committee on Economic, Social and Cultural Rights stated that Article 2(2) of the ICESCR necessitates the adoption of specific and comprehensive anti-discrimination legislation.
 7. There is, thus, a clear obligation on states to enact specific and comprehensive anti-discrimination legislation, and a clear need to do so, if economic and social rights are to be realised. The Declaration of Principles on Equality, developed by the Equal Rights Trust with more than 140 experts from more than 40 countries, and subsequently endorsed by the Parliamentary Assembly of the Council of Europe, provides states with a detailed set of principles to inform the adoption of such legislation.
 8. The Declaration provides that anti-discrimination laws must be both specific and genuinely comprehensive, providing protection on the full grounds of discrimination recognised at international law, and in all areas of life regulated by law. They must define and prohibit direct and indirect discrimination, harassment, and failure to make reasonable accommodation. They must require the provision of positive action measures. And they must provide procedural mechanisms to ensure that victims can vindicate claims of discrimination.
 9. I urge all OSCE members states which have yet to enact such laws to do so, in order to meet their international law obligations in respect of equality and non-discrimination, and to accelerate progress in respect of economic and social rights.