Equal Rights at the Heart of the Post-2015 Development Agenda

On 17 September 2013, ERT published “Equal Rights at the Heart of the Post-2015 Development Agenda”, a position paper calling for the adoption of comprehensive equality legislation to be included as a specific development goal in the framework established to succeed the Millennium Development Goals (MDGs). The paper responds to proposals made in “A New Global Partnership: Eradicate Poverty and Transform Economies through Sustainable Development”, the report produced by the High Level Panel on the Post-2015 Development Agenda established by the UN Secretary General. The paper argues that a failure to address inequality has been one of the undeniable failings of the MDGs and uses ERT research to illustrate that status-based discrimination is among the causes of both income poverty and denial of access to economic and social rights, such as education and health, which are central to the current MDG framework. The paper further argues that establishing effective legal protection for the rights to equality and non-discrimination can provide an important mechanism for alleviating poverty and its consequences, and concludes that this is only possible with the adoption of comprehensive equality legislation. The position paper has been placed on the United Nations Sustainable Development Knowledge Platform and has been published by www.post2015.org, a website on the post-2015 development agenda hosted by the Overseas Development Institute. ERT actively sought opportunities to raise awareness of the arguments and recommendations in the paper, including through its participation on the NGO steering committee of the Open Working Group on Sustainable Development established under the UN General Assembly.

United Nations Human Rights Committee

On 4 October 2013, ERT sent a submission to the UN Human Rights Committee containing its position and recommendations on...
the proposed General Comment 35 on Article 9 (Liberty and security of the person) of the International Covenant on Civil and Political Rights. ERT proposed specific textual amendments related to equality and non-discrimination, immigration detention, and the protection of stateless persons, drawing on our work on these issues, particularly the 2010 study on statelessness (Unravelling Anomaly) and the 2012 Guidelines to Protect Stateless Persons from Arbitrary Detention.

Belarus

In October 2013, ERT submitted a parallel report to the Committee on Economic, Social and Cultural Rights in respect of Belarus. The parallel report analysed the existing legislative framework related to equality in Belarus and highlighted a number of gaps, weaknesses and deficiencies such that it did not meet the standards required by Article 2(2) of the Covenant. The report also examined a number of rights protected under the Covenant where discrimination results in the denial of their effective enjoyment by different groups of persons in Belarus, including women, persons with disabilities, political opponents, lesbian, gay, bisexual and transgender (LGBT) people, persons living with HIV/AIDS and the ethnic minorities, including Roma, Jews and Russians. In its concluding observations, published in December 2013, the Committee called on Belarus to “adopt a comprehensive anti-discrimination law that addresses discrimination, including in the private sphere, prohibits direct and indirect discrimination on all the grounds set forth in the Covenant and provides for effective remedies”, echoing the principal recommendation in ERT’s report. It also called on Belarus to address gender role stereotypes and their impact on the enjoyment of economic, social and cultural rights, the impact of short-term contracts on the enjoyment of labour rights and the persistence of discrimination on grounds of HIV status, all issues highlighted by ERT.

On 29 November, at an event held alongside the European Union Eastern Partnership Summit taking place in Vilnius, Lithuania, ERT in partnership with the Belarusian Helsinki Committee, launched Half an Hour to Spring: Addressing Discrimination and Inequality in Belarus. The report – the third in the ERT Country Report Series – is the first ever comprehensive account of discrimination and inequalities on several grounds and in many areas of life in Belarus. It is based on extensive field research and rigorous analysis of legislation and policies, and makes a set of recommendations to the Belarusian authorities on the necessary reforms to law, policy and practice on equality and non-discrimination. The report reveals a complex picture. It finds significant evidence of discrimination on grounds of religion, ethnicity, language and political opinion, against those associated with heterodox views of the country’s future. Yet it also identifies a range of policies aimed at accelerating progress towards equality for women, persons with disabilities and other groups traditionally exposed to discrimination. Nonetheless, the report concludes that the Belarusian hybrid between a social state and an authoritarian polity is ultimately unfavourable to the realisation of equality as a human right.

Bosnia and Herzegovina

On 23 September, ERT submitted a parallel report on Bosnia and Herzegovina to the Committee on Economic, Social and Cultural Rights. The report, based on ERT’s research and experience from the project Developing Civil Society Capacity to Combat Discrimination and Inequality in Bosnia and Herzegovina, provided a detailed assessment of the
legislative framework on equality and non-discrimination, highlighting deficiencies and gaps and concluding that the framework falls short of what is required under Article 2(2) of the Covenant. The report also highlighted a number of areas where, despite the existence of legislation, there has been a failure effectively to implement certain provisions so as to ensure that the rights to equality and non-discrimination are realised in practice.

In its concluding observations, published in December 2013, the Committee called for Bosnia and Herzegovina to improve enforcement of its anti-discrimination legislation including through appropriate mechanisms and targeted programmes.

Indonesia

On 1 October, ERT submitted proposals for the List of Issues to be adopted by the Committee on Economic, Social and Cultural Rights in relation to Indonesia. Based on its research under the project Empowering Civil Society to Use Non-discrimination Law to Combat Religious Discrimination and Promote Religious Freedom, ERT proposed a series of questions for the Committee to put to Indonesia, addressing gaps and weaknesses in the legislative framework to prohibit discrimination. The List of Issues was published in December 2013 and included a number of ERT’s questions, specifically on the implementation of existing anti-discrimination legislation, the provisions on sanctions, remedies and the application of special measures, and reasonable accommodation for persons with disabilities.

Kazakhstan

In January 2014, ERT made two submissions to UN Committees, commenting on periodic reports submitted by Kazakhstan. A submission was sent to the Committee on the Elimination of Discrimination against Women in relation to Kazakhstan’s combined sixth and seventh periodic reports as part of the 57th session (10 to 28 February 2014). The submission recommended that the scope and definition of the right to non-discrimination provided by the Equal Opportunities Law be amended to provide the highest level of protection from discrimination against women.

ERT also made a submission to the Committee on the Elimination of Racial Discrimination as part of its 84th session (3 to 21 February 2014) detailing patterns of discrimination and inequality on which ERT had collected testimony during its project in Kazakhstan since 2012. The submission made recommendations to adopt a comprehensive legal and policy framework to ensure the equal participation of ethnic minorities within political and public life, the protection of stateless persons and the right to education on an equal basis.

Moldova

At its 56th Session (30 September to 18 October 2013), the Committee on the Elimination of Discrimination against Women considered a parallel report submitted by ERT in relation to Moldova. The report examined the deficiencies and gaps within the legislative framework to combat discrimination. It also provided information on violence against women, and contained excerpts from the report Discriminatory Ill-Treatment in Moldova published by ERT’s Moldovan partner PromoLEX, in partnership with ERT. The Committee published its concluding observations in October 2013, making use of the information provided by ERT both by raising concerns over the deficiencies in the national legal framework as compared to the Convention, and making a series of detailed recommendations on tackling violence against women.
Nigeria

In January 2014, ERT wrote to President Goodluck Jonathan of Nigeria calling on him not to sign the Same Sex Marriage (Prohibition) Bill which imposes lengthy prison sentences on any person who attempts to enter into a same-sex marriage or civil union; who participates in a gay club, society or organisation; or who makes a public display of affection with a person of the same sex. Unbeknownst to ERT, other interested parties and the media, President Jonathan had signed the Bill – in secret – at the beginning of the month.

Sudan

As reported in the previous edition of the Equal Rights Review, in August 2013, ERT submitted a suggested list of issues in relation to Sudan to the Human Rights Committee. ERT urged the Committee to include questions in its List of Issues on: the introduction of specific and comprehensive equality legislation in accordance with Articles 2(1) and 26 of the Covenant; positive action measures; steps taken to tackle violence against women and other forms of discrimination faced by women; and steps taken to investigate and prosecute perpetrators of racially-motivated violence in Darfur and other conflict areas. The List of Issues was published in December 2013 and included a number of ERT’s questions, specifically on what measures had been taken to combat high levels of discrimination and violence against women, violence against persons in conflict areas, and whether Sudan plans to introduce comprehensive anti-discrimination legislation.

Thailand

On 6 February 2014, ERT launched an advocacy report entitled The Human Rights of Stateless Rohingya in Thailand, at an event at the Foreign Correspondent’s Club in Bangkok. The launch was well attended (over 100 persons) and speakers included Professor Vitit Muntarbhorn (Chulalongkorn University), Dr. Nirun Pitakwatchara (Human Rights Commission of Thailand), Saiful Huq Omi (photographer and activist) and Amal de Chickera (The Equal Rights Trust). The report looks at the human rights situation of stateless Rohingya in Thailand with a focus on the equality, non-discrimination, statelessness and lack of legal status of the Rohingya.

Uganda

On 16 January 2014, ERT repeated, for the fifth time since 2009, its call to the President of Uganda, Yoweri Museveni, urging him to not sign the Anti-Homosexuality Bill. Reports had emerged that the President had indicated his intention not to sign the Bill due to the manner in which it was passed, allegedly violating parliamentary procedure rules. However, in February the President ultimately signed the Bill despite its incompatibility with many of Uganda’s obligations under the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and the African Charter on Human and Peoples’ Rights.

Ukraine

As part of ERT’s ongoing legislative advocacy work in Ukraine, on 7 October, ERT Executive Director Dimitrina Petrova led an expert seminar in Kyiv aimed at politicians and others with an interest in legislative reform on how to improve Ukraine’s legislative framework to ensure the rights to equality and non-discrimination are fully protected. The seminar followed a series of roundtables and workshops during which ERT had
engaged with activists from across Ukraine on the need for amendments to Ukrainian anti-discrimination law. Following the seminar, ERT published and disseminated a legal analysis of the Law “On Principles of Prevention and Combating Discrimination in Ukraine” to policy-makers, lawyers and activists. ERT’s legal analysis recommended a series of amendments to the Law, in order to address inconsistencies with international and domestic law and ensure effective realisation of the rights to equality and non-discrimination in Ukraine.

Also in October 2013, ERT submitted a list of issues in relation to Ukraine, to the Committee on Economic, Social and Cultural Rights at its 52nd Session. The submission made recommendations for questions for the Committee to put to Ukraine, based on an analysis of Ukraine’s legal framework on equality and non-discrimination. The Committee made recommendations on all of the issues raised by ERT. The Committee called on Ukraine to “improve its anti-discrimination legislation to ensure adequate protection against discrimination in line with the Covenant and other international human rights standards”. The Committee also called on Ukraine not to permit draft legislation on “propaganda of homosexuality” to become law and to repeal other pieces of discriminatory legislation.

At the end of November 2013, on the eve of discussions at the European Union Eastern Partnership Summit in Vilnius, Lithuania, ERT called on Ukraine to reform its country’s equality legislation. Concerned about the loss of momentum of legal reform on equality following a suspension of negotiations on an Association Agreement between the EU and Ukraine, ERT urged Ukrainian authorities to continue their efforts to address the problems identified in its legal analysis.

**United Kingdom**

On 16 September 2013, ERT made a submission to the United Kingdom Parliament’s Joint Committee on the Draft Deregulation Bill. The submission involved a detailed analysis of provisions of the Bill which would impact on the rights to equality and non-discrimination. The submission recommended the rejection of provisions which would remove the power of employment tribunals to make “wider recommendations” going beyond the specific victim of discrimination, and which would further dilute the potential impact of the public sector socio-economic duty in section 1 of the Equality Act 2010 if it is brought into force. The submission also recommended that further attention be given to provisions reforming the process by which certain rail vehicles are exempted from requirements to ensure that they are accessible to persons with disabilities and thereby not allowing a weakening of protection.