

# ACT TO CHANGE LAWS THAT DISCRIMINATE

Laws that discriminate can be changed. To do so, people need to know their rights, make discrimination visible and mobilize support and the effective use of legal means. Below are some steps and actions that you can take to change discriminatory laws.

## KNOW YOUR RIGHTS

Everyone has rights, either guaranteed by national constitutions and charters or by international treaties and conventions. Every Member State of the United Nations is obliged to respect, protect and fulfil the rights outlined in the Universal Declaration of Human Rights. Use those rights to challenge discriminatory laws.

Many countries in the world guarantee:

- > The right to equal treatment before the law.
- > The right to education.
- > The right to privacy.
- > The right to freedom from discrimination.
- > The right to health.
- > The right to freedom of association, assembly and speech.
- > The right to a fair trial.



## RECOGNIZE DISCRIMINATION

Identifying conditions or requirements that criminalize acts or discriminate against a specific group of people is the first step.

Discriminatory conditions or requirements can be found in:

- > Marriage and civil union laws.
- > Parental consent laws that affect young people's access to services.
- > Laws that govern the workplace or the education or health sector.
- > Laws that limit access to services and that exclude certain people based on, among other things, their gender, race, nationality or socioeconomic status.
- > Banking and insurance laws.
- > Migration and citizenship laws.
- > Public order and security laws.
- > Property and inheritance laws.
- > Laws that regulate sexual conduct.
- > Laws that regulate access to reproductive health services.
- > Laws that punish people owing to their health status, such as HIV or pregnancy.
- > Laws on drug use and possession.

## MAKE DISCRIMINATION VISIBLE

Laws change when there is widespread awareness of the discrimination among the general public and key influencers, including awareness of its effects and a belief that such discrimination is wrong.

- > Develop an awareness campaign to make the general public aware of the discrimination.
- > Give it a human face: the experiences of people affected by the discriminatory laws are important in shaping the opinions of decision-makers and communities.
- > Speak out through the media: get your voice heard on radio, print, television and social media.
- > Ask a popular celebrity or opinion-maker to endorse your cause.
- > Organize regular policy briefings, for example forums, one-on-one briefings, visits to project sites and facilities or dialogues with community groups.
- > Partner with civil society organizations that advocate for human rights and organize public and media events and policy briefings.



## MAKE YOUR CASE

You will need to gather evidence and supporting information to make your case.

- > Identify high-profile examples from other countries.
- > Collect and analyse the facts about the impact of the discrimination on the health or safety of the people affected.
- > Find compelling stories.
- > Seek out legal advice and support from pro bono services for human rights.



## ACT

Discriminatory laws can be removed in a number of ways. Choose the best method based on the best option for the local context.

### PARLIAMENTARY PROCESS

Laws that discriminate can be abolished through the legislature under the leadership of your government and through the votes of parliamentarians.

- > Identify a parliamentarian or parliamentary group that may lead on the issue.
- > Make it easy: draft the law that you want to see enacted.
- > Reach out to political leaders on all sides who may be supportive.
- > Identify influencers, such as community leaders or media personalities.
- > Work with one or more civil society organizations.
- > Involve the people affected by the law from the very beginning.
- > Organize public events, for example demonstrations.

### STRATEGIC LITIGATION

In many countries, the courts have the power to strike down laws that may contradict constitutionally enshrined human rights principles. This often takes the form of a court case taken forward by a person or an organization affected by the law.

- > Identify precedent: have courts ruled on the issue before?
- > Identify examples from courts in other countries.
- > Define how you will take the case forward:
  - An organization may be able to make a complaint.
  - An individual may want to show that he or she is unfairly affected by the law.
- > Work with a coalition of allies.
- > Sensitize legal structures on discrimination: reach out to legal structures and judges.

### PUBLIC CONSULTATION AND A REFERENDUM

In some countries, people can propose law reform through a petition and request a referendum.

- > Request clear information from your local authority on what is needed for law reform through a petition.
- > Create a coalition with other organizations and political leaders.
- > Develop a call for change: what needs to change, why and how?
- > Collect signatures, either online or physically.
- > Make an official request.
- > Campaign for the change that you want in the media, online and elsewhere.



## DON'T GIVE UP

Law reform can sometimes take years.

- > Establish non-negotiable and negotiable positions.
- > Be ready to adjust your argument.
- > Test your messages.
- > Evaluate progress regularly.
- > Look for the small wins as well as the big ones. While the law is being worked on, can you:
  - Request a moratorium on a discriminatory law?
  - Ask for a government policy that ensures that the law is interpreted in the least discriminatory way?
- > Human rights advocacy can be perceived as a political challenge—risks need to be carefully measured. Human rights advocates can be protected by:
  - Civil society organizations and grass-roots organizations.
  - The human rights commission in the country.
  - The media, including social media.
  - Partner international nongovernmental organizations.
  - The United Nations and regional human rights organizations and justice systems.

When you win, make it known and implement fast. Don't let it be reversed.