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978-1-107-00845-8 - Making Equal Rights Real: Taking Effective Action to Over come Global Challenges

Jody Heymann and Adèle Cassola

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MAKING EQUAL RIGHTS REAL

While laws exist in many nations to guarantee equal rights across gender, race, and ethnicity, they are often not implemented. Around the world, discrimination, biases, and avoidable barriers affect children's chances to receive education and health care, and adults' chances to obtain jobs, earn equal pay, and hold leadership roles. Moreover, in some countries, it is legal to markedly discriminate on the basis of characteristics ranging from religion to sexual orientation to disability.

Making Equal Rights Real brings together leaders from around the world who have been working effectively to increase equal economic and social rights, ranging from rights in the workplace to rights of property ownership and education. The contributors tell detailed stories of implementing equal rights for racial and ethnic minorities in North America, women in Africa, children in the Middle East, and sexual minorities in Asia. They also describe approaches to increasing equal rights for people living in poverty, for those living with disabilities, and for those seeking the information they need to hold their government accountable for implementing everyone's rights.

The book addresses what can be done by policy makers, civil society, non-governmental organizations, lawyers seeking to implement equal rights legislation, and advocates working in the community, as well as those developing constitutions and negotiating international agreements.

Jody Heymann is the Founding Director of the Institute for Health and Social Policy at McGill University. An internationally renowned researcher on public policy and equity, Heymann leads WoRLD, an initiative to examine social policy and legal rights in all 193 UN countries. She has served as an advisor to policy makers around the world. Her work has been featured widely, in *Business Week*, *Inc. Magazine*, *Portfolio.com*, *Forbes*, *CNN*, *Washington Post*, *New York Times*, *Financial Times*, *MSNBC*, *Good Morning America*, and *Fox News*, among other leading national and international media.

Adèle Cassola conducts comparative research at the Institute for Health and Social Policy at McGill University, where she leads an initiative analyzing the protections established in the constitutions of all UN member states across a number of life contexts in which discrimination can occur, including education, work, health, family, and political and civic participation.

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Making Equal Rights Real

TAKING EFFECTIVE ACTION
TO OVERCOME GLOBAL
CHALLENGES

Jody Heymann

McGill University

Adèle Cassola

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To Ann and Phil Heymann, and

To Rita and Adrian Cassola

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About the Contributors

Samia Bishara-Rizeq is the Director of the Jordan River Foundation's (JRF) Child Safety Program, an initiative that is now recognized regionally and internationally as a model for child safety, integrating international best practices and evidence-based research. In addition to the provision of services, the Program acts as a facilitator of change and capacity building at the national level. Bishara acts as the Manager of the Queen Rania Family and Child Center at the JRF, a prevention project that falls under the umbrella of the Child Safety Program. Prior to joining JRF, she was Director of the Family Center in East Jerusalem, a program that provides psycho-social services for victims of domestic violence. She has extensive experience in the planning and management of family counseling, domestic violence, child development, and teen prevention programs.

Roberto Bissio is the Executive Director of the Third World Institute, a non-profit research and advocacy organization based in Uruguay and committed to the promotion of South-South information exchange and the access of communities and citizen organizations to information. He is also the Coordinator of Social Watch, a network of civil society organizations monitoring gender and anti-poverty policies in seventy countries. Bissio co-chairs the Civil Society Advisory Committee to the United Nations Development Programme and is a member of the international council of the World Social Forum. He is the Chief Editor of the reference book *The World Guide*, published every two years in English, Spanish,

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Italian, and Portuguese with a development perspective on international relations. He also edits the yearly Social Watch Report, which reflects the input of citizen coalitions in seventy countries on government compliance with poverty eradication and gender equity commitments. Bissio has written on development issues as a journalist since 1975.

Ann Blyberg is the Director of the International Human Rights Internship Program (IHRIP) at the Institute of International Education in Washington, DC. The Program strengthens the work of non-governmental human rights groups by facilitating the exchange of knowledge and experiences among civil society groups in different countries. Under her direction, IHRIP has developed a focus on government budgets in response to human rights groups' growing interest in tools for monitoring the realization of economic and social rights. She was a member of the Board of Directors of Amnesty International USA and was its Chair for two years. She has served on the advisory boards of a number of human rights organizations and initiatives, including the Asian Institute for Human Rights and the Human Rights Initiative of the Carnegie Council for Ethics and International Affairs. Blyberg has written extensively on the importance of budget work in enforcing economic, social, and cultural rights and is a co-author of *Dignity Counts: A Guide to Using Budget Work to Advance Human Rights* (Fundar – Centro de Análisis e Investigación, the International Budget Project, and the International Human Rights Internship Program, 2004) and the author of *Budget Work to Advance the Right to Food: "Many a Slip ..."* (United Nations Food and Agriculture Organization, 2009). Blyberg has worked in the human rights field for more than thirty years.

Adèle Cassola conducts comparative research at McGill University's Institute for Health and Social Policy on how legal rights affect the life chances of marginalized populations. As part of the WoRLD Global Data Centre research team, she leads an initiative analyzing the protections established in the constitutions of all UN member states across a number of life contexts in which discrimination can occur, including education,

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work, health, family, and political and civic participation. Cassola is co-editor of *Lessons in Educational Equality* (Oxford University Press, 2011). Her commitment to finding practical strategies to improve the well-being of vulnerable groups previously led her to conduct research with the Plan Institute for Caring Citizenship in Vancouver and the Centre for Research on Inner City Health in Toronto. She also spent several years developing and implementing initiatives to raise national awareness and support for the rights of children in post-conflict countries with the non-governmental organization War Child Canada.

Jill Cottrell now works with civil society in Kenya on the implementation of that country's new constitution. She previously taught at the University of Hong Kong, the Warwick Law School, and the University of Ife and Ahmadu Bello University in Nigeria. As a constitutional law expert, she has acted as a Consultant for the United Nations Development Programme's Constitution Advisory Support Unit in Nepal and with the International Institute for Democracy and Electoral Assistance in Nepal in the programme with the women members of the Constituent Assembly. In addition, she has been an advisor on constitution building in East Timor, Iraq, and Maldives. Cottrell has published, as editor or co-author, several books on constitutional law, rights enforcement, and access to justice.

Grace-Edward Galabuzi is an Associate Professor in the Department of Politics and Public Administration at Ryerson University and a Research Associate at the Centre for Social Justice in Toronto. A leading expert on poverty and racial discrimination in Canada, Galabuzi focuses his teaching and research on equity and human rights, local community responses to economic restructuring in the global North and South, the racialization of labour markets, and social exclusion and the economic status of racialized groups. His publications focus on race, equity, and human rights. Currently, he is a principal investigator on the Income Security, Race and Health research project in Toronto's low-income Jane-Finch area and co-investigator on a five-year Anti-Poverty Community–University

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Research Alliance. Galabuzi has worked in the Ontario government as a Senior Policy Analyst on justice issues, and he is a former Provincial Coordinator of the Ontario Alliance for Employment Equity. He is a member of the United Way of Greater Toronto Board of Trustees and a board member of the Canadian Centre for Policy Alternatives, Atkinson Charitable Foundation, and the Stephen Lewis Foundation.

Renée Giovarelli is the Executive Director of the Landesa Center for Women's Land Rights. Giovarelli has more than thirteen years of legal experience in land tenure and property rights. Her areas of specialization are intra-household and gender issues and customary land law. She has designed and conducted fieldwork on women and their access and rights to land in the Kyrgyz Republic, Uzbekistan, Tajikistan, Azerbaijan, Bulgaria, Russia, India, China, Uganda, Ghana, Madagascar, Burkina Faso, and Ethiopia. Giovarelli was the team leader of a year-long study evaluating the impact of World Bank land projects on women in four key geographic regions (represented by Bolivia, Azerbaijan, Laos, and Ghana). She has designed interventions to ensure that women are included in the governance and implementation of land tenure and property rights projects for the U.S. Agency for International Development, Millennium Challenge Corporation, and the World Bank.

Jody Heymann is the Founding Director of the Institute for Health and Social Policy at McGill University, where she holds a Canada Research Chair in Global Health and Social Policy. She has written and edited more than 190 publications, including *Profit at the Bottom of the Ladder* (Harvard Business Press, 2009), *Raising the Global Floor* (Stanford University Press, 2009), and *Forgotten Families* (Oxford University Press, 2006). Heymann established and leads the first global initiative to examine legal rights and social policy in all 193 UN nations. With information on hundreds of aspects of law, policy, and social security, the WoRLD Global Data Centre examines social and economic rights in all UN member states in areas ranging from labor to education, and poverty to family policy. As part of this effort, the WoRLD Discrimination and Equity in

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Constitutions Initiative analyzes civil, political, social, and economic rights available to citizens across social groups. Deeply committed to translating research into policies and programs that will improve individual and population health and well-being, Heymann has worked with leaders in North American, European, African, and Latin American governments as well as a wide range of inter-governmental organizations, including the World Health Organization, the International Labour Organization, UNICEF, and UNESCO.

Alexandra Lesnikowski has been working with the Institute for Health and Social Policy (IHSP) since May 2008. Her projects have focused on reducing barriers and improving opportunities for marginalized groups. Her 2009 research as an IHSP Policy Fellow focused on community-based rights advocacy for the lesbian, gay, bisexual, transgender, and intersex community of Nepal. Prior to her work as a Policy Fellow, she conducted research on global strategies to improve the life chances of child laborers. She is currently involved with the Climate Change Adaptation Research Group at the McGill University Department of Geography and the IHSP on a collaborative project assessing the global state of adaptation to health impacts of climate change, with special attention to vulnerable groups. At McGill University she also studied identity among youth in the European Union.

Janet E. Lord is a Senior Partner at BlueLaw International, LLP, a service-disabled, veteran-owned international law and development firm where she directs the human rights and disability inclusive development practice. She is also a Research Associate at the Harvard Law School Project on Disability and an Adjunct Professor of Law at the University of Maryland School of Law. Internationally recognized for her work on international disability rights, she participated in all of the negotiating sessions during the drafting of the UN Convention on the Rights of Persons with Disabilities, serving as legal advisor to Disabled Peoples' International and several lead governments and as technical expert to the United Nations. She has designed, managed, and implemented projects

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addressing disability law and policy in more than thirty countries, as well as published widely in the area of human rights, international disability law, and inclusive development.

Mary MacLennan's interests lie in global and international health policy. She is currently working on the 2012 World Health Report at the World Health Organization in Geneva. She served as a Fellow at the Institute for Health and Social Policy at McGill University, examining disability rights organizations in Buenos Aires and Chicago, and previously worked with Journalists for Human Rights, researching human rights conditions related to health care in Ghana. In addition to completing a quantitative economic analysis of the health status of low-income individuals in Canada and a large research project on access to medicines in Ghana, MacLennan has been actively involved with human rights and health policy groups through her work as Director of the McGill chapters of Journalists for Human Rights and Universities Allied for Essential Medicines. She has also worked with a UN advisory non-governmental organization in the Former Yugoslav Republic of Macedonia, and has helped to meet health needs in the Dominican Republic.

Laila S. Abdul Majeed has been working at the Jordan River Foundation for four years. She has supervised a peer-to-peer educational and civic engagement program that aims to equip Jordanian and Iraqi youth with basic life skills and increase their participation within their communities. She is responsible for monitoring and reporting on the Child Safety Program's projects, managing data and information to analyze findings, and utilizing information for program design and project management.

Sirsa A. Qursha has worked with the Jordan River Foundation since 2006, first as a Family Support Specialist and then as the Technical Supervisor of the Queen Rania Family and Child Center. In her role as Supervisor, she is responsible for reviewing and developing the content of the workshops and programs delivered at the Community Center. She is also responsible for the supervision and professional development of the multidisciplinary team, conducting workshops and awareness-raising and training sessions for parents, teachers, youth, and children.

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Benjamin Sachs is Assistant Professor of Law at Harvard Law School. Prior to joining the faculty at Harvard in 2008, Sachs was the Joseph Goldstein Fellow at Yale Law School, where he taught Emerging Trends in Labor Law. He was awarded the Yale Law School Teaching Award in 2007. From 2002 to 2006, Sachs served as Assistant General Counsel of the Service Employees International Union (SEIU) in Washington, DC. Before joining the SEIU legal department, he worked at Make the Road New York (a membership-based community organization), where he co-founded the Workplace Justice Project. He served as a judicial law clerk to the Honorable Stephen Reinhardt of the United States Court of Appeals for the Ninth Circuit. Before attending law school, he worked as an Industrial Relations Specialist at the United States Department of Labor. Sachs is the author of *Unions, Corporations, and Political Opt-Out Rights After Citizens United* (Columbia Law Review, forthcoming 2012); *Despite Preemption: Making Labor Law in Cities and States* (Harvard Law Review, 2011); *Enabling Employee Choice: A Structural Approach to the Rules of Union Organizing* (Harvard Law Review, 2010); and *Employment Law as Labor Law* (Cardozo Law Review, 2008).

Elisa Scalise is Director of the Landesa Center for Women's Land Rights. She is a land law and policy attorney specializing in women's access to and control over land. Scalise's work has covered such areas as analyzing formal and customary law on property rights, inheritance, and marital property regimes; evaluating formal and informal dispute resolution mechanisms; and designing programs to ensure that the most vulnerable members of society benefit from land tenure reform efforts. She has experience in both civil code and common law systems and has conducted fieldwork and managed projects in Afghanistan, China, India, Burundi, Liberia, Rwanda, Uganda, and Kyrgyzstan, among other countries.

Michael Ashley Stein is the Co-Founder and Executive Director of the Harvard Law School Project on Disability, as well as Cabell Professor at William & Mary Law School. He has taught at the law schools of Harvard, New York University, and Stanford. An internationally acclaimed expert on disability law and policy, Stein participated in the drafting of the

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United Nations Convention on the Rights of Persons with Disabilities, works with disabled persons' organizations around the world, actively consults with international governments on their disability laws and policies, and advises a number of UN bodies.

Robyn Wisken works at the community level with the YMCA in low-income neighborhoods, creating and implementing programs to support disadvantaged youth. Her research has addressed community-based programs for children orphaned and made vulnerable by AIDS in sub-Saharan Africa. Wisken's passion for working with communities widely affected by HIV/AIDS led her to take part in the Fellowship Program at McGill University's Institute for Health and Social Policy in 2008, where she examined community-based programs in Zambia. Her studies at McGill University focused on community and international social work practice.

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Acknowledgments

Making Equal Rights Real began when we received support for a major five-year initiative led by the Institute for Health and Social Policy, which Jody directs, to identify, visit, document, and share successful approaches to some of the most critical yet intractable social policy challenges. The initiative was made possible because David Elton, Ralph Strother, and Allan Northcott at the Max Bell Foundation shared our belief that public policy could be improved to better address population health, well-being, and equity and were willing to bet on new approaches. University leadership makes all the difference if an institute intends to invest substantial faculty, staff, and student time in a program at the intersection of evidence and action. We are deeply indebted for the support we received from Heather Munroe-Blum, Anthony Masi, Denis Therien, Abe Fuks, Rich Levin, and Chris Manfredi.

The development of the ideas behind this initiative and the process of carrying it forward were truly a team effort. We are extremely fortunate for the team we've been able to work with at the Institute for Health and Social Policy. As we sought to bring together leaders from around the world who had been effective in making equal rights real, Jennifer Proudfoot and Brittany Lambert searched for and reached out to people in every region. Their extraordinary outreach skills and commitment formed the foundation of bringing leading experts and practitioners together. Before we could send students to conduct case studies of innovative programs that had been particularly successful at increasing equal

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rights globally, Tinka Markham Piper and Magda Barrera led Institute Policy Fellows in a comprehensive search of hundreds of noteworthy programs. Their long-term commitment to the Fellowship program has transformed the lives of the Fellows and our knowledge of what it takes to implement change on the ground.

Any initiative of this magnitude requires substantial depth and breadth of background research. This project would not have been the same without the exceptional research skills and staffing of Parama Sigurdson, Danielle Foley, Gonzalo Moreno, and Denise Maines. We are also indebted to the meticulous research conducted by former Institute for Health and Social Policy interns Sami Berger and Joshua Green.

Books take a great deal of time for nearly anyone who works on them. Rarely do editors and authors work on this kind of endeavor unless they are deeply committed to the subject – it would be foolhardy given what’s required. That commitment is often spawned and nurtured by close friends and family members outside of the workplace, as well as nourished by colleagues within. That was the case for both of us. Holding government leadership positions over the course of many years and working for legal rights in countries around the world, Jody’s father knows well the difference between laws on paper and laws in practice. So on countless walks in the woods, as Jody worked to develop a global data center on equal rights legislation as a step towards holding governments accountable and pressing for greater progress in the area, Phil Heymann kept returning to the question of what could be done to ensure that the rights that existed on paper were practiced in reality. Jody’s mother, Ann Heymann, was global and local, before the terms were joined in common parlance. She studied Africa and worked to increase Americans’ access to health, education, and other essential services, while raising Steve and Jody. She ingrained a commitment to increasing equity for all people in her children. This book is dedicated to Ann and Phil Heymann and to Adrian and Rita Cassola.

One of Adèle’s earliest memories involves listening to the news in the car with her father and asking why people should care about events

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halfway around the world. His thoughtful response still resounds after more than two decades. Many years later, a thought-provoking conversation with her mother about the complexity behind the affordability of essential medicines deeply impressed Adèle with the need to engage all actors and perspectives in efforts to improve outcomes for vulnerable groups. In the years since, untangling tough social and ethical issues in conversations with her parents has remained a source of great pleasure and motivation for Adèle. The refusal of her parents, as a team, to let life’s curveballs slow them down provides a constant reminder that solutions to tough problems can be found with the right combination of resourcefulness, persistence, and adaptability.

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