

HRSJ Newsletter



Issue 11, May 2011

www.londonmet.ac.uk/hrsj

Recent awards

The HRSJ Research Institute was recently awarded two contracts by the **Equality and Human Rights Commission**.

Human Rights Practice Observatory

HRSJ has produced content for a website being developed by the EHRC to promote the practical application of human rights in public services in Britain.

The aims of the website are, among others, to: equip public services with the tools to develop a human rights 'mindset' and the confidence to apply this in their own areas of responsibility; enhance understanding of the links between equalities and human rights; draw together and disseminate information and guidance on how public bodies can protect and promote human rights; and identify gaps in advice and guidance on key human rights issues.

HRSJ's role was to advise on the selection of human rights guidance and to summarise and review that guidance prior to the launch of the site. The contract was for £14,604.

Project team: Alice Donald and Philip Leach

Understanding equality and human rights in relation to religion or belief

This research will explore dilemmas and disputes in relation to equality and human rights and religion or belief. Key issues will include the accommodation of religion or belief in the workplace and community, such as the wearing of religious symbols or clothing and claims for exemptions from general laws or rules. The research will also explore (perceived) tensions between the protection from discrimination on grounds of religion or belief and on other grounds, particularly gender and sexual orientation.

It will identify the concerns of groups in England and Wales that have a direct stake in these issues: religion or belief groups; groups representing other equality 'strands'; employers and public service providers. The research will also explore with participants values and principles that might underpin the resolution of disputes in the workplace or the wider public sphere. The research will conclude in October 2011. The contract is for £39,929.

Project team: Alice Donald, Philip Leach, Karen Bennett, Aruna Dudhia

Democratic Legitimacy in Human Rights Implementation

The **Nuffield Foundation** has awarded HRSJ a grant of £77,753 for a research project on 'Democratic Legitimacy in Human Rights Implementation: the role of Parliaments in the Execution of Judgments of the European Court of Human Rights'. The project will assess to what extent, and by what means, parliaments are, or should be, involved in the implementation of the judgments of the European Court of Human Rights. Its principal hypothesis is that parliamentary engagement and oversight are critical to effective implementation, both to confer democratic legitimacy on the process and to produce tangible outcomes in the realisation of human rights and the prevention of violations. The project will elucidate and analyse models for parliamentary engagement in the execution of Strasbourg judgments and highlight effective and innovative practice. The project will start in September 2011.

Project team: Philip Leach, Alice Donald and Aruna Dudhia

Darfur Lawyers Training 2011

HRSJ and the International Bar Association's Human Rights Institute (IBAHRI) designed and implemented an eight-day training programme for Darfur lawyers in coordination with The Darfur Bar Association, an NGO supporting Darfur lawyers based in Sudan. The training programme took place in Geneva from February 28 – March 7, 2011, designed to coincide with the 16th Session of the UN Human Rights Council. The project was commissioned by the British Embassy in Sudan and the Open Society Institute East Africa. The training covered key aspects of international human rights law, international criminal law, skills for engaging with international and regional human rights protection mechanisms, with a thematic focus on protection of women's rights and combating gender-based violence.

Project team: Karen Bennett, Philip Leach and Joanna Evans (Senior Lawyer, EHRAC)

Human rights in healthcare

HRSJ will also be working with Mersey Care NHS Trust in 2011-12 to develop an evaluation tool to assess the impact of the Department of Health's Human Rights in Healthcare programme. Mersey Care oversees the programme, which involves using human rights to improve service design and delivery.

HRSJ director Philip Leach shortlisted for the JUSTICE Human Rights of the Year

Professor Philip Leach was shortlisted for the 2010 JUSTICE Human Rights Lawyer of the Year award, which is held each December to commemorate Human Rights Day. Philip was nominated for his 'sustained and selfless work across the field of human rights'. The citation added: 'He has informed the public debate, litigated cases at the highest level and contributed substantially to the academic literature on topics of immediate concern'. The JUSTICE Human Rights Awards aim to recognise the outstanding contribution made by individuals and organisations to further the cause of human rights.

Research Development

The **Nuffield Foundation** has shortlisted an application by HRSJ for research on 'Choice and control in compulsory mental health treatment in the community'. This proceeds to full application in May 2011.

HRSJ is developing a research project on 'Women offenders: domestic violence, coercion and the plea of duress'. The project is to be managed by HRSJ and led by Janet Loveless, Senior Lecturer in the Department of Law, Governance and International Relations, with support from Karen Bennett and Aruna Dudhia (HRSJ) and Maddie Coy (Child and Woman Abuse Study Unit, Faculty of Applied Social Sciences).

HRSJ is developing a research proposal on 'Assessing the impact and effective implementation of the European Union Guidelines on Human Rights Defenders'. The proposal was designed in consultation with Office of the UN Special Rapporteur on Human Rights Defenders, with the purpose of reviewing how EU policy directives are impacting EU diplomatic missions in third countries to support human rights defenders practice.

European Human Rights Advocacy Centre

European Court litigation victories

The European Human Rights Advocacy Centre (EHRAC) has secured a number of important victories at the European Court of Human Rights over the past year, including:

Abuyeva v Russia in which the Court condemned Russia's failure to protect the life of 29 applicants and their relatives who died, or were wounded during the Russian federal military attack on the Chechen village of Katyr-Yurt in February 2000. Russia also "manifestly disregarded the specific findings of a binding judgment" by not rectifying the 'major flaws' in a previous investigation into the same events identified by an earlier European Court judgment.

Tsintsabadze v Georgia in which Georgia was held to have failed to conduct an independent, objective and effective investigation into Zurab Tsintsabadze's death in prison in 2005. The European

Court noted 'serious inconsistencies and deficiencies' in the investigation that left many questions about the suspicious death unanswered.

In January 2011 we received our first judgment with our partner, Planet of Hopes, from the Russian closed city of Ozersk. In *Karpacheva & Karpachev v Russia* the Court ruled that Russia had violated Maxim Karpachev's right to freedom of movement by refusing him permanent residence in Ozersk.

In follow up to our February 2010 judgment in *Kiladze v Georgia*, the Georgian Government is drafting a new law that should enable up to 20,000 people to obtain the compensation to which they are legally entitled as victims of Soviet political repressions, but to which they were previously prevented from obtaining by a 'legislative void'.

Grand Chamber hearings

EHRAC assisted the Armenian NGO Legal Guide with a Grand Chamber hearing in the case of *Sargsyan v Azerbaijan* in September 2010. Sargsyan is about the property rights of an ethnic Armenian who was forced to flee his home in 1992 during the Nagorno-Karabakh conflict and has since been prevented from accessing his home and belongings by the Azerbaijani Government. Further, in January 2011 EHRAC and its Russian partner Memorial HRC represented the applicant in *Kotov v Russia* before the Grand Chamber of the European Court. This case will decide whether the State has sufficient control over the role of liquidators in Russia.

Training local lawyers

In May 2010 EHRAC held its first ever training seminar in Azerbaijan. This was on taking cases to the European Court of Human Rights and was run in partnership with the Baku-based Legal Education Society for 28 delegates from local NGOs and private legal practice. Following on from the training seminar EHRAC has now begun cooperation on European Court cases with three Azerbaijani NGOs. During the past year we have also run a training seminar in Moscow for lawyers from the North Caucasus region and hosted an intensive legal skills development programme for five practicing lawyers from Russia and Georgia at London Metropolitan University.

Launch of Oak Foundation Human Rights Internship Programme

In March, EHRAC launched the Oak Foundation Human Rights Internship Programme (OFIP) under which London Met students will be able to apply for paid four-month internships within the Oak Foundation's International Human Rights programme in London. The Oak Foundation is an international grant-making trust (which has supported EHRAC for several years).

Enquiries to EHRAC's Project Manager, Tina Devadasan:
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Other News

Dr Theodore MacDonald, a longstanding and active associate of HRSJ, and prolific author on health and human rights, sadly passed away on March 7, 2011.

Professor Kevin Boyle died on 25th December 2010. Kevin was an outstanding human rights lawyer, academic and activist based at the University of Essex, and a greatly valued member of HRSJ's Advisory Board.

HRSJ joins the Faculty of Applied Social Sciences

HRSJ, along with two other research institutes, joined the Faculty of Applied Social Sciences in August 2010. The move was welcomed by both HRSJ and the Faculty and we are very pleased with the many doors that have opened since then and the potential for future collaborations between the research institute and the faculty.

Events

Seminar Series 2011: Human rights and social justice in an age of austerity

HRSJ has organised a series of seven seminars that aim to inject an important ethical and policy dimension into public debate about fiscal austerity. The UK faces a period of austerity unparalleled in the post-war era, yet human rights and notions of social justice and equality have been largely absent from mainstream discussion about whether, or how, austerity should be pursued. The seminars address this omission by debating the value of human rights standards and principles as a means of scrutinising the impact of public policy, identifying its true cost and, where necessary, proposing alternatives.

The first event, in January, featured Professor Richard Wilkinson, co-author of *The Spirit Level: Why Equality is Better for Everyone* and *Observer* columnist Will Hutton, author of *Them and Us: Politics, Greed and Inequality: Why we need a fair society*. Their discussion on 'Achieving equality and fairness in troubled times' can be viewed on the HRSJ website, as can the second seminar on 'Human rights, poverty and social exclusion'.

On March 16, the parliamentary Joint Committee on Human Rights hosted the third seminar in the series at Westminster. This event brought together parliamentarians, leading academics, the Equality and Human Rights Commission and a wider audience to discuss whether austerity, as presently pursued, is compatible with the UK's human rights obligations under domestic and international law – and the tools of analysis required to find out. The event also debated the risks and opportunities for the realisation of human rights presented by policy initiatives associated with 'localism' and the 'big society'.

On May 5, Sir Hugh Orde, president of the Association of Chief Police Officers, debated policing and protest in age of austerity with human rights specialists and a member of Climate Camp's legal support team.

The next event, on May 25, is entitled 'What is fair? Equality, human rights and austerity' and will be hosted by the Law Society. Speakers include:

- Prof. Geraldine van Bueren, Professor of International Human Rights Law, Queen Mary, University of London and Commissioner, Equality and Human Rights Commission
- Sarah Spencer CBE, Chair, Equality and Diversity Forum and Deputy Director, Centre on Migration, Policy and Society, University of Oxford
- Anna Bird, Acting Director, Fawcett Society

To register for this or future seminars in the series, please visit the HRSJ website. Video recordings of previous seminars, along with speakers' presentations, are also available on the HRSJ website.

Alasdair MacIntyre lecture: intolerance and censorship

HRSJ hosted some 200 people at a lecture by Professor MacIntyre on 'Intolerance, Censorship and Other Requirements of Rationality' in October 2010. The event was organised jointly with the Centre for Aristotelian Studies in Ethics and Politics. A podcast is available on the HRSJ website.

Staff and Associate Activities

(Listed alphabetically by surname)

Karen Bennett

Congratulations to Karen Bennett, formerly HRSJ's Research Development Coordinator, on her new position within the Institute as Senior Research Fellow.

The OSCE Academy in Bishkek Kyrgyzstan commissioned Karen from August - November 2010 to teach for the Certificate Programme in Project Management, Human Rights and Conflict Sensitivity for Central Asia and Afghanistan. Karen has been invited to teach for the programme again in 2011.

Karen represented HRSJ at a discussion with Thomas Hammarberg, Council of Europe High Commissioner for Human Rights, and UK parliamentarians on current human rights concerns. The event was organised by the UK Parliamentary Human Rights Group.

Alice Donald

Alice Donald briefed the parliamentary Joint Committee on Human Rights (JCHR) in November 2010 on the Comprehensive Spending Review and human rights.

In November 2010, she chaired a conference on *Civil Liberties: Freedom and Fairness in the 21st Century*, organised by Inside Government with keynote speaker, Immigration Minister Damian Green.

Alice addressed a roundtable on economic and social rights in the UK in January 2011, organised by the 'Just Fair' Network, which campaigns for justice and fairness through human rights.

In September 2010, she addressed a symposium at Durham University marking the tenth anniversary of the Human Rights Act; the topic was 'Developing a Bill of Rights for the UK: Lessons from overseas'.

Philip Leach

Philip was in conversation with the human rights, democracy and LGBT campaigner Peter Tatchell, on April 6, 2011 at London Met. Peter is an alumnus of the University, having studied sociology here in the 1970s (and was taught by, among others, Prof. Eileen O'Keefe).

Philip spoke on *Pilot Judgments and the Effective Resolution of Systemic Human Rights Violations* at a conference on *The European Court of Human Rights after Protocol 14 – Preliminary Assessment and Perspectives*, on May 4 at the Université de Fribourg (Switzerland).

In March 2011, Philip gave evidence to the parliamentary Joint Committee on Human Rights on the implementation of judgments of the European Court of Human Rights.

Philip was a keynote speaker at the Amnesty International Activism Conference on Enforced Disappearances in October 2010.

Philip and Karen Bennett were invited to attend the Association of Human Rights Institutes' annual conference on *Reforming Human Rights Institutions: Progress and Status* in Iceland in September 2010.

Dr Svetlana Stephenson

Congratulations to Svetlana, a longstanding associate of HRSJ, on her promotion to Reader within the Faculty of Applied Social Sciences.

Selected publications

HRSJ reports

HRSJ published its biennial report (2008 – 2010). This is available on our website.

Books

Philip Leach, Helen Hardman, Svetlana Stephenson and Brad K. Blitz (2010), *An Analysis of 'Pilot Judgments' of the European Court of Human Rights and Their Impact at National Level* (Intersentia)

HRSJ associate Alan Haworth has been invited to produce a second edition of his book, *Understanding the Political Philosophers*. In a recent article, he sets out a case against

proportional representation: 'Worst Past the Post', *The Philosopher's Magazine*, 4th Quarter, 2010.

Chapters and articles

Bill Bowring (2010), 'Georgia, Russia and the Crisis of the Council of Europe: Inter-State Applications, Individual Complaints, and the Future of the Strasbourg Model of Human Rights Litigation' in James Green and Christopher Waters (eds) *Conflict in the Caucasus: Implications for International Legal Order* (Palgrave Macmillan)

Bill Bowring (2010), 'The Russian Federation, Protocol No. 14 (and 14bis), and the Battle for the Soul of the ECHR', *Goettingen Journal of International Law* 2, 589-617

Alice Donald (2010) 'Opinion: A Bill of Rights for the UK? Why the process matters', *European Human Rights Law Review* 5 459-464

Alice Donald, *Austerity opposition needs a coherent narrative. Human rights provides one*, *Guardian Comment is Free*, January 25, 2011

Alice Donald and Elizabeth Mottershaw (forthcoming) 'Limits and achievements of the HRA from the socio-economic point of view: the HRA, poverty and social exclusion' in Nicolas Kang-Riou et al (eds), *Confronting the Human Rights Act 1998: contemporary themes and perspectives* (Routledge)

Philip Leach contributed a chapter to the 2010-2011 *Handbook on Human Rights Work (Handbuch der Menschenrechtsarbeit)* produced by the German political foundation, the Friedrich Ebert Stiftung

Janet Rudge (forthcoming) 'Indoor cold and mortality' in Braubach et al (eds), *Environmental Burden of Disease Associated with Inadequate Housing*, WHO Regional Office for Europe, Copenhagen

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