

HRSJ Report Launch at Political Parties Bill of Rights debate

The HRSJ Research Institute and Global Partners & Associates were commissioned by the Equality and Human Rights Commission (EHRC) to identify and explore best practice processes for creating a Bill of Rights for the UK. The project comes at a critical juncture: the three main UK political parties currently agree on the desirability of a Bill of Rights but there is no consensus on the best process for creating such a bill which would be inclusive and promote ownership of it amongst all sectors of society. The project analyses evidence drawn from related domestic and international experiences, elaborates upon the Commission's principles underpinning the development of a Bill of Rights and draws up recommendations as to how a future UK Government should proceed with the development of a Bill of Rights, regardless of which political party is in power. The project also included a seminar in December 2009 which facilitated debate about deliberative methodologies, human rights and bills of rights processes.

Our report "Developing a Bill of Rights for the UK" was launched on 1 March 2010 at a debate hosted by the EHRC with the three political parties on the future of human rights legislation in Britain, where The Rt Hon Jack Straw MP, Secretary of State for Justice, Dominic Grieve MP, Shadow Secretary of State for Justice and David Howarth MP, Shadow Secretary of State for Justice set out their parties' positions to an audience of human rights experts.

The report was written by Alice Donald, with assistance from Philip Leach and Andrew Puddephatt. A copy of the report along with video footage from the debate can be accessed from the HRSJ's website <http://www.londonmet.ac.uk/research-units/hrsj/>

HRSJ Director appointed to Independent Advisory Panel (IAP) on Deaths in Custody

The Panel, which is part of the new Ministerial Council on Deaths in Custody, aims to help shape government policy in relation to deaths in custody through the provision of independent advice and expertise to the Ministerial Board on Deaths in Custody. The IAP is seen as having an important role in reducing the number and rate of deaths in custody. For further information, please visit the website: <http://iapdeathsincustody.independent.gov.uk/>

Human Rights Diploma Programme Central Asia

The HRSJ Research Institute is currently completing (by April 2010) a pilot project funded by the Foreign and Commonwealth Office in Central Asia (Kazakhstan, Uzbekistan and Kyrgyzstan) to develop a Human Rights Diploma Programme. The project is being carried out in collaboration with Middlesex University's Law Department, and will be evaluated by external assessors to consider the feasibility of delivering the programme in other geographical regions where human rights defenders are at risk. The aim of the programme (and pilot project), is to educate human rights defenders in high risk areas through an integrated training approach. The training team from HRSJ, the All Party Parliamentary Human Rights Group and Middlesex University recently returned from Kazakhstan and Kyrgyzstan after working with the group in setting up a Central Asian Human Rights Defenders Network, and meeting with funders and universities in the region to consider further human rights education and research activities in the region.

Seminar at the European Court of Human Rights on Systemic Human Rights Violations

The empirical data-collection for the Pilot Judgments project (funded by The Leverhulme Trust) is now complete. In March 2009 the research team conducted interviews at the European Court and with Council of Europe officials in Strasbourg. Further research was carried out in Warsaw in May 2009, where a seminar was also held, organised in conjunction with the Polish Ministry of Foreign Affairs. In June 2009 members of the team visited Slovenia (Ljubljana) and Italy (Rome and Milan) to conduct additional interviews. The HRSJ is working on this project with Dr. Helen Hardman, Dr. Svetlana Stephenson (DASS) and Prof. Brad Blitz (Kingston University).

On 14 June 2010 a seminar will be held in Strasbourg (hosted by the European Court of Human Rights) to disseminate the results of this research, which is being published by *Intersentia*. Speakers at the seminar will include European Court Judges, Registrars and lawyers, Government agents, and representatives of the Department for the Execution of Judgments, the Office of the Commissioner for Human Rights, the Parliamentary Assembly, NGOs, academics and representatives from national institutions (courts, human rights institutions).

Research Development

HRSJ is currently working together with the **United Nations Special Rapporteur for Human Rights Defenders**, Margaret Sekaggya, to develop a research proposal on human rights defenders. Mrs. Sekaggya was the keynote speaker at our recent conference on Security and Protection of Human Rights Defenders in April 2009. An update on the development of our research proposal will be forthcoming this spring. HRSJ is also working with the **Office of Democratic Institutions and Human Rights (ODIHR)**, the Warsaw-based Office of the OSCE, in developing research and training projects for human rights defenders in the OSCE participating countries. The HRSJ Research Development Coordinator, Karen Bennett, met with the UN Special Rapporteur, Margaret Sekaggya and with ODIHR representative of the Human Rights Defender Unit, Liane Adler, at the Fifth Dublin Platform for Human Rights Defenders, held by Frontline in Dublin, to develop collaborative research activities. ODIHR is also funding the strategy meeting coordinated by HRSJ for the Central Asian Human Rights Defender Network.

HRSJ is currently working together with the **International Bar Association** to devise a training programme to support the needs of the **Darfur Bar Association**. The project is planned for June 2010, and will be held in Geneva to coincide with the reporting of the UN Expert on Sudan at the 14th session of the UN Human Rights Council. This programme follows our successful initiative in February 2009, which was funded by the British Embassy in the Sudan, to train Darfur Bar Association lawyers from three regions of Darfur, which took place at London Metropolitan University.

HRSJ continues to work in partnership with **Global Partners and Associates (GPA)** in developing research opportunities where we have mutual interest and research expertise. Currently HRSJ and GPA have submitted a proposal to the **United Nations Office at Geneva (UNOG)** in response to their call for designing a 'United Nations Glossary of Human Rights Violations.' The aim of the Glossary is to better inform and create potential to facilitate more effective and efficient functioning of the international human rights system within field missions and beyond. The Glossary will help to enable UN field officers, with greater ease and coherence, to find and assess information related to human rights violations, thereby facilitating accurate reporting of violations and support for effective litigation where appropriate. Such a tool will be of critical assistance to field workers in both their monitoring and reporting duties.

HRSJ is participating in an ongoing international humanitarian law project focusing on the application of force and the capture of personnel and their resultant treatment – chaired by Elizabeth Wilmshurst, **Royal Institute of International Affairs (Chatham House)**.

The HRSJ Research Development Coordinator is currently working with London Metropolitan University staff developing research proposals to be submitted to the Economic and Social Research Council (ESRC), Ministry of Justice and other funding bodies. We are working with Dr Matt Stone (LGIR) on a proposal concerning Travellers and Planning law – analysing and evaluating local authority decision making and Janet Loveless (LGIR) on Problems in the Plea for Duress for Victims of Domestic Violence.

HRSJ and Prof Douwe Korff (LGIR) recently submitted a proposal to the ESRC on *Internet regulation in Russia & Georgia*

Other News

Senior Research Fellow

HRSJ is looking to appoint a Senior Research Fellow in Human Rights, with a strong research profile in human rights law (or social justice or a related field). It is expected that the position will play a substantial role in the promotion of the research profile of the HRSJ Research Institute, and to develop and extend our reputation for research, policy analysis, training and publication.

Further details about the post are available on London Metropolitan's Staff Vacancies web pages.

<http://www.londonmet.ac.uk/staff/e-recruitment/>

Events

HRSJ Associates' Meeting

At the Associates' meeting on 20th January 2010, the main focus was on health, with guest speakers *Kimberley Libman* (Hunter College NY/ New School for Social Research NY) and *Helen Davies*, Health Policy Manager for Greater London Authority and an honorary research fellow at LMU.

HRSJ associate *Jonathan Watkins* gave an update on the activities of the *Evo Group*, an international consultancy that provides training, project management, evaluation and knowledge management for the social care of vulnerable children and *Prof Eileen O'Keefe* (DASS) spoke about her work leading the LondonMet team in the *New York-London Tackling Childhood Obesity* collaboration with the NY School of Social Research and Greater London Authority. *Dr Kelvin Knight* (LGIR) spoke about recent activities of the Centre for Contemporary Aristotelian Studies in Ethics and Politics (CASEP)

29 Mar 2010: *Life and Death Matters: Disability Rights and Incapacity*, London Metropolitan University, Goulston Street, London. Further information: j.laing@londonmet.ac.uk

7 June 2010: CASEP lecture. Prof Alasdair MacIntyre *Some Types of Political Reasoning*. London Metropolitan University, Goulston Street. London.
Further information: casep@londonmet.ac.uk

14th June 2010: *Responding to Systemic Human Rights Violations*, The European Court of Human Rights, Strasbourg.
Further information: a.dudhia@londonmet.ac.uk

30th June - 2nd July 2010: *International Child Abduction, Forced Marriage and Relocation*, London Metropolitan University, Goulston Street, London.
Further information: c.keefe@londonmet.ac.uk

EHRAC update

The European Human Rights Advocacy Centre (EHRAC) continues to secure successes at the European Court of Human Rights. Since the beginning of 2010 it has won a further five cases including its first case against Georgia, *Kiladze*. In this case, which was taken in conjunction with the Georgian Young Lawyers' Association (GYLA), the Court found that a 'legislative void' had prevented the elderly applicants from obtaining compensation to which they were entitled as victims of Soviet political repression in the 1930s. This judgment has significance for thousands of others in a similar position in Georgia and potentially further afield.

Judgment has also been delivered in the case of *Zakayev and Safanova v Russia* taken jointly with the Russian NGO, Memorial. The European Court ruled that Ramzan Zakayev's removal from Russia in April 2003 for breaching residence regulations had violated Article 8 of the European Convention on Human Rights (ECHR) (right to private and family life), as it had had 'far reaching negative consequences' particularly for his four minor children who are Russian citizens. Among 2009 successes was the Grand Chamber ruling in the case of *Zolotukhin v Russia* in which the Court re-examined its approach to 'double jeopardy' cases (i.e. being prosecuted twice for the same offence) and formulated a new interpretation of what constitutes the 'same offence'.

In February 2010 EHRAC and GYLA submitted 32 groups of applications to the European Court on behalf of 134 Georgian citizens who allege that Russia committed a number of serious violations of the ECHR during the August 2008 Russia-Georgia conflict. This work was led by EHRAC Senior Lawyer, Jo Evans. The applications primarily concern instances of shelling and air attacks on villages, allegedly by Russian armed forces, resulting in the destruction of property and the killing or injuring of civilians and deliberate burning and looting of villagers' houses by Russian soldiers or Ossetian militia. In the words of two of the applicants:

"I saw that my daughter was lying over her son. She turned onto her back. Her head had been injured by shrapnel and she was bleeding severely. She was dying."
Tsitsino Kushashvili, applicant from Gori about the events of 9 August 2008

"Every day for one week I was waiting to be taken away for execution. I could only think about what kind of death it would be."

Neli Mchedlidze, applicant from Zemo Achabeti who was held hostage in Tskhinvali from 10-21 August 2008

These cases raise important questions about the applicability of the ECHR to a conflict situation, and they will also test the 'reach' of the ECHR - the applicants are asking the Court to find Russia responsible for violations perpetrated by its armed forces outside Russian territory (including the aerial bombing of villages in Georgia). The Court will also be asked to decide that the Russian Federation was responsible both for the actions of its armed forces and of Ossetian militia.

EHRAC also continues to build the capacity of Russian and Georgian NGOs and lawyers through formal training events. Most recently these have included a four-day programme in London on project and financial management for colleagues at Memorial and a two-day seminar in Tbilisi focusing on ECHR issues arising from the Russia-Georgia conflict.

In June 2009 the European Court requested EHRAC's permission to add the EHRAC Bulletin (and also EHRAC's Russian-language manual containing extracts from Prof. Philip Leach's book: *Taking a Case to the European Court of Human Rights*, OUP, 2005) to their electronic library catalogue. Both can be downloaded from: <http://www.londonmet.ac.uk/research-units/hrs/j/affiliated-centres/ehrac/ehrac-bulletin/home.cfm>

EHRAC has recently secured a further three years' funding from the Sigrid Rausing Trust, and a new grant has been obtained from the Netherlands Helsinki Committee. Congratulations to Tina Devadasan, Kirsty Stuart and Oksana Popova of EHRAC.

Staff and Associate Activities

(Listed alphabetically by surname)

Prof Marilyn Freeman

Congratulations to Marilyn Freeman, now Professor of Family Law – appointed to the chair a few weeks ago.

The Centre for Family Law and Practice will be publishing the first issue of its journals at the end of April, featuring a mix of peer-reviewed academic articles, practitioners' commentaries and a section for student publication.

Prof Liz Kelly

Research Project. Liz Kelly and Joe Lovett, *Different systems, similar outcomes? Tracking attrition in reported rape cases in eleven European countries* (Sept 2009)
Funded by the European Commission Daphne II Programme to combat violence against children, young people and women.

Prof Douwe Korff

- Completed a major study on *New challenges to data protection in the EU* for the European commission – with Dr Ian Brown, Oxford University and others.
- A 'spat' (with Prof Nigel Shadbolt), for the British Science Association on the release of government data. Report forthcoming shortly.
- Speaker at a round table (Feb 2010) at the Asser Institute in The Hague (Netherlands) on *The EU area of Freedom, Security and Justice in the wider world: Implementing the external dimension of The Stockholm Programme*.

Prof Philip Leach

- Speaker: *Human Rights Fact Finding Missions*, Seminar, British Institute of International and Comparative Law, London, June 2009.
- Speaker: International Law Discussion Group, June 2009 - *The European Court of Human Rights: a Court in Crisis?*, Chatham House.
- Speaker: Conference – *Hindrances to the exercise of the right of individual petition before the ECtHR*, University of Strasbourg, December 2009

Prof Peter Leyland

Presented paper as panelist at the *Thai Political Situation: Wherefrom and Whereto?* panel discussion at Royal Thai Embassy, 29 January 2010

Publications

Books

Prof Philip Leach

International Human Rights and Fact-Finding – An analysis of the fact-finding missions conducted by the European Commission and Court of Human Rights, co-authored with Costas Paraskeva & **Gordana Uzelac (DASS)**, Human Rights & Social Justice Research Institute, London Metropolitan University, February 2009

Responding to Systemic Human Rights Violations - An Analysis of 'Pilot Judgments' of the European Court of Human Rights and Their Impact at National Level, co-authored with **Dr Helen Hardman (HRSJ)**, **Dr Svetlana Stephenson (DASS)** and Prof Brad Blitz, published by *Intersentia* (forthcoming)

Prof Peter Leyland

Constitutional Courts: A Comparative Study (London, Wildy, Simmonds & Hill, 2009) co-edited with Prof A. Harding, ISBN 9780854900633, 377 pages

Prof Theodore H. MacDonald

The Education Revolution: Cuba's alternative to Neoliberalism, ISBN 978-1-907464-02-7, 255 Pages

Book chapters/Articles

Prof Philip Leach

The European Court of Human Rights: achievements, problems and prospects, Chapter in *The Human Rights Handbook*, [German language] Friedrich-Ebert Stiftung and Forum Menschenrechte, Berlin, 2008-2009

Analysis: On Reform of the European Court of Human Rights [2009] EHRLR 725-735

Prof Peter Leyland

The Genealogy of the Administrative Courts and the Consolidation of Administrative Justice in Thailand, in A.Harding and P.Nicholson (eds), *New Courts in Asia*, Routledge, 2009

Freedom of Information and the 2009 parliamentary expenses scandal [2009] Public Law 675-681

Jo Lovett and Miranda A.H Horvath

Alcohol and drugs in rape and sexual assault (Chapter 6), Part 2 Victim Vulnerabilities (p: 125)

Vanessa E. Munro and Liz Kelly,

A vicious cycle? Attrition and conviction patterns in contemporary rape cases in England and Wales (Chapter 12), Part 3: The Criminal Justice Centre (p: 281)

(All chapters) In (ed) Miranda Horvath and Jennifer Brown, *Rape: Challenging contemporary thinking*, (William Publishing, Sep 2009)

HRSJ Reports

Evaluating the Impact of Selected Cases under the Human Rights Act on public service provision - report commissioned by the Equality and Human Rights Commission, 2009 (Alice Donald, Philip Leach, Liz Mottershaw & Jenny Watson)

Developing a Bill of Rights for the UK – report commissioned by the Equality and Human Rights Commission (Alice Donald, with Philip Leach and Andrew Puddephatt)