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# NEWSLETTER

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HUMAN RIGHTS &  
SOCIAL JUSTICE

RESEARCH INSTITUTE

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## THE LAUNCH REPORT

The launch of the HRSJ Research Institute took place on 12 October, hosting more than 100 academics, professionals, activists and students engaged in women's struggle for rights and justice.

The meetings was opened by Chris Topley, Deputy Vice Chancellor (Research and Development) and Professor Bill Bowring, the Institute's Director. The keynote speaker was Professor Yakin Ertürk (pictured above), the United Nations' Special Rapporteur on Violence Against Women, its Causes and Consequences, giving an address entitled: "The real war against terror – protecting women against violence".

Professor Yakin Ertürk gave the audience her views on the issues surrounding violence against women, as well as her experiences during a recent visit to the Darfur region of Sudan, where it is alleged that rape is being used as a weapon of war. Her presentation gave a global view of the battle to stop violence against women, and reflected on examples of good and bad practice in the fight against violence from the UK and abroad.

Two colleagues from the worlds of academe and activism spoke after Professor Ertürk. The first, Professor Liz Kelly, the director of the University's Child and Woman Abuse Studies Unit, who gave a presentation on the recently published Shadow Report which responded to the UK's periodical report to the United Nation's convention for the elimination of all forms of discrimination against women (CEDAW). Finally, the head of Amnesty International's gender unit, Gita Sahgal spoke about Amnesty's major global campaign to 'stop violence against women'.

The launch was preceded by the first meeting of the Institute's External Advisory Board.

## EXTERNAL ADVISORY BOARD MEMBERS

The Institute now has a number of distinguished members of its External Advisory Board.

Kate Allen is Director of Amnesty International UK since 2000. Previously she was deputy chief executive at the Refugee Council and chaired the Asylum Rights Campaign.

Prof Upendra Baxi is Professor of Law at University of Warwick. His areas of specialist interest include

comparative constitutionalism, social theory of human rights, law in globalization, science, technology and human futures.

Prof Theo van Boven is Professor of International Law at Universiteit Maastricht. Since December 2001 he has been appointed as UN Special Rapporteur on Torture.

Prof Kevin Boyle is Professor of Law at University of Essex and a member of its Human Rights Centre. Previously he was Director of the Human Rights and was Senior Adviser to the UN High Commissioner on Human Rights, Mary Robinson, in 2001-2002.

Dr Hartley Dean is an Expert at the Social Policy Department of London School of Economics (LSE). His areas of specialism are discourses of welfare; poverty and exclusion; survival strategies of marginalised social groups; welfare rights, citizenship and rights of redress.

Robert Dunbar is a Senior Lecturer in Law at University of Glasgow and specialises in the rights of minorities.

Prof Yakin Ertürk is the UN Special Rapporteur on Violence against Women and a Professor of the Department of Sociology at the Middle East Technical University, Ankara.

Dr Jeanelle de Gruchy is a public health specialist (Member of the Faculty of Public Health), and currently on secondment from the NHS to the Department for International Development (DFID).

Jean Lambert MEP, Labour Member of the European Parliament for London, was first elected in the 1999 and then re-elected in 2004. She is a full member of the Employment and Social Affairs Committee, a substitute member of the Citizens' Freedoms and Rights, Justice and Home Affairs (Civil Liberties) Committee and a substitute member of the Human Rights Committee

Alastair McAuley is a Reader at the Department of Economics of University of Essex and a member of its Human Rights Centre. His research interests relate to economies in transition, particularly the former Soviet Union and Hungary, with a focus on issues of poverty, income distribution and consumer welfare.

Claude Moraes MEP, Labour Member of the European Parliament for London, was elected to the European Parliament for London in 1999 and again in 2004. He is active on the issues of regen-

## HUMAN RIGHTS & SOCIAL JUSTICE

### RESEARCH INSTITUTE

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#### External Advisory Board

Kate Allen  
Prof Upendra Baxi  
Prof Kevin Boyle  
Prof Yakin Ertürk  
Jean Lambert MEP  
Dr Jeannelle de Gruchy  
Dr Hartley Dean  
Robert Dunbar  
Alistair McAuley  
Claude Moraes MEP  
Prof Barney Pityana  
Prof Theo van Boven



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eration and social exclusion; older peoples' issues, human rights; rights at work; international development issues; and justice and home affairs including migration.

Prof Barney Pityana is Vice-Chancellor of University of South Africa. He is a lawyer and theologian with a lifetime commitment to human rights.

### RUSSIAN JUDGES AND PARLIAMENTARIANS VISIT TO LONDON

In September 2004 the HRSJ Research Institute in collaboration with the UK Government's Department for Constitutional Affairs (DCA) designed and hosted a three day study program for Russian Judges and Parliamentarians as part of the European Union Policy Advice Programme "Development of a System of Administrative Justice in the Russian Federation".

The visitors included: Dmitry Bednyakov, member of the Federation Council, the upper house of the Russian parliament; Oleg Boykov, first deputy chairman of the Russian Higher Arbitrazh (commercial) Court; Grigory Ivliev, head of the legal department of the State Duma, the lower house of Russian parliament; Garry Minkh, head of the Russian government's legal department; Alexander Moskalets, member of the State Duma; Viktor Pokhmelkin, member of the State Duma; Vladimir Radchenko, first deputy chairman of the Russian Supreme Court; Olga Sidorovich, director of the Moscow Institute of Law and Public Policy.

The aim of this project is to support the further implementation of comprehensive legal and judicial reform in the Russian Federation and to contribute to the creation of an administration justice system in the country, enabling citizens and non-citizens to benefit from effective remedies in complaints against central and local government.

The UK visit provided a range of expert opinions on how the reforms with similar objectives have been and are being implemented in the UK, illustrating the characteristics of different types of systems of administrative justice, and signalling reasons for the different approaches to this issue. In addition it provided an examination of the comparative advantages of different forms of administrative justice including:

- those not having a system of administrative justice as a separate component of the judicial system;
- those having it as a separate institution;
- those with a mixed set-up;

The UK study consisted of visits to the Administrative Court (Royal Courts of Justice, London), the Law Commission, the Law Society, the Employment Appeals Tribunal, the DCA, and public law barristers at Doughty Street Chambers, as well as a roundtable at Ladbroke House with academics from London Met and the University of Oxford.

### THE TERRORISM LIST CONFERENCE

The HRSJ Institute co-sponsored a conference held in Paris entitled 'Terrorism Lists: European, American and International Approach', with a case study of the People's Mojahedin Organisation of Iran.

Other conference sponsors included the Human Rights Institute of European Lawyers, Associazione Italiano Giuristi Democratici, Italian Association of Lawyers for Human Rights and the Human Rights Institute of the Bordeaux Bar.

Members of the UK's Bar Human Rights Committee and the Solicitors' Human Rights Group, and a large contingent of UK lawyers including barristers from 2 Garden Court chambers, were also present.

Prominent European jurists were able to discuss the legal aspects of terrorist designation and the distinction between terrorist groups and legitimate resistance movements. Papers presented at the conference included: *Terrorist Designation with Regard to European and International Law: The Case of the PMOI* by Bill Bowring and Douwe Korff of LondonMet; *International Law and Recognition of PMOI As a Resistance Movement* by Lord Slynn of Hadley and Jean-Yves de Cara, Institute for International Law, University of Paris; *The validity of the inclusion of the PMOI in the EU list of terrorist organisations in the light of European law, and its applicability by the judges* by Henri Labayle of Pau University and Bruno Nascimbene of Milan University; *Can the PMOI be regarded as a terrorist organization?* by Eric David, Centre for International Law, Université Libre de Bruxelles (ULB); *Judicial implications of including the PMOI in the EU terrorist lists*, by Dr. Jörg Arnold, Humboldt University, Berlin and Wolfgang Kaleck, advocate, President of Association of Republican Lawyers, Germany; and *Terrorism and Fundamental Rights: International and European Contexts* by Christophe Pettiti, Paris Bar, general secretary of the Human Rights Institute of European Lawyers.

The Opinion by Prof Bill Bowring and Prof Douwe Korff addressed three questions: first, what is the significance in law of the word "terrorist"; second, how is it that an organization may find itself designated as "terrorist"; and third, what can the organization concerned do about it.

### SOCRATES PROGRAMME

The HRSJ Research Institute has been instrumental in setting up a new Socrates link with a leading German university.

Using funds available from the Socrates Erasmus 'Teaching Mobility' programme, Bill Bowring and Philip Leach were able to travel to Frankfurt (Oder), Germany to teach at the Europa-Universität Viadrina's summer school 'European System of Human Rights Protection', held in September.

A reciprocal visit is expected to take place in the first half of 2005.

## MANICALAND REPORT

A grant from the HRSJ Research Institute enabled Dr Martha Chinouya to travel to Zimbabwe and team up with Dr Livingstone Musuro to carry out an initial assessment of the challenges facing those effected by and living with HIV in the Manicaland region.

In addition a three-day workshop was conducted with service providers, the Anglican Church clergy, people living with HIV, researchers and lay communities. The workshops covered a wide range of topics including the role of the Church in the fight against HIV, living with HIV in Manicaland and London, migration of health professionals, the HIV-health crisis, experience of providing HIV services in Manicaland as well as developing a 'grounded' user-led strategy.

The report, due to be published in January 2005. It is designed to:

Highlight the work being conducted by the Anglican Diocese in Manicaland in relation to promoting health and welfare.

Outline the challenges being faced by the Church in meeting the needs of those who are living with and affected by HIV and AIDS in Manicaland.

Show, using case studies, some of the challenges being faced by people who are living with HIV in Manicaland and England.

Describe the models of care that are used by the Diocese in caring for those who are living with HIV and AIDS.

Compare and contrast some of the models of care in order to share experiences.

Make a framework for policy recommendations for Diocesan future work in HIV and AIDS.

The aim is to further develop the relationship between LATRIC and the HRSJ Research Institute, in relation to HIV and AIDS, and future project proposals are currently being written.

## REFORM OF THE PROCURACY IN GEORGIA

This is an EU TACIS funded programme managed by the British Council, designed to assist the reform of the Prosecutor's Office (Procuracy) in Georgia. Prof Bill Bowring is responsible for the project component that will develop a curriculum and implement a series of training workshops that aim to improve the administrative organisation and effectiveness, whilst simultaneously increasing transparency, improving human rights practices and advancing the fight against corruption for the Procuracy in Georgia.

Approval has been given for this work to be implemented by a team from the HRSJ Research Institute. The team consisting of Bill Bowring, Douwe Korff and Philip Leach, will carry out intensive assessment and strategic planning in Tbilisi, Georgia, in

January 2005. In addition they will implement a series of workshops, to be held in Georgia, aimed at officials of the General Prosecutor's office and the Ministry of Interior, as well as representatives of NGOs and the media and will cover a range of areas including:

International human rights instruments, such as The European Convention on Human Rights (ECHR) and the International Covenant on Civil and Political Rights (ICCPR) and other appropriate human rights laws.

Prosecutorial ethics, the administration of the prosecutors office and anti-corruption issues.

## STAFF ACTIVITIES

Bill Bowring

14th June / London  
Speech on "The Rule of Law" at the Royal Institute of International Relations (Chatham House) round table seminar THE PREDATORY RUSSIAN STATE

19th June / Berlin  
Speaker at the International People's Tribunal on the Aggression Against Iraq

27th June / Nagoya, Japan  
Speaker at the Public Hearing for ICTI (International Criminal Tribunal for Iraq)

5th - 7th July / Moscow, Ryazan, Krasnodar, Nazran,  
EHRAC tour

12th - 16th July / Georgia  
Senior Criminal Justice Law expert for a British Council managed TEMPUS Tacis project "Reform of the Procuracy"

7th - 9th September / Frankfurt, Germany  
Teacher at Europa-Universität Viadrina's summer school 'European System of Human Rights Protection'

20th - 24th September / Moscow, Russia  
EHRAC training workshop.

28th September – 1st October / Astrakhan, Russia  
Council of Europe Training Seminar for Senior Judges

14th October / Strasbourg  
EHRAC – appearance as an advocate at the hearing of six Chechen cases in the European Court of Human Rights

21st October / London  
Speaker at the SEQUAL conference "Tackling Discrimination and Promoting Employability: Combating Social Exclusion"

22nd October / Strasbourg  
Council of Europe, project on Education Policy and Minorities – Expert Meeting. Prof Bowring is the Project Rapporteur.

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and copied to:

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Francis Corner  
Michael Crawford  
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Jon Davison  
Graeme Evans  
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As well as all members of LGIR and DASS

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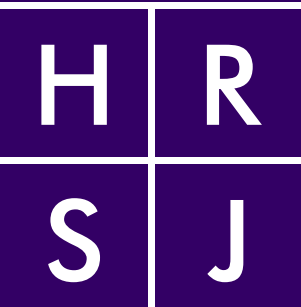
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Bill Bowring Cont...

27th October / London  
Speaker at the conference on ID Cards (Dana Centre of the Science Museum)

6th November / Rome  
Attendance as Council Member at the Administrative Council of the European Association of Lawyers for Democracy and World Human Rights (EALDH)

10th November / Paris  
Speaker at the international conference of Jurists "Terrorism Lists: European and International Law Approach"

14th November / Moscow  
Attendance at the International Helsinki Association (IHA) General Assembly' Prof Bowring is a member of the IHF's Rule of Law Council

15th-17th November / Moscow  
Expert work for the EU TACIS project "Development of a System of Administrative Justice in the Russian Federation"

18th-19th November / Kyiv, Ukraine  
Council of Europe; Rapporteur for the final regional conference within the Educational Policy and Minorities project

30th November / London  
Speaker at the seminar on "The Rule of Law in Russia" organised by the British-Russian Law Association (BRLA) and The Law Society

25th-26th November / Oslo  
Presented a paper at the conference "Russia in a Common Legal Space" organised by the Norwegian Institute of International Affairs" (NUPI) and the University of Oslo

2nd-3rd December / Ankara, Turkey  
Speaker at the International Bar Association's (IBA) workshop "Combating Torture: Guidance for Judges and Prosecutors"

Philip Leach

8th Sept / Frankfurt (Oder)  
Europa-Universität Viadrina's summer school 'European System of Human Rights Protection' Led the EHRAC/Memorial human rights training seminar, Moscow, 21-23 September

24th Sept / Moscow  
Presented a paper on Protocol 14 to the European Convention on Human Rights, at the EHRAC/Memorial NGO roundtable

14th October / Strasbourg  
Represented the applicants in six cases from Chechnya (Khashiyev and others v Russia) at an oral hearing before the European Court of Human Rights.

26th - 28th October / Jahorina, Bosnia

Council of Europe expert trainer: seminar on the European Convention on Human Rights.

Eileen O'Keefe  
Eileen has become the academic member on the London Health Commission's Community Development Forum. The London Health Commission advises the Mayor, Ken Livingstone, on policies which impact on the health and health care of Londoners.

She gave the Nick Robin Memorial Lecture at the Community Practitioner & Health Visitor Association's Annual Professional Meeting in October. This was published as E O'Keefe Migrant Communities in the UK: HIV and social and economic Rights. In *Community Practitioner* 77, 10: 385-6.

Martha Chinouya  
Martha has been invited to join the Cambridge Medical Ethics Research Committee. She gave a presentation to the Association of Medical Research Ethics Committees on methods for involving Black and minority ethnic communities in research in November. She has been invited to become a core member of the Economic & Social Research Council's seminar series on ethnicity and health which runs throughout in 2005.

Joint publications from this team published in November include:  
O'Keefe E & Chinouya M (2004) Global migrants, gendered tradition and human rights: Black Africans HIV in the United Kingdom. In Rosemarie Tong, Anne Donchin & Susan Donchin, eds. *Linking Visions: Feminist Bioethics, Human Rights & the Developing World*. New York: Rowman & Littlefield.

The HRSJ is well represented in the Nuffield Trust's compendium, out this month, *Human Rights, Equity and Health* edited by Debbie Fox & Alex Scott-Samuel. Advisory Board member, Dr Jeanelle de Gruchy outlines human rights problems thrown up by the government's proposed mental health legislation in her contribution "Human rights, equity and mental health". Martha Chinouya and Eileen O'Keefe consider tensions experienced by young people in their "Young African Londoners affected by HIV: making sense of rights". The whole publication is available to download at:

[http://www.nuffieldtrust.org.uk/policy\\_themes/docs/hrehnov2004.pdf](http://www.nuffieldtrust.org.uk/policy_themes/docs/hrehnov2004.pdf)

Danny Nicol  
Publication - "Original Intent and the European Convention on Human Rights [2005] Public Law (Winter Issue)

Staff and students are welcome to contribute related articles, and publicise events such as conferences, book launches, journal publications, etc. The HRSJ Institute reserves the right to edit articles before printing.

Please send contributions to Ian Waller

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