

Darfur Bar Association Human Rights Training - 23-27 February 2009

In February, the HRSJ Research Institute provided training for Sudanese lawyers from three regions of Darfur on the main legal principles and practices that underpin human rights law, international humanitarian law and international criminal law. The purpose of the training was to strengthen the Darfur Bar Association's capacity to defend victims of human rights violations. The training course constituted a week of seminars, lectures, workshops and round table discussions. Seminars were led by experts from HRSJ/LGIR/EHRAC, including Prof. Philip Leach, Prof. Douwe Korff, Karen Bennett and Joanna Evans. External guest speakers included Prof. Françoise Hampson (Professor of Law, University of Essex); Anthony Jackson (Legal Officer to the President of the International Criminal Court); Prof. Rachel Murray (Professor of International Human Rights Law, University of Bristol); Solomon Sacco (Human Rights Lawyer, Interights); Selena Brewer (Researcher, Human Rights Watch); and Rania El Rajji (Researcher, Amnesty International). External 'networking' meetings were arranged for the group with the Foreign Office Sudan Desk, the All-Party Parliamentary Human Rights Group UK, David Drew MP and Jeremy Corbyn MP. The project was funded by the Foreign & Commonwealth Office, and in coordination with the British Embassy in Khartoum.

EHRAC

EHRAC continues to represent a significant number of applicants from Russia and Georgia at the European Court of Human Rights in Strasbourg, seeking redress for a range of human rights violations. In one of these cases, *Zolotukhin v Russia*, (no. 14939/03) on 10 February 2009 the Grand Chamber of the Court unanimously found in favour of Mr Zolotukhin. The Court found that there had been a violation of Article 4 of Protocol 4 of the European Convention on Human Rights, because he had been tried twice (in administrative and then criminal proceedings) for a public order offence. This violated the 'double jeopardy' principle - that no-one should be tried or punished for the same crime more than once. The applicant was represented by Prof. Philip Leach and Mr Kirill Koroteev of Memorial. For judgment see: <http://cmiskp.echr.coe.int/tkp197/viewbkm.asp?action=open&table=F69A27FD8FB86142BF01C1166DEA398649&key=76516&sessionId=19480393&skin=hudoc-en&attachment=true>

Pilot Judgments Project

We have funding from the Leverhulme Trust to carry out research into systemic human rights violations in Europe (focusing on the impact of 'pilot judgments' issued by the European Court of Human Rights. Dr Helen Hardman joined us in December 2008 to begin this project, and since then very good progress has been made in organising the fieldwork for the research and in data collection. The team will conduct interviews at the Council of Europe in Strasbourg from 24-26 March and a seminar will be held in Warsaw in May, organised in conjunction with the Polish Ministry of Foreign Affairs. Also in May members of the team will visit Slovenia (Ljubljana) and expect to arrange interviews in Italy, Albania or Russia - other states which have been issued with pilot judgments by the Court. The research team comprises Prof. Philip Leach, Dr Svetlana Stephenson (DASS), Dr Brad Blitz (Oxford Brookes University) and Dr Helen Hardman (Research Assistant).

Research for the Equality and Human Rights Commission - Implementation of the Human Rights Act by Public Services

This project was carried out by HRSJ with Global Partners and Associates (GPA) and commissioned by the Equality and Human Rights Commission (EHRC). The report (*Human Rights in Britain since the Human Rights Act 1998: a critical review*) was a scoping report in preparation for the EHRC's Human Rights Inquiry. Both the Inquiry report and our scoping report will be published by the EHRC in April 2009. Our research investigated to what extent public authorities have been complying with the Human Rights Act. Results broadly show that Scotland and Wales have a better track record than England; however across the UK local authorities have failed to pro-actively adopt measures to ensure practice complies with the Human Rights Act. The research team comprised: Alice Donald (GPA), Prof. Philip Leach (HRSJ) and Jenny Watson (GPA).

EHRC Research Project: Evaluating the impact of selected cases under the Human Rights Act on public service provision

A second project for the Equality and Human Rights Commission sought to assess the impact of certain leading cases brought under the Human Rights Act and/or taken to the European Court of Human Rights. Subjects covered in the cases included: deaths in custody; the ban on manual lifting by care workers; the preventive duty of the police to prevent threats to life; disability discrimination in prison; the denial of support to asylum

seekers; and the failure to provide suitable accommodation for a severely disabled woman. The research traced how this case law developed, to what extent it was successfully implemented and whether public service provision in these areas has improved as a result. The project, undertaken by Alice Donald (GPA), Elizabeth Mottershaw (GPA), Prof. Philip Leach (HRSJ) and Jenny Watson (GPA) was completed in Autumn 2008 and the report will be published by the EHRC in April 2009.

Fact-Finding Project

This 18 month project funded by the Nuffield Foundation was completed in December 2008 and in February 2009 a report of the findings was published - *International Human Rights & Fact-Finding: an analysis of the fact-finding missions conducted by the European Commission and Court of Human Rights*. The project examined the ECtHR's fact-finding procedure, a process that investigates particularly serious violations of human rights in situations where there is insufficient evidence for the Court to draw a conclusion on an applicant's case. The research was carried out by Costas Paraskeva, Dr Gordana Uzelac (DASS) and Philip Leach. On 27 March 2009 the team have been invited to present their findings at a seminar at the Court in Strasbourg – to Court Judges, Registry lawyers and other Council of Europe officials.

Forthcoming HRSJ Projects / Events

Human Rights Defenders Security Conference

HRSJ, the All Party Parliamentary Human Rights Group and Peace Brigades International are jointly holding an international conference on the Security and Protection of Human Rights Defenders, on April 29th and 30th, 2009 at the University.

The conference aims to identify predominant trends in risks faced by Human Rights Defenders in third countries working in an increasingly dangerous climate; to review the effectiveness of policy actions and the mechanisms available for influencing appropriate responses for the protection of Human Rights Defenders; to consider how gaps in protection can be addressed; and to raise awareness of the need for a more comprehensive protection policy for Human Rights Defenders in third countries. The conference aims to support and strengthen a more systematic implementation of the EU Guidelines for Protection of Human Rights Defenders in Third Countries.

Day 1 of the conference takes place on Wednesday April 29th from 9:00 am - 6:15 pm at the Graduate Centre (Liebeskind Building). The Conference will open with

the keynote speech from Ms Margaret Sekaggya, UN Special Representative for Human Rights Defenders. The panellists will include prominent Human Rights Defenders from various geographical regions, and speakers with expertise in human rights including academics; representatives from the Council of Europe, European Union, NGOs; along with foreign Ambassadors and United Nations experts. Day 2 of the conference takes place Thursday, 30 April 2009 at the House of Commons and will primarily address Foreign Office Ministers, MPs and FCO officials.

The Diploma in Human Rights Programme Pilot Project (Central Asia)

The Foreign and Commonwealth Office has recently approved funding for a Pilot Project in Central Asia (including Kazakhstan, Uzbekistan and Kyrgyzstan), which will serve as a model for developing a Human Rights Diploma Programme (which could then be delivered in other regions). This is being carried out by the HRSJ Research Institute, led by Karen Bennett together with the Law Department of Middlesex University (led by Prof. Joshua Castellino). The aim of the programme (and pilot project) is to educate human rights defenders in high risk areas through an integrated training approach to human rights defender practice, which will: (1) increase awareness and knowledge of the available human rights mechanisms in the relevant countries and regions; (2) enhance practical skills, capacity and professionalism of activists defending human rights in particularly challenging environments; (3) give attention to civil society engagement with national institutions whilst being attentive to security risks; (4) strengthen human rights defender networks regionally and internationally, in accordance with the EU Guidelines on Human Rights Defenders; 5) offer credit toward a UK postgraduate degree, enhancing education opportunities for HRD's professional development; 6) provide leadership skills for HRDs themselves to conduct future local and regional human rights trainings and workshops; and 7) strengthen individual HRD's capacity, confidence, and professionalism in their work with national institutions, relevant government officials and departments, and with regional and international institutions.

An extensive monitoring and evaluation component has also been funded by the FCO, which will allow assessment of the possibility of providing the programme in other regions (such as the Middle East).