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# Human Rights Law Centre Newsletter

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# LGBT+ rights in the 21st century: Free and equal?

## In March 2017, the Human Rights Law Centre held its 18th Annual Student Human Rights Conference on LGBT+ Rights in the 21st Century: Free and Equal?

Recent years have seen increasing support for LGBT+ rights, both domestically and internationally. However, the status of LGBT+ rights remains controversial. They have often been undermined and overlooked. Many states are yet to incorporate LGBT+ rights into their laws and give effect to them in practice. The conference examined the successes of LGBT+ rights, while recognising barriers and discussing future reforms.

We were pleased to be joined by the following keynote speakers:

- Professor Michael O'Flaherty, Director, EU Agency for Fundamental Rights
- Arvind Narrain, Geneva Director, ARC International
- Professor Javaid Rehman, Professor of Law, Brunel University
- Joanna Whiteman, Co-Director, Equal Rights Trust



Professor O'Flaherty discussed LGBT+ rights from the EU's perspective, the remaining problems and what States need to do to accelerate and advance their LGBT+ rights protection. He concluded his talk by stating: "It is a terrible time to be working on human rights. While we all need to be alert and awake to the risk of all achievements falling apart, there is also a sense of hope – we should absorb the words that embody the idea of human rights, namely that all people are born equal."

Mr Narrain focused on the mandate of the newly established UN Independent Expert on Sexual Orientation and Gender Identity. He outlined the process and discussion surrounding the passage of the resolution creating the mandate. While the appointment of the Independent Expert will hopefully advance solutions and improve the treatment of LGBT+ people in many countries, the main responsibility for resolving issues remain with States, both at national and local level.

Professor Rehman addressed the issue of homosexuality in Islam and the Muslim world. In Islam originally homosexuality had been accepted, but colonial legacy and insecure political structures introduced discrimination and prosecution. He called for a better understanding of Sharia law and pointed out that laws can never be 'Islamic' – they are always political. Sharia is not law but rather morality, and therefore States of the Organisation of Islamic Countries should focus on changing their positive laws.

Ms Whiteman discussed LGBT+ rights in the Russian courts. Russia has a deeply heterosexual culture and tradition, with outward hostility towards and repression of LGBT+ rights. In addition, there are substantial restrictions on freedom of expression and courts do not always act independently. However, equality and non-discrimination laws are in place and improvement in legal recognition of LGBT+ rights is visible.

After the morning plenary, conference participants chose between two panels of research student from various universities, chaired by members of the Student Conference Committee:

- Regional perspectives on LGBT+ rights: Finding common ground
- Moving forward: Remaining barriers to equality

In the afternoon, two workshops were held:

- What works? Effective awareness raising strategies of LGBT+ issues – led by Andrew Coe, Katrin Dallimore and Kelly Waldorf of Out in Education
- LGBT+ rights: International and regional advocacy strategies – led by Paul Dillane, Executive Director of Kaleidoscope Trust

All keynote talks and reports from the student panels can be found at [nottingham.ac.uk/hrlc](http://nottingham.ac.uk/hrlc)



## Bailouts and bank levies: Dr Dowell-Jones addresses the financial crisis

Earlier this year, Dr Mary Dowell-Jones gave a talk on Bailouts and Bank Levies: Clawing back the Costs of the Crisis. She addressed problems and challenges in addressing the financial crisis, such as corporate accountability and transparency that have a bearing upon human rights.

Dr Dowell-Jones is a Fellow of the Human Rights Law Centre and an Honorary Assistant Professor in the School of Law. She has extensive research experience in the areas of systemic risk, financial stability and crises, and socioeconomic rights, and her current work focuses on applying human rights principles to the global financial system.



## Human rights at sea

David Hammond, CEO of Human Rights at Sea, presented the work of his organisation to law staff and students earlier this year. Human Rights at Sea is an independent human rights maritime charity whose aim is to raise awareness, implementation and accountability of human rights provisions throughout the maritime environment. It operates in four key areas: seafarers, fishermen, migrants and refugees, business and human rights. HRLC is in the process of signing a memorandum of understanding with Human Rights at Sea to facilitate participation of Nottingham students in their legal research programme.

## Disability and human rights

Former HRLC Coordinator Bailey Grey, now Advocacy and Policy Manager at Sense International, recently returned to Nottingham for a guest seminar on disability and human rights. She outlined the main principles and protections of the UN Convention on the Rights of Persons with disabilities. In addition, she provided an overview of the work of her organisation and the specific challenges faced by advocates of disability rights.

## Access to justice for vulnerable people in Russia

HRLC is delighted to partner up with Citizens' Watch International in a project on improving access to justice for two vulnerable groups in Russia – migrants and persons with disabilities – by strengthening knowledge and skills of Russian lawyers in these areas of practice.

While continuous efforts to reform the Russian criminal justice system are being made, the guarantees of the right to a fair trial are still weak. Migrants and disabled persons face specific problems in accessing Russian courts and, in addition, they often lack the resources to access professional legal assistance.

As part of the project, HRLC and Citizen's Watch International will organise an introductory training in St Petersburg in late September, after which a delegation of selected Russian lawyers will visit the UK to attend further trainings with British lawyers, visits to local courts and charities working with migrants and disabled persons. The project is the next stage of the long-term education programme Magna Carta International, launched by Citizens Watch International in 2016, and is funded by European Endowment for Democracy.



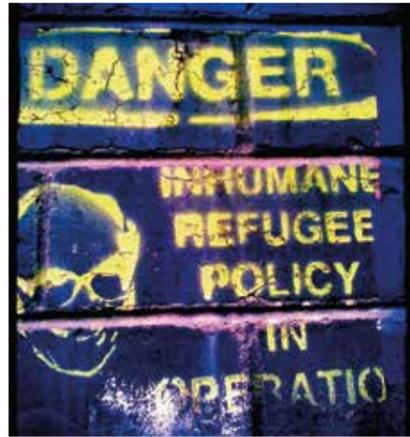
## ECtHR Judge Spano visits Nottingham

Earlier this year, Judge Robert Spano, Judge of the European Court of Human Rights, from Iceland, delivered a lecture on Terrorism and the European Convention on Human Rights. He discussed how the Court is balancing issues of terrorism and fundamental rights guarantees, with particular reference to its judgement in *Ibrahim and Others v United Kingdom* and the implications of Article 6 in regard to terrorism.

He argued that, while Article 6 allows leeway to governments for putting restrictions in place, it does not and should not allow for the normalisation of those measures: "the longer these terrorist measures persist, the easier it will be for society to accept them as normal and the more measures will be used to restrict human rights guarantees in the future". A detailed report on Judge Spano's visit can be found at [nottingham.ac.uk/hrlc](http://nottingham.ac.uk/hrlc)

## Professor Thornberry delivers lecture on racial discrimination

Earlier this year Emeritus Professor of International Law, Patrick Thornberry, Keele University, delivered a guest lecture on Discrimination in Relation to Minorities and Indigenous Peoples. Professor Thornberry is an honorary professor of the University of Nottingham School of Law and a former member of the UN Committee on the Elimination of Racial Discrimination. He has published widely in the field of public international law and human rights, specialising in the rights of minorities and indigenous peoples, and racial discrimination.



# Forced Migration Unit re-established

We are pleased to announce the re-establishment of the Forced Migration Unit within HRLC. Led by Dr Daria Davitti, the unit will be formally launched in the new academic year, but is already bustling with activity.

HRLC has a long-standing reputation for carrying out outstanding research in forced migration and in organising inspiring events on refugee law-related issues. The relaunch of the Forced Migration Unit will enable us to once again assume a leading position in this area. Given its potential to influence policymaking in Europe, the unit will initially focus its activities on the European refugee 'crisis'.

On 7-8 November, the unit will host a workshop on Tackling Root Causes? EU Aid and Governance to Control Migration, in collaboration with the PPGR Humanitarian and Development Aid Unit. The workshop aims to bring together scholars, non-governmental organisations, policy and lawmakers to discuss the nexus between EU development and migration policies, and their broader legal and political implications. The workshop is funded by the Rights and Justice Research Priority Area at the University of Nottingham.

In preparation for this workshop, the Forced Migration Unit is currently conducting research on recent EU policies on migration and development aid. Dr Davitti and Dr Annamaria La Chimia have already published an article on this topic entitled 'A Lesser Evil? The European Agenda on Migration and the Use of Aid Funding for Migration Control' in the *Irish Yearbook of International Law*.

The broader aim of the research carried out by the unit is to understand the bigger picture of the migration 'crisis'. Therefore, related topics are included in the daily work of the Forced Migration Unit, such as the:

- Externalisation of migration measures by the EU and its Member States
- Framing of the debate on irregular migration
- Work of search and rescue NGOs in the Mediterranean
- Involvement of Private Military and Security Companies in the 'crisis'

In this context Dr Davitti published an article entitled 'Why offshore processing of refugees bound for Europe is such a bad idea' in *The Conversation*.

In February, Dr Daria Davitti took over from Professor Mary Footer as Head of the Business, Trade and Human Rights Unit. During academic year 2017/18, Dr Davitti is the module convener for LLM modules Business and Human Rights, and International Law and the Protection of Refugees.

Her research focuses on examining the obligations and responsibility of states, international organisations, and private companies operating in complex contexts, such as situations of armed conflict, forced migration and humanitarian emergencies.

## New leadership for the Business, Trade and Human Rights Unit



# Tales from the FRA-sphere

The EU Agency for Fundamental Rights (FRA) has recently published a number of reports.

In May, the FRA published its annual Fundamental Rights Report 2017, which provides an overview of the status of fundamental rights across the EU, from overall equality and non-discrimination to privacy and data protection. Notably, on the occasion of its 10th anniversary, the FRA looked back at its achievements and remaining shortcomings in its report, *Between promise and delivery: 10 years of fundamental rights in the EU*.

Related to immigration, the FRA published *Together in the EU – Promoting the participation of migrants and their descendants and European legal and policy framework on immigration detention of children*. The former highlights both promising practices and shortcomings in Member States' efforts to foster participation by migrants and their descendants, while the latter outlines the main fundamental rights safeguards provided for in EU and human rights law to prevent unlawful and arbitrary detention.

In July, the FRA also published *Fundamental rights and the interoperability of EU information systems: borders and security*. This report aims to support the work of the EU High-level Expert Group on Information Systems and Interoperability by highlighting ways to address fundamental rights challenges.

HRLC has recently completed four FRA reports, namely:

- Monthly data collection on the current reform of intelligence legislation in the UK
- Living in another Member State: barriers to EU citizens' full enjoyment of their rights
- Standing and operational space of non-governmental organisations in contributing to respecting and promoting fundamental rights in EU Member States
- Information Request on Roma and Travellers.

We are currently finalising two fieldwork projects. Rights of crime victims to have access to justice – a comparative analysis aims to provide information on the experiences of adult victims of violent crimes in accessing criminal justice in the UK.

The fieldwork consists of 33 one-to-one interviews with police, victim support organisations, prosecutors, judges and victims of violent crime. The project is managed by HRLC Research and Project Officer, Laura Wills, and led by Dr Debbie Cooper, Social Expert on Fieldwork Research.

The second fieldwork project, *Severe labour exploitation – foreign workers' perspectives*, looks at the experiences of foreign victims of severe labour exploitation. The work will provide



legislators and policy makers with evidence about the experiences of victims of labour exploitation.

The fieldwork research consists of 20 one-to-one interviews and two focus group discussions with labour exploitation victims. Dr Alex Toft, Coventry University, acted as lead interviewer and Social Expert on fieldwork Research; Andrea Nicholson, Nottingham Trent University, also conducted some of the interviews. The project is managed by HRLC Research and Project Officer, An Cuyppers.

Furthermore, HRLC is completing three additional reports:

- Anti-Muslim and anti-migrant hatred database
- Misogyny, gender stereotyping and hate speech against women
- Contribution to FRA Fundamental Rights Report 2018 and EU Charter of Fundamental Rights



## Human rights training at the Foreign and Commonwealth Office

In 2017, HRLC has been working with the Foreign and Commonwealth Office (FCO)'s new Diplomatic Academy to develop a module on human rights as part of staff training

This module was designed for FCO staff at all levels who are called on to give advice on human rights.

The major objectives are to have a deeper understanding of what human rights are and the key elements of law, policy and theory; and to understand the UK's position on human rights and the implications for FCO's work. It covers both multilateral institutions and country specific work. The focus is on human rights policy and practice.

The module is one of a range offered by the Multilateral Faculty at the FCO.

This module is largely delivered online, via an Open University Platform, making it accessible to FCO staff around the world. In addition to the online material, there are two workshops per year on human rights policy and implementation. The human rights module was developed by HRLC Co-Director, Professor Dominic McGoldrick, the Centre for Political and Diplomatic Studies, and the FCO Diplomatic Academy.

## For the sake of humanity: preserving and fostering the European Union's Commitment to Human Rights



**HRLC's FRAME Project (2013-2017) ended with a final conference at the Palace of the Academies in Brussels. EU officials, practitioners, academics and civil society representatives gathered to discuss themes linked to the EU and human rights during keynote speeches, panel discussions and a high-level roundtable. This final conference was also the occasion to present the FRAME outcome document, which outlines the project's main findings and lists key policy recommendations. The project was led by Professor Jeff Kenner.**

FRAME was tasked with surveying the reality of the EU's commitment to human rights, that is, assessing whether human rights are effectively being protected and promoted by the Union's policies, and whether the EU institutions and bodies, and the Member States, live up to their pledge in practice.

After four years of meticulously researching the exercise of the EU's entire range of competences against this commitment, FRAME uncovered much proof that this commitment is being taken seriously, and that there is a sincere desire by many to deliver on it. Conversely, FRAME also evidenced that a number of policy choices made by the EU and its Member States run counter to this commitment. This applies, in particular, to certain aspects of the EU's economic and fiscal policies that cause inequality to increase rather than to decrease, thereby seriously affecting the conditions for human rights to flourish. Therefore, it is crucial that, in reflecting on its commitment, the EU also considers the impact of the political and economic underpinnings of its policies on human rights.



On the basis of its research, which yielded 10,000 pages of reports, FRAME developed 40 policy recommendations in its Outcome Document. These recommendations seek to respond to two crosscutting challenges affecting the Union's contribution to human rights in Europe and the world: insufficient embeddedness and backlash from both inside and outside.

On the one hand, despite visible improvements, the Union's commitment to human rights is not yet sufficiently embedded in EU policy and law-making practices. Not all EU actions can be said to back the commitment with their full weight. On the other hand, even more worrying developments hindering the rollout of the EU's human rights commitment are the pressures which are exerted by forces who wish it to fail, both from inside as well as outside the Union.

The FRAME Outcome Document as well as all FRAME research outputs, including HRLC's reports on the EU's engagement with non-state actors (business, international financial institutions and civil society organisations), are available at [fp7-frame.eu](http://fp7-frame.eu)



## Advanced course on the law of armed conflict

**HRLC recently delivered its annual Advanced Course on the Law of Armed Conflict. This bespoke course is provided to personnel from the legal branches of the British Armed Forces.**

It is designed to give an academic grounding in a specialist area of public international law, namely the law of armed conflict. This is essentially an area of law that deals with State and individual responsibility in the use of military force and the conduct of military operations. This course is aimed at qualified lawyers working for the legal branches of the armed services who may be called on to give advice on such matters.

Each participant acquires the skills, ability and knowledge to enable them to provide appropriate legal advice within the broad field of the law of armed conflict. The advanced course complements the Foundation Course on the Law of Armed Conflict which takes place in September each year.

The Advanced Course was delivered by Professor Sandesh Sivakumaran, Professor Olympia Bekou, Dr Marko Milanovic, Professor Rob Cryer (University of Birmingham), and Professor Dominic McGoldrick, HRLC Co-Director and Course Director.

## How to spend your summer: become a HRLC intern



**Over the last few months, HRLC welcomed five University of Nottingham student interns who assisted with the work of the centre.**

- Georgios Alexandris holds a Bachelor in Law from the Democritus University of Thrace and is currently completing his LLM Human Rights Law. As part of the Forced Migration Unit, Mr Alexandris conducted research on the forced return of refugees and asylum seekers from the development aid perspective
- Marlene Fries holds a First State Exam in Law, studied at the Rheinische Friedrich-Wilhelms-Universität in Bonn/Germany and is currently completing her LLM Human Rights Law. Ms Fries conducted research on the external dimension of the European Agenda, focusing in particular on the bilateral agreements with third countries for the forced return of refugees and asylum seekers currently in the EU
- Megan Jameson recently graduated with an LLB from the University of Nottingham. As part of her Publications Internship, Ms Jameson assisted with the production of Volume 22 and 23 of the Yearbook of the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, which HRLC edits for Brill Nijhoff Academic Publishers
- Harvey Slade holds an LLB from the University of Nottingham and is currently completing his LLM Human Rights Law. Mr Slade assisted with the production of the International Human Rights Reports, one of HRLC's leading publications, by writing case summaries of decisions of the UN Human Rights Treaty Bodies and Regional Human Rights Bodies
- Edoardo Gabriele Vacca holds a Master in Law from the LUISS Guido Carli University in Rome and is currently completing his LLM International Criminal Justice and Armed Conflict. During his International Criminal Justice Unit internship, Mr Vacca helped to provide legal research and organisational support to enhance the capacity of the National Implementing Legislation Database and testing of the newly built Cooperation and Judicial Assistance Database

## African Prisons Project back for more human rights training

**In May, HRLC was delighted to again provide a three-day course on imprisonment and human rights to three Kenyan Fellows from the African Prisons Project.**

Francis Kimani, Frank Opondo and Richard Ondimu are Kenyan prison officials who were on an intensive three-month secondment to the UK to learn about its penal system, mainly through workshops and meetings with representatives from the police, the courts, the Ministry of Justice, prison, probation and resettlement services.



HRLC provided the academic leg of their secondment, with a course addressing human rights challenges related to imprisonment, such as life imprisonment, the right to vote and mental disorder in detention.

## Human rights defenders welcome

**Five human rights defenders joined our short course in international human rights law at the beginning of this year.**

Fredie Simukonda is working to promote the rights of women and children of rural communities in Malawi, his homeland, where access to clean water and health care pose great problems. Shirley Harding is Women and Children's Rights Officer at the Human Rights Commission of Sierra Leone.

Philip Johnson is a former paralegal who works in discrimination complaints against the US Department of Justice. Elmukashfi Mazoob is a Sudanese lawyer with a particular interest in the rights of persons with disabilities. Joe Moses is an anthropologist and Chairman of the Paga Hill community of Papua New Guinea, who were forcibly evicted from their land to make way for a five-star resort; Joe has fought the land grab in court and is now raising awareness of the Paga Hill land battle with his documentary *The Oppressed*.

They came to Nottingham to learn the principles and protections mechanisms of international human rights law and to tell us how they defend human rights on a daily basis in their communities.

A new cohort of fellows will visit HRLC in autumn 2017. More information on the African Prisons Project as well as information on the Fellows and their secondment is available at [africanprisons.org](http://africanprisons.org)



## Execution of ECtHR judgements

On 28-29 September, HRLC will hold an expert workshop on The Execution of European Court of Human Rights Judgements (ECtHR). The workshop will discuss the difficulties that States and the Court face in ensuring the execution of ECtHR judgments.

In particular, the focus will be on judgments about the procedural obligation to investigate alleged violations of Articles 2 and 3. The workshop is organised in partnership with the Department for the Execution of Judgments of the European Court of Human Rights.

## Distance learning course in international human rights law

This course is designed to give an in-depth understanding of international human rights standards and of the UN and regional systems that implement them. The course is taught by leading human rights academics and practitioners in the international human rights systems.

It is aimed at individuals who require a deeper knowledge of the increasingly important subject of international human rights law in their professional life, or who wish to embark upon a career in human rights. It is particularly suited to those who cannot take on the commitment of a full-time course.

Participants explore the UN human rights system, regional human rights systems (African, European and Inter-American), economic, social and cultural rights, international refugee law, international criminal justice, current human rights issues, international humanitarian law, women's rights, and rights of the child. Course fees, dates and contact details are available at [nottingham.ac.uk/hrlc/distancelearning](http://nottingham.ac.uk/hrlc/distancelearning)

## Short course in international human rights law

**HRLC's International Human Rights Law Short Course is a three-month residential course designed to give an in-depth understanding of international human rights standards through seminars, guest lectures, workshops, visits, tutorials and conferences.**

It provides valuable insight and contextual knowledge of the practical operation of human rights law for those interested in human rights protection, from civil society organisations, government, judiciary, police, charity or legal professions, academia, media and business.

Course members explore:

- United Nations and regional human rights standards
- UN human rights system: the Human Rights Council, Treaty monitoring bodies and Special Procedures
- Regional human rights systems
- Implementation of human rights standards in national systems, human rights commissions and other bodies

Participants also take modules from the LLM programme of the University of Nottingham School of Law. The course can be extended to six months with an internship (subject to eligibility) at a non-governmental organisation or a research option within HRLC. The next course will start in January 2018 and further information is available at [nottingham.ac.uk/hrlc/shortcourse](http://nottingham.ac.uk/hrlc/shortcourse)

### Stay in touch

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