The Dublin Statement is Presented at the United Nations in Geneva and New York

The Dublin Statement on the Process of Strengthening the United Nations Human Rights Treaty Body System was adopted in November 2009, facilitated by the Human Rights Law Centre (HRLC). During recent months, HRLC has been engaged in an intensive programme of dissemination of The Dublin Statement among key stakeholders.

The Dublin Statement was presented at the Palais des Nations in Geneva on 26 January 2010. The event, organised by HRLC and facilitated by the Government of Ireland, was attended by over 100 representatives of States, committee members, UN and NGO representatives. The panel was introduced by H.E. Ambassador Gerard Corr of Ireland and included statements by Ms. Shanti Dass (formulator of CEDAW), Prof. Geert van den Berg, Director of OHCHR Human Rights Treaties Division and Prof. Michael O'Flaherty. Mr. David Sted on stated that “The Dublin Statement offers a stimulating framework for further improvement of the treaty body system and opens the way for more creative and fresh thinking on ways in which treaty bodies could better rationalise, consolidate and focus their work in the future without compromising its quality.”

A similar event was held in New York on 18 May 2010, when The Dublin Statement was presented at the Permanent Mission of Ireland to the United Nations to an audience of over 60 representatives of States and NGOs, as well as senior UN officials. H.E. Ambassador Anne Anderson introduced the panel comprising Ms. Felice Gaer (member of CAT), Dr. Anand Palan (Director of OHCHR Human Rights Treaty Bodies Division) and Prof. O’Flaherty. In his statement, Dr. Salama conveyed the commitment to The Dublin Statement on the part of the UK High Commissioner for Human Rights Ms. Nunnally-Pilay and expressed appreciation for HRLC’s notable leadership in re-galvanising the debate around reform of the treaty bodies.

Further initiatives for the dissemination of The Dublin Statement included its publication in the Netherlands Quarterly for Human Rights (Vol. 28/1, 2010) and a commentary by Prof. O’Flaherty. Dr. Palan stated that “[T]he Dublin Statement provides a stimulating framework for further improvement of the treaty body system and opens the way for more creative and fresh thinking on ways in which treaty bodies could better rationalise, consolidate and focus their work in the future without compromising its quality.”

In his statement, Dr. Salama conveyed the commitment to The Dublin Statement on the part of the UK High Commissioner for Human Rights Ms. Nunnally-Pilay and expressed appreciation for HRLC’s notable leadership in re-galvanising the debate around reform of the treaty bodies. For more details on The Dublin Statement and the process that led to its adoption, please refer to our previous Newsletter (Winter 2010) or visit our website www.nottingham.ac.uk/law/hlc.

For the latest human rights news, subscribe to the University of Nottingham Human Rights Law Centre Newsletter.

Forthcoming Events – Summer 2010

In Brief...

New Edition of Cases and Materials on International Law Published

Prof. David Hume has published the seventh edition of his highly regarded cases and materials on international law (Sweet and Maxwell). It contains chapters on international human rights and other key areas of public international law and is widely used in law schools around the world. This highly popular work draws together in one volume an exhaustive selection of cases, materials and background information on public international law. The volume supplements cases and materials with expert commentary and analysis, providing a broad and comprehensive treatment of the subject and incorporating all major developments, including particularly the expansion of human rights issues in international law.

- A must read for any student who does not want to spend literally days in a law library trying to find these materials. - Law Student Journal

- “It is a comprehensive resource. It has all the materials needed to illustrate how the subject works.” - Law Journal

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On 20 March 2010 HRLC’s 11th Annual Student Human Rights Conference welcomed over 70 participants from across Europe to explore the inter-relation between human rights and new technologies.

Prominent experts delivered keynote addresses on a diverse range of themes. Prof. Therese Murphy (University of Nottingham) provided an overview of human rights issues raised by the development of new technologies. Prof. Richard Ashcroft (Queen Mary, University of London) covered questions of bioethics and human rights. Mr. Lee Hildard (Council of Europe Media and Information Society Division) reflected on the role of human rights in internet governance. Mr. Dave Bannari (Senior Legal Council at Article 19) analysed the positive and negative impact of new media on freedom of expression and information.

Ten student panellists from eight European universities presented papers on four themes:

- **Big Brother in Europe?**
  The panel explored how the right to privacy is affected by the development and dissemination of surveillance technologies across Europe (Maria Travis, European University Institute), how peer-to-peer networks jeopadise the right to property of copyright owners and the right to privacy and data protection of alleged copyright offenders (Dita Lynsky, University of Cambridge), and the impact of DNA databases in criminal investigations on the right to privacy (Maria Murphy, University College Cork).

- **Global justice 2.0**
  The panel investigated challenges faced by human rights defenders when utilising ICT in mapping open case files of grave human rights violations in Bosnia and Herzegovina (Greg Martin, University of Amsterdam) and the impact of new technologies in facilitating the process of seeking justice for international core crimes exemplified by the ICC’s Legal Tools project (Annika Lebus, Leeds Metropolitan University).

- **Freedom of Expression and the Internet**
  The panel examined how new technologies affect freedom of expression (Ivan Krastev, Institute for Political Studies) and the use of relational databases in mapping open case files of grave human rights violations in Bosnia and Herzegovina (Greg Martin, University of Amsterdam) and the impact of new technologies in facilitating the process of seeking justice for international core crimes exemplified by the ICC’s Legal Tools project (Annika Lebus, Leeds Metropolitan University).

- **Tools to Advance Human Rights**
  The panel considered the role of new technologies in investigating crimes committed by the ICC’s Legal Tools project (Aranka Jones, University of Nottingham), and the role of the internet as a tool to promote the freedom of expression of children (Stefan Kulk, University of Amsterdam).

Looking Back on the First Ten Years of the Human Rights Act (HRA)

On 26 February the Human Rights Law Centre, in coordination with the School of Law, hosted the workshop, Human Rights Act: Its First Ten Years, as part of the 2009-2010 Sir John “Smith trust Human Rights Scholar Program.”

Prof.4lnthony Judge, Legal Advisor to the Joint Committee on Human Rights, delivered the keynote address, discussing the issues he faced in introducing human rights into the legislative process. The proceedings concluded with a discussion led by Prof. Paul Hunt (University of Nottingham) on the role of the HRA on criminal evidence and the relationship between decisions of domestic courts and the European Court of Human Rights.

US Engagement with the UN Human Rights System

On 16-17 February Prof. Michael O’Hare participated in a roundtable discussion on Strengthening the UN Human Rights System. A discussion with human rights defenders convened in Washington D.C. by the Carter Center and the Brookings Institution’s Managing Global Insecurity Initiative. A panel of human rights experts discussed the role of the United States and other leading member states can help improve the UN Human Rights Council’s ability to promote and protect human rights around the world ahead its fifth anniversary. While welcoming the Obama Administration’s decision to re-engage with the UN, participants suggested a number of steps the United States can take to help strengthen the UN Human Rights system.

Visiting Scholar from Turkey Joins the Human Rights Law Centre

Mehmet Ali Zengin, from the Faculty of Law at Selcuk University in Turkey, joined the Human Rights Law Centre in February 2010 for an eleven month visiting scholarship funded by his university. Prof. Zengin is undertaking research on bioethics and human rights, exploring the sometimes uneasy relationship between human rights and new biological and medical developments. The first stage of his research will concentrate on investigating biological and medical terminology, concepts and processes, in order to provide definitions for the concepts of ‘biocultural implementation’ and ‘medical attention.’ The second phase of his research will explore how biological research and developments affect human rights and how human rights law (or should) limit biological studies and research focusing on particular aspects of patent and pharmaceutical technology regulation. The final phase of his research will outline current regulations and new proposals for the protection of human rights against medical attention and related legal orders.

New Publications by HRLC Members in International Human Rights Law

Centre members Dr. Daniel Mendel (now at the University of Zurich), Ms. Sangeeta Shah and Mr. Sandesh Sivanathan have published a textbook entitled International Human Rights Law (Oxford University Press), with contributions from a number of experts, including HRLC Co-Directors Prof. Harris and Prof. O’Flaherty, HRLC member Prof. Robert McCrorquodale, as well as international contributors such as Prof. Theo van Boven (Maastricht University), Prof. Sir Nigel Rodley (University of Essex), Prof. Adam Sisk (University of Oslo) and Prof. Martin Scherman (European University Institute).

In addition, Prof. Nigel White co-edited a book on international Law and Dispute Settlement: New Problems and Techniques with Prof. Duncan French (University of Sheffield) and Dr. Matthew Saul (Bath University). The book was published by Hart in March 2010.

March Session of the UN Human Rights Committee

Prof. Michael O’Hare, during the March session of the UN Human Rights Committee in New York, presented a further session of the draft General Comment on Freedom of Expression (Art. 19 ICCPR). Parallel to the Committee session, he met on 10 March with government officials, judges and civil society representatives from the Republic of Kyrgyzstan to discuss the practice and protection of human rights.

HRLC’s Dr. Bekoku on Academic Visit to Istanbul

Dr. Olympia Bekoku, Head of HRLC’s International Criminal Justice Unit, currently on research leave from the University of Nottingham School of Law spent six weeks as visiting academic at Istanbul Bilgi University. During this period she delivered a seminar on International Criminal Law (ICC) to undergraduate and postgraduate students and undertook legal research of Turkey’s preparation to join the Rome Statute of the International Criminal Court, given the recent amendment of Turkey’s criminal code.

Dr. Bekouk held discussions paving the way to future cooperation between the Human Rights Law Centre and Bilgi University’s Centre in ICL related matters, given that Turkey has not yet ratified ICC Statute.

HRLC to Welcome Two Delegations of Judges and Court Officials from Thailand

In June 2010, the Human Rights Law Centre will host two training courses for judges and court officials from Thailand, pursuant to the University’s Memorandum of Understanding with the Office of the Judiciary of Thailand. The first delegation of 38 judges is taking part in a seminar on Labour Law: International and UK Standards on 1-17 June. As part of the course, they will visit separate employment law institutions in London between 14-17 June. The second delegation, comprising 47 court officials, is scheduled to visit the Office of the Judiciary of Thailand will arrive in Nottingham on 21 June to attend a two week seminar on International Human Rights Standards, Juvenile and Family Law.

Prof. Paul Hunt on the Right to Health

Professor Paul Hunt (University of Essex), former UN Special Rapporteur on the Right to the Highest Attainable Standard of Physical and Mental Health, visited the Human Rights Law Centre on 5 March to deliver a lecture to the Chevening fellows on the right to health.

In the first part of his lecture, Prof. Hunt reflected on his work as a UN Special Rapporteur, including his numerous country visits, the writing of thematic reports, his engagement with health professionals and representatives of pharmaceutical companies. He also provided insight into the UN politics associated with an election to Special Rapporteur.

Prof. Hunt devoted the second part of his lecture to health systems and the right to health. Conceptualising the right to health as a right to access an equitable health system is a big step towards understanding the full implications of the right to health as a human right.

Questions from the international group of Chevening fellows exposed the great relevance of the right to health for different contexts and different countries around the world. Questions ranged from the applicability of the right to health to the provision of health services by private actors in India, the need to reduce maternal mortality rates in the Gambia, the absence of an efficient medical transport system in Sudan to the problem of skilled medical personnel worsening in Kenya for better paid jobs in the US and EU.

Find about student-led projects and activities at http://www.nottingham.ac.uk/HRLC/StudentActivities/StudentActivities.aspx

Visit the Publications Unit at: http://www.nottingham.ac.uk/HRLC/About/HRLC/Operations/Units/PublicationsUnit.aspx

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Visit the Publications Unit at: http://www.nottingham.ac.uk/HRLC/About/HRLC/Operations/Units/PublicationsUnit.aspx
More Human Rights Films to Come!

The 3rd Annual Human Rights Law Centre Film Festival will be held at Broadways Cinema – one of the best ten cinemas in the world (Total Film Magazine, 2008) – in Nottingham’s city centre this July. Each year we show four provocative films and engage in lively discussion, bringing diverse human rights issues to life. This festival will concentrate on a specific theme – Human rights in the UK. For further details see our Upcoming Events on page 8.

The Human Rights Film Series is a popular, student-led initiative that screens engaging films on campus every fortnight throughout the academic year.

The Human Rights Film Series started with a pilot initiative that screened engaging films across every Nottingham University campus in the first academic year. The HRLC thanks Victoria Hunter, Gina Moore Pease, Adam Quincy and Fiona Loa for the dedication and love for film and human rights demonstrated throughout the year. HRLC also wishes to thank Gearóid O’Cuinn for his insight and inspiration in developing this annual project.

Prof. O’Flaherty Participates in a Panel Discussion at a Freedom of Expression Conference

On 23 April 2010, HRLC Co-Director Prof. Michael O’Flaherty participated in a panel discussion on ‘UN Treaty Based Approaches to Freedom of Expression’ during an expert conference on ‘The United Nations and Freedom of Expression and Information: Critical Perspectives’. The conference took place in Amsterdam and was organised by the Amsterdam Centre for International Law (ACIL) and the Institute for Information Law (IViR) of the University of Amsterdam Faculty of Law, in collaboration with the Human Rights Centre of the University of Utrecht.

The conference brought together experts from the UN system, including the Human Rights Committee and other UN treaty bodies, UNESCO, and the Special Rapporteur on Freedom of Expression, as well as experts from ministries, NGOs and academic institutions.

Progress towards a Mental Health Bill for Lesotho

Since 2008, Prof. Peter Bartlett has been working on a HRLC project that looks at the complexities of integrating mental health into the environment of the legal framework. Prof. Bartlett worked in collaboration with a team of experts, notably Prof. Kevin Anderson, to draft a Mental Health Bill for Lesotho. The draft bill has now been reviewed by the Government to bring it into conformity with national drafting standards and styles.

Over the past months a research assistant, Vanga Haam, has been interviewing stakeholders in South Africa, to gain understanding of what mental health law reform should address and achieve. This has included consultations with mental health lawyers, government officials, and mental health service-users. The results of this research will be compiled into a guidance document, to be circulated to stakeholders across South Africa.

Freedom of Expression in Latvia

On 14 April, Prof. O’Flaherty participated in a roundtable on current human rights issues in Latvia organized by the Riga Graduate School of Law. The roundtable analysed latest developments in the European Court of Human Rights related to Latvia and the issue of freedom of expression in the context of Latvia. Prof. O’Flaherty presented recent developments in the UN’s international law related to freedom of expression and key features of the new General Comment of Article 19 of the International Covenant on Civil and Political Rights that is being developed by the UN Human Rights Committee and for which he is rapporteur.

HRLC’s International Human Rights Law Short Course

On 19 March, twelve students concluded the third month long adventure of HRLC’s International Human Rights Law Short Course. The course, which runs from September – December and January – March, provides exclusive seminars led by international experts, as well as seminars from the programme for the LLM in Human Rights Law. A participant from the January 2010 course, Marlies Rothuesen, said: “I enjoyed taking this course very much! Not only did I learn a lot from the course and the LLM classes, but I also learned from my fellow students and made valuable contacts. I have new ideas about what I want to do in the future.”

The next Short Course will start on 27 September 2010, and the deadline for applications is 1 September 2010. For more information please visit:
http://www.nottingham.ac.uk/HRLC/ShortCoursesandTraining/ShortCoursesandTraining.aspx

HRLC Co-Director Prof. Michael O’Flaherty speaking at the Freeom of Expression in Latvia Conference

Integrating Human Rights into the Global Financial System

On 10 March 2010 HRLC’s Business, Trade and Human Rights Unit hosted a guest lecture on ‘Exploring Alternative Approaches for the International Financial System to Promote Social Equality’. The lecture was delivered by Dr. Mary Dowell-Jones, Research Fellow at the Institute for Human Rights and Business.

Dr. Dowell-Jones explored the relationship between the global financial system and human rights, analysing the impact of international financial and economic recession on economic, social and cultural rights. In this context, she stressed the importance of integrating human rights into the regulation of the financial system and the related responsibilities States have in protecting citizens’ rights.

The Dublin Statement, UN Human Rights Reform and the Role of the European Union

HRLC’s work on reform of the UN human rights treaty bodies and the Dublin Statement were presented on 26 March, during a meeting of the ACHR-COST Working Group on Anthony of UN Human Rights Mechanisms by Research Associate Agnes Flue. The meeting was hosted by Prof. Jan Wouters at the Centre for Global Governance Studies, Katholieke Universiteit Leuven. Belgium. This was the second meeting of the working group, which continued discussions started during the 11th Annual Conference of the Association of Human Rights Institutes that HRLC hosted last September.

Reports and Studies on Legal Issues, Promotion and Protection of Fundamental Rights in the European Union (FRALEX)

Since 2008, the Human Rights Law Centre has been part of the group of Legal Experts of the EU Fundamental Rights Agency (FRALEX). Through the FRALEX network, HRLC regularly produces legal studies and reports on specific fundamental rights issues in the United Kingdom. These publications include updates on developments in the thematic areas for which the Fundamental Rights Agency (FRA) is responsible, analyses of UK laws and practices according to fundamental rights and principles of EU Law. Publications also serve to alert the Agency to key national developments.

The project is part of HRLC’s European Human Rights Unit and is directed by HRLC Co-Director Prof. David Harris. Over the years it has benefited from the contribution of a vast number of experts who have produced thematic studies (up to four per year), final reports, and quarterly bulletins to enable FRA to effectively contribute to ongoing EU policy discussions on fundamental issues.

Thematic studies have covered a variety of areas within FRA’s mandate, including the impact of the EU Race Equality Directive (Mary Coussy, 2009), assessment of data protection measures and relevant institutions (Douwe Kortt, 2008), national human rights institutions and organisations (David Harris, Colin O’Connor, 2008), child trafficking (Michaela Harris, Ralph Sandford, 2008), homophobia and discrimination on grounds of sexual orientation (Thérèse Murphy, Jeff Kenner, Toni Johnson, 2008, updated 2010).

On 7 May, HRLC Co-Director Prof. O’Flaherty was a moderator during the presentation in Vienna of FRA reports on data protection authorities, national human rights institutions and the impact of the EU Race Equality Directive.

Prof. Michael O’Flaherty continues Engagement for Enhanced Cooperation between Regional and International Human Rights Mechanisms

Following the European consultation of December 2009 in Strasbourg (see Newsletter Winter Edition 2010), HRLC Co-Director Prof. O’Flaherty participated in OHCHR’s international workshop on ‘Enhancing Cooperation between Regional and International Mechanisms for the Promotion and Protection of Human Rights held in Geneva on 3 – 4 May. Representatives of the existing regional human rights mechanisms in Africa, the Americas and Europe shared the results of the regional consultations and discussed lessons-learned and proposals for enhanced cooperation between the international human rights system and their respective mechanisms. Prof. O’Flaherty delivered presentations in the panels on information sharing between systems and enhanced follow up to decision and recommendations.
Interview with Prof. Surya P. Subedi, Professor of International Law at the University of Leeds and United Nations Special Rapporteur on the Situation of Human Rights in Cambodia

Nottingham, 11 February 2010

When it comes to land management and land rights, land evictions still constitute the main issue of concern to human rights, but there has been progress on the ministerial front as well. I have persuaded the Government to adopt comprehensive guidelines on land rights and land evictions. The Human Rights Council has adopted a resolution on the matter and drafting work in Cambodia is now underway. This is a very encouraging development.

Of concern is the still confrontational attitude that the Government has towards civil society in this context. My task as Special Rapporteur is to act as a bridge between them, creating a forum of government and civil society representatives in order to encourage regular dialogue. I have proposed this idea to the Prime Minister and he welcomed it, work on the forum will start in the upcoming months.

Another positive development in this area is that the government agreed to broaden consultations before the adoption of new laws that have a direct impact on human rights by sharing drafts with the civil society, in order to ensure a more transparent and participatory process. The Cambodian government has been receptive to this idea and during my last visit I have been assured that, for example, the new law regulating non-governmental organisations (NGOs), will be shared for wider consultation before it will be submitted to the National Assembly. As there are still concerns with regard to restrictions on the activities of NGOs, this wider consultation and involvement of civil society will make it possible to point out deficiencies in the draft law, which can then be corrected.

What do you think are the most interesting and/or challenging aspects of the work of a Special Rapporteur?

The role of a Special Rapporteur is a positive one, as strengthening the international regime of promotion and protection of human rights. Thanks to the existence of Special Rapporteurs, many marginalized, oppressed and disadvantaged people were able to air their grievances and in many cases potential violations of human rights have been prevented. The appointment of an additional international watchdog can only be a good thing for people living under undemocratic or oppressive regimes worldwide or those in transition which are willing to work with the UN to benefit from the expertise that the UN machinery can provide. The UN human rights machinery should be strengthened and be able to exercise more effective powers in bringing violators to account. The standards and powers of the Human Rights Council should be elevated in order to make it a more professional human rights body.

Would you accept a second mandate?

A second mandate will depend on how much progress I will be able to make, if I will be able to maintain a constructive approach with the Government of Cambodia, then I will continue my endeavours for some time to come for the greater good of the people of Cambodia.

Interview with Agnes Flues

Weerane: The Mourning Tree

Weerane is an acacia tree near Aware town in Ethiopia. It is a special tree, steeped deep in the tradition and folklore of the Issaq clan, one of the main nomadic tribes that live in the northwestern Somali region of Somalia. Weerane means ‘the mourning tree’. The Mourning Tree is also the title of an autobiography and a prison memoir.

After the end of the Chevening course at HRLC, I stayed in the UK to promote the book and raise awareness about past and current human rights issues in Somalia. I have presented the book to Somali and local communities in Cardiff, Surrey and Wales, but also in France and Italy.

What was your experience as a Chevening fellow at the Human Rights Law Centre?

The Chevening course has been a very useful programme and a very important experience. I will be happy if I can pass on even half of what I have learned here to Nottingham. Somalia has been in turmoil since the early 1990s. Although the country still faces big problems, people want to learn about human rights. Therefore, when I go back to Somalia in June, I want to share what I have learned here with the people in my country, especially with young people. When people are living in difficult conditions, they need to know about human rights. Also, I want people in my country to understand that human rights are about all humanity, that they are not a product that the West is trying to impose on the rest of the world. I want people to understand that human rights are about respecting and protecting human beings. My organisation, Soma Falks, is an umbrella organisation of smaller organisations that mainly do human rights education. We hope to convey this message and as much as of what I have learned here as possible.

Interview with Agnes Flues