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Human Rights Law Centre Newsletter

From Reflection to Action: Strengthening the UN Human Rights Treaty Body System

November 2011 marked an important moment in the reflection process on how to strengthen the United Nations (UN) human rights treaty body system. Almost at the same time as the 10th treaty body on enforced disappearances started its work, a high-level meeting took place in Dublin to formulate concrete recommendations on how to strengthen the treaty body system to render it more efficient and effective. The event was convened by Professor Michael O'Flaherty and the Human Rights Law Centre (HRLC), with the support of the UN Office of the High Commissioner for Human Rights (OHCHR) and the Irish Department of Foreign Affairs.



Experts at the Dublin II Meeting discussing recommendations to be included in the Outcome Document.

Deputy High Commissioner for Human Rights, Ms Kyung-Wha Kang and senior OHCHR staff attended as observers.

The Dublin II Outcome Document has already been referenced in a report of the UN Secretary-General and a resolution of the UN General Assembly. It will constitute a substantial input into the report that High Commissioner Navi Pillay will present to the General Assembly in June 2012. It addresses all stakeholders that participate in the work of treaty bodies: States, treaty bodies themselves, NGOs, NHRIs, the UN and its agencies, with particular focus on OHCHR. Recommendations concern general measures to strengthen the treaty body system, in the following areas: ratification, acceptance of procedures and withdrawal of reservations to treaties; membership; harmonisation of procedures; collaboration with other human rights mechanisms; promoting knowledge of the treaty body system; reprisals and resources. Further recommendations address specific treaty body functions: the State

reporting process; individual communications; follow-up and implementation of Concluding Observations and Views/Opinions/Decisions and General Comments/Recommendations.



Deputy High Commissioner Kyung-wha Kang addressing the Dublin II Meeting, Prof. Michael O'Flaherty and Ms Silvia Pimentel

Since November 2011, Prof. O'Flaherty and HRLC have been promoting knowledge of the Outcome Document and its recommendations and maintaining momentum for the treaty body strengthening process.

In January 2012, Prof. O'Flaherty addressed a meeting of Permanent Representatives to the UN in Geneva on the topic of the *Dublin Process and Treaty Body Reform* at the invitation of a group of States led by the Government of Poland. He also presented the Dublin process at an information event at the UN in New York on 28th March 2012, to a capacity group of some 130 diplomats and other attendees. The New York event was chaired by Ambassador Anne Anderson of Ireland and co-hosted by the governments of Ireland, Switzerland, Republic of Korea, Poland and Morocco.

Prof. O'Flaherty and Pei-Lun Tsai (PhD candidate in the School of Law, University of Nottingham) contributed a chapter on 'Periodic Reporting: The Backbone of the UN Treaty Body Review Procedures' to a new volume edited by M. Cherif Bassiouni and William A. Schabas, *New Challenges for the UN Human Rights Machinery: What Future for the UN Treaty Body System and the Human Rights Council Procedures?* (Intersentia, 2011). The chapter illustrates how recommendations emerged at the Dublin II meeting with regard to the State reporting process would contribute to enhancing its effectiveness and efficiency.

The Dublin II Outcome Document can be downloaded from the HRLC website at: www.nottingham.ac.uk/hrlc/documents/projects/summaries/pdfs/dublinstatement.pdf.

Professor O'Flaherty Appointed Chief Commissioner of the Northern Ireland Human Rights Commission

Professor O'Flaherty has been appointed the new Chief Commissioner of the Northern Ireland Human Rights Commission (NIHRC). He took up his post on 19 September 2011 and will lead the Commission for the next five years. Professor O'Flaherty will maintain his association with the University and will continue in his role as Co-Chair of the Human Rights Law Centre.

Created by the Northern Ireland Act 1998, the Commission is an independent body that works for the promotion and protection of human rights in Northern Ireland, reviewing the adequacy and effectiveness of law and practice relevant to human rights. The Commission advises the Secretary of State, the Northern Ireland Executive and Assembly Committees of measures which ought to be taken for the protection of human rights. The Commission also assists people whose rights have been denied or abused by helping them to take a case to the courts. In appropriate cases, it can bring proceedings and carry out investigations; it also provides training and information on human rights to the general public. The NIHRC is a recognised member of the international network of national human rights institutions, with A status under the Paris Principles.

Annual Human Rights Lecture: Rt. Hon. Baroness Hale of Richmond

On 1 December 2011, HRLC welcomed the Rt. Hon. Lady Hale of Richmond DPE, PC and Justice of the UK Supreme Court to deliver its Annual Lecture. Lady Hale focused upon the relationship between the UK Supreme Court and the European Court of Human Rights. The lecture, entitled *Argentoratum Locutum: Is Strasbourg or the Supreme Court Supreme?*, attracted an audience of over 200 students and others, the best attended lecture in HRLC's history.

Lady Hale's lecture provided an insight into the Supreme Court's consideration of the jurisprudence of the Strasbourg Court and the subsequent domestic interpretation of Convention rights. Lady Hale acknowledged that the Supreme Court has, on occasion, gone further than Strasbourg had gone at the time and probably further than Strasbourg would still go and has also deferred to the legislature following domestic changes. Lady Hale emphasised the importance of the British courts striking a balance in a very 'British way', when applying the judicial reasoning of the Strasbourg Court in a domestic context. Conversely, the Strasbourg Court should equally be mindful of the relationship with domestic courts in Member States, by showing greater awareness of the consequences of its judgements, by being cautious where the national courts have struck a balance between competing rights, by ensuring that the principle of legal certainty is complied with by adhering to precedent and consistency and by facilitating an increased dialogue between the courts, both informally and in their judgements.

The full text of the lecture is available at: <http://www.nottingham.ac.uk/hrlc/events/springlecture.aspx#Argentoratum>



Prof. Alastair Mowbray, Prof. David Harris (HRLC Co-Chair), Prof. Thérèse Murphy, Baroness Hale, Prof. Peter Bartlett, Dr. Aris Georgopolus, Dr. Marko Milanovic

New Contract with the European Union Fundamental Rights Agency

HRLC has been awarded a new four year contract with the European Union Fundamental Rights Agency (FRA) for the provision of data collection and research services on fundamental rights issues in the United Kingdom.

HRLC is continuing its relationship with the FRA, having been part of the FRALEX team of legal experts for the past four years and produced numerous reports and thematic studies. Now through collaboration with an extensive network of experts, HRLC will provide data collection and research services on both social and legal dimensions of fundamental rights protection in the UK. The contract includes the provision of services to the European Institute for Gender Equality (EIGE) - supporting them in their work to promote and strengthen gender equality in European and resulting national policies and to combat gender discrimination.

The mandate of the FRA is to provide relevant EU institutions, bodies, offices, community agencies and Member States with assistance in taking policy decisions that affect fundamental rights in their particular fields of competence. The new contract comes at an important time for fundamental rights in the European Union. 2010 was the first year the EU was operating on the basis of a legally binding bill of rights of its own - the Charter of Fundamental Rights of the EU. In addition to this, 2010 saw negotiations regarding the formal accession of the EU to the European Convention on Human Rights and intensive discussions on the commonly agreed EU rules on free movement and non-discrimination.

The High Commissioner: Conscience for the World

In February 2012, Prof. O'Flaherty was a panellist at a two day conference in New York: "UN High Commissioner for Human Rights: Conscience for the World", marking the 40th anniversary of AJC's Jacob Blaustein Institute for the Advancement of Human Rights. The conference examined the role of the High Commissioner, reflected upon accomplishments and challenges of the role and recommended strategies to increase the High Commissioner's effectiveness in preventing human rights violations in the future. The High Commissioner, Navi Pillay, delivered the keynote address.

International Human Rights Law Short Course

Between September - December 2011 and January - March 2012, two cohorts have embarked upon HRLC's International Human Rights Law Short Course. The students this year originated from Mexico, Swaziland, Uganda, Kenya, South Africa, Italy, Finland and the USA and from a variety of backgrounds including an immigration officer, international humanitarian worker and members of the legal profession. The students experienced a concentrated programme of seminars, tutorials, guest lectures and visits to legal and academic institutions, providing them with valuable insight and contextual knowledge of the practical operation of international human rights law. More information at: <http://www.nottingham.ac.uk/hrlc/HRLC-ShortCourse>



HRLC's Prof. Harris and Kobie Neita with the Short Course Winter 2011 class

Peaceful Protest: A Cornerstone of Democracy

In January 2012, Prof. O'Flaherty participated as a panellist at the Annual Wilton Park Human Rights Conference, which this year dealt with *Peaceful Protest: a cornerstone of democracy - How to address the challenges?* Prof. O'Flaherty reflected on the legal aspects of state responses to peaceful protests, including their consequences and preventive measures to be adopted in the future. The conference analysed issues arisen during recent global popular protests and in particular those linked to the Arab Spring, including protection for human rights during peaceful protests, the implications of utilising social media strategies to support such protests and the contribution required towards clarifying the work of the UN Special Procedures and other human rights mechanisms.

Launch of HRLC's International Human Rights Law Distance Learning Course

HRLC is proud to announce the launch of its new Distance Learning Course. The course is already underway and participants are benefitting from the expert guidance of leading human rights law academics and practitioners involved in the design and teaching of this course. It is primarily aimed at those for whom knowledge of the increasingly important subject of international human rights law is of value in their work, yet for professional or personal reasons are unable to attend a full-time residential course.

The course has theoretical and practical dimensions with a strong emphasis on current issues, such as counter-terrorism and human rights, cultural relativity, Islam and human rights, and sexual orientation and gender. Students gain an in-depth understanding of international human rights standards and of the international and regional systems that implement them. The course is flexible, comprising several modules that may be taken individually or together. Students can also attend the Distance Learning Summer School and/or HRLC's Summer School on Protecting Human Rights Through United Nations Mechanisms on completion of the course. Participants may commence the course at any of the four module commencement dates throughout the year.

Specific modules are: the UN Human Rights System; Economic, Social and Cultural Rights; International Refugee Law; International Humanitarian law; Regional Human Rights Systems; Current Human Rights Issues and International Criminal Justice. Study guides accompany each module, providing a week-by-week programme of relevant source materials, texts of treaties and guides to reading. All materials are available for download from an interactive website which also provides an asynchronous forum for discussion with teachers and other course participants. Students receive a certificate on successful completion of the course and accreditation for continuing professional development for solicitors and barristers is pending.

Since its inception, the Distance Learning Course has attracted participants from all over the world including Australia, Canada, New Zealand, the United States, Uganda, Brazil, Trinidad and Tobago, Kenya, Dubai and the UK. Participants have diverse academic and professional backgrounds and a common wish to develop further a particular interest in human rights.

For more information on course content, dates, fees and the application process please visit:
<http://www.nottingham.ac.uk/hrlc/IRHL-distancelearning>



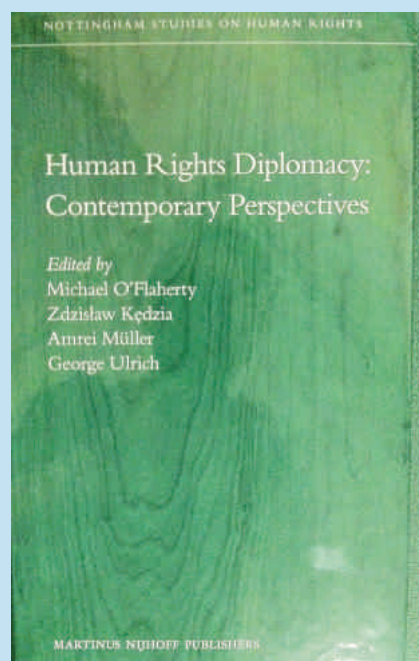
Human Rights Diplomacy: Contemporary Perspectives

Human Rights Diplomacy: Contemporary Perspectives, edited by Prof. O'Flaherty, Dr. George Ulrich, Dr. Amrei Müller and Prof. Zdzisław Kedzia (Brill Academic Publications, 2011) is the first volume in the newly established series Nottingham Studies on Human Rights with Martinus Nijhoff Publications. The series is edited within HRLC by Prof. David Harris and Prof. Michael O'Flaherty and will comprise a collection of monographs and edited volumes offering scholarly analysis and discussion of the theory and practice of international and national human rights law.

The first volume is a collection of essays that explore the notion, tools and challenges of human rights diplomacy, which is understood as the utilisation of diplomatic negotiation and persuasion for the specific purpose of promoting and protecting human rights. Theoretical reflections are combined with first-hand accounts from a wide range of policy-makers involved in human rights diplomacy at the bilateral, regional and multilateral (UN) level. Contributors include inter-governmentally appointed office-holders, human rights ambassadors,

members of UN human rights treaty bodies and representatives of inter-governmental organisations, national human rights institutions and non-governmental organisations. Their analysis shows that skilful and principled diplomacy can become a crucial part of a holistic approach to human rights protection, complementing other means such as legal remedies, public advocacy, political pressure and technical assistance. This book builds on discussions at a high-level workshop on the topic, organised by the University of Nottingham Human Rights Law Centre, the European Inter-University Centre for Human Rights and Democratisation and the Adam Mickiewicz University of Poznan in January 2009.

The Nottingham Studies on Human Rights Series will cover all categories of human rights and the machinery for their implementation. It extends to the human rights standards developed within the United Nations and within regional human rights organisations. Particular attention will be given to how these standards are applied and implemented in practice, as well as to issues of current concern and debate. Most volumes will be monographs, but the series will also include edited collections of scholarly articles and documents.





In Focus: Contemporary Freedom of Expression

On 21 July 2011 the UN Human Rights Committee adopted its new General Comment on Freedom of Opinion and Expression (General Comment No. 34 on art. 19 of the International Covenant on Civil and Political Rights). HRLC Co-Chair and Committee Vice Chairperson Prof. O'Flaherty was Rapporteur (principal drafter) for this General Comment and he guided its development from initial consultations through to adoption.

"Freedom of opinion and expression are indispensable of the person [...] and [...] form a basis for the full er

The UN Human Rights Committee Comment on Freedom of Expression

In the newly adopted General Comment the Committee has outlined the breadth of what the freedoms of opinion and expression protect and has shown that these freedoms are at the heart of the human rights system. Specific elements of the rights are clearly elaborated to show how they apply in real situations, as are the criteria by which expression may legitimately be limited. The Committee also addresses how this right applies to new media that have emerged since the last definitive statement in this area - a timely development in light of the influence of such media in recent global political protests and uprisings. Furthermore, Prof. O'Flaherty commented that " [...] for the first time in UN treaty practice the General Comment spells out what it means to say that there is a right of access to information that is held by the State, a matter previously only discussed at the national and regional level."

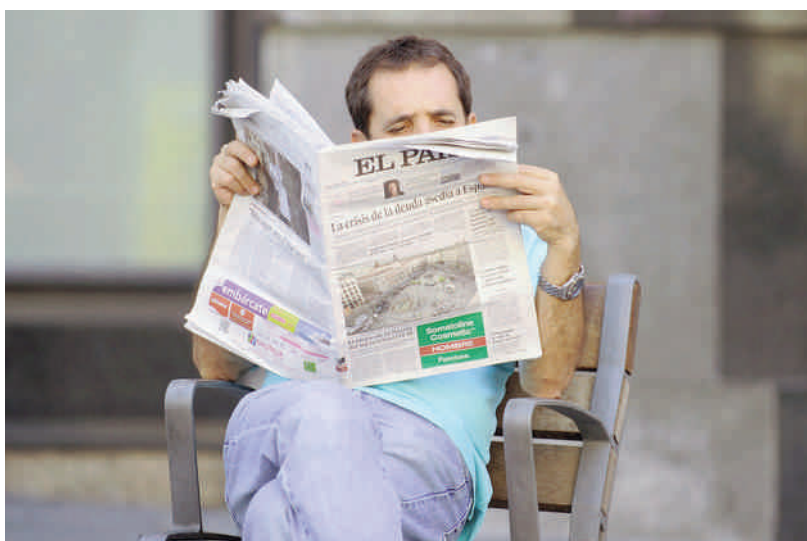
The General Comment clearly demonstrates that all forms of opinion are protected: political, scientific, historic, moral or religious and that the criminalisation of opinion or the stigmatisation of a person for holding an opinion is incompatible with the Covenant. Freedom of expression in respect of every form of idea and opinion capable of transmission must be guaranteed by States, including commentary on one's own and on public affairs, discussion of human rights, journalism, cultural and artistic expression, teaching and religious discourse.

The onset and use of new media technologies has caused a sea change in the manner in which ideas and information may be exchanged and by whom. The Committee analyses how journalism is an activity undertaken by a "wide range of actors" engaging in self-publication, not just professionals, and as a result, State regulation of related activities should be objective and flexible. The Committee emphasises that new media forms are no less protected than traditional ones, such as newspapers or television and radio, and when seeking to regulate the media, States should be aware of the differences between new and traditional forms, yet mindful of the ways in which they converge. Also emphasised is the duty upon States not to monopolise the media and to prevent undue dominance or concentration by private media groups.

The newly articulated right of access to information not only includes a right whereby the media have access to information on public affairs and the general public have a

The Safety of Journalists in the OSCE Region

In June 2011, the OSCE Office for Democracy and International Human Rights convened a conference in Vilnius, Lithuania, to examine and review the current situation on the safety of journalists in the OSCE region. Participants included representatives from both Government and civil society of the 56 OSCE participating States. HRLC Co-Chair Prof. O'Flaherty spoke on the role of governments in ensuring journalistic freedom - at a time when genuine freedom of the media is widely threatened. Attacks on journalists are often physical, though may also take the form of official restrictions on topics on which the press may report, including human rights violations. The conference shared problems and best practices and considered the principal necessities for reform of related legislation, law enforcement and judicial practices. The topic of Journalistic Freedom of Expression was further addressed by Prof. O'Flaherty on Thursday 19 January 2012, where he delivered a keynote speech to members of the Association of European Journalists in London.



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It is the most comprehensive and contemporary commentary on this most challenging and sensitive area of international human rights law and is the culmination of a two year drafting process in which the Rapporteur and the Committee considered over 350 drafting proposals from 75 Governments, non-governmental organisations and others.

*able conditions for the full development
ll enjoyment of a wide range of other human rights".*

mittee Adopts New General xpression

right to receive media output, but also an assertion that individuals should be able to ascertain which public bodies or private individuals control their personal information. Protecting this right entails an obligation of the State to proactively publish information of public interest and to adopt freedom of information legislation that facilitates prompt replies to requests for information.

Central to the General Comment is an analysis of the circumstances in which States may limit the right to freedom of opinion and expression. Restrictions must be provided by law, necessary and proportionate and certainly never used to silence advocacy of democracy or human rights; a State "may not put in jeopardy the right itself". The Committee emphasises that any restriction on freedom of opinion and expression by the State must be the least intrusive measure available, and the State must demonstrate the connection between the opinion or form of expression and the threat it poses as "[...] the value placed by the Covenant on uninhibited expression is particularly high". Prof. O'Flaherty commented that "[...] the work of the Committee will be of great assistance to everyone in measuring whether restrictions on freedom of expression are acceptable or excessive".

The Committee also addressed the sensitive area of blasphemy laws, making clear that States have limited scope to rely on the prohibition of particular forms of speech and only to the very limited extent that might be required under Article 20 of the Covenant where speech is so extreme as to incite violence or hatred. The General Comment also covers 'memory laws', noting that the general prohibition of an erroneous opinion or an incorrect interpretation of past events is incompatible with the Covenant, and restrictions of freedom of opinion should not go beyond its provisions.

Prof. O'Flaherty observed that "[...] Ultimately, a General Comment is only as good as the extent to which it is disseminated". He stressed the importance of promoting awareness of the General Comment at national level and reiterated that "ultimately, a General Comment only has any value if it actually improves the situation of human rights for the rights holder, and that will not happen without really vigorous efforts by everyone, to bring human rights to the rights holder".



Speaking up: Promoting adolescents' right to Freedom of Expression

In 2011, UNICEF's annual report on the State of the World's Children focussed on the human rights of the adolescent, *Adolescence: An Age of Opportunity*. The report addressed the daily challenges faced by adolescents and drew upon the perspectives of adults and adolescents from a wide variety of forums to discuss issues such as protection, education, health and participation. Prof. O'Flaherty authored an essay entitled *Speaking up: Promoting adolescent's right to Freedom of Expression* which highlighted the importance of ensuring that the voices of children and adolescents are not muzzled in both the private and public sphere. The necessity of promoting the rights of children and adolescents has a strong international legal foundation. Nevertheless, securing the protection of the rights of children and adolescents on a global scale will require "the efforts of States, community leaders, civil society, the commercial sector and international organisations in conjunction with listening to, working with and learning from the experience of adolescents and children."



Bridging the Gap - Ensuring Lasting Legacy of the Truth and Reconciliation Commission (TRC) and the Special Court for Sierra Leone (SCSL)

Over the last eight months (June 2011 – February 2012), HRLC implemented a research and capacity building project aimed to increase the capacity of Sierra Leone's criminal justice system to operate in compliance with international fair trial standards through effective integration of the SCSL's and TRC's findings at the national level.

The project – led by Dr. Olympia Bekou, Head of HRLC's International Criminal Justice Unit – undertook an initial needs assessment of Sierra Leone's criminal justice system. This was conducted through desktop research in Nottingham and meetings with relevant national stakeholders in Freetown; the outcomes were compiled into a comprehensive report.

Based on the findings of the SCSL and TRC and taking account of the needs assessment, a Best Practice Guide (BPG) of fair trial standards in criminal justice tailored to Sierra Leone's specificities was developed. The best practices address various stakeholders of the criminal justice system and concern different subjects: the accused person, witnesses, victims, disclosure in criminal cases and case management.



Mr Joseph Rahall (Green Scenery – far right) and Dr. Bekou with members of Sierra Leone's Human Rights Commission during the needs assessment visit in September 2011.



Mr Ian Hughes, HM High Commissioner to Sierra Leone, Dr. Bekou and Justice Jon Kamanda, President of the Special Court for Sierra Leone at the launch of the Best Practice Guide in Freetown.

The BPG was launched in Freetown at the residence of the British High Commissioner in January 2012. Following the launch event, HRLC Senior Project Officer Emilie Hunter, carried out a five week outreach and implementation exercise to disseminate and promote understanding of the BPG among national justice stakeholders, including judges, state counsel, police prosecutors, defence lawyers, legal educators and local NGOs. To further improve easy access, key content of the BPG was summarised in pocket size flashcards, copies of which have been largely distributed in Freetown. The BPG has subsequently been officially adopted by the SCSL as one of their legacy initiatives.

The project was funded by the UK Foreign and Commonwealth Office, under its Human Rights and Democracy Programme. Two research consultants – Milena Castellnou and Nicola Gregory – provided background research and drafting assistance for the needs assessment report and the Best Practice Guide.

Researching Law-in-Society in China

Dr. Yik Chan Chin is Nottingham Advanced Research Fellow since 2010. An expert in Chinese law, her current project *The Interplay between Law and Society in Defamation Litigation in China: Norm, Actor and Social Construction*, focuses on defamation litigation, media law and journalist ethics in China, and the interactions between the legal and social spheres in the construction of legal norms. The project considers China specifically as a society in legal transition and investigates how legal notions constructed and reflected in the public sphere may interact with, and affect the assimilation and reference to the same notions in court judgements. For more information visit: <http://www.nottingham.ac.uk/hrlc/news/news.aspx>.

12th Irish DFA NGO Forum on Human Rights

On 17 February 2012, Prof. O'Flaherty addressed the 12th Department of Foreign Affairs and Trade (of Ireland) NGO Forum on Human Rights, held in Dublin Castle. Prof. O'Flaherty spoke on the topic of human rights in foreign policy. The forum debated the longstanding commitment to supporting the realisation of human rights in the developing world, and Ireland's work to strengthen human rights institutions at national and international levels.

Dealing with the Past: Human Rights and Transitional Justice

HRLC 13th Annual Student Human Rights Conference



HRLC Co-Chair Prof. O'Flaherty opens the 2012 Annual Student Human Rights Conference.

HRLC's 13th Annual Student Human Rights Conference 2012 explored and assessed the interrelation of human rights and transitional justice. The conference was attended by over 100 participants and facilitated interdisciplinary dialogue on the subject matter offering a wider view of attempts to come to terms with large-scale human rights violations in post-conflict situations.

Four high-profile keynote speakers set the tone of the day: Mona Rishmawi, Chief of OHCHR's Rule of Law, Equality and Non Discrimination Branch provided an overview of what is meant by transitional justice and discussed the role played by the Office of the High Commissioner. Professor Colm Campbell, Director of the Transitional Justice Unit, University of Ulster, reflected upon the implications on transitional justice of the action of armed opposition groups. Carla Ferstman, Director of Redress, addressed the dichotomy between individual rights and collective interests in transitional justice processes. Dr. Olympia Bekou, Associate Professor and Head of HRLC's International Criminal Justice Unit focused upon the role of international criminal justice institutions, with a particular focus on accountability.

Four student panels further explored the human rights implications of transitional justice.

Panel 1: *Architecture of Justice: Rebuilding a country through national, regional and international courts*

- *The Inter-American Court of Human Rights as a valuable instrument in the fight against impunity. The duty to investigate and prosecute vs. Latin American amnesty laws* - Annelen Micus, Bucerius Law School
- *Dealing with the past in Burundi: could 'accountability gaps' be addressed through a regional mechanism for international criminal justice?* - Manuela Melandri, University College London
- *Human Rights and national prosecution of international crimes: the case of the enforced disappearance committed under the Francoist regime* - Samantha Salsench I Linares, Humboldt-Universität zu Berlin
- *Universal Jurisdiction and Transitional Justice: A Match Made in Heaven or in Hell?* - Mark Chadwick, University of Nottingham



Student Panel 1: Mark Chadwick, Samantha Salsench I Linares, Manuela Melandri and Annelen Micus.

Panel 2: *Transitional Justice and Human Rights - Contemporary Perspectives and New Ideas*

- *Transitional Justice and Women's Rights* - Hannah Croucher, University of Canterbury
- *Transitional Justice and the Right to Development. When Transitional Justice addresses the principles of International Investment Law* - Zena Prodromou, University of Cambridge
- *How Transitional Justice tries to deal with the term 'justice' - A Case Study from Cambodia* - Georgie Kim Pierenkemper, University of Hamburg



Mona Rishmawi (right) and Prof. Colm Campbell (left background) talking with students.

Panel 3: *A Closer Look - Transitional Justice experiences around the world*

- *Developing the Rule of Law and Human Rights through Transitional Justice: Dealing with Post-Authoritarianism in the Middle East and North Africa* - Alice Panepinto, Durham University
- *'Looking the Beast in the Eye': Politics of Justice, Human Rights and Reconciliation in Collapsed States like Somalia* - Ahmed Ali M. Khayre, Birkbeck College, University of London
- *Kirkuk - Litmus Test of new Iraq* - Matthew Pattemore, University of Canterbury
- *Continuum during transition: the context and consequences of failing to fundamentally transform Northern Ireland's permanent Senior Civil Service* - Jarlath Kearney, University of Ulster

Panel 4: *Facing the Truth - Truth and Reconciliation Commissions*

- *Reconciling Realities in Iraq and Libya* - Jamil Ladha, University of Nottingham
- *Between Amnesty and Impunity: Colombia's Justice and Peace Law* - Kyla Sankey, University of Warwick
- *Can truth and reconciliation be unilateral? The (one-sided) case of Peruvian Truth and Reconciliation Commissions* - Almut Gadow de Mayor, University of Nottingham
- *The Brazilian Truth Commission: Continuity or Rupture* - Giovanna Frisso, University of Nottingham
- *The Fundamentals for a Truth Recovery Process for the Basque Country* - Lessons from (and for) Northern Ireland - Amaia Alvarez, University of Ulster



Afternoon keynote panel: Dr. Olympia Bekou (left), HRLC Co-Chair Prof. Harris and Carla Ferstman (right).

HRLC would like to extend its warmest thanks to the Student Committee that organised the conference – Hanna van Der Berg, Mairead De Faoite, Tatiana Rother, Jana Hlavacova, Jakob Lingg – and to Angelika Reichstein (PhD candidate in the School of Law) for the excellent coordination work.

Summer School 2011 – Protecting Human Rights Through United Nations Mechanisms

Between 13-17 July 2011, HRLC ran another successful interactive Summer School under the direction of Prof. O'Flaherty and led by a wide range of international experts. Participants were provided with an insider's understanding of United Nations human rights mechanisms and equipped with the tools to best use the UN system for the protection of human rights.

The 2011 faculty included: Rachel Brett, Human Rights and Refugees Representative, Quaker UN Office, Geneva; Marie-Eve Friedrich, Petitions Team, Office of the High Commissioner for Human Rights; Professor David Harris, Co-Chair of the Human Rights Law Centre, University of Nottingham, former member of the Committee of Independent Experts of the European Social Charter; Dr. Bertrand Ramcharan, former Acting UN High Commissioner for Human Rights; Professor Sir Nigel Rodley, Chair of the Human Rights Centre, University of Essex, Member of the UN Human Rights Committee, former UN Special Rapporteur on Torture; Professor George Ulrich, Rector, Riga Graduate School of Law; Tanya Ward, Deputy Director, Irish Council for Civil Liberties; Richard Bennett, Chief of Staff, UN Secretary-General's Panel of Experts on Sri Lanka, former head of UN Field Operations in



Summer School 2011 Participants

East Timor, Afghanistan and Nepal and Daria Davitti, former Human Rights Officer with the UN Assistance Mission in Afghanistan (UNAMA).

The overall high quality of the instruction was praised in the feedback received from participants who felt that the "quality and the experience of the speakers shone through" as demonstrated by the "combination of a good balance of practical information and personal experiences for illustration".

Registration for the 2012 Summer School is now open. For more information see p.12 or visit: <http://www.nottingham.ac.uk/hrlc/shortcoursesandtraining/summerschool>.

Human Rights Reporting Skills – Training for Iraqi Government Officials in Erbil, Iraq

Following on from its successful 2010 project *Human Rights Treaties: Maximising the Engagement of Iraqi Civil Society*, in 2011 HRLC delivered two workshops for Iraqi Government officials on State reporting to United Nations human rights treaty bodies.

Over 30 participants from the Iraqi Government benefitted from the interactive workshops delivered by HRLC's training team: Co-Chair Prof. O'Flaherty and Mervat Rishmawi, HRLC Fellow and former Legal Advisor for the Middle East and North Africa, Amnesty International. The officials were provided with the necessary skills to draft high quality human rights reports including a solid understanding of international standards and the general legal obligations imposed on State Parties under the different human rights treaties, in addition to improving analytical and writing skills. Interactive training methods such as case studies, role plays and discussions were used to ensure that the vocational training met participants' specific needs.

Coordination of group work was assisted by trainers from the Iraqi National Institute of Human Rights providing useful interventions on specific issues related to Iraq. The project was funded by the United Nations Office for Project Services (UNOPS) and organised in collaboration with the United Nations Assistance Mission in Iraq (UNAMI).



Prof. O'Flaherty with workshop participants in Erbil

HRLC Course on the Law of Armed Conflict

In July 2011, HRLC, delivered a one-week course led by Professor Nigel White, Professor of Public International Law and Head of HRLC's Security and Human Rights Unit, and Professor Robert Cryer, Professor of International and Criminal Law, University of Birmingham. Course participants were qualified lawyers working for the legal branches of the armed forces in an area of law dealing with state and individual responsibility and the use of military force in the conduct of military operations. Participants had practical experience but little or no academic training in this area of law and their practical experience was drawn upon to engage them in problem solving and presentations. On completion of the course participants obtained a good degree of expertise and were better equipped to give legal advice in military situations on compliance with international humanitarian and human rights standards.

Based on the success of the previous course, HRLC will deliver a similar training programme in the Summer 2012.

11th (ASEM) Seminar on Human Rights

The 11th Asia Europe Meeting (ASEM) seminar "National and Regional Human Rights Mechanisms" was held in Prague, Czech Republic, with the participation of some 200 human rights experts from the two regions. Prof. O'Flaherty, HRLC Co-Chair, and Kieren Fitzpatrick, Director of the Asia Pacific Forum of National Human Rights Institutions served as the Co-Rapporteurs of the seminar and prepared the background paper that outlined the main characteristics and challenges for human rights protection frameworks in Europe and Asia. The document served as a basis for discussion during the two day seminar. They subsequently authored the report of the Seminar, available at: http://www.asef.org/images/docs/11thHRS_Report.PDF.

"The Right(s) Moment is Now" – 12th Annual Conference of the Association of Human Rights Institutes (AHRI)

The 12th AHRI Conference was held in September 2011 in Venice, co-hosted by the European Inter-University Centre on Human Rights and Democratisation and Ca' Foscari University. HRLC was represented by Agnes Flues, HRLC Co-ordinator. Discussions included reform of the UN Human Rights System, strengthening systems for human rights based development and new perspectives from human rights partnerships with high-level representatives of the United Nations, including Deputy High-Commissioner Kyung-Wha Kan and the European Union, including, Vice-Chair of the Working Party on Human Rights (COHOM) of the European Union Charles-Michel Geurts.

HRLC and the School of Law

The Human Rights Law Centre forms part of the School of Law, which is ranked equal fourth in the UK in the latest Research Assessment Exercise (RAE) and has a grade of "Excellent" for teaching. The School is ranked 5th in The Times Good University Guide, and 6th in the Complete University Guide 2012.

The LLM in Human Rights Law provides a thorough grounding in international human rights. The School of Law's academic staff are all prominent scholars with second-to-none experience of human rights policy making and practice.

HRLC welcomes two new Professors of International Human Rights Law, both with diverse research interests, who will enhance the extensive knowledge and expertise on offer from one of the top law schools in the UK: Professor Aoife Nolan and Professor Dominic McGoldrick.



Professor Aoife Nolan



Aoife Nolan was previously a Senior Lecturer in Law at Durham Law School (2010-2012) and Lecturer at the School of Law, Queen's University Belfast (2006-2010). Her expertise lies in the field of human rights, particularly in relation to economic and social rights and children's rights, as well as in constitutional law.

She has worked with and acted as an expert advisor to a wide range of international and national organisations and bodies working on human rights issues, including the Council of Europe, ESCR-Net, the Northern Ireland Bill of Rights Forum and the International NGO Coalition for an Optional Protocol to the International Covenant on Economic, Social and Cultural Rights. She has been invited to input into the work of the UN Special Rapporteur on Extreme Poverty and Human Rights and has provided support to the Office of the Council of Europe Commissioner of Human Rights in relation to budgets and human rights. From 2008-2010, she co-managed a project on *'Budget Analysis and the Advancement of Economic and Social Rights in Northern Ireland'* based at the School of Law, Queen's University Belfast. Her monograph, *'Children's Socio-economic Rights, Democracy and the Courts'* was published by Hart Publishing in 2011.

Professor Dominic McGoldrick



Dominic McGoldrick is a specialist in human rights. In 1999-2000 he was a Fulbright Distinguished Scholar and a Human Rights Fellow at the Harvard Law School. He has extensively published books and articles on international human rights including: *'The Human Rights Committee'*, *'International Relations Law of the European Union'*, and *'Culture, Cultures and Cultural Rights'*.

He has a particular interest in issues concerning human rights and religion, such as the use of sharia law and Muslim veiling controversies in Europe. Published work includes, *'Human Rights and Religion – The Islamic Headscarf Debate in Europe'*, *'Accommodating Muslims in Europe'*, *'Religion in the Public Space – Crucifixes in the Classroom'* and *'Multiculturalism and its Discontents'*.

He has also written on international peace and security. Published work includes, *'Human Rights and Humanitarian Law in the UK Courts'*, *'The Bosnian Genocide Case'*. He is the author of *'From 9-11 to the Iraq War 2003 – International Law In An Age Of Complexity'* and a contributor to and co-editor of *'The Permanent International Criminal Court – Legal and Policy Issues (2004)'*.

In 2012-13 he will be teaching new specialist LLM modules on *'Religion and International Human Rights'* and on *'Minorities and International Human Rights Law'*.

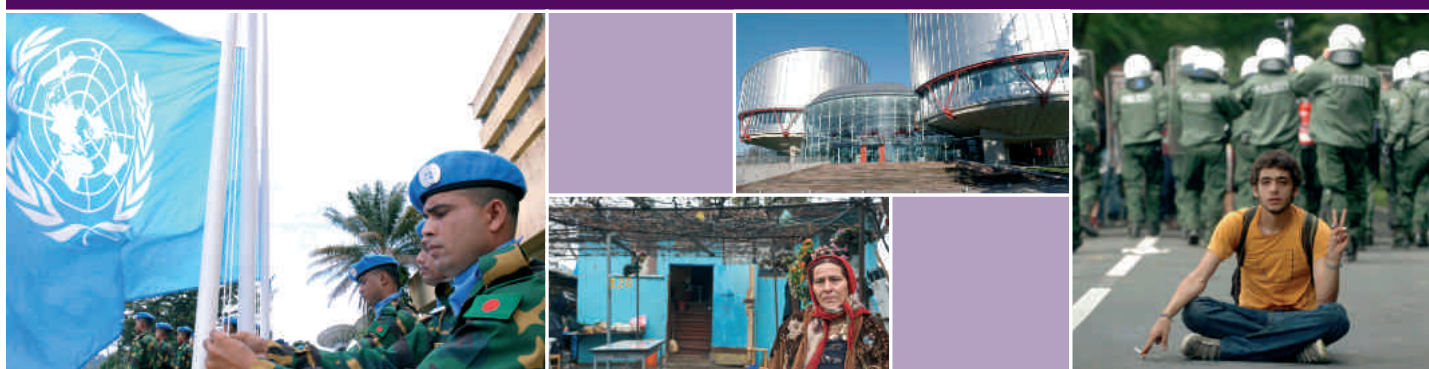
Promoting Religious Freedom Around the World

In July 2011, HRLC Co-Chair Prof. O'Flaherty spoke on the legal recognition of religions at a Wilton Park conference held in association with the Foreign and Commonwealth Office. The aim of the conference was to identify ways in which the international community can strengthen the protection of religious freedom globally. The conference participants who included a wide range of Government officials, religious leaders and academics, recognised the necessity of a more holistic approach, involving Governments, NGOs and faith groups working together to build best practices and develop practical proposals. Both policy makers and practitioners stressed the need for a multi-layered approach to the implementation of the practical protection of the exercise of the right to peaceful worship; combining human rights aspects with conflict resolution, development and interfaith measures.

Wilton Park Conference on Libya and Human Rights

Prof. O'Flaherty co-chaired a Wilton Park meeting at the Foreign Office in April 2011 to discuss the human rights situation in Libya and how to ensure human rights considerations are at the heart of UK foreign policy towards Libya. The meeting was attended by British officials, Libyan authors, diplomats, academics and a wide range of international experts on human rights and the Middle East, including leading lawyers, members of international NGOs and journalists. Following the conference Alistair Burt, Minister for the Middle East said "[...] these discussions and perspectives will inform UK policy making towards the situation in Libya".

International Human Rights Law Distance Learning Course



This four-module distance learning course is designed to give an in-depth understanding of international human rights standards and the UN and regional systems that implement them. It has both theoretical and practical dimensions, with an emphasis upon current issues. It is intended for those who are unable to undertake a full-time, residential course. Modules are offered throughout the year and offer flexibility of choice and time management.

The course is taught by human rights academics and practitioners in international human rights and humanitarian law. The academic directors are Professor Michael O'Flaherty, Vice Chairperson of the UN Human Rights Committee and former head of various UN field human rights operations, and Professor Emeritus David Harris, a former member of the European Committee of Social Rights and author of books on UN, European and Inter-American human rights law.

The course ends with an optional one or two-week Summer School at the University of Nottingham in June. Week 1 reviews the six optional modules. Week 2 consists of attendance at HRLC's Annual Summer School on *Protecting Human Rights through UN Mechanisms*.

Course Highlights: Study guide for each module, interactive website for course discussion, self-study questions, certificate of successful completion.

Course Content

Students take four modules, one at a time. Each lasts for eight weeks. Students may commence the course at any of the four module commencement dates in the year.

The modules are:

- UN Human Rights System – compulsory module
- 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

Course Fees: £1,400 (distance learning only), £1,750 (distance learning + Summer School Week 1), £2,100 (distance learning + Summer School Weeks 1 & 2). The fee for a single module is £375.

Students may choose to undertake a single module at any of the four module commencement dates in the year.

www.nottingham.ac.uk/hrlc

Tel: +44 (0)115 84 66309

International Human Rights Law Short Course



Autumn Term: October – December
Spring Term: January – March

This three-month residential course is 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, international organisations, government, judiciary, police, charity or legal professions, academia, media and business.

Course Content

The course content covers:

- United Nations and regional human rights standards;
- The United Nations human rights system: the Human Rights Council, Treaty Monitoring Bodies and Special Procedures;
- Regional human rights system;
- Implementation of human rights standards in national systems, human rights commissions and other bodies.

Additionally, participants may also take modules from the prestigious 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 research option within the Centre.

Course highlights include: Regular exchanges with senior professionals and experts, visits to courts and prison, access to world class library, certificate of attendance.

Course fees

UK/EU participants:

£1,950 (3 month course)

£2,500 (3 month course + internship)

£3,900 (3 month course + research option)

International participants:

£2,950 (3 month course)

£3,500 (3 month course + internship)

£5,900 (3 month course + research option)

Find out more:

www.nottingham.ac.uk/hrlc

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Forthcoming Events



Summer School on Protecting Human Rights through United Nations Mechanisms – 11-15 June 2012

The Human Rights Law Centre Summer School on Protecting Human Rights through United Nations Mechanisms will run from 11 to 15 June 2012. The Summer School gives participants an insider's understanding of the mechanisms and equips them with the tools to best use the UN system for the protection of human rights. The Summer School devotes sessions to the human rights treaty bodies (the reporting and individual communications procedures), the Human Rights Council's Universal Period Review Procedure, Special Procedures (UN human rights special rapporteurs, etc.), and the work of the Office of the High Commissioner for Human Rights and its field presences. The focus throughout is practical and applied.

The Summer School is a highly interactive event in which all participants will be encouraged to be fully involved. The training methods include presentations, Q and A, group exercises and role play. The working language for the Summer School is English. All participants receive an extensive electronic file of resource materials.

The Summer School faculty members are all highly experienced experts on the UN human rights system. Confirmed members of the Summer School faculty for 2012 include:

- Richard Bennett, Chief of Staff, UN Secretary-General's Panel of Experts on Sri Lanka, former head of UN Field Operations in East Timor, Afghanistan and Nepal;
- Rachel Brett, Human Rights and Refugees Representative, Quaker UN Office, Geneva;
- Professor Cees Flinterman, Former member of the Committee on the Elimination of Discrimination against Women and member of UN Human Rights Committee;
- Marie-Eve Friedrich, Petitions Team, Office of the High Commissioner for Human Rights;
- Professor Michael O'Flaherty, Co-Chair of the Human Rights Law Centre, University of Nottingham; Vice-Chairperson of the UN Human Rights Committee; Chief Commissioner of the Northern Ireland Human Rights Commission; former head of various UN human rights field presences;
- Dr. Bertrand Ramcharan, former Acting UN High Commissioner for Human Rights;
- Professor Sir Nigel Rodley, Chair of the Human Rights Centre, University of Essex, Member of the UN Human Rights Committee; former Special Rapporteur on Torture;
- Professor George Ulrich, Rector, Riga Graduate School of Law;

- Tanya Ward, Deputy Director, Irish Council for Civil Liberties.

Who Should Attend?

The Summer School is aimed broadly at professionals in non-governmental organisations, national human rights institutions, government, international governmental organisations, field operations, and interested academics and students.

Fees and Registration

The course fee is £900, which includes tuition, lunches and refreshments, accommodation (bed and breakfast rate), and course materials. The course fee is £650.00 for participants who do not require accommodation. There is a non-refundable deposit of £200.00 payable upon registration. The remaining fee must be paid by 1 June 2012. Participants will need to meet their own travel costs and arrange visa and other UK entry requirements.

For a registration form please visit our website at www.nottingham.ac.uk/hrlc/SummerSchool or contact us at hrlcsummerschool@nottingham.ac.uk or +44 (0)115 846 6309.

HRLC Staff News

Co-ordinator Bailey Grey left HRLC in late August 2011 to take up the position of Coordinator of the Right to Education Project.

Agnes Flues, previously HRLC Research Associate (2010-2011), took up the position of Co-ordinator in January 2012, after having served in an acting capacity since August 2011.

Amy Weatherburn joined the HRLC Team in February 2012 as the new Research Assistant. Amy holds an LLM in Human Rights Law from the University of Nottingham and has previously been an intern for HRLC. She then worked as Personal Assistant and Communications, Campaigns, Information and Research Lead for the East Midlands for Rethink Mental Illness, the UK's largest mental health charity.

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