Centre for Human Rights Law

Human Rights Consortium
SCHOOL of ADVANCED STUDY
UNIVERSITY OF LONDON

Human Rights Forum:
Developing Practice-led Research to Meet Contemporary Challenges

Macmillan Hall, Senate House, Malet Street, London, 3 June 2013

Conference Report

1. Introduction

The United Kingdom is a unique and vibrant location at the forefront of many developments in the field of human rights, driven by NGOs, legal practitioners and academics, with a number of individuals combining two or even three of these roles. While there has been increasing collaboration between academics, NGOs and lawyers, it has largely remained ad hoc, being based on specific issues or developments. No regular forum is in place that brings the various actors together and provides the space to discuss both cross-cutting themes and research. The human rights forum sought to offer such a space, allowing 'us' to take the time to come together and reflect on what 'we', that is actors forming part of the 'human rights movement' are doing and should be doing.

The first human rights forum was a unique opportunity to bring together the perspectives of individuals working in a range of human rights settings. The around forty participants included practitioners with experience of working in the field and in policy roles, NGO representatives, academics from human rights centres and universities across the UK, student research groups such as Banyan and human rights lawyers. This approach was aimed at facilitating and consolidating links between researchers and the practitioner community and at developing future research that responds to contemporary developments. Eventually, it is hoped that this will result in the development of a network that straddles academic and practical human rights work and is characterised by a better understanding of mutual approaches and potentials to advance common agendas.

This Report provides a summary account of the event, for the benefit of participants and others who could not attend or are interested in the human rights forum.[1] As the approach to the forum is one of an ongoing process, rather than any specific, targeted outcome, the Report lets the proceedings speak for themselves – rather than seeking to draw out any lessons – and

[1] The report is based on the presentations shared by the panellists, and notes compiled by Elizabeth Stubbins Bates, Libera Chiara D'Acunto ,Rupa Reddy and Jessica Whelligan. The forum benefited immensely from the contribution of Micha Wiebusch, PhD student at SOAS, in preparing the event and the efficient handling of administrative matters by Chloë Pieters, Human Rights Consortium. We thank the panellists and participants for making the forum a fruitful, and even enjoyable, occasion.

does not seek to prescribe next steps. Instead, it sets out the discussions had and raises questions aimed at generating the interest, ideas and contributions needed to gain the momentum needed to turn the human rights forum into a long-term initiative.

The Human Rights Forum took place on 3 June 2013, shortly after the death of Christopher Hall on 27 May 2013. Christopher, Senior Legal Adviser at Amnesty International and the Director of Amnesty International's International Justice Project, was both instrumental in making the International Criminal Court a reality and in advocating universal jurisdiction. He was a regular participant in many human rights related events in London and would always be the first to open discussions with a piercing comment or question. His presence and contribution was sorely missed, and participants paid tribute to this achievements.

2. Thematic Panels

2.1. Human Rights, Protest and Social Change

Panellists:
Professor Lynn Welchman, SOAS, University of London
Philip Luther, Interim Director of the Middle East and North Africa (MENA) Programme, Amnesty International
Moderator: Professor Nadje Al-Ali, SOAS, University of London

Lynn Welchman noted that that 'Middle East and North Africa', 'civil society' and 'Arab Spring' are all contested terms, and requested that nuance be inferred to each of these terms in the course of discussion. There is a link between the historic strength or fragility of civil society (which is itself on a continuum) and the diverse challenges in each country. In Egypt, Tunisia, Libya and Yemen, authoritarian rulers have departed; in Bahrain and Syria, abuses by authoritarian rulers continue; and in Morocco and Jordan, there have been limited responses. As a brief anecdote, she recalled a fundraising leaflet she received in March 2011 as a member of Amnesty International UK. It read: 'Across the Middle East and North Africa, a human rights revolution is under way.' Another SOAS scholar disliked this imposition of a contested human rights narrative onto 'other people's events': triumphalism is problematic. Activist academics need to engage with human rights defenders in the region, in relation to these contested narratives and concepts.

Lynn Welchman quoted from Anthony Tirado Chase's recent book: *Human Rights, Revolution and Reform in the Muslim World* (Lynne Rienner Publishers, 2012). Chase argues that the uprising have been 'an expression of normative shifts that have taken place on the ground, especially among youth, under the noses of their rulers – and of many academic observers.' Academics and human rights leaders in the Middle East and North Africa have been vocal in critiquing pre-existing flawed assumptions about Arab societies – the ideas of

Arab exceptionalism, authoritarianism and lack of interest in democracy of civil and political rights. Bahey El-din al-Hassan of the Cairo Institute for Human Rights Studies has written insightfully on this in recent CIHRS Annual Reports and in the Muslim World Journal of Human Rights. Another source to review is the report of the Anna Lindh Foundation (Euromed Intercultural Trends 2011) which surveyed youth in countries of the north and south Mediterranean and found that responses to questions on 'universal values' demonstrated strong similarity.

North African scholars point to a number of issues with immediate relevant to the uprisings (see in particular EMHRF, Democratic Change in the Arab Region: State Policy and the Dynamics of Civil Society (report of a seminar 2-3 April 2011):

- The Arab citizen has emerged as a major actor of social change, and has rights claims vis-à-vis the government. (S)he interrogates authority in the family as well as in the public sphere;
- Youth and women have participated in protest and social change (including in movements and protests that predated the uprisings, for example in Egypt and Tunisia) in large numbers;
- The insistence on non-violence and on a peaceful contre-pouvoir as essential to the state (i.e. civil society);
- The 'breaking of the barrier of fear' and the demystification of the state. This process has been facilitated by new media; a virtual mobilisation in physical and virtual sites;
- Educated young men and women are dissatisfied with restricted job opportunities and institutional corruption; there is something of an 'inter-generational rupture'; and the large proportion of youth in the populations is a major factor;
- There is a labour dimension to many of the protests, caused by widening social inequality and conspicuous consumption by those in power. A miners' protest in south-western Tunisia was violently suppressed;
- On the one hand, social media is just a new tool, but some bloggers are playing increasing roles as human rights defenders. Women and LGBT activists particularly engage in virtual human rights activism;
- In the transitions, situations have been different and often difficult for human rights defenders. The fragility of transitions is neither new nor particular to the MENA (Middle East and North Africa) region. Human rights organisations face a bewildering array of issues on democratic transition. Depending on the state, there may be no history of civil society activism. There are many new organisations in some areas, with issues of capacity and sustainability, and a recognised need to focus also on rural / marginalised areas. There is cross-border collaboration and training for and by different human rights organisations in the MENA region;
- International NGOs have also been involved in capacity-building. FIDH has trained Tunisian lawyers in case law and Syrian lawyers in monitoring. In Tunisia, there has been a notable influx of INGOs and aid agencies, which might leave a limited pot of money for local human rights defenders. The relationship between INGOs (and their monitoring activities) and those of local NGOs is one that always requires attention.
- Other issues that impact include the shifting priorities of donors, for example the funding and political priorities of the EU (and the US); and there is also substantial

funding coming from Qatar and Saudi that plays heavily in domestic politics. In the context of increased sectarianism, there are significant externalities for donors and human rights defenders. Diaspora returns and refugee flows can lead to increased diversity and pluralism on the one hand, and political tensions/instability on the other. Some former human rights defenders have become politicians;

Serious challenges at the moment (see for example the annual reports of the EMHRF available on the website) include:

- Attacks on and defamation of human rights defenders: in particular the charge that NGOs are agents of foreign states or in receipt of foreign funding;
- Constitutional reform is a major concern, as is the reform of the judiciary and the rule of law;
- Transitional justice is fraught, including security sector reform; NGO laws have been passed with variable quality: the draft legislation in Egypt is a particular concern, while a favourable NGO law has passed in Tunisia and a problematic one in Algeria. The draft NGO law in Libya, supported by Lawyers for Justice in Libya, is very good but has still not been passed;
- There is increasing violence by non-state actors affiliated to state actors. One activist has asked whether in the future this is how we will see dissent repressed;
- Different states have witnessed increasing sexual violence to drive women out of the public sphere;
- The situation of minorities in different states;
- How to include the youth and give voice to marginalised/excluded populations or areas and promote the realisation of economic, social and cultural rights?;
- Media laws are restrictive. After the revolution in Tunisia, dissidents have been imprisoned under Ben-Ali's media laws, while in Egypt, dissidents have been charged with insulting the President; Despite these restrictions, artistic creativity (from graffiti to rap) combines with old-fashioned protest.

These facts require us to re-examine what works for the implementation of human rights, and to involve MENA human rights defenders in the discourse with reference to best practice and case studies. MENA academics are very much part of these debates, and an inter or multi-disciplinary approach is absolutely essential. Lynn Welchman ended by quoting Abdullahi Ahmed An-Na'im: 'If you are not for social justice, you are for the status quo.'

Philip Luther considered the impact of transition in the MENA region on Amnesty International's (AI) work. At the outset, he noted that there are three caveats.

- many patterns of human rights violations are unchanged (allegations of torture not being investigated across the region; discrimination against women in law and practice)
- much of how we approach these violations is essentially unchanged - case-based research into alleged abuses, combined with range of campaigning techniques (from urgent actions on individual cases to coordinated advocacy efforts at level of

intergovernmenatal organizations and governments), as well as human rights education and capacity-building initiatives

- changes to our work are due to a variety of factors: not just MENA, not just external

There have been positive developments in AI's ability to conduct research in Libya and Tunisia. Libyan authorities generally wouldn't allow AI in (since end of 80s, 2004 and 2009); when AI did visit, climate of fear was such that almost impossible to meet individual survivors or families of victims. Partly because of a lack of central control, AI has had unusually good access to detention centres but it is not clear how long this will last as the government is assuming central control.

As the space for NGOs in the Middle East and North Africa expands, Amnesty International (AI) negotiates carefully with national NGOs, as it has done with Israeli and Palestinian human rights organisations. There are evident differences in capacity between international and national NGOs. Collaboration and solidarity between international and national NGOs has included monitoring missions, and a recent trial observation in Qatar.

AI relies on collaborative relationships with civil society organisations, both for research purposes and joint campaigning. There are a number of ways in which the situation has changed. New kinds of organisations have emerged or been reinvigorated since 2011. In Tunisia, for example, a new organisation, Bawsala (albawsala.com), seeks to provide citizens with information on activities of elected representatives and to promote a culture of accountability and transparency. This includes information on the voting activities, parliamentary attendance and absences of elected representatives, and to provide for question and answer sessions between citizens and deputies. In Egypt, an anti-corruption organisation founded in 2005, Shayfeencom (We're watching you), was re-established after the uprising.

Its aim is to end corruption (government, police, judiciary, elections, corporations) through participation of membership and citizens in general, who use social media and a hotline to send in reports of electoral and corporate corruption; it campaigns via social media, presents cases and uses the mainstream media to publicise its case work.

AI aims at a constructive dialogue with government interlocutors. The landscape has changed and there are new opportunities. Some former victims of harassment, arbitrary detention, and even former AI prisoners of conscience are now human rights defenders and politicians in the region. There is an increased willingness to listen to AI and the wider human rights community, such as on legislative proposals, although it is not clear whether this will be a temporary or continuing opportunity for human rights work.

New information is available on past abuses. One situation that received much attention in media was when, following rebel forces' taking over of Tripoli in August 2011, prison doors were opened and office files exposed, revealing new information about Libya's relations with other countries. One such revelation was the degree of involvement of the US government under the Bush administration in the arrest of opponents of the former Libyan Leader, Muammar Gaddafi, living abroad, the subsequent torture and other ill-treatment of many of them in US custody, and their forced transfer to back to Libya. Other countries, notably the UK, were also involved. Human Rights Watch did good work on this.

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Human rights defenders now have access to archives in the case of Fayçal Barakat. He was a 25-year-old a student activist in Tunisia who was arrested in 1991. He had been interviewed earlier in the year on Tunisian television protesting about the government's handling of clashes with the police which had left several students dead and after being sentenced in absentia to six months' imprisonment. He subsequently died. His family was notified that he had died in a road accident. AI obtained a copy of the autopsy report and requested review by a university professor of forensic medicine, who concluded that autopsy report corroborated allegations of torture/ill-treatment. In 1994 a Tunisia human rights activist in exile submitted case to UN Committee against Torture. In 1999 Committee concluded that Tunisia had failed to conduct an impartial investigation into an event in which there were reasonable grounds to believe that an act of torture had been committed and recommended exhumation in presence of a foreign forensic pathologist. The authorities decided to exhume but then procrastinated and nothing happened until Ben Ali's downfall. The human rights activist who submitted case to Committee is now a presidential advisor. He has managed to obtain confidential file from presidential archives, in which lawyers from the previous Tunisian government suggested 3 alternative responses to recommendation of Committee and assessed political cost of each option:

1. no exhumation (Tunisia would be criticized for ignoring Committee)
2. exhumation without a foreign expert (Tunisia would be partially criticized, but could affect outcome)
3. exhumation with a foreign expert (Tunisia would be criticized for covering up torture)

The President – handwritten - chose option 2: exhumation with only Tunisian forensic experts present. It is an incredible case. All the elements are there: the account of the original events, evidence of collusion by the Ministry of Health, the police and the president to cover up the cause of death.
Case has now been reopened. On 1 March 2013, the forensic pathologist AI used 20 years ago to analyse autopsy report participated in the exhumation and preliminary examination of Fayçal Barakat's body, along with three Tunisian forensic pathologists.

Ideas for academic reflection

AI currently works with academics or professionals with particular expertise or specialization to provide expert opinion. An example is the university professor of forensic medicine mentioned in relation to Fayçal Barakat; this is a relationship that has continued over many years. AI has used a network of such experts for reviewing photos and videos of alleged death in custody cases in Syria. Other specialisations include law and policing: AI used the head of a research programme at the Dutch police academy in fact-finding and government meetings in visit to Bahrain in April 2011

AI benefits from academics in a number of ways:

- AI's primary role is not to conduct political, sociological and economic research, so academic literature is an important input when analysing context of patterns of violations it is seeking to address and developing human rights change strategies;
- general questions, such as what are political trends;

- specific questions, such who are the levers of influence with respect to particular policies.

AI has been seeking human rights commitments from old and new political parties. In Egypt, AI approached 54 political parties in Egypt before parliamentary elections and asked them to sign up to a 10-point manifesto for human rights: most – whether they would described as Islamist or secular – either gave mixed signals or flatly refused to sign up to ending discrimination, protecting women's rights and to abolishing the death penalty. It can be described as only preliminary information on these parties' attitude to human rights. It would be interesting to know to what extent new political parties are using human rights in their discourse and policies

AI seeks to engage with new civil society actors to encourage them to use human rights concepts to frame their analysis and demands. It would be interesting to know to what extent they are doing so and what assessment they make of the advantages and disadvantages of doing so.

Looking back, it would also be useful to understand better what role civil society activism had in the uprisings of 2011. Philip Luther was conscious that, as a human rights organization, AI draws out the human rights-related messages that emerged in calls within and around protests – end to abuses, impunity, corruption, pleas for dignity – and are inclined to look favourably at explanations that highlight role of civil society, but this is contested area.There is obviously some literature on this already. A mix of socio-economic and deepening political grievances played a role. Some argue that, on the one hand, civil society and political opposition groups had prepared ground for uprisings and helped coordinate them and, on the other, use of social media and other means of communication – including satellite media – made them possible and bolstered them. It would be interesting to test these hypotheses more fully.

- How important was social media?
- How important was effect of Al-Jazeera's challenge to state monopolies of information?
- How important were human rights organizations in preparing ground – many were seen as divorced from mainstream society?

Transitional justice

Academics have played key role in transitional justice mechanisms These have been most important for taking steps towards truth and reparations – less often justice – for victims of abuses and families. For example, Morocco's truth and equity commission looked into range of abuses, primarily under decades of Hassan II's role. Far less important – but interesting for AI – is the extent to which AI's concerns about allegations were well founded in light of subsequent evidence. It is very difficult for AI to focus on past abuses in resource-intensive way (issues of capacity and pressure to focus on current abuses).

Questions

- What was true scale and nature of abuses?

- Full analysis requires major resources and some form of officially sanctioned transitional justice mechanisms

Some official mechanisms have been set up, but they are flawed.
In Tunisia, the fact-finding Bouderbala Commission issued report in May 2012. It described events and listed those killed and injured but failed to identify individuals responsible for the use of lethal force and human rights violations. It provided some financial compensation and medical care to injured/families of killed – some of whom refused this. Several senior officials were sentenced to long prison terms in connection with the killings of protesters (e.g. former Minister of Interior) but military trials were used. The Ministry for Human Rights and Transitional Justice was created to develop strategies for addressing past human rights violations and guarantee future protection of human rights. The Ministry of Justice created a committee to consult on issues of truth, justice, reparation and reform – the committee prepared a draft law proposing independent Council of Truth and Dignity. The UN Special Rapporteur on promotion of truth, justice, reparation and guarantees of non-recurrence expressed concern that Tunisia's transitional justice was not comprehensive.

In Egypt, in July 2012, President Morsi set up a fact-finding committee of officials, civil society activists and victims' families to identify perpetrators of the killing and injury of protesters during the 2011 uprising and the rule of the Supreme Council of the Armed Forces, but no report has not been published to date. Mubarak and former Minister of Interior were sentenced to life imprisonment in connection with the killing and injuring of protesters. Most police officers put on trial were acquitted on the basis that the police were justified using lethal force or that the evidence was insufficient. No measures were taken to provide truth, justice or reparation to victims of serious human rights violations during Mubarak's rule.

In Yemen, a commission of inquiry decree was issued in September 2012, but there has been no movement since. The draft transitional justice law was good in its original formulation but is being undermined.

In Libya, in May 2012 the National Transitional Council passed Law 17 to establish a Fact-Finding and Reconciliation Commission. It is unclear whether the Commission's mandate covered only crimes committed by former government or included those committed by others. The authorities initiated investigations into a number of former high-level officials and alleged al-Gaddafi loyalists while Law 38 of 2012 provided blanket immunity to militiamen for acts committed protecting revolution. However, analysis of some questions may be missing, either because of lack of an official commission or because commission does not focus on issue, for example how widespread was sexual violence in uprisings, e.g. Libya conflict? This was very difficult to research at the time, but the assumption was based on general situation in periods of violence that widespread. There is a danger that (a) this assumption is not challenged and (b) major gender-based concern is not brought sufficiently to light. This is important in light of possibility that transitional justice may be able to offer remedies in way that regular justice may not.

Transitional justice is an evolving field and has a remit much wider than AI's in some ways. Other NGOs – International Center for Transitional Justice – have greater specialisation and work closely with academics. Particular questions in transition countries include:

- How can transitional justice best deal with economic and social rights concerns in the light of their role in stimulating uprisings?
- How can legacies of institutionalized violence and lack of trust in systems and institutions that were taken over by repressive regimes be dealt with?

Impact assessment

There is a broad area of academic literature on what types of pressures on government are able to change their behaviour, exploring the question of whether governments respond primarily to incentives, to social back-patting or shaming, to international legal obligations or whether they can be socialized into a new set of norms.

Most work agrees that it is possible to pressure governments, but disagrees about how and when it works and debates what it truly means for such efforts to 'work'. This is a useful debate - we want to employ tools of social science to understand impact.

Most of this work is on a macro level – do governments react to certain types of pressure and if so what determines their reaction. There are relatively few publications that are more directly relevant to AI work that look at the micro-level strategies of individual campaigns. More research that overcomes some fundamental challenges could focus on:

- how we measure outcomes;
- impact is not necessarily progressive – standing still can be an impact.
- pinpointing AI's impact can be particularly challenging as there are many factors and actors working on an issue.

Professor Nadje Al-Ali remarked that donors' priorities have shifted as a result of the 'Arab Spring'. She gave one example of an NGO which cut project funding to Iraq, and diverted the monies to Egypt and Tunisia. This shows a frustratingly short attention span among some donors, and the potentially wasteful disbursement of funding. Philip Luther's point on academic research on political economy is important: how do we rethink human rights in light of the important role of the political economy? Gender-based violence is importantly related to the political economy, because shifting political and economic conditions have an impact on gender roles, directly influencing rates of gender-based violence.

The influence of diaspora communities has been both positive and negative, in different countries in the region. With such a diversity of actors, it is impossible to generalise. On the one hand, it is easy for international NGOs to liaise with diaspora communities because they speak the same language (both linguistically and conceptually), but the diaspora is not necessarily the best set of allies for NGOs, compared with people on the ground. Palestinian diaspora leaders have been discredited to a greater or lesser extent, while Iraq's current government is largely based on diaspora leaders. There are other examples of an effective bridge between international NGOs, diaspora organisations and local human rights defenders.

There have been contradictory processes on women's rights. Spaces have opened to challenge authoritarianism, and women are very much part of this, but counter-revolutionary

processes are especially targeting women, gender norms and gender relations. Deniz Kandiyoti refers to these processes as a 'masculinist restoration', because the authoritarian patriarchy is being challenged, causing a strong reaction against women's bodies, sexuality and mobility. Yet both women and men are protesting these trends. Violence against women is also a young man's issue. There is hope, but there is also a reductionist dialogue about harassment. Now you can talk about harassment in the MENA region: this was impossible in the 1990s.

The discussion following the presentations combined country-specific observations with points of broader application. In Libya, for example, there are a number of concerns about approaches taken. These have been characterised by cut and paste approaches to rights, repeating reports and suggestions irrespective of whether the recommendations made are the most appropriate. Victims of human rights violations who have been interviewed by international NGOs feel used. Cultural sensitivity is needed about the lack of a culture of human rights research and advocacy on the ground. There is a risk for organisations such as Lawyers for Justice in Libya being both a national and an international NGO: the organisation can be criticised from both sides, but this also gives two sets of strategies in Libya and in London or elsewhere. There is a dearth of funding from Libyan sources, but Libyan NGOs can be criticised for taking money from international donors. Where there are new organisations in a new human rights culture and a large amount of money, there are ethics concerns. In one funding call from a US donor, the lowest grant available was $750 million.

The new Libyan government is formed of former opposition activists and human rights defenders. A human rights platform has become a platform for political activism. Human rights defenders from the diaspora went straight into politics. Revolutionary legitimacy and victors' justice are influencing Libyan law and morals. A 'glorification' bill, rejected by the legislature, would have criminalised any criticism of the revolution, or glorification of the Gaddafi regime. There is a blanket amnesty for any criminal acts done in the name of the 17th February 2011 revolution. These crimes may be defined by their perpetrators, not the relevant acts. The Political Isolation Law, passed in May 2013, excludes from power anyone who held high political office under the former regime.

Several interventions focused on the role of civil society. This included inquiring about concepts of 'voice' and 'audience', and wondering whether human rights defenders are talking to themselves, to their supporters, or to the world beyond human rights practitioners. How do we talk about very complex ideas in a way that engages people in states where there has been authoritarianism instead of a human rights culture? In terms of projects, concerns were raised about ownership, agenda setting and power dynamics between international and local NGOs..

Research agendas identified include a critical look at the impact of intergovernmental organisations and NGOs. Impact assessments should look at counter-productive practices as well as those that are positive. In this context attention was drawn to the work of AI in the 1970s, where it had explored the impact of its work in Spain and Portugal. IGOs and NGOs could employ social science method to assess impact. Most impact assessment to date has been at a macro level. There is also a need to examine in more detail the dynamics of

transitional justice initiatives in the region, to explore to what extent actors are adopting human rights language and to what extent this is being implemented in policy.

In terms of actors and approaches, it was stressed that higher education institutions and scholars in the region should not be forgotten. There is huge inequality in research funding and research opportunities between the West and the Middle East, and huge differences between countries in the MENA region. It is important to facilitate contact with academics across the region. As mentioned by Professor Nadje Al-Ali, Birzeit and Beirut Universities conduct empirical research on gender, while there is no such research in Iraq, because of the effect of sanctions. Iraq has seen an increase in gender-based violence since 2003, but there is no capacity for empirical research in Iraq, also because of a very strong bias towards quantitative research. This is problematic where security issues make large-scale quantitative surveys difficult. Qualitative research is needed to explain the how and why. Higher education institutions need capacity-building in qualitative research.

2.2. Exclusion, inequality and marginalisation: Austerity measures and human rights

Panellists:
Professor Aoife Nolan, University of Nottingham;
Jamie Burton, Chair of Just Fair;
Jaspal Dhani, CEO of the UK's Disabled People's Council, Co-chair of the Hardest Hit Coalition
Moderator: Professor Fareda Banda, SOAS

Professor Aoife Nolan (presenting work done with Ms Alice Donald of Middlesex University) elaborated on the links between austerity measures and human rights standards. In the UK context, this includes the benefit cap as impermissible backwards step in terms of the rights to social security under ICESCR, the discriminatory impact of post crisis budgets on women in violation of ICESCR, CEDAW and the disproportionate impact of welfare reform on vulnerable groups such as persons with disabilities, in violation of ICESCR, ICPRD. A range of human rights bodies have highlighted the negative impact of austerity on human rights.

Human rights law offers a set of legally binding standards to steer, analyse and critique activities of the government, as well as providing standards and mechanisms to serve as the basis for broad-based advocacy against austerity. A key problem is that in the UK austerity measures and their impact have not generally been addressed from a human rights perspective.

There are some gaps in the academic context. The major challenges include:

- the need to address the lack of focus in the UK on the relationship(s) between law and poverty, socio-economic inequality and social policy;

- the need to progress UK public law and domestic human rights research's often narrow focus/approach to legal standards and mechanisms
- the frequent lack of emphasis on interdisciplinary, empirical and quantitative research methods in human rights law studies.

Opportunity for collaboration (from an academic perspective) include 'impact' of the purposes of REF 2014 and similar future exercises.

There are a number of potential obstacles to academic-advocacy collaboration:

- disconnect between academic and advocacy goals;
- communication challenges;
- need to preserve academic independence.

Some final questions raised included:

- How do we (academics/advocates/others) collaboratively identify research priorities?
- How do we address the issue that UK government is highly resistant to human rights (especially economic and social rights) based argumentation whether by civil society or academics?
- How can those seeking to use human rights approaches in the UK use comparative research/advocacy strategies to 'catch up'?

Jamie Burton stressed that it is necessary to take a multi-disciplinary approach to human rights impact/research because of the attitude of judges that findings are invalid unless it is empirical research.

There are four legal methods of dealing with austerity measures: judicial review, tribunals, regulators/ombudsmen, select committees and inquiries.

Judicial review is judge made, creating jurisdiction; it is review only (process not merits); it is the closest method in the UK to a constitutional court; it cannot strike down primary legislation but it can strike down secondary legislation (if ultra vires) and make declarations of incompatibility with the Human Rights Act (s.4), which do add pressure to the government / legislature to change the law to become compatible with the Human Rights Act.

Laws that we use (not many) to combat austerity are the Human Rights Act 1998 (ordinary law); Equality Act 2010 (in particular "Public Sector Equality Act",s.149); EU law (Charter of Fundamental Rights); and common law (which is often more useful than EU law).

Rights that are of particular importance are positive obligations and economic, social and cultural rights in domestic law (not merits based but process orientated – historically our liberal system has been loath to recognize economic, social and cultural rights / positive rights). Others include article 3 ECHR (prohibition of torture and ill-treatment) and article 8 (private life); A1P1 (right not to be deprived of property).

Key cases include *R (Limbuela) v. Secretary of State for the Home Department* (2006) – state sponsored destitution of asylum seekers and *Bernard v. Enfield B.C.* –

Public sector equality duty and impact on vulnerable groups is essentially about assessing impact on vulnerable groups when making decisions. It does not require a particular outcome – i.e. less discrimination. It has been used to undermine process of decision: *R (W) v. Birmingham* [2011] EWHC 1147 but normally fails: *R (CPAG) v. SoSDWP* [2011] EWHC 2616: *R (Bracking) SoSWP* [2013] EWHC 897

There are some bright horizons of cases that can be useful. This applies to positive obligations in international law, for example: best interest of child (article 8) *R (ZH Tanzania) v. SOS HD* (2011). There is also the case of *Burnip*, on disability, and a number of other EU charter cases which are ongoing.

Important to look at some of the context of austerity measures:

People earning > £1m doubled in last 2 years; 38,000 moved into £150-500K bracket since 2010; Top 1% took 93% of growth since 2010

Middle incomes lower household incomes than in 1996; Wages stagnating ; >500,000 used foodbanks

Austerity leads to a lack of growth and hence more government borrowing than planed (£120 bn extra). Response was tax cuts for the rich, make the rich pay less for the benefit of the rich; benefit cuts for the poor, make the poor pay more to benefit the poor.

The handling of council tax benefit is instructive. It is locally administered but nationally paid. If someone is on benefits, he or she will receive a 100% rebate. Government has cut 10-15% of annual allocation in the name of saving public purse and to incentivise people into work. However, crucially at the same time, it makes it nearly impossible for councils to increase council tax.

This has put enormous pressure pressure on local councils. Government cuts have forced local councils to cut frontline services i.e. those used by the poorest members of society. In other words, instead of raising council tax for the richest members of society, the local councils either had to take £300 / £400 from the poorest citizens or cut their frontline services. Lawyers could not challenge the policy per se, so had to go for a judicial review of the process, i.e. running defective consultations – this gave local councils the chance to explain

the 'Hobson's Choice' they had been put into, for example when taking Haringey Council to court, which had suffered a 50% cut since 2010.

Challenges to secondary legislation can be made on several legal and advocacy grounds, including (1) rationality/proportionality; 2. evidence based / impact to show the law is unworkable or disingenuous (i.e. political). The pressing need is for an independent source of credible evidence regarding impact and to improve political debate and collaboration.

Jaspal Dhani focused on the experience of disabled people hit by the austerity measures and the disparity between current laws on disability and funding for disabled services in the UK. The USA has even more legislation than the UK, yet disabled persons still face the same discrimination as in the UK.

In the medieval period society felt the duty to look after persons with disabilities and provide services to them (building, establishments, institutions), usually through the church. Although there was still a belief that disabled persons – or their parents had somehow brought the disability upon themselves. However, after the dissolution of the Roman Catholic Church by Henry VIII this aid from the church stopped and instead individual donors began to set up charities.

From 1485 – 1660 disabled persons were looked after by almshouses or mental health hospitals. From 1660 onwards there emerged more of a medicalisation or hospitalisation approach. This did not really change until WWII when soldiers began to return with injuries, such as amputations and experienced adverse mental health impacts. After the Vietnam war there was also a big shift in disability rights led by returning US soldiers and influenced by the black civil rights movement. This then influenced the UK movement for disabled rights from the 1970's onwards.

In 1970, the fight for disabled rights in the UK started. Over the past 40 years, achievements included:

- new laws, including the Disability Discrimination Acts of 1995 and 2005;
- the Human Rights Act 1998;
- the Disabled Persons (Independent Living) Bill;
- UN Convention on the Rights of Persons with Disabilities; and
- the Independent Living Fund.

In short, a social model of disability emerged. Things were pretty much going in the right direction until the financial crisis occurred. The human impact of the cuts on support services,

legislation led disabled people to start their campaign against the government measures. A research survey last year by a consortium of disability charities found that the health of 78% of disabled persons had worsened since the financial crisis and the work capability assessment started. The assessors did not fully understand the nature / impact of disability, and there was a lack of government impact assessment or employment opportunities or independence for disabled persons. This has led to an increase in contemplation of or acting upon suicidal thoughts by disabled persons, an increase in mental health disorders and institutional care, and people losing their jobs.

The discussion focused on the contribution that academics and practitioners can make in raising human rights concerns surrounding austerity measures. The challenge in this regard is not one primarily about legal interpretation. Instead, there is a need to demonstrate the impact of austerity measures and to mobilise public opinion to counter narratives that poverty is a personal failing, highlighting its systematic causes. In practice debates often revolve around facts. It is therefore critical to provide empirical evidence, such as by demonstrating the nature and impact of poverty inducing laws and measures, and to use this to have input at the stage of policy formulation (rather than mainly rely on the rather narrow judicial review).

One example of such factual research is the report 'The tipping point', a survey on the impact of cuts on persons with disabilities. The UN Women's Budget Group is a good example of the impact that academics, here Professor Diane Elson, can have. In its own words (www.wbg.org.uk), the 'Group is an independent voluntary organisation bringing together over 200 individuals from academia, local and national government, non- government organisations and trade unions to conduct **Gender Budget Analysis** and promote **Gender Responsive Budgeting** by the UK Government…We produce regular assessments of UK economic and social policy, with a particular focus on the UK Budget and Expenditure Reviews. We aim to show the impact that government taxation and expenditure can have on women's everyday lives, especially women experiencing poverty. We identify feminist alternatives to policies that are not supportive of gender equality and women's rights. We maintain links with groups working on gender equality and budgets in Scotland, Northern Ireland, and other European countries (emphasis in original).'

Litigation faces the problem of a general decline in resources, including a lack of legal aid, which means that even if a barrister is willing to act for free on behalf of a disabled person, they usually still cannot do so because there remains the question of who will pay for the solicitor. This reflects an overall diminishing of access to justice. Legal aid has also become more difficult to access than in the past – for example the reduction in funding for domestic violence cases, and cases before employment tribunals must also now be self-funded.

The use of economic, social and cultural rights in this context could provide useful support for the proposition that they (including certain disability rights) should be seen as being as significant or important as civil and political rights. Indeed, an LSE study shows that there is

a greater public recognition of the importance of social, economic and cultural rights than sometimes believed. However, academic research in this area needs to be used by activists and practitioners. There is currently some dissonance between the perceptions/approaches of practitioners and academics.

The 2009 concluding observations by the ICESCR Committee on the UK state party report also noted the lack of implementation of economic, social and cultural rights in the UK, and the lack of awareness on the part of UK judges. The question remains of how to challenge the government, and the current system for supporting the individuals.

3. Collaborative Research

Panellists:
Margo Picken, LSE;
Maggie Beirne, formerly Committee on the Administration of Justice, Northern Ireland;
Professor Lynn Welchman, SOAS
Moderator: Dr. Lutz Oette, Centre for Human Rights Law, SOAS

Margo Picken, reflecting on the International Council for Human Rights Policy (ICHRP) recounted that the ICHPR was set up as a forum for practical research, reflection and forward thinking on matters of international human rights policy. It closed last year, primarily for lack of funding. Margo Picken focused the start-up phase which began with informal discussions in early 1993 and after extensive consultations, in themselves very worthwhile, the Council had its first meeting in Cairo in 1997.[2]

By 1993 post cold war optimism had faded, the simplifications of a bipolar world no longer applied, and policies and strategies to advance human rights had to be rethought and new directions charted. Human rights were low on the international agenda and policies on complex human rights issues were being formulated without adequate research and analysis.

The immediate catalyst for the initial discussions, however, was the looming UN World Conference on Human Rights to take place in Vienna in June 1993. Conceived in the optimistic immediate aftermath of the Cold War, the Conference took place in a degenerating climate of mistrust and suspicion. Few governments were ready to support strengthening international monitoring of human rights and there was a dearth of good ideas from NGOs.

[2] This was done in the form of a personal description drawing from memory and random notes and papers Margo Picken kept from the start up period. Her presentation was not intended as a scholarly account or evaluation of the Council.

Institutions which might have been expected to contribute were not equipped to do so. Nongovernmental organizations were overtaxed and properly action oriented in their work with only a few producing in-depth research, and usually on specific topics within their mandates. Capacity within the UN Secretariat was limited. Material produced by academics was often too theoretical and of little immediate use in the context of specific policy debates. Institutes specialising in human rights in Western Europe and the United States tended to be national in staff and orientation, to respond to domestic constituencies, taking up issues which attracted domestic funding or reflected the interests and expertise of their principal researchers. National and regional nongovernmental organisations working for human rights in Asia, Africa, Middle East and Latin America, the positive outcome of previous decades, were not sufficiently informed of, or consulted on, international discussions which impacted directly on their work.

The Conference became an exercise in damage limitation, requiring immense effort to keep the advances made in preceding years. Following the Conference, two consultations were held in upstate New York in October 1993 and Cambridge UK in July 1994 bringing together academics and practitioners to discuss the merits of establishing what was initially referred to as an International Human Rights Policy Research Institute. Consultants' reports were commissioned after the first consultation to explore the needs and priorities of policy research, examine the capacity of existing institutions, and assess options. The principal consultant concluded that policy research on international human rights did not have high profile or status, that its potential was under-estimated or under-utilised, that it tended to be the work of a few individuals on an ad hoc basis, and that policy research institutions in other fields had ignored human rights.

The Cambridge meeting was also informed by a consultation held the day before it, chaired by Neelan Tiruchelvam from Sri Lanka, to discuss follow up to the World Conference. It called for clearer thinking within the human rights movement and for an alternative non-governmental plan of action to the Vienna Declaration and action programme, which were viewed as a barometer of the position of governments not of non-governmental organisations. National and regional human rights organisations would need to be involved and controversial issues avoided, though omnipresent in Vienna, addressed head on (e.g. the use of force on humanitarian grounds). It would also be necessary to prepare the ground for common thinking and action, and deepen the social base of support for international human rights standards.

At this early stage, issues identified as lending themselves to practice-led research and analysis to inform policy included: How to advance economic and social rights in a world dominated by monetarism? Did attaching conditions to aid help or undermine the protection of human rights? Were elections an effective measurement of a government's legitimacy? Refugees, internally displaced people, safe havens; issues of truth, justice, reconciliation in the aftermath of repressive regimes; structural adjustment and human rights and the policies

of agencies such as the IMF and World Bank; accountability of transnational corporations; privatisation and human rights; human rights and foreign policies of western governments.

Suggestions about the functions of an institute included: acting as a forum and convenor; helping to professionalize the human rights movement; helping to reconcile competing perspectives; acting as a resource for governments, intergovernmental agencies, media, non-governmental organisations; helping to conceptualize the issues. Also discussed were the balance between analysis and advocacy; whether it would issue statements and briefing papers on important issues; forms of collaboration with other institutions within and beyond the human rights field; relations with social movements; its role in agenda-setting; a centralised or decentralised operation; the role and composition of a governing board, advisory council, staffing, location and levels and acceptable sources of funding.

Also on the table was the idea of a review "Human Rights Agenda" as an agenda-setting vehicle and much cheaper alternative, and possible first step, to a policy research centre. New technologies allowed for forms of communication and collaboration not previously available. "Human Rights Agenda" would foster collaboration between human rights actors worldwide. Its audience would be "all those members of the human rights community who feel the need to locate their activities within a larger, intelligent, reflective, self-critical and programmatic discourse. i.e. activists, scholars, functionaries, diplomats etc.," It would have an editorial board of some 20 people meeting annually to thrash out important elements of the agenda, sketch trends, propose priorities for policy research, agree on topics and authors. An editor and support staff would be recruited and located in an appropriate existing human rights institute. This idea, favoured by some, was not pursued.

The Cambridge meeting concluded a new institution was needed and appointed a steering committee to oversee the project's further development. It met the following year, defined the tasks to be undertaken and engaged a consultant to work on them. The International Council on Human Rights Policy eventually emerged from this process and met in Cairo for the first time in June 1997. A director began in September working from a small office in Geneva.

Professor Stan Cohen, who sadly died in January this year, was an early member of the Council. He formulated criteria for research projects that the Council would take up: political relevance; deriving from or leading to human rights principles; intellectually challenging; insoluble by talk; doable; ethical.

Between 1999 and 2009, according to the Report of the Executive Director, the Council published 25 reports, placed over 150 commissioned research papers on its website, researchers and consultants from 96 countries had participated in its research. The reports addressed a wide range of topics, for example Universal Jurisdiction, National Human Rights Institutions, Armed Groups, Media and Human Rights, Business and Human Rights, Racism, Crime and Human Rights, Human rights after September 2001, Terrorism and Human Rights, Corruption and Human Rights, Climate Change and Human Rights. The reports and studies

engaged experts from diverse backgrounds and regions in a genuinely consultative process. They were usually of high standard and have been widely appreciated.

Yet the Council did not meet the utopian expectations attached to it. Council Members, other than Board members, did not come to play the central role envisaged in setting the research agenda of priorities. The Council was envisaged as a decentralised operation, reaching out to a larger universe, and beyond human rights, but it did not manage adequately to engage with social movements and research and other institutes in different regions of the world or serve as an effective forum to help develop a common human rights agenda. A balance between analysis and advocacy proved hard to achieve, its often lengthy reports were difficult for busy policy and decision makers to absorb, and it did not manage to put out the short briefing papers and statements on issues of compelling concern that some of us had hoped for.

However, much was achieved and is available to be drawn from and built upon. The Council's website was successfully re-designed as a web-archive and can be found at http://www.ichrp.org. The Graduate Institute of International and Development Studies in Geneva is host to the Council's archive.

Maggie Beirne focused on academic/NGO collaborative research at the Committee on the Administration of Justice, Northern Ireland. CAJ (www.caj.org.uk) in Belfast produced 63 publications; 409 submissions over 30 years. At outset, key members of the organisation were academics (who had time and commitment to give over to research/policy). Only later, with staff and more campaigning/lobbying opportunities, policy materials could be more effectively used and membership became more diverse.

- Internally-led research:

Two different reports were of particular interest in bringing together activism and academic rigour. A report into harassment ("It's part of life here....", CAJ 1994)was carried out by an academic researcher, on behalf of CAJ, and he was able to bring quantitative and other research methodology to the problem and turn up fascinating and surprising survey results. An international comparative policing report was undertaken by two academic researchers, again employed by CAJ (see Human Rights on Duty, CAJ, 1997). Both projects were designed and driven by CAJ itself, albeit with academic expertise bought in.

- Externally-led research:

Reference was already made on the panel to the work of the International Council on Human Rights Policy (ICHRP). CAJ had a good experience of this collaboration – i.e. work on human rights and peace agreements – where the lead researcher was an academic and local activist and could "translate" between the different worlds. In another instance, CAJ was

however disappointed by the limited role accorded to domestic (rather than international) NGOs in shaping research.

Also, two other experiences of externally-led academic/activist interchange were cited: in one, academics set up a dichotomy (for the purpose of intellectual debate) which, in the opinion of activists risked creating or exacerbating some of the local divisions that were supposedly to be addressed. A positive experience was a recent one in York, where the coming together of activists and academics around a journal exercise; combined with a challenge function; and practical workshops to exploit the expertise of those present, served several functions simultaneously.

- Learning points:

Both academics and activists care about ensuring that their work has the greatest possible IMPACT, so they have an interest in cooperating closely

Academics bring to activism – a cross disciplinary approach; potential for comparative expertise; professional objectivity; and a rigorous methodological approach

NGOs and activists offer to academic projects: knowledge about what is needed; specific research insights and contacts; and a clear sense of purpose and direction.

Hopefully they can work together in elaborating useful and important questions, as well as authoritative answers to those same questions.

Lynn Welchman spoke about the SOAS Human Rights Law Clinic, which she had established in 2007 to give postgraduate students at SOAS the opportunity to contribute to an NGO research and advocacy project as part of their studies. Many postgraduate students work to pay their fees or have caring responsibilities, and many if not most do not have the resources for lengthy unpaid NGO internships that are often so much part of the pathway into the professional human rights movement now. Postgraduate Law students from SOAS often also have language expertise and with ability to research in domestic legislation that is specific to SOAS' regional expertise. A range of NGOs have been project partners, including Amnesty International, REDRESS, the International Commission of Jurists, the Norwegian Refugee Council, Child Soldiers International (formerly the Coalition to Stop the Use of Child Soldiers), the Institute for Human Rights and Business, Reprieve, Lawyers for Justice in Libya, CIHRS (Cairo) and ASK (Dhaka). One year the SOAS Clinic also had the pro-bono contribution of a lawyer from a London law firm.

In recent Clinics, different NGOs have been asking for large-scale tabulation of research across a range of jurisdictions; others may have thematic focuses and yet others country or region specific. Christopher Hall was a wonderfully enthusiastic and engaged project mentors, setting out a manual on how students might catalogue states' universal jurisdiction legislation. Some partners built in a winding-up presentation and discussion by the student team to their

own teams in their offices, which was helpful to both parties and very satisfying for the students. Some students had also been able to publish aspects of their work from different project teams, as an additional outcome, both for the students involved and for development of the particular field. Also important to consider is the way in which partner NGOs credit the work of the Clinic Project Team (REDRESS has a solid system in place for this for example). As well as access to SOAS resources (electronic databases for example), the students offer eagerness, hard work and a fresh look at the human rights project, but there is a steep learning curve, requiring teamwork and responsiveness to and importantly from the partner NGO. The academic supervisor is responsible for the process, but best practice from partner NGOs includes real engagement with and feedback to students, in the interests of the development of the project. One fortunately isolated case where such a notion of 'partnership' was not forthcoming obliged the SOAS Clinic to further develop its own guidelines in terms of choice of project and of partner, but if possible this kind of 'learning experience' was to be avoided!

Lutz Oette spoke of his experience as Counsel for REDRESS, which for twenty years has campaigned for reparation for torture survivors worldwide. The organisation has for over twenty years campaigned for redress and reparation for torture survivors worldwide. It works on the issue of redress and reparation and on strengthening the normative framework, while also addressing human rights defenders' and lawyers' challenges in specific countries.

REDRESS has many former academics, or people who combine NGO and academic work, on its staff. It engages in advocacy, litigation and capacity-building, and carries out policy oriented, country-based and comparative research. Research has contributed to framing of issues; detailed research of practice has contributed to conceptual clarity and better contextual understanding, which has in turn resulted in standard setting, policy changes and advocacy, such as on right to rehabilitation, as well as successful litigation

NGO work can be circumscribed by mandates and goals, and is geared towards achieving an outcome in line with these. While academic work can be nuanced, critical and reflective, NGO work is more instrumental, at the risk of glossing over grey areas. Human rights organisations do not always benefit from the theoretical work and empirical data available. Intersectional discrimination was first brought up in the academic field while at least some NGOs were unaware of the issue.

There is a major paradox between the prohibition of torture, where it should be clear what states should do; and the reality of so many breaches which lead to a questioning of the prohibition's effectiveness.

Richard Carver, Oxford Brookes University, is currently undertaking a major empirical research project commissioned by the NGO APT (Association for the Prevention of Torture), which is a good example of a collaborative research project, with the researcher retaining complete independence in conducting the research. The project consists of multi-country case

studies – five pilot studies, and a dozen others to follow – which seek to determine whether and how preventive measures have worked, ie contributed to prevention. The results of this project are expected to be disseminated in academic and open-access publications.

Lutz Oette proposed several questions and points for discussion:

1. What substantive areas are under-researched? A number of the issues identified twenty years ago by the ICHRP are still highly relevant, so what should be the priorities?
2. There is a lack of empirical research by lawyers, which may be because of the normative orientation in human rights law training. Human rights institutes unaffiliated to Law Schools could possibly provide training in qualitative and quantitative research methods.
3. How might theoretical research be brought to the attention of practitioners? Theoretically-inclined academics should talk to NGOs about implementation and what matters on the ground.
4. Who should be involved? In particular, how can academics and practitioners other than lawyers be brought to the table? How can victims of violations or those at risk of violations be brought into the collaboration?
5. Power relationships between international and national human rights defenders need to be considered, as should those between Western academics and NGOs and their counterparts who have fewer resources and might find it difficult to influence agendas.
6. What form can collaborative research take? It is very difficult to set the agenda for the UK and beyond, but we should start. What is needed to make collaboration happen?
7. How can funding be found for collaborative research? Can it use existing resources?

The ensuing discussion covered a number of issues.

<u>Collaboration between academics and practitioners:</u>

A lot of the problems identified appear to stem from perceptions, approaches taken and the way of working. There was some understanding that an ongoing debate and working relationship involving the various groups, or parts thereof, is still lacking. For example, it was noted that NGOs and law firms have been working closely together on a number of cases. However, many NGOs still appear unaware of available resources, for example city firms' pro bono funds. This also includes the International Senior Lawyers' Partnership (ISLP), formed mainly of senior partners in the US, but increasingly those based in the UK, which provide an important resource of desk-based, project-based research. Budgets do exist, including to sponsor unpaid internships.

In contrast to collaboration of NGOs and law firms, exchange between academics and law firms is seen as limited. A lack of networks for strategic research was also identified as a gap. As a result, practicing lawyers may not be aware of relevant academic research and

arguments that may be beneficial in pursuing cases. Academics, for their part, may be divorced from the challenges facing practitioners. One experience shared was that of taking a case to the African Commission on Human and Peoples' Rights about indigenous people's property rights. The academic debate did not engage the NGO that brought the case, and there was no academic debate on implementing the judgment.

The meeting was mainly attended by legal professionals and it was pointed out that there is a risk of arrogance or ignorance of not listening to others within the same field having different roles, and to those who do not share the same professional background. One experience shared was the hesitancy of coal-face activists to engage with lawyers, as exemplified by a meeting convened by the Equality and Human Rights Commission before the UK report to CEDAW. Activists who were working on cases did not know that they could be test cases. This was seen as a damaging, continuing block. The same applies to the need to engage institutions, such as the police and health authorities, in human rights work. Often the best advocacy does not use the words 'human rights', but instead speaks e.g. the police's language.

Several participants emphasised the importance of exchange between academics and practitioners, and the need to learn the lessons from the ICHRP whose rationale of developing human rights policies based on sound, collaborative research on topical issues remains highly relevant today.

Time in academia can aid a practitioner's reflection. There may be many things a practitioner would do differently after the insights gained in academia.

NGO approaches to research:

Participants stressed the importance for NGOs of adhering to sound research standards, including stringent referencing, which should be instilled by NGOs and human rights clinics. For example, at the last Human Rights Council dialogue with Libya, a Libyan NGO and the Cairo Institute for Human Rights Studies made an oral intervention, and three hours were spent justifying the only unreferenced statistic in the NGO's report. The Libyan representative said that the report was not factually based because of that single missing reference, which amounted to one sentence in a four page memo.

It is equally clear that there is more than one type of NGO intervention. A very 'academic' report can be counter-productive. NGO reports have differing readerships and footnotes are not the only way. There is a genuine risk from NGOs becoming 'too academic' if they want to reach a broader audience. Translating human rights language and relating it to everyday experiences often constitutes a major challenge, as the experience of the constitutional tour across Libya aimed at multiple communities, showed. The human rights practitioners had 3-4 days training on comparative and constitutional law, on taboo issues, questions and words not to use. The latter included 'human rights', 'federalism' and 'shari'a'. This forced the workers to be more creative, and to use word association games so that all of these issues were raised by the audience. An old man in the third town they visited said he understood the constitutional project. He likened it to a big piece of cloth, and said that you cannot know what suit you will get until the tailor (legislature) makes it. After that, at most there can be small alternations (made by the judiciary).

Interdisciplinary research

It was stressed that there is a need to revisit the assumption that interdisciplinary research is necessary. If it is, there is already literature on the incompatibility of assumptions in different disciplines. The role of victims or service users (in the mental health context) is very important: engaging service users as interviewers might help the service user interviewees confide their experiences more easily. Service user interviewers are paid minimum wage. This seems a bit tokenistic: it is not inviting them to make decisions about the research. Instead, researchers should bring in service users when they are deciding on research priorities. However, the service users' priorities might not be human rights issues. What happens if victims or service users do not fully understand the research and research criteria? Methodology is very technical, but it can cause great offence to exclude service users.

There is already multi- and interdisciplinary research, an emphasis on theory and practice, and a very reflective process about multidisciplinary research, but how can teaching be interdisciplinary? It is quite hard to get non-law projects for student clinics from partner NGOs. To do so involves delicate pedagogical decisions and partner negotiations.

Human Rights Clinics:

There is a growing number of human rights clinics and the forum provided a unique opportunity for academics, students and NGOs to reflect on experiences. A fundamental problem is the potential conflict between students' benefit from clinical legal education and the needs of the project partner. How to tackle this in practice poses considerable challenges.

The most 'interesting' human rights issues are not necessarily the most important, but students tend only to apply for clinical work on 'fashionable' causes. For example, a human rights clinic project on targeted killings had 24 applications, but there were many fewer for projects on the right to water and none on women's sexual and reproductive rights. There have also been concerns over the quality of student human rights clinics' output, which has at time not been well-researched and well-referenced. Conversely, NGO's may show limited understanding of the way human rights clinics work. In sum, human rights clinics, often with very limited funding, need to navigate the expectations of the various actors while ensuring quality output, and, ideally, coordination with other human rights clinics.

Academic publications

Some academic publications, particularly the Journal of Human Rights Practice, have a focus on human rights in practice. It had a special issue on human rights defenders and sought submissions from practitioners. The University of York ran workshops on draft papers, to add academic rigour, in place of traditional academic peer review.

However, academic gatekeeping can be problematic. The American Journal of International Law, for example, prevents practitioners from submitting a case note where they have been involved in the case.

In addition, academic articles and research output is frequently not easily accessible. There is also often a need to translate academic articles into 'normal' language that is accessible to activists and others. The question was raised whether it could be possible to have a centralised repository of jargon-free academic article summaries.

Role of donor agencies

The power relationships between donors and academics/NGOs are significant. Soon fees will be paid to apply to some donors. In some cases, the donor has already decided before academics or NGOs get involved.

The role of donor agencies is critical, yet they are not held to account. There is a need to do research, which could be done by a University centre or institute, to study what donor agencies are doing, but many such centres are reluctant to bite the hand that feeds them.

4. Next steps

Lutz Oette stressed the hope of making the Human Rights Forum an annual event. Ideally it would be collaborative, organised by an academic institution, NGO and law firm. He invited participants to think about the format, themes and topics, and whether they should be specified or more general.

Discussions briefly touched on some of the points raised.

One contribution identified three main issues: i) funding, ii) framing of other people's expectations and iii) methodology. Perhaps participants at a subsequent conference can split into groups or workshops to discuss specific issues, and then come to the plenary discussion with solutions. Another event can involve academics, NGO workers and people affected by human rights abuses.

Another conference might involve case studies, and could invite other service providers, e.g. police or Crown Prosecution Service. A service users' gathering might be useful to discuss the purpose of research before it is conducted.

On a final note, one participant noted that future fora should not necessarily be geared towards achieving practical outcomes if NGOs, academics and lawyers have not yet learned how to talk to one another.

These open-ended discussions showed that there is a need for further development, focusing on questions such as:

- Priorities: what should be the substantive focus of further meetings? what issues discussed deserve further attention, what issues not addressed should be examined;
- Format: what format should the forum take (who; where; issues covered; shorter/longer; who should be invited; other)?;
- What other follow-up would be useful (eg meeting of human rights clinics; lawyers meeting academics etc.)?;
- How would participants be willing to engage in the process, including by organising/co-hosting events?