



University of Essex



Human Rights Centre Clinic Report 2022/23

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Welcome

It is our honour to present this year's report of activities of the [Human Rights Centre Clinic](#) of the University of Essex.

Every year, around forty percent of Essex postgraduate students in human rights apply to join our Human Rights Clinic. Many of them report that the Clinic is one of the main reasons that they chose Essex for their advanced studies.

We wish we could have accepted them all but only 24 could be selected for this year's cohort. Eight more joined the **Arbitrary Detention Redress Unit**, a new stand-alone project working with the **UN Working Group on Arbitrary Detention**.

Our 24 students worked in six different projects covering a wide range of topics: The impact of **public debt and corporate capture** on the ability of Global South countries to respect, protect and fulfil economic, social and cultural rights (with **ESCR-Net**); **anti-discrimination laws affecting ethnic, linguistic and religious minorities in the Middle East and North Africa** (with **Minority Rights Group**); **oversight and accountability of UK Special Forces** (with UK Parliament's **APPG on Modern Conflict**); **guarantees of non-recurrence** as a form of reparations in transitional justice in Colombia (with **Dejusticia**); investigations of **torture during the Northern Ireland conflict** (with **Pat Finucane Centre** and the **Committee on the Administration of Justice**); and implementation of the **right to a healthy environment in the UK** (with **Lawyers for Nature** and **Earth Law Center**).

Students working on these projects also took a module tailored to the development of the transferable skills that they will need in their future careers as human rights practitioners. Among other topics, the module dealt with power dynamics within transnational action networks, interviewing skills and ethics, human rights impact assessment, strategic communication, engaging with media, and strategic litigation.

Students at the Human Rights Centre Clinic, including the Arbitrary Detention Redress Unit, also received training on vicarious trauma delivered by a specialist in this field.

This year we introduced two innovations. First, we held an employability event in May 2023 where students learned from representatives from our partner organisations. We are grateful to Silvia Quattrini from MRG, Fernando Ribeiro Delgado from ESCR-Net, and Kizita Forgwe from ICC Trust Fund for Victims. And secondly, we organised the first conference of the Human Rights Centre Clinic, which took place in June 2023, where students presented the work they had done over the year in front of other students and faculty.

Students at our Clinic have the privilege of working with talented and dedicated practitioners in the global human rights community. We are extremely grateful for their time, for their passion and for their commitment.

Koldo Casla, Antonio Coco & Erin Pobjie

Debt Justice, Corporate Capture and Human Rights

الشبكة العالمية
للحقوق الاقتصادية
والاجتماعية والثقافية



ESCR-Net
Red-DESC
Réseau-DESC

respond to the immediate and essential needs of their people. This phenomenon has heightened inequality and imperilled human rights.

Particularly for low- and middle-income countries, the financial, public health and environmental crises of our times constrain governments' ability to

In 2022/23, Essex Human Rights Centre Clinic teamed up with the **International Network for Economic Social and Cultural Rights** ([ESCR-Net](#)), which connects over 280 NGOs, social movements and advocates across more than 75 countries to build a global movement to make human rights and social justice a reality for all.

During this partnership, the Human Rights Centre Clinic supported various research, advocacy and campaigning initiatives in relation to the impact of the neoliberal economic model on public debt, the responsibilities of international financial institutions, and the relationship between debt justice, the protection of the environment and the enjoyment of economic, social and cultural rights (ESCR).

The Clinic team's research outlined the key international human rights instruments and standards on ESCR, particularly the obligation to utilise the maximum of available resources for the progressive realisation of these rights as set out in international law. The research includes the role of international assistance and cooperation in the context of foreign debt, and the impact of debt burdens on the ability of States to respect, protect and fulfil ESCR.

The report focuses on key actors, structures and instruments that underpin the neoliberal international debt architecture. The analysis documents how business interests can unduly influence laws and policies in relation to sovereign debt. This includes but is not limited to corporations' role in the unsustainable accumulation of sovereign debt and repayment policies. The case of Greece illustrates the coverage provided by economic institutions to corporate interests, and the instrumentalization of a financial crisis to implement unpopular policies such as the privatisation of public services. The case of Chad illuminates how debt burdens and the prioritisation of debt repayment can constrain the allocation of resources to respect, protect and fulfil the rights to education or healthcare, and the provision of essential services.

It is necessary to address the relationship between climate and debt. The case of Zambia shows how climate change is inherently unjust. A transitional justice-based approach can contribute to addressing the root causes of high debt, the inequalities in the causation of global warming, and the link between sovereign debt and climate justice.

This project was supervised by [Dr Koldo Casla](#), Director of the Human Rights Centre Clinic.

Anti-Discrimination Laws in the Middle East and North Africa

minority
rights
group
international

Ethnic, linguistic and religious minorities are often exposed to official or unofficial discrimination practices by national governments. Against these practices, constitutions of many countries in the Middle East and Northern Africa (MENA) region contain the principle of non-discrimination and equality before the law, with some countries even issuing specific anti-discrimination laws. For instance, Tunisia has criminalised racial discrimination and issued laws on violence against women and human trafficking. Egypt has amended its Penal Code to include anti-discrimination provisions, even though possibly with some shortcomings. Turkey also has some anti-discrimination laws, though in 2021 it withdrew from the 2011 Istanbul Convention on preventing and combating violence against women and domestic violence.

To analyse these anti-discrimination provisions and their effectiveness, the Human Rights Centre Clinic at Essex has partnered with **Minority Rights Group International** ([MRG](#)). With more than 50 years of experience, MRG campaigns worldwide with around 150 partners in over 50 countries to ensure that disadvantaged minorities and indigenous peoples, often the poorest of the poor, can make their voices heard. MRG works with disadvantaged ethnic, religious, and linguistic communities, including racialised communities and indigenous peoples, to seek mechanisms to access their human rights including in the manifestation and promotion of their identity. Mindful of the impact of intersectional discrimination and historical context-based structural discrimination, MRG seeks to overcome obstacles that impede equal access to and enjoyment of human rights by communities based on their real, perceived or contested identities.

The Essex Human Rights Centre Clinic team reviewed and analysed anti-discrimination laws and policies in a selection of countries in the MENA region — Egypt, Iran, Tunisia, and Turkey — with a focus on religion, ethnicity and language. The Clinic team's research, grounded in the framework of international human rights law, adopted a comparative approach and an intersectional focus, to shed light on discrimination against minorities and indigenous peoples and to identify legal gaps, debates and best practices in the region. The research reviewed national sources and reports by relevant treaty bodies and non-governmental organisations, and was complemented and informed by interviews with experts and representatives of minority groups and affected national communities.

The research covered five aspects: (i) the laws and policies in the countries subject to review; (ii) the legal gaps and debates surrounding those laws and policies; (iii) whether the selected laws and policies are compatible with international human rights law; (iv) whether the relevant laws and policies have had a positive or negative impact on the protection of minority groups; and (v) whether any lessons have been learned or any best practices can be applied in other countries. In addition to the main report, the Clinic

team also authored two blog posts focusing on specific protections with a comparative approach: the first blog post concerned the protection of women with disabilities in Tunisia and Turkey; the second one concerned discrimination on religious grounds in Iran and Egypt.

The project contributes to the understanding of the impact of anti-discrimination laws on minorities and indigenous peoples in the Middle East and North Africa, and aims to inform the research, training, and advocacy by Minority Rights Group in the region. The final report examined a number of legislative acts in force in the four countries in question, highlighting how their framing and implementation has negatively affected minorities, especially linguistic, ethnic and religious ones, and offering reflections on how to ensure better protection in the future.

This project was supervised by [Dr Antonio Coco](#), Co-Deputy Director of the Human Rights Centre Clinic.

Oversight and Accountability of UK Special Forces



One of the Human Rights Centre Clinic teams is working with the **All-Party Parliamentary Group on Modern Conflict** ([APPG](#)). The APPG is an interest group that occupies a strategic and effective position within UK Parliament. It is cross-party, with a minimum number of Parliamentarians from the party supporting Government and from opposition; and cross-house, made up of both Peers (Members of the House of Lords) and MPs (Members of the House of Commons). The APPG was founded in October 2012 (as the APPG on Drones) to tackle a new challenge: the growth of the use of armed drones,

and the relative lack of regulation on this issue despite its impact on military operations and human rights. In 2023, the group's name changed to APPG on Modern Conflict. One of its key functions is that of assisting the UK Parliament in promoting the highest standards of legality, transparency and accountability in military operations.

A core concern of the APPG on Modern Conflict is ensuring accountability of the use of armed force by the UK. The Special Forces are the only part of the UK military that are not subject to any form of external oversight or scrutiny. One of the reasons used to justify this is that any comment on Special Forces may compromise its personnel, operations or national security. The lack of accountability is concerning and a current issue as the operational role of the Special Forces has been shifting and they are increasingly deployed in operations previously carried out by 'traditional' units and in expanded cooperation with foreign military partners.

Against this background, the Human Rights Centre Clinic team mapped existing potential mechanisms for external oversight and accountability of UK Special Forces' activities. The team carried out a comparative study of oversight mechanisms employed by allied countries, such as the US and Australia, to draw lessons that could be applied to the UK context. This research was supplemented with insights from interviews with experts and key stakeholders.

The research, which was initiated during the academic year 2021/22, led to a report for the APPG on Modern Conflict setting out existing oversight and accountability mechanisms, identifying barriers to effective oversight and accountability and providing policy recommendations to ensure that UK Special Forces activities are subject to meaningful oversight and accountability, without compromising troops' safety or national security. The policy recommendations should serve as a starting motor for parliamentary debates to advocate for increased oversight. They will also provide key stakeholders, such as parliamentarians, with a better understanding of the available tools and existing mechanisms.

This project was supervised by [Dr Erin Pobjie](#), Co-Deputy Director of the Human Rights Centre Clinic.

Guarantees of Non-Recurrence in Transitional Justice

To provide guarantees of non-recurrence (GNR) after periods of massive violence or systematic human rights violations is one of the main obligations of States and one of the pillars of transitional justice. GNRs are an integral part of the Peace Agreement between the Colombian government and the FARC guerrilla. Far-reaching prevention measures, such as rural reform, can be seen as GNRs. At the same time, GNRs are part of the measures that those who have committed conflict-related international crimes must provide in order to qualify for lower criminal sanctions or even amnesties or waivers of criminal prosecution. However, in practice GNRs are often reduced to promises not to commit crimes in the future.

Dejusticia [Dejusticia](#) is a Colombia-based research and advocacy organisation dedicated to the strengthening of the rule of law and the promotion of social justice and human rights in Colombia and the Global South. As part of its work on transitional justice, **Dejusticia** is concerned with the question of how to guarantee that the massive human rights violations that characterised the Colombian armed conflict will not recur. GNRs are a crucial mechanism of transitional justice and an integral part of the Peace Agreement between the Colombian government and the FARC guerrilla. GNRs are by far the least developed pillar of transitional justice. However, awareness of their crucial importance is increasing, as there is a growing realisation that prevention of future violence is crucial for successful transitions to peace. There is also an incipient discussion that GNRs might have transformative potential and could include measures of distributive and redistributive justice and thereby provide a means to address the root causes of armed conflict.

The Human Rights Centre Clinic examined some of the ways in which Colombia has dealt with GNRs, particularly in the Final Peace Agreement with the FARC. The report highlights some failures to date and opportunities for future improvement. The project also studied the experiences of other transitional justice processes, in particular, in the Philippines, Sri Lanka, El Salvador, Peru and South Africa. Based on these desk studies and interviews with transitional justice experts from Colombia and around the globe that provided insights from practitioner and advocates' perspectives, the students presented a report to Dejusticia which resulted in recommendations that will inform Dejusticia's future research and advocacy work on these issues.

Based on their research into the theoretical foundations of GNRs and their practical implications in different countries as well as some of the main challenges that were identified, the project concluded that it is important to distinguish a narrow approach to GNRs that focuses on preventing the occurrence of specific human rights violations, from a more ambitious transformative approach aimed at addressing the root causes of conflict through structural change. A combination of both approaches might provide a promising way forward for Colombia. However, the aspirational or ambitious dimensions of GNRs will be

difficult to realise. Expectations regarding the transformative potential of GNR need to be measured. In order to implement the GNR measures included in the Peace Agreement and then in the recommendations of the Truth Commission report, Colombia needs to allocate adequate resources toward the implementation of these measures.

This project was supervised by [Prof Sabine Michalowski](#) from Essex Law School.

Investigations into Torture during the Northern Ireland Conflict

A team of students part of the Human Rights Centre Clinic have worked closely with the Pat Finucane Centre ([PFC](#)) and the Committee on the Administration of Justice ([CAJ](#)) looking for evidence of State impunity regarding torture during the Northern Ireland conflict using Article 3 of the European Convention on Human Rights as a guide.



Established in 1981, the **Committee on the Administration of Justice** seeks to ensure the highest standards in the administration of justice in Northern Ireland by ensuring that the Government complies with its responsibilities in international human rights law.

CAJ takes no position on the constitutional status of Northern Ireland and is firmly opposed to the use of violence for political ends.



The **Pat Finucane Centre** acts on behalf of families in approximately 250 cases. The Centre's remit is not restricted to any one community. The Centre's focus is to offer support to any family bereaved as a result of the conflict on the island of Ireland. The Pat

Finucane Centre is named after the Belfast lawyer who was shot dead in his home by loyalist paramilitaries in February 1989.

The Human Rights Centre Clinic team had the opportunity to conduct interviews with key stakeholders. These interviews helped to shed light on the internal workings of human rights organisations, and to better understand the legal and technical implications of changes to legislation covering legacy issues of the Northern Ireland conflict.

Decades after the 'end' of the Northern Ireland conflict, many deaths and accusations of torture, as well as other forms of inhuman treatment, remain un-investigated, and their perpetrators unpunished. The new legislation, as understood by the Human Rights Centre Clinic Team and other observers (such as the CAJ's Model Bill Team), does not comply with ECHR requirements for States to provide independent, open and effective investigations into the violation of rights, and as such, creates impunity for State actors who could otherwise face prosecution. The UK has received criticism and condemnation from the Republic of Ireland, the Northern Ireland Assembly, UN Special Rapporteurs, and the Commissioner for Human Rights of the Council of Europe for the amnesty bill's lack of compliance with international human rights and for its contributions to an ongoing culture of state impunity.

The critical focus of the team's research was on the nature of ill-treatment itself, trying to establish patterns of torture and ill-treatment and how these phenomena were underpinned by a lack of accountability or justice. In order to do this, the team read through and analysed a substantial body of evidence ranging from witness testimonies, victim statements, complaint records and medical reports.

Regarding cases that occurred after 2nd October 1988, the duty to investigate Article 3 violations remains current, especially if new evidence comes to light, so prioritising these cases may highlight investigatory duties of the Police Service of Northern Ireland.

In the absence of official mechanisms of redress and investigation, the International Expert Panel on State Impunity and the Northern Ireland Conflict was established in order to produce an authoritative independent assessment of the extent of impunity in relation to human rights violations during the Northern Ireland conflict between the late 1960s and late 1990s. The team's Clinic research will form the basis of a significant section of the Panel's final report, concentrating on a legal analysis of contemporary and current understandings of torture and ill-treatment, as well as presenting a compelling selection of cases of rights violations.

This project was supervised by [Dr Aoife Duffy](#), Lecturer at Essex Law School.

Implementing the Right to a Healthy Environment at the National Level

In 2021 and 2022, the United Nations Human Rights Council and General Assembly formally recognised the right to a clean, healthy, and sustainable environment as a human right. This significant step forward, even though not legally binding, requests that States act upon their obligations to respect, protect and fulfil this right under international human rights law. However, legislation is not enough to tackle the environmental challenges. Urgent policy action and more political will are needed to enforce this



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resolution on the ground and address the current triple planetary crisis of climate change, air pollution, and biodiversity loss with ripple effects resulting in the loss of human lives and growing social and economic injustices.

[Earth Law Center](#) is a US-based legal non-profit building an international grassroots movement that speaks to the responsibility human beings have to their natural environment. [Lawyers for Nature](#) is a UK-based community interest company that aims to democratise access to legal support for those seeking to defend the natural world.



In partnership with **Earth Law Center** and with **Laywers for Nature**, the Human Rights Centre Clinic team examined the implications of the international recognition of the right to a healthy environment at the level of national laws and policies, with a particular focus on the UK. The project included comparative research of States that are already taking action, as well as a strategic mapping exercise of the UK's response to these global challenges.

The project team reported on the scope and boundaries of the right to a clean and healthy environment, the efforts being undertaken by those States committed to upholding the right, and the possibilities for

the UK to become a leading State regarding this right.

The work built upon the recent resolutions to go further and analyse the expected consequences at the national law and policy level. The report combined theory with examples of good practices to build recommendations for implementing the right in the UK. Beyond the legal analysis, the report investigated who this right is for and looked at the intersection between human rights and rights of nature, including examples from Brazil, Ecuador, India, Ireland and the USA.

The specific questions the project sought to address were: (i) the implications of the international recognition of the right to a healthy environment at the level of national laws and policies, with a particular focus on the UK; (ii) identification and synthesis of comparative research of States that are already taking action in this area; and (iii) a strategic mapping exercise of the UK's response to this global challenge.

The methodology used to complete the project was a mix of empirical, doctrinal and comparative analysis. Researchers investigated into countries that are already engaged and occasionally compliant and compared those findings with the UK position. For example, the team looked at the outcomes of the Irish Citizens' Assembly on Biodiversity Loss that concluded in November 2022. The Irish Government's actions on the Assembly's recommendations may be an informative example of what is possible in a neighbouring country to the UK.

This research will inform the work of Earth Law Center and Lawyers for Nature with government and community groups. The two organisations will also use material in future submissions to UN inquiries.

This project was supervised by [Brontie Ansell](#), Senior Lecturer at Essex Law School.

Arbitrary Detention Redress Unit



In 2022-2023, the Arbitrary Detention Redress Unit ([ADRU](#)) was established as a stand-alone and multiyear project of the Human Rights Centre Clinic of the University of Essex.

ADRU is supervised by [Dr Matthew Gillett](#), Senior Lecturer at Essex Law School, and a [member](#) of the **UN Working Group on Arbitrary Detention**.

A cohort of eight students was selected out of a large pool of over 30 applicants. The selected students cover languages including French, Spanish, German, Japanese, and Italian. They are all Masters' students (LLM in IHRL, LLM in Law of Armed Conflict, MA in Human Rights, and MSc in Political Economy).

Over the course of the academic year, ADRU worked with Dr Gillett and other UN experts to redress cases of alleged arbitrary detention. The team received specialised training on key legal and human rights concepts and learned how to review and analyse submitted complaints of arbitrary detention, assess government responses concerning allegations of human rights violations, and research novel issues regarding detention-related human rights violations.

Students received training from Dr Gillett on the law concerning arbitrary detention and the categories under which it is assessed by the Working Group, legal drafting and strategy for litigation purposes, and planning and conducting missions and country visits.

Guest speakers who provided insights at the sessions included Priya Gopalan, expert member of the UN Working Group on Arbitrary Detention, who spoke about gender and human rights as well as career development as a human rights practitioner, and [Dr Sabina Garahan](#), Lecturer at Essex Law School, who spoke about building a career in academia and the treatment of arbitrary detention by the European Court of Human Rights.

Students part of ADRU also attended roundtable meeting on Drug Policy and Arbitrary Detention, with representatives of International Drug Policy Consortium and Harm Reduction International, along with [Julie Hannah](#), Lecturer at Essex Law School.

The students worked on projects including:

- Case work (on specific arbitrary detention cases), from a range of regions, involving issues from detention without lawful basis, to detention as a reprisal for the exercise of human rights, to detention and fair trial breaches, to immigration-based detention, to discriminatory detention practices on the basis of religion, ethnicity, and other protected statuses.
- Thematic research on topics related to arbitrary detention, including mandatory sentencing, environmental human rights defenders, disinformation laws, and evidentiary burdens and standards before the Working Group on Arbitrary Detention. This thematic research was turned

into short information cover sheets (1-2 pages) as well as longer detailed reports covering the approach to the thematic issue taken by the Working Group and other UN bodies along with jurisprudential and scholarly considerations for the future development of the thematic issue.

- Focused research on Covid-19 and arbitrary detention.

To provide contextual understanding and opportunities to meet with professionals and experts on human rights, ADRU organised a field trip to Geneva, supported by the Human Rights Centre Clinic. During the trip, the students met with expert members of the UN Working Group on Arbitrary Detention, as well as professional human rights officers, and other human rights actors. They visited the Palais des Nations, headquarters of the UN in Geneva.



The voice of our partners from 2021/22

“The students from the Human Rights Centre Clinic advanced the Jersey Law Commission’s work in reviewing the Human Rights (Jersey) Law 2000 through their careful gathering of an evidence base to show how the Law is operating in the island’s courts and legislature. We continue to work on the project, grateful for the team’s input.”

Prof Andrew Le Sueur, Commissioner, [Jersey Law Commission](#)

“The Essex team has carried out excellent research into what kind of reparations are appropriate for Rohingya victims of Rome Statute crimes in the context of the refugee camps in Bangladesh. They have not only accurately grasped the concept of reparations but also understood and analysed the challenges arising in implementing reparations and the essential preconditions for making reparations work. The research of the Essex team is an important first step for the Trust Fund’s assessment of how best to engage in relation to the Rohingya victims, given their apt description of the needs of victims based on interviews held with a range of relevant stakeholders. In addition to the diligent written work, the team presented their conclusions orally in a convincing and engaging manner to the Trust Fund for Victims.”

Franziska Eckelmans, Acting Executive Director, [Trust Fund for Victims](#)

“As a small team working on UNHCR’s human rights engagement, we express our great appreciation to the students we partnered with at the University of Essex’s Human Rights Clinic. Their research into our collaboration with UN Special Procedures was of the highest quality and was conducted with great professionalism and attention to detail. The students’ dedication and commitment to the cause of human rights were evident throughout the project, and their recommendations will undoubtedly help us to strengthen our strategic partnerships with UN Special Procedures. We are grateful for the students’ insightful analysis and practical suggestions, which will have a lasting impact on our work to protect displaced and stateless people and to promote their rights.”

Peter Swiniarski, Legal Officer, [United Nations High Commissioner for Refugees](#)

"The students surpassed ProDESC's expectations, they delivered the documents in time and form and were always open for comments or follow-up questions. The document, named "National Action Plans on Business and Human Rights: A Comparative Analysis of Corporate Accountability" makes a rigorous study, and it will definitely help ProDESC to advocate with the Mexican government to position the importance of a Mexican National Action Plan. ProDESC hopes that this is the first step in its strategic alliance with the University of Essex."

Lautaro Costantini, Institutional Development Coordinator, [ProDESC](#)