



Bonavero
Institute
of Human
Rights



Annual Highlights

2020 - 2021



'Whole' artwork by Adela Trifan

The circular shape is one of the strongest symbols representing wholeness and unity, and here it stands for both our planet and the virus. This unity is segregated in tiny groups representing different nations, countries, differences of opinions and different economic situations. Although during these trying times the virus is present in our thoughts, we should not forget what unites us and makes us whole. Ultimately we decide if the yellow line will shine a light on us, creating a stronger whole, or if it will create division.

Contents

Click to navigate to a section



>Welcome

From our Director

Like much of the world, we have had to operate entirely online. We hope that in the next academic year, we will be returning to some semblance of normal.



It has also been a year of change on the staffing front. In September 2020, we bid farewell to our Head of Research, Dr Liora Lazarus, who was appointed to a professorial post at the University of British Columbia in Canada and to Dr Richard Martin, one of our post-doctoral fellows who took up a post at the London School of Economics, in March 2021, to our Head of Programmes, Dr Annelen Micus, who has taken up a position with Amnesty International in Berlin, and in August 2021, to Dr Stefan Theil and Dr Oliver Butler, our very first post-doctoral fellows. They have all moved on to exciting new positions. We thank all these colleagues for their contributions to the development of the Bonavero in its early years and wish them well in their new roles.

Happily, it was also a year of welcoming new colleagues. In August 2020, we were joined by [Professor Martin Scheinin](#), British Academy Global Professor, who will be with us till 2024. In October 2020, we welcomed Dr Ruth Kelly, who joined our team to work on the Symposium on Strength and Solidarity for Human Rights, which you can learn more about in this publication too. Ruth has recently taken up a lectureship at Durham and we will soon be joined by a new post-doctoral fellow to work on the Symposium. During the year, [Professor Tarun Khaitan](#) was appointed as our new Head of Research, a post he took up in August 2021. Our administrative team has also grown this year with the appointment of [Bharat Shivan](#) as Grants and Finance Officer.

Research

Two new research projects on the digital world got under way this year. First, Professor Martin Scheinin's research project "Addressing the Digital Realm through the Grammar of Human Rights Law" commenced in October 2020 and we have appointed a post-doctoral fellow, Dr Richard Mackenzie-Gray Scott, to work on the project with Martin from 2022 to 2024. Secondly, [Professor Jeremias Adams-Prassl's](#) five-year ERC funded research project, [i-Manage](#), began in April 2021, and [Dr Halefom Abraha](#) commenced working as a post-doctoral fellow working on the project in October 2021, together with [Aislinn Kelly-Lyth](#) as a researcher. The focus of this project is on the

intersection of employment law, human rights and data science and it will investigate the challenges and possibilities that arise from the increasing use of automated decision-making in management.

Our comparative research project on [Civil Liability for Gross Human Rights Violations](#) had an active year. This project, funded by the Oak Foundation, is led by [Dr Ekaterina Aristova](#), under my guidance and that of an Advisory Group, comprising experts in the field. An online round table workshop drawing experts from jurisdictions across the world was held in Michaelmas 2020, and an edited collection of the papers will be published by Hart in April 2022. The next phase of this project will be the development of a practitioners' handbook drawing on the work in the first phase.

In June 2021, we also hosted two panel discussions in partnership with the International Commission of Jurists and *Opinio Juris* on civil liability for business-related human rights abuses.

As part of our contribution to the Modern Slavery and Human Rights Policy and Evidence Centre (PEC), we ran three [online public webinars on Slavery Past and Present](#). The webinars were moderated by Samantha Knights QC of Matrix Chambers and included a range of experts. The first seminar focused on the history of slavery and the other two seminars on Modern Slavery.

Programmes

The [Symposium on Strength and Solidarity for Human Rights](#), funded by the Foundation for Global Human Rights, also commenced this year. For the next three years, which may be extended to five, the Symposium will support building greater strength and resilience in human rights organisations and movements around the world by drawing leaders of those organisations together for a series of conversations. The Bonavero Institute will be working on curriculum design for the Symposium and [Chris Stone](#) (Professor of Practice at the Blavatnik School of Government) and I are the principal investigators on the project.

In partnership with UNESCO, Dr Stefan Theil developed and presented our first ever [Mass Open Online Course \(MOOC\) on freedom of expression](#). The MOOC syllabus covered regional and international human rights law standards and analysed key challenges for the protection of freedom of expression in the modern world. Nearly 5000 people registered for the course and over 3000 people completed it.

The [Monroe E. Price Media Law Moot Court Competition](#) moved entirely online this year: eight regional rounds were held to select teams for the final rounds which were held online in April 2020. Regional co-ordinators and the moot team worked hard to make the online experience worthwhile. For the first time as well, we hosted an array of online events throughout the year to which the mooters, their coaches and judges were invited. The highlight of the events was

the Eric Barendt Annual Lecture, co-hosted by the Journal of Media Law and the Bonavero, which was delivered by Dr Damian Tambini, Distinguished Policy Fellow at the London School of Economics and Political Science in March 2021.

Despite the disruption caused by COVID-19, our [collaborative legal aid clinic at HMP Huntercombe prison](#) continued to operate through the year to assist those in need of legal advice. Since 2018, the clinic has been run by the Bonavero, together with Professor Mary Bosworth of the Centre for Criminology and the Oxford law firm, Turpin & Miller. Six Oxford students support the clinic each year. We are delighted that the funder of the clinic, AB Charitable Trust, has recently agreed to extend its support of the clinic till 2024.

Another exciting development during the year was the University's decision in March 2021 that the [MSt in International Human Rights Law](#) and the [Summer School](#) that had been successfully run for many years by the Department of Continuing Education at Oxford would move to the Faculty of Law and the Bonavero. We are delighted that the two academic staff members who administer these courses, [Dr Nazila Ghanea](#) and [Dr Shreya Atrey](#), will now be based at the Bonavero. The MSt and Summer School fit closely with the strategic goals of the Bonavero. The MSt is a part-time, part-distance and part-residential course that draws students from around the world, many of whom are human rights practitioners.

Thanks

Throughout these Highlights you will see evidence of all that our donors and supporters do for us. We are deeply grateful for their support and would like to mention in particular the Fund for Global Human Rights, The Legal Education Foundation, the family and friends of Tommy Helsby, the AB Charitable Trust, Keiko Itoh, Kroll, the OAK Foundation, UNESCO, Alastair McBain, Woodsford Litigation, Eric Lewis, Lisbet Rausing and Peter Baldwin, and of course Yves and Anne Bonavero.

Professor Kate O'Regan, October 2021



Bonavero
Institute
of Human
Rights



**High
lights**

Farewells

Stefan Theil

Goodbyes are never easy, especially when you love your work, and you are privileged to work alongside brilliant colleagues. I joined the Institute a bit over three years ago, and a few things have changed since then – if you can believe it, it only took five chairs for the first all team meeting. But the important elements, the essence of what makes the Institute such a great place to work were already visible: the welcoming and supportive atmosphere, and the ambitious plans for excellent human rights research, effective communication, and inclusive teaching.

No single memory encompasses that, but I feel fortunate to have many fond recollections. Some are grouped around our flagship events, for instance meeting Kofi Annan at our grand opening, and Secretary Clinton at the unveiling of the statue of Eleanor Roosevelt in the gardens. Many others come from the research reports we authored as a team, most recently on COVID-19 responses across jurisdictions. In the end, the most enduring feeling is one of deep gratitude to the Institute for making me feel at home and the core start-up phase team that made everything possible: Annelen, Kate, Michael, Oliver, Sarah, and Zoe.



Liora Lazarus

I miss the focused energy and the intellectual serendipity of the Bonavero Institute. Meeting colleagues and graduate students in the kitchen and hallways, or in seminars and Bonavero teas, always sparked off interesting ideas and connections. I miss the sense of the joint purpose of the Institute, one committed to human rights and to rigorous scrutiny of the surrounding debates. It was never a place where people tried to be more clever than each other, it was always a generous and supportive environment, where the quest for the solution to the challenges of human rights was at the forefront. Perhaps most importantly, I miss the commitment to respectful and constructive disagreement. Where colleagues paid respect to opposing views, and took the trouble to think about them carefully.



Annelen Micus

My most memorable moment certainly was the opening of the Bonavero Institute with Kofi Annan where I also had the wonderful opportunity of having a long chat with Kofi Annan on the peace process in Colombia.

What I miss most are little things like greeting the beautiful statue of Eleanor Roosevelt when arriving at the Bonavero, but most of all the Bonavero people: the wonderful team, amazing colleagues and brilliant students, all committed to human rights!



Farewells



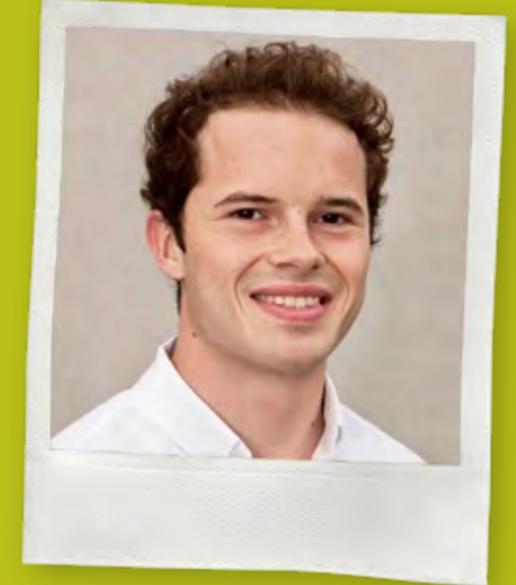
Sanya Samtani

Since its inception, the Bonavero Institute has not only provided me with an institutional home for my research and a human rights academic community, but it has also been a big part of my extra curricular experience - from supporting my foreign law clerkship at the South African Constitutional Court to organising the Price Media Law Moot Court Competition. As a research assistant-turned-moot court consultant at the Institute, I am not really leaving! I prefer to think of it as a change in role, and look forward to continuing my work with the fantastic admin team to make the moot happen.



Oliver Butler

The Bonavero Institute of Human Rights was such an engaging and supportive environment to start my academic career. I am very grateful to have been a part of its community and to have shared ideas with academics and human rights practitioners at its events. My most memorable moment was the opening of the Bonavero Institute with Kofi Annan, whose words on the place of scholarship and outreach to civil society at 'the heart of its mission' capture my own experience at the Institute.

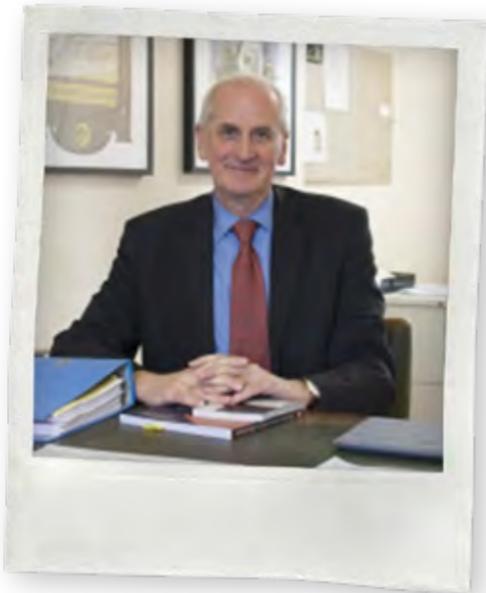


Richard Martin

I left the Institute in September 2020 to take up an Assistant Professorship at LSE Law School after what felt like far too short a spell as a BA Fellow. My mind often wanders to the Institute and Mrs Roosevelt standing tall amid the wild flowers. I fondly remember the Institute as a hive of activity. Projects came alive. Ideas bounced back and forth. Visitors from around the globe came to give papers and shared experiences. Various visions, aspirations, politics which animate human rights law and practice filled its seminar room. In these challenging times especially, I wish the Institute every success as it continues to grow.

In Memoriam

Allan Dodd



The secret of success as a Head of House at an Oxbridge College is working with a wonderful Bursar. And I did. One of the first tasks I had when I took on the role of Principal at Mansfield College was finding a new person to fill the role and I knew immediately that Allan had all the attributes: sound on finance, extremely efficient, totally reliable and very experienced but I also instinctively knew that he was a person of principle and decency, who would share my ambitions for the college. My great Bonavero Institute vision would have remained a dream without such a trustworthy, brilliant finance professional. We had a trial run with other building projects: creating the new kitchens, the refectory and the renovation of the Chapel/Hall. But Allan's project management

of the Institute building was uniquely successful. On time, in budget and everyone happy. His modesty meant he always stepped to the back of the crowd at any gathering but he was central to the story of the Institute's creation.

Allan and I developed a close and lasting friendship in our years together at Mansfield. He had a wry and wicked sense of humour, a necessary trait as we struggled with the challenges of running a College with little money. Our alliance proved successful when we applied for financial support from the University and when I sought philanthropic grants: Allan providing the well-grounded spreadsheet, and me, the advocacy. He was a wonderful sounding board for ideas and then in helping deliver the strategy for their deliverance.

Allan's lovely partner Vicky Waters brought her family into Allan's life and provided Allan with great contentment and happiness. However, the death of her daughter was a deep and wounding blow to them both which led to Allan's decision to step down. Sadly, cancer robbed Allan of that well-earned retirement and all the plans they had made. He died far too soon. Allan Dodd was a truly good man, who played a fundamental role in the proud creation of the Bonavero Institute of Human Rights.

Baroness Helena Kennedy QC



In Memoriam

Professor Christof Heyns

It is with great sadness that the Bonavero community learnt of the sudden death of Professor Christof Heyns in April 2021. Christof served as one of the founding members of the Advisory Council of the Bonavero Institute, but also supported us in many other ways. We were fortunate to have his unstinting support and wise counsel in our early years.

Christof was a human rights giant: he was professor of human rights law at the University of Pretoria, and served both as Dean of the Law Faculty at Pretoria and as one of the first Directors of its Centre for Human Rights, a human rights centre that is acclaimed across the continent of Africa.

Christof also served as United Nations Special Rapporteur on extrajudicial, summary or arbitrary executions from 2010 – 2016 and then as a member of the United Nations Human Rights Committee from 2017 – 2020. In both roles, he made a substantial impact. Notably, he was one of the key authors of General Comment 36 on the right to life and General Comment 37 on the right of peaceful assembly.

Christof also taught in the MSt in International Human Rights Law in Oxford for many years. During their course, students in the MSt had the opportunity to engage with him on his international work on human rights. As Nazila Ghanea recalls, Christof would explain the issues he was grappling with and would "... raise the key legal questions and dilemmas, the range of views on the matter and then open the floor and allow everyone in the room to feel that their contributions would help shape that report. One of the seminars was on lethal autonomous robotics and emerging autonomous weapons systems – later his reports [A/HRC/23/47](#) and [A/HRC/26/36](#) to the Human Rights Council."

But Christof was in many ways more than a brilliant international human rights lawyer and teacher, he was a thoughtful and strategic leader, a kind and insightful mentor and a human being with great compassion and zest for life. As one of his colleagues on the MSt wrote: Christof had 'a big intellect, and a big heart'; he was 'a perfect example of the fact that one can be kind and gentle, and yet very strong. That one need not be in a constant 'crusading' mindset ... every once in a while being fun-loving is a perfect complement to seriousness'.

Christof is survived by his beloved wife, Fearika, who accompanied him when visiting Oxford on several occasions, and their three children. We send them our sincere condolences at their heartrending loss and we echo the words of the Centre of Human Rights in Pretoria in marking his death: "May his spirit soar. We honour, appreciate and have been touched by his consequential life."

Professor Kate O'Regan



In Memoriam

Innocent Chukwuma

There are scholars and activists who ground their accounts of human rights in history, philosophy, law, or religion; and then there are those who wisely insist on rights as simple common sense. Innocent Chukwuma was of the second kind. He enjoyed debating the implications of Habermas's account of dignity, or Gramsci's ideas on civil society, but his own commitment to human rights was more straightforward, grounded in his experience of arbitrary power, police abuse, and detention in the Nigerian dictatorship of the 1990s.

As a student activist at university, during his detention for organizing prohibited demonstrations, and later as the head of the police misconduct project at Nigeria's Civil Liberties Organization, Innocent came face to face with oppressive institutions. He remained steadfast in his condemnation of state violence and abuse, but his special talent was seeing the flickers of doubt in the faces of government officials, police officers, and other agents of injustice. He taught himself to pry into these oppressive institutions and find the people inside them whom he could turn around.

In his 20s, Innocent was an early winner of the Reebok Human Rights Award, and he used the prize money to found the CLEEN Foundation in Lagos just as the dictatorship was giving way to civilian rule. In addition to its rights advocacy, CLEEN worked with police leaders at local stations as well as at the top of the hierarchy, implementing human rights desks, establishing rules for the policing of elections, and beginning to craft systems of accountability and independent oversight. He knew this was long-term work, but he found allies at every level of the police and could foresee a time when these exceptional officers might define a very different police culture in Nigeria.

More recently, as regional director of the Ford Foundation in West Africa, Innocent applied that same talent to other institutions: finding people with an instinct for rights and justice inside institutions that showed little regard for those values. Just two examples: he found and nurtured young professionals in West Africa's finance industry, supporting their experiments in impact investing and social enterprise; and he found leaders in business who were prepared to take meaningful risks to support faltering democracies across the region.

Innocent was one of the designers of the Symposium on Strength and Solidarity for Human Rights, and had been co-moderating a two-week meeting of the Symposium in February and March this year alongside Kate O'Regan, myself and others. He left early from our debrief to see a doctor about what he thought was food poisoning. Less than a week later, he died of a hastily diagnosed cancer. His activism lives on in his inspiring wife, and their four powerful daughters. His common sense lives on in all who worked alongside him.

Professor Christopher Stone



Ever growing, our research programmes focus on Human Rights from many different perspectives, from Human Rights in the Digital World, to the Environment and Human Rights, Business and Human Rights, to Armed Conflict, Security and Human Rights. With five published reports, our Bonavero Reports series continued to grow, contributing to policy debates and consultation processes. Our [Research Visitor](#), [Early Career Fellow](#) and [Graduate Research Student Resident](#) programmes continue to provide a strong foundation for collegial engagement at the Bonavero.

Bonavero Research

Bonavero REPORTS series

The [Bonavero Reports Series](#) aims to provide access to research in a straightforward and policy-ready manner on pressing topics of the current human rights agenda.

They often contain the Bonavero Institute's responses to public calls for comment on human rights-related policy or legislative proposals. This year we have published five reports: two in relation to COVID-19 and three as a response to public calls. The first COVID-19 report was authored by Ashleigh Barnes and Emilie McDonnell and it contained a consolidated account of the guidance from a number of international and regional human rights and rule of law organisations on how COVID-19 measures should be assessed (Bonavero Report 5/2020). Bonavero Report 7/2020 updated our earlier report Bonavero Report 3/2020 and contained a human rights and rule of law assessment of the responses to COVID-19 in 27 jurisdictions. It was edited by Christos Kypraios and Danilo B. Garrido Alves.

The first of the three relating to public calls was Bonavero Report 6/2020, authored by Kate O'Regan and Cheryl Saunders AO, which was originally submitted to the UK's Independent Review of Administrative Law as part of their Call for Evidence and addresses, in the main, the question of codification in administrative law by reference to two key common-law jurisdictions, Australia and South Africa.

Then there was Bonavero Report 1/2021 which was a solicited submission to the Scottish National Taskforce for Human Rights Leadership, authored by Manuel José Cepeda Espinosa, Kate O'Regan and Martin Scheinin. The report addresses the development and application of the concept of the obligation of progressive realisation of economic, social and cultural rights (ESCRs) drawing on the experiences of Colombia, Finland and South Africa, as well as international and regional human rights institutions.

Finally, Bonavero Report 2/2021, authored by Kate O'Regan, Rosalind Dixon and Joshua Aird, was a submission to the Independent Human Rights Act Review and addresses the two primary themes on which the Review was asked to focus, namely the relationship between the European Court of Human Rights and the UK courts under the HRA, and the impact of the HRA on the relationship between the judiciary, the executive and the legislature.



Favourite publications

An important part of our mission and one of our strategic goals is to foster the publication of collaborative, rigorous, multidisciplinary, and innovative world-class research and scholarship in human rights. Members of our research team had a productive year. Below you can read about the favourite publications of some of our researchers, and why they matter in their own words.

Katya Aristova

E Aristova, '[The Future of Tort Litigation against Transnational Corporations in the English Courts: Is Forum \[Non\] Conveniens Back?](#)' (2021) *Business and Human Rights Journal* 1

This article examines private international law issues raised by civil liability cases against transnational corporations in their own countries based on their alleged involvement in human rights violations abroad. It assesses how the search for the most appropriate forum to litigate such disputes might impact victims of business-related human rights abuses in the post-Brexit environment and proposes avenues for legal change.

Shreya Atrey

S Atrey, '[On the Central Case Methodology in Discrimination Law](#)' (2021) *Oxford Journal of Legal Studies* 776

The article seeks to orientate the theoretical discourse in discrimination law to the correct application of the central case methodology which necessitates the consideration of intersectional discrimination.

Udit Bhatia

U Bhatia and S Bagg, '[Intra-Party Democracy: A Functionalist Account](#)' (2021) *Journal of Political Philosophy*

In this paper, we try and orient the debate over intra-party democracy (IPD) by emphasising the link between the case for IPD and concerns about state capture by private interests. We believe the value of the paper lies in speaking to the crucial question of how parties should be organised, which is of interest to democratic states around the world – and emphasising a context-sensitive, systemic approach to this debate.

Damian Cueni

D Cueni and M Queloz, '[Left Wittgensteinianism](#)' (2020) *European Journal of Philosophy* 1

Social and political concepts are indispensable yet historically and culturally variable in a way that poses a challenge: how can we reconcile confident commitment to them with awareness of their contingency? In this article, we develop a Left Wittgensteinian response that offers a rational basis for discriminating between concepts worth having and those worth rejecting without presupposing timeless foundations.

Ruth Kelly

R Kelly, '[Re-membering Red Riding Hood: Situated Solidarities between Ireland and Uganda](#).' (2021) *Feminist Theory* (forthcoming)

Drawing on discussions with writers and feminist activists in Uganda, and on work by Ugandan and Irish writers and scholars, I explore the potential of using the well-known European story of Red Riding Hood to surface and contest dominant framings of women's rights, and as a contact point to enable dialogue between more peripheral European (Irish) and Ugandan (Buganda and Busoga) cultural traditions, facilitating mutual recognition, while remaining aware of and explicitly surfacing differences between these traditions.

Christos Kypraios

C Kypraios and D Alves, "Italy". In [Bonavero Report No. 7/2020](#) (October 2020)

This country report on Italy was published in Bonavero Report 7/2020 'A Human Rights and Rule of Law Assessment of Legislative and Regulatory Responses to the COVID-19 Pandemic across 27 Jurisdictions'. It assessed the constitutional compatibility of the regulatory measures taken to address COVID-19 as well as their compatibility with international human rights law and the rule of law. That contribution, as well as the entire report, were important in providing a human rights evaluation of global responses to COVID-19 and highlighted both best practices and concerning practices, in a period when information and guidance about states' responses to COVID-19 were rare.

Michael Molavi

M Molavi, [Collective Access to Justice: Assessing the Potential of Class Actions in England and Wales](#) (Policy Press, Bristol University Press 2021)

Collective Access to Justice offers a lucid account of the potential of class actions to increase access to justice for groups in England and Wales, and in so doing separates fact from fiction during this period of transformative change in the justice sector.

Kate O'Regan

A Claassens and C O'Regan, ['Editorial Citizenship and Accountability: Customary Law and Traditional Leadership under South Africa's Democratic Constitution'](#) (2021) *Journal of Southern African Studies*

This publication is the introduction that I wrote with Aninka Claassens for the edition of the *Journal of Southern African Studies* that arose from a conference hosted at the Bonavero in June 2019. One of the founding values of the South African Constitution is democracy, yet the Constitution also recognises the "institution, status and role" of unelected traditional leaders. Many of the poorest South Africans live within the territorial jurisdiction of traditional leaders and the status of traditional leadership has been the subject of contestation in a variety of forums, including Parliament and the courts, over the past 25 years. This editorial (and the articles published in the special issue) analysed many of the most important of those contestations.

Martin Scheinin

M Scheinin, ['A Proposal for a Kantian Definition of Terrorism: Leading the World Requires Cosmopolitan Ethos'](#) in A Vidaschi and K L Scheppele (eds), *9/11 and the Rise of Global Anti-Terrorism Law: How the UN Security Council Rules the World* (CUP 2021)

This paper builds upon three streams of experience by its author: (a) one related to his six-year term as the first UN Special Rapporteur on human rights and counter-terrorism (2005-2011), namely the identification of the absence of a proper international definition of terrorism as an important source of human rights abuses, (b) his observation of actual court practice and media coverage where definitional conceptual elements of terrorism, in particular as to its aims, appear to be ignored despite being one of the cornerstones on which those legal definitions were built, and (c) his academic work having concluded that the instrumentalization of the human person, in breach of Immanuel Kant's categorical imperative, comes through as a characteristic both of acts of terrorism and of human rights violations committed by States in the name of countering terrorism. On the basis of reflecting on these experiences, and departing from his own best practice definition built on Security Council Resolution 1566 (2004) and included in his final report to the UN Human Rights Council, the author now proposes the removal of any subjective aim element from international definitions of terrorism, and its replacement with the objective element of the act amounting to the instrumentalization of human beings, typically victims of terrorism.

Ewan Smith

E Smith, ['Is Foreign Policy Special?'](#) (2021) *Oxford Journal of Legal Studies*

The article challenges the mainstream assumption that foreign policy is a special sort of public policy that demands special judicial treatment. I think the article is important because it argues that we should tame one of the last great wildernesses of arbitrary power in the United Kingdom.

Elizabeth Stubbins Bates

E Stubbins Bates, ['Impossible or Disproportionate Burden': The UK's Investigations under Articles 2 and 3 ECHR](#) (2020) *European Human Rights Law Review*

This article examines the frequent references to 'proportionality' as a reason to close many hundreds of Ministry of Defence investigations into alleged unlawful killings, torture and ill-treatment in Iraq. It finds that the UK has long sought to expand the dicta from *Osman v United Kingdom* that positive obligations should not be interpreted to impose an 'impossible or disproportionate burden' on domestic authorities, and recommends that 'impossible or disproportionate burden' be carefully evidenced and narrowly construed. This article was cited by the International Criminal Court Office of the Prosecutor in its final report on the preliminary examination of the situation of the UK and Iraq.

Stefan Theil

S Theil, ['Unconstitutional prorogation of Parliament'](#) (2020) *Public Law*

The article argues, contrary to the constitutional convention, that the monarch is empowered in certain situations to reject ministerial advice to prorogue Parliament. I believe it is a valuable clarification of the convention on ministerial advice, and the constitutional relationship between the Monarch, Parliament and Government which together may have avoided the politically controversial intervention by the Supreme Court in September 2019.

Leah Trueblood

L Trueblood, ['Are Referendums Directly Democratic?'](#) (2020) *Oxford Journal of Legal Studies*

The article argues that referendums should neither practically nor normatively be understood as exercises in direct democracy. Representatives are essential for referendums in practice and giving effective direction to representatives is what makes referendums worthwhile.

Completed Doctorates

We are delighted that a number of our graduate research students completed their Doctorates this year. We asked them to tell us in brief what their Doctoral Thesis is about, and why it is important.



Sanya Samtani

My thesis is titled 'The right of access to educational materials and copyright: international and domestic law'. It sets out the competing obligations binding common states parties to international intellectual property and trade treaties on the one hand and international human rights treaties on the other. Despite the possibility of a harmonious interpretation of both sets of obligations, the thesis argues that in global South countries, human rights obligations are less likely to be fully realised due to international trade-based pressure facilitated by international institutional design. The effect of this is an under-realisation of the right, and consequent deprivation of access for the most marginalised members of society. The thesis then studies how the South African government has been affected by this pressure in its process of legislative reform despite strong constitutional guarantees of the right to education; and how the Indian judiciary has interpreted existing copyright legislation to facilitate access to educational materials.

The thesis responds to a pressing contemporary issue faced by several countries in the global South, exacerbated by the pandemic. It provides a set of tools for judges, litigators, policy-makers to understand the complex interaction across international human rights obligations, international trade and IP obligations, domestic constitutions and statutes in the area of access to educational materials. In the midst of the global pandemic where intellectual property acts as a barrier to realising the human rights to health and sharing in the benefits of science and technology, particularly in the global South, the thesis offers a helpful framework and methodology to understand the human rights impact of the threat posed by the enforcement mechanisms of the international trade system. In doing so, the thesis invites domestic actors to take their role seriously as makers of international law.



Thiago Alves Pinto

My doctoral thesis was about the impact that blasphemy laws have on human rights in general.

Every year there is a major incident regarding expressions deemed offensive to religious belief. For example, the office of the Charlie Hebdo magazine was attacked in 2011, then again in 2015, and those attacks were followed by other stabbing incidents in 2020. While these acts are easily reprimanded because of their consequences, several courts all around the world continue to censor material considered insulting to religious groups. My thesis demonstrates that the number of cases related to blasphemy has increased steadily worldwide and that states and international organizations have largely failed to protect the human rights of persons accused of such offences.

Completed Doctorates



Kamille Adair Morgan

My doctoral thesis explores whether States have a right in international law to use force on the territories of other States in self-defence against armed attacks or threats by terrorists and other non-State actors. It concludes that this right exists in customary international law and is recognised by the UN Charter. My thesis further considers the parameters of this right, that is, how far a victim State can go in using force on the territory of a host State that is not itself responsible for an attack against the victim State. More specifically, it discusses how the interests of the host State factor into the assessment of whether the use of force in self-defence is lawful.

Arguably, the foundation of the international legal order in the post-UN Charter era of international law is the prohibition of the threat or use of force by States. There are very limited exceptions to this prohibition, self-defence being one. Since the 9/11 attacks, States are more frequently relying on a right of self-defence to carry out drone strikes and extensive military operations against individuals and groups beyond their borders. It is critical that the rules governing when and how States may use force on the territory of other States in self-defence are well defined to ensure that the unilateral use of force by States remains exceptional, and that international peace and security are not threatened.



Gehan Gunatilleke

The thesis is about state authority to limit the freedom of religion or belief, and the freedom of expression on the grounds of certain 'public interests'.

The thesis asks whether international law has sufficient safeguards against bad faith limitations on the freedoms of minorities. It points to how states often conflate 'public interests' with the interests of the majority group when they justify limitations on the freedoms of minorities. The thesis then argues that international legal doctrine needs to be adapted to deal with this problem.

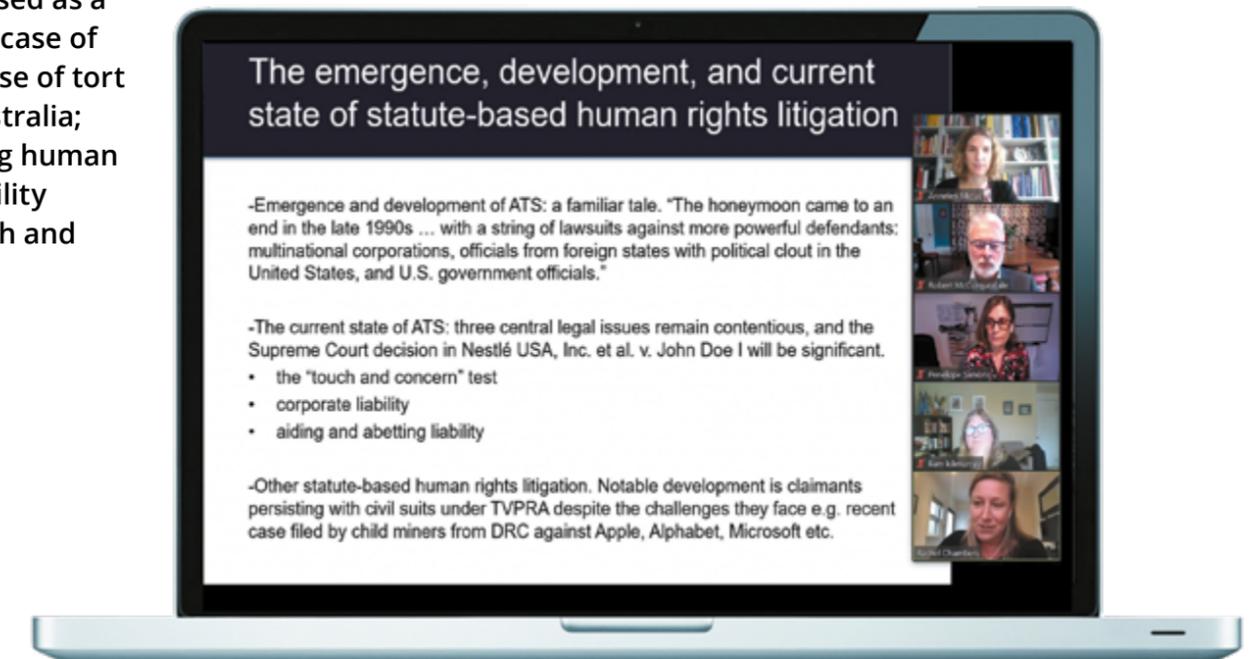
OAK Foundation



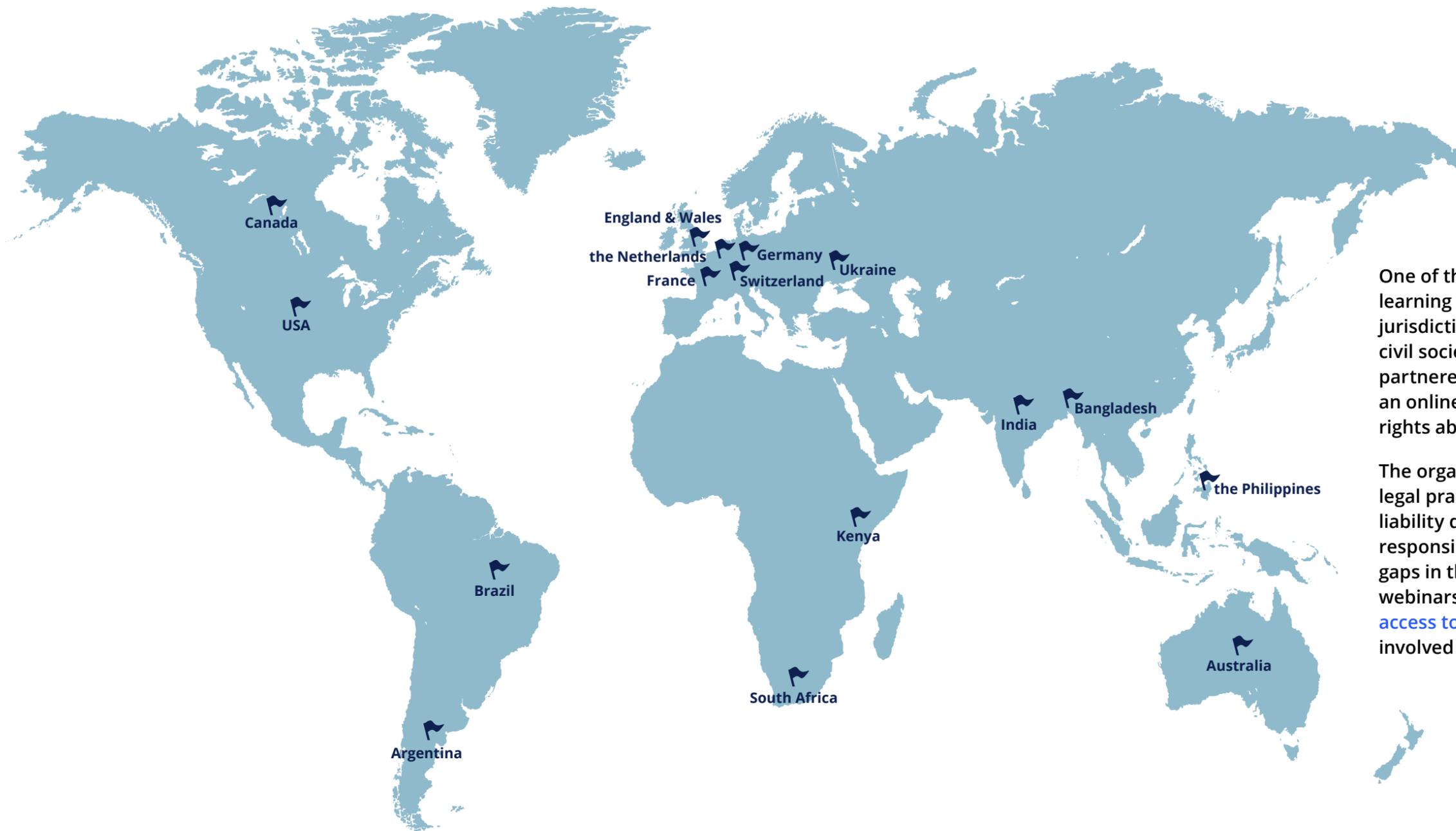
The Bonaverio Institute of Human Rights leads a [comparative study of civil liability for human rights violations](#) across several jurisdictions in the global south and global north funded by the Oak Foundation. The project aims to produce materials and resources that will equip human rights practitioners worldwide with an understanding of the possibilities and challenges for using civil claims to hold state and non-state accountable for their involvement in: (i) assault or unlawful arrest and detention of persons; (ii) environmental harm; and (iii) harmful or unfair labour conditions.

On 22-26 October 2020, the Bonaverio Institute hosted an online roundtable to discuss the complex dynamics between civil remedies and human rights. Over nine panels, more than 50 experts shared their views on various forms of civil remedy that exist within the legal systems around the world and changes that are happening (quite rapidly) within these systems under the influence of human rights standards. Papers from 16 jurisdictions presented at the roundtable will be published early in 2022 by Hart Publishing under the title [“Civil Remedies and Human Rights in Flux: Key Legal Developments in Selected Jurisdictions”](#). This innovative edited collection revisits a deep-rooted distinction between public and private law.

Some of the legal developments discussed in the book include climate change litigation based on a tort law action in the Netherlands; compensatory claims for recovering loss caused as a result of the armed conflict in Eastern Ukraine; a Brazilian case of civil liability for labour violations in the supply chain; the use of tort law to obtain compensation for offshore detentions in Australia; the French duty of vigilance law establishing legally binding human rights obligations of companies enforced through civil liability claims; the emergence of constitutional torts in Bangladesh and India. [Explore the map](#) on the next page to learn more.

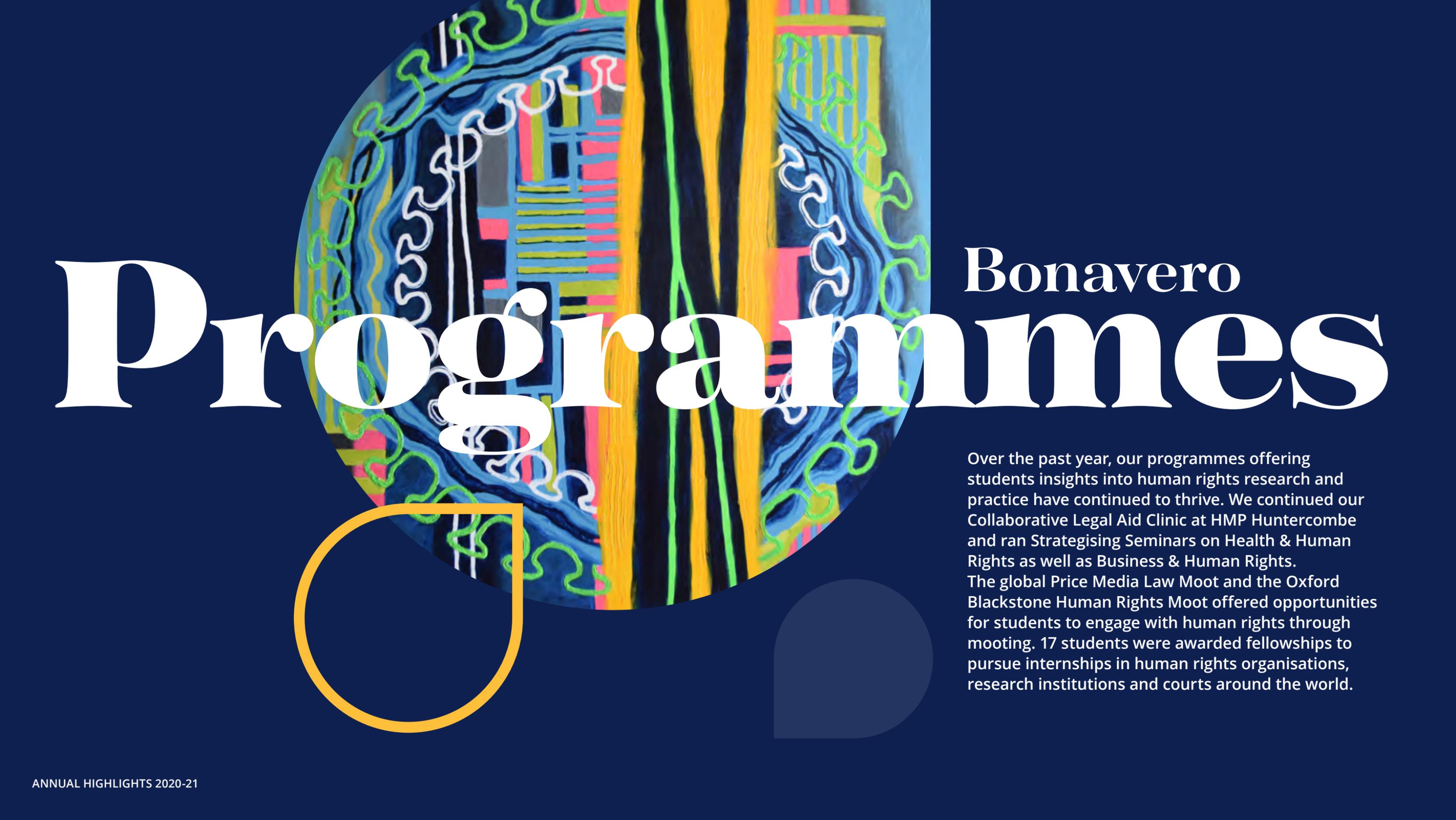


OAK Foundation



One of the project's goals is to strengthen the dialogue and mutual learning between human rights scholars and practitioners across jurisdictions and enrich strategic thinking about civil litigation for civil society actors worldwide. In June 2021, the Bonavero Institute partnered with the International Commission of Jurists to organise an online symposium on civil liability for business-related human rights abuses.

The organisers invited a group of experts from academia and legal practice to discuss the wider implications of recent civil liability developments in the law and policymaking of corporate responsibility to respect human rights and identify the remaining gaps in the law. The first part of the symposium featured two webinars on the [scope of the parent company's duty of care](#) and [access to justice barriers](#) in civil litigation. The second component involved a [series of blogs](#) published by *Opinio Juris* platform.



Programmes

Bonaverro

Over the past year, our programmes offering students insights into human rights research and practice have continued to thrive. We continued our Collaborative Legal Aid Clinic at HMP Huntercombe and ran Strategising Seminars on Health & Human Rights as well as Business & Human Rights. The global Price Media Law Moot and the Oxford Blackstone Human Rights Moot offered opportunities for students to engage with human rights through mooting. 17 students were awarded fellowships to pursue internships in human rights organisations, research institutions and courts around the world.

Freedom of Expression

MOOC



The Bonavero team delivered its very first Massive Open Online Course (MOOC) on freedom of expression during the months of May and June 2021. The MOOC was run in partnership with UNESCO who generously funded the project.

The course consisted of five Modules covering different aspects of freedom of expression, released weekly on the delivery platform EdX Edge. The MOOC was aimed at judges, prosecutors and legal practitioners all over the world. Nearly 5,000 people from 167 different countries enrolled, a majority being from Africa, South America, and the Asia Pacific regions. The MOOC was designed and chiefly implemented by the academic lead, [Dr Stefan Theil](#), with excellent support from [Dr Christos Kypraios](#), and [Danilo B. Garrido Alves](#).

The [course is available](#) to audit on EdX Edge and featured an impressive line-up of expert academics from the University of Oxford and guest speakers from across the globe – participant feedback was excellent, with participants particularly highlighting how the course will help them in their professional work on freedom of expression.

Nearly 5,000 people from 167 countries enrolled.



Freedom of Expression MOOC

Module 1 >

Set out the international legal framework underpinning the right to freedom of expression and provided an overview of important regional protection regimes. The module featured short video contributions from [Judge Stella I. Anukam](#) and [Prof Catalina Botero Marino](#), the webinar was hosted by [Prof Sandra Fredman QC](#).

Module 2 >

Explored the legitimate restrictions on the right to freedom of expression as well as the doctrine of courts. The module featured short video contributions from [Irene Khan](#) and [Karuna Nundy](#), the webinar was hosted by [Prof Nazila Ghanea](#).

Module 3 >

Set out the legal frameworks regarding the right of access to information. The module featured short video contributions from [Judge Ricardo Perez Manrique](#) and [Judge Darian Pavli](#), the webinar was hosted by [Prof Liz Fisher](#).

Module 4 >

Examined the safety of journalists and the issue of impunity, including the specific threats faced by women journalists. The module featured short video contributions from UNESCO, [Baroness Helena Kennedy QC](#) and [Jeanette Manning](#), the webinar was hosted by [Meera Selva](#).

Module 5

Explored contemporary challenges to freedom of expression that have arisen particularly through the exercise of the right online. The module featured a short video contribution from [Nani Jansen Reventlow](#) (Digital Freedom Fund), the webinar was hosted by [Prof Kate O'Regan](#) and [Dr Stefan Theil](#).

Participant feedback

"All the modules will be useful in my work as a judge. I was able to get a wider perspective on how to tackle problems involving freedom of expression in the event a case will be filed in my court."

"I thoroughly enjoyed participating in this course. The pace of the Course was excellent. The flexibility of the hybrid self-paced with live webinar style is ideal for judicial officers who may find it challenging balance their work and to keep to a strict course schedule. Also bearing in mind time-zone differences, the recordings were extremely useful. Many thanks to the organizers the sessions were content-rich and engaging."

"As a prosecutor I really found helpful all the information that can assist me in handling such a case if it would come to court. Understanding the different laws and principles would really assist in how to handle the case and also assist the investigators handling the matter. It's good to know what is expected of us as per the international standards."

Strength and Solidarity Symposium



STRENGTH
& SOLIDARITY

The Bonavero Institute is partnering with the **Fund for Global Human Rights** to run **The Symposium on Strength and Solidarity for Human Rights**, which aims to support human rights leaders and build greater strength and resilience across the sector. At the end of February, we held our first online Symposium for a group of 20 rights activists from around the world, and we will hold two more in August. Participants share and learn from one another through discussion of cases and review of past experience. You can learn more about their work on our podcast series, [Strength and Solidarity](#).

In June 2020, the Bonavero Institute announced a new partnership with the Fund for Global Human Rights to establish and administer The Symposium on Strength and Solidarity for Human Rights. Over the next five years, the Symposium is intended to support those who lead organisations and movements committed to the promotion and defence of human rights, and to build greater strength and resilience across the sector.

At the end of February, we held our first online Symposium for a group of 20 rights activists from around the world, and we will hold two more in August. Until we can meet in person again, each group meets in a secure online workspace to share and learn from one another through discussion of cases and review of past experience. This represents the start of a series of online dialogues in which participants interrogate evolving perceptions of human rights, reflect on diverse forms of governance and organizational health and consider how best to entrench sustained solidarity among those defending and advancing rights.

As we look forward, the Bonavero will work with Symposium participants to develop new case studies on relationships of solidarity and resilience in the human rights movement.

We hope to identify candidates to spend sabbatical breaks at the Bonavero, and to foster collaboration between scholars and human rights leaders, working together to develop much needed documentation and reflection on the experience of defending rights in the global South.

As we continue to work online, some of our most insightful and energizing conversations are happening on our podcast series, Strength and Solidarity. Hosted by Program Director Akwe Amosu, Strength and Solidarity invites human rights activists to talk about the challenges and dilemmas that they are facing, as well as the tactics that their movements or organizations are using to fight back. We've spoken we've spoken with rights leaders from [Afghanistan](#), [Hong Kong](#), [Argentina](#) and elsewhere - for example, Bonavero Advisory Council member [Alejandra Ancheita](#) speaks about power and privilege, former head of South Africa's Human Rights Commission [Kayum Ahmed](#) speaks about human rights and colonial legacies, and Nigerian activist [Samson Itodo](#) speaks about the #EndSARS protests against police brutality.

You can nominate yourself or others to participate in the Symposium on the [Symposium website](#).

Selected podcasts

Episode 1: Head of Afghanistan's Human Rights Commission [Shaharзад Akbar](#) speaks about her work defending rights amid continuing conflict.

Episode 3: Former head of South Africa's Human Rights Commission [Kayum Ahmed](#) speaks about human rights and colonial legacies.

Episode 9: Nigerian activist [Samson Itodo](#) speaks about the #EndSARS protests against police brutality.

Episode 10: Bonavero Advisory Council member [Alejandra Ancheita](#) speaks about her relationship with the communities she represents.

Summer Fellowships

The aim of the Bonaverro Institute Student Summer Fellowship programme is to provide opportunities for students to apply their knowledge of human rights law to obtain a valuable platform to develop careers in this field. Students have the opportunity to work with a range of organisations working in the broad field of human rights law, including the rule of law. These include senior appellate courts, world-leading NGOs and research institutions. The Student Fellowship Programme gives our students a chance to explore their professional options in a variety of placements, for which they receive a stipend, both within the UK and abroad. This programme is generously supported by Eric Lewis, Lisbet Rausing, Peter Baldwin and Yves and Anne Bonaverro.

Student Fellowships Interviews



**Amy Kerr,
JUSTICE**

Summer 2020

My internship at JUSTICE gave me an insight into so many different areas of law, and into the work and operation of a policy NGO.

[Click to read the full report](#)



**Saba Shakil,
Public Law Project**

Summer 2020

My Fellowship and subsequent employment at PLP have been pivotal in exposing me to the multi-faceted nature of a career in public law.

[Click to read the full report](#)



**Caitlin Salvino,
Turpin and Miller LLP**

Summer 2020

I completed a summer internship with Turpin and Miller LLP. This organisation is a law firm that provides pro-bono services to refugee, asylum and immigration seekers.

[Click to read the full report](#)

We hosted more than 80 events during the course of the year. Events included conferences, roundtables, public lectures, book launches, law moots, the weekly Bonavero Discussion Group and Bonavero Perspectives research seminars, films, cultural events, career events and our hosted network discussion groups.

Bonavero Events



Book launches

Click book jackets to learn more	Author
Intersectionality and Human Rights Law	Shreya Atrey
Anti-Discrimination Law in Civil Law Jurisdictions	Barbara Havelkova
A Judge's Journey	John Dyson
A Union of Peoples	Pavlos Eleftheriadis
The Rohingya, Justice and International Law	Kriangsak Kittichaisaree
The Constitutional Theory of the Federation and the European Union	Signe Rehling Larsen
Standing Up for Justice: The Challenges of Trying Atrocity Crimes	Theodor Meron
Multinational Enterprises and the Law	Peter Muchlinski
Business, Human Rights and Transitional Justice	Irene Pietropaoli
Enemies of the People? How Judges Shape Society	Joshua Rozenberg
Eternity Clauses in Democratic Constitutionalism	Silvia Suteu

Slavery Past and Present

In Hilary Term 2021 we hosted a highly attended three-part online panel series on the [Past and Present of Slavery](#). The discussions, moderated by [Samantha Knights QC](#), were aimed at a broad interdisciplinary audience and spoke to what can and should be done to address “slavery”, with a focus on the history of slavery, the legacy of empire, education about slavery, human trafficking and modern slavery.

This panel series formed part of a larger initiative by the Bonavero Institute to foster public engagement with slavery’s history and its implications for the present day (partly inspired by the Rhodes Must Fall and Black Lives Matter events in Oxford and the US last year) and was also motivated by Bonavero Institute’s role as one of the six research institutions in the UK partnering in the new [Modern Slavery and Human Rights Policy and Evidence Centre](#). It was preceded by an innovative six-seminar non-credit course on ‘[The Past and Present of Slavery - Developing a Strategic Response](#)’ offered by the Institute to 30 Oxford undergraduate and graduate students from various disciplines in Michaelmas Term 2020.

All three panels featured academics and practitioners at the cutting-edge of research on slavery and modern slavery, including Trevor Burnard (Wilberforce Professor of Slavery and Emancipation at the University of Hull, and Director of the Wilberforce Institute); Faridah Zaman (Associate Professor of the History of Britain and the World at the University of Oxford, and Tutor of Modern History at Somerville College); Matthew J Smith (Professor of History at UCL, and Director of the Centre for the Study of the Legacies

of British Slave-Ownership); Wendy Williams (HM Inspector of Constabulary and HM Inspector of Fire & Rescue Services, and author of of the independent Lessons Learned Review into the Home Office and its handling of events leading up to the Windrush scandal); Alex Balch (Professor of Politics at the University of Liverpool and Director of Research at the Policy and Evidence Centre on Modern Slavery and Human Rights); Fareda Banda (Professor of Law at SOAS); Dame Sara Thornton (Independent Anti-Slavery Commissioner); Siddharth Kara (British Academy Global Professor at the University of Nottingham, and author of three books on modern slavery); Kate Garbers (Rights Lab Research Fellow in Survivor Support at the University of Nottingham and founder and former Director of Unseen).

**MODERN SLAVERY
& HUMAN RIGHTS** | POLICY &
EVIDENCE
CENTRE
Led by the Bingham Centre

Panel recordings

You can find more information, as well as the video and audio recordings of each panel, below.

Panel Discussion 1:

[The History of Slavery](#) (25 January 2021): Discussed the history of transatlantic slave trade, abolition and Britain’s own history of slavery.

[Video](#) | [audio](#)

Panel Discussion 2:

[Immigration & Empire](#) (8 February 2021): Addressed the implications of slavery for the present day; different approaches to colonial governance; the history of immigration law; the Windrush report; the importance of training and education; and ‘decolonisation’ of the curriculum.

[Video](#) | [audio](#)

Panel Discussion 3:

[Modern Slavery](#) (22 February 2021): Focused on labour exploitation, forced labour and trafficking today; the Modern Slavery Act; business and human rights.

[Video and audio](#)

Bonavero Online

Since the outbreak of the COVID-19 pandemic we have made every effort to continue our activities in line with the **University of Oxford** and **UK government** advice. From Trinity Term 2020 onwards all our staff has been working from home and our events and programmes have taken place online.

As mentioned previously, in April the Price Media Moot team hosted the final rounds of the Price Media Moot online with great success. Since then, our weekly Discussion Group and Network Series, as well as our other public facing events, have been held online, with a considerably higher attendance from across the globe than we normally have at events hosted in Oxford.

We have also hosted Team meetings and our weekly Bonavero Perspectives research seminars online, and these have also proved very successful. Although it still remains unclear how the next academic year will be affected by the pandemic, we consider we have made strides in working effectively in a virtual environment so that our events, programmes and research projects will continue successfully, even if the pandemic continues to disrupt our lives in the year ahead.



Social Media

@BonaverolHR

Bonavero Institute of Human Rights @BonaverolHR · Jan 23
This term, we're organising a 3-part online panel series on the Past & Present of Slavery, moderated by @SamanthaOrman and featuring academics & practitioners at the cutting edge of research on slavery & modern slavery. To attend, register here: law.ox.ac.uk/content/panel-...



Fardah Zaman and 9 others

Bonavero Institute of Human Rights @BonaverolHR · Mar 3
Proud of leadership bring shown by @MansfieldOxford, our home, and @SomervilleOx in becoming Colleges of Sanctuary

Mansfield College @MansfieldOxford · Mar 2
We are so proud to announce that @MansfieldOxford has been recognised by @CityofSanctuary as one of the UK's first University Colleges of Sanctuary, along with our partner @SomervilleOx. mansfield.ox.ac.uk/news/mansfield-...



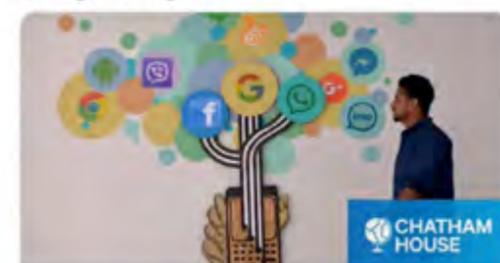
@HelenMountfield
Show this thread

Bonavero Institute of Human Rights @BonaverolHR · Apr 26
At today's book launch w/ @OxHRH, @Africa_Oxford & @KabarakUniv, @VMiyandazi described how Equality in Kenya's 2010 Constitution is inspired by lived experiences of inequality, reconciling insights from comparative analysis with deeply contextual analysis.



Equality in Kenya's 2010 Constitution
bloomsburyprofessional.com

Bonavero Institute of Human Rights @BonaverolHR · May 10
At present there is no toolbox or even shared lexicon to tackle incursions to mental autonomy. In this piece for @ChinLaw, @KateJones77 argues long-enshrined rights to freedom of thought and opinion should be protected in tech design, use and regulation



CHATHAM HOUSE

Mental Autonomy Must be Preserved as Tech Advances
The long-enshrined rights to freedom of thought and opinion should be protected in the design, use and regulation of technology and artificial ...
chathamhouse.org

Bonavero Institute of Human Rights @BonaverolHR · May 27
In Wed's launch of 'Intersectionality and Human Rights' with @OxHRH, Shreya Atrey and @BristolUnivLaw's Peter Dunne introduced this study of intersectionality as a tool useful beyond equality/non-discrim, to illuminate rights adjudication more broadly



Intersectionality and Human Rights Law
bloomsburyprofessional.com

You Retweeted

Dr Marie Tidball @MarieTidball · Jan 8
Grateful to all who contributed to our @BonaverolHR/ Oxford University Disability Law&Policy Project submission cited in the @Commonswomequ Report Published today. Anna Lawson (@CDSLeeds), @lindsayevanslee, @jojohjhj, @KamranMallick, @agnieszkasshoes, @sarsiobhan, @briandsloan

Women & Equalities Committee @Commonswomequ · Dec 22, 2020
(1/3) The report of our Unequal impact? Coronavirus, disability & access to services inquiry is published today.

Thank you to everyone who gave evidence. The report is available here bit.ly/34x3Loz & press release: bit.ly/37H08P3

Here's some of our findings:
[Show this thread](#)



WOMEN AND EQUALITIES COMMITTEE

We have published our full report
**Unequal impact?
Coronavirus, disability
and access to services**

Bonavero Institute of Human Rights @BonaverolHR · Jan 22
2019 & 2020 saw a wave of global protests. Curious to learn more about the human right that's integral to protests? We're offering a non-credit course by Dr Stuart Casey-Maslen on the Right of Peaceful Assembly. Apply by 28 Jan 2021! law.ox.ac.uk/content/non-cr-...



Ways to Human Rights research and Practice

credit Course: Research Training on Right of Peaceful Assembly

Hilary Term 2021

You Retweeted

Stefan Theil @stefan_theil · Mar 26
The proofs for my forthcoming @CUP_Law book Towards the Environmental Minimum are here! The project began @cambridgeLaw in distant 2014 and concluded this year @OxfordLawFac and @BonaverolHR. Available from June: cambridge.org/core/books/tow-...



Bonavero Institute of Human Rights @BonaverolHR · Jun 16
Different uni spaces, @fromTGA said, have different rules & norms, from labs to lectures to student societies. More, better free speech involves complex balances in context of cultural & generational shifts – unis need freedom to address these autonomously



Free Speech – Atlantic Books
Never in human history was there such a chance for freedom of expression. If we have Internet access, ...
atlantic-books.co.uk

Bonavero Institute of Human Rights @BonaverolHR · Nov 9, 2020
Delighted to welcome you to our Bonavero community!

Martin Scheinin @MartinScheinin · Jul 16, 2020
Exciting personal & professional news: I will be joining the University of Oxford and its @BonaverolHR, as @BritishAcademy, Global Professor. Will be exploring whether the grammar of human rights law can cope with multiple challenges of the digital realm law.ox.ac.uk/news/2020-07-1-...

“Never, since 1945, has the defence of our human rights been more necessary. I’m proud that the Bonavero Institute has joined the fray, and delighted by the impact that it is already having.”

Yves Bonavero