



**British Institute of
International and
Comparative Law**

Annual Impact Report 2022



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Introduction from the Director

Over this year, BIICL has extended its work into new areas of international law and continued to diversify its activities. Our whole staff team has risen to the challenge with hard work, dedication and commitment to the Institute and what it represents. We were also delighted to welcome law researchers from Ukraine to our team with support from the Council for At-Risk Academics (CARA) and the British Academy.

One notable area of activity relates to Climate Change, with several new research projects underway to improve understanding of international law within this vital area. A major project, launched at COP27, is examining the unique aspects of climate litigation across the corporate world and will produce a toolbox for effective implementation of climate law. Building on our track record of work on cultural heritage, another project is examining its role in strengthening climate resilience.

Our training provision has grown considerably, with over 550 participants on our short courses this year. Several new topics were introduced including Energy Law, International Labour Law and Artificial Intelligence, Law and Ethics. Courses were offered both in-person and online, ensuring that more people from across the world could access our provision.

Work on human trafficking and modern slavery featured strongly during 2022. We published the final outputs of a multi-year project on determinants of anti-trafficking efforts, highlighting the complex web of factors that influence individual States' actions. The Modern Slavery and Human Rights Policy

and Evidence Centre, hosted by the Bingham Centre for the Rule of Law, extended its work to ensure that the perspectives of those with lived experience could better inform future policy development.

The excellence of our journal, the International and Comparative Law Quarterly, was demonstrated when it achieved its highest-ever score in the Clarivate citation index, making it the top-ranked journal for European and Comparative Law.

Two independent commissions were launched by the Bingham Centre for the Rule of Law, focusing on the areas of Counter-terrorism Law and UK Public Health Emergency Powers. The Centre also continued its highly-regarded work to scrutinise UK legislation, identifying Rule of Law problems and setting out possible amendments which were regularly quoted in debates.

This year was the first full year since the COVID-19 pandemic when projects and activities could be developed without restrictions in place. In-person events and training provided a welcome opportunity to network with our members and supporters once again in the refurbished BIICL offices.

Thank you to all of our funders, members and supporters for your continued engagement. A special mention and thank you to Keith Ruddock, for his dedication and guidance as Chair of our Board of Trustees from 2017–2022; and a warm welcome to his successor, Eve Salomon CBE.

Highlights of 2022

BIICL began its first full scale project in the area of climate change with its project **Global Perspectives on Corporate Climate Legal Tactics**.

The **ICLQ Journal** achieved its highest score in the **Clarivate citation index** and became the top journal for **European and comparative law**.

The **Bingham Centre for the Rule of law** continued its scrutiny of proposed UK legislation identifying rule of law issues and providing support for parliamentarians considering bills such as the **'Bill of Rights'** bill and the **'Police, Crime, Courts and Sentencing Act'**.

BIICL expanded its training to offer 16 programmes in 2022, including new courses in **Intellectual Property and Pharmaceuticals, WTO Law, Artificial Intelligence, Law and Ethics, Climate Change Litigation, Energy law and International Labour Law**.

BIICL extended its influence in the area of human rights due diligence with BIICL-led studies driving EU regulatory proposals for European corporate sustainability due diligence and regulations to prevent products made with forced labour in the EU.

The **Bingham Centre** set up two key commissions during 2022: the **'Independent Commission on UK counter-terrorism Law, policy and practice'** and the **'Independent Commission on UK Public Health Emergency Powers'**.

For the first time the BIICL team was joined by lawyers from Ukraine, supported by the Council for At-Risk Academics (CARA).

The **Modern Slavery and Human Rights Policy and Evidence Centre** supported multiple teams across the UK examining the experience of survivors of modern slavery and suggesting ways to include these individuals in developing policies to help prevent modern slavery.



Centre For International Law

International law, with its set of rules established through treaty or custom, is the key to stable international relations, collective security and sustainable development. When international law is not respected, growing insecurity and inequalities, as well as attacks on the rule of law, become the norm.

The Centre for International Law at BIICL continues to address some of the most pressing legal issues of our time, including those linked to climate change, human rights, modern slavery, law protection of cultural heritage and law of the sea. The centre's activities focus on applied research which is at the core of our work.

Climate Change

Among the many important international law developments of 2022, we have seen the UN Human Rights Committee suggest that Australia has violated the human rights of a group of Torres Strait Islanders as it failed to protect them adequately from the impacts of climate change. Our current research is very relevant to this developing area as we have not only continued our work on the protection of intangible cultural heritage in the Pacific, but also launched a two-year project which will seek to provide Global Perspectives on Corporate Climate Legal Tactics.

Global Perspectives on Corporate Climate Legal Tactics

This project, launched during COP27 in Sharm El-Sheik, examines the unique aspects of climate litigation across the corporate world and will produce a toolbox for the effective implementation of climate law.

The project will provide a repository of the most effective best practices worldwide in terms of substantive and procedural legal tools creating a legal toolbox for national and international legislators, and providing an inspiration for corporate actors to raise their climate-related ambitions.

The project team and its network of rapporteurs representing 17 jurisdictions will help litigation planning whilst allowing corporate actors to make positive changes to mitigate their litigation risks and contribute to combatting climate change. The research team is supported by a Core Group of some of the foremost experts in corporate climate litigation and related areas from around the world and the project was selected as one of the three finalists for the PACEY 2023 Award in the European section. [READ MORE](#)

Ivano Alogna, Duncan Fairgrieve, Jean-Pierre Gauci, Alina Holzhausen, Aditi Shetye, Lise Smit and Anthony Wenton

Climate Change and Environmental Litigation

BIICL is also working with the European Bank for Reconstruction and Development (EBRD) on a research and capacity-building project focusing on environmental and climate change litigation in EBRD countries of operation. The project seeks to identify key trends in such litigation and develop training materials to support local training programmes. The project builds on BIICL's extensive work on climate change litigation, including events and conferences and a book published in 2021. [READ MORE](#)

Jean-Pierre Gauci, Christine Bakker and Alina Holzhausen

Industrial Emissions Directive Implementation

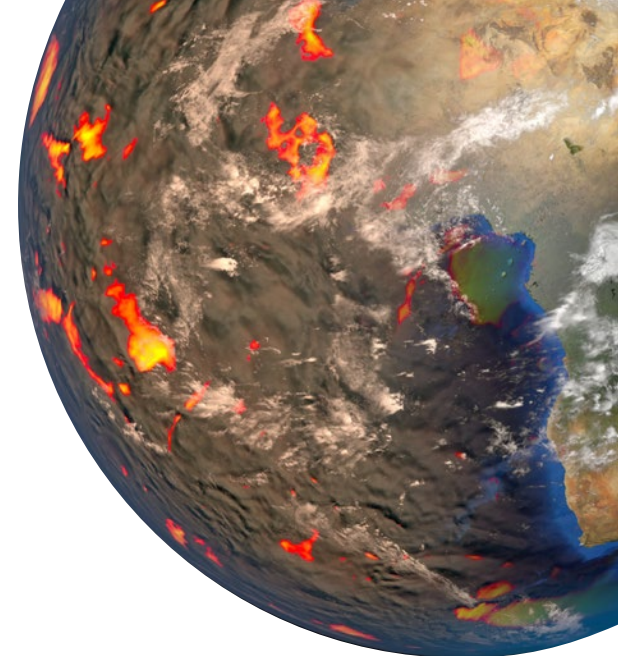
BIICL, with the support of external colleagues from the Netherlands, Italy, Bulgaria and Poland, have finalised a comparative report, 'Study on the implementation of reverse burden of proof into the national legislation of certain Member States connected to the Industrial Emissions Directive (IED)' supported by the international non-profit organisation ClientEarth. The study will primarily serve for advocacy work in the IED revision process. In addition, the study will be used for advocacy work in the context of other EU environmental legislation dealing with similar issues. [READ MORE](#)

Ivano Alogna, Anthony Wenton, Prof. Mathilde Hautereau-Boutonnet and Alina Holzhausen

The Role of Cultural Heritage in Strengthening Climate Resilience

Intangible cultural heritage law has an important impact on climate change mitigation and adaptation, and strengthens the resilience of communities. In a project started in 2022 BIICL will work in partnership with the Institute of Small and Micro States (ISMS) and the Konrad Adenauer Stiftung (KAS) to undertake a multi-level analysis of the frameworks relevant to its protection in selected Pacific Island States. Applying a human rights lens, it will look at cultural heritage law, climate change and environmental law, disaster response and displacement to map out and examine the adequacy of those frameworks. [READ MORE](#)

Kristin Hausler, Dr Berenika Drazewska and Alina Holzhausen



Cultural heritage

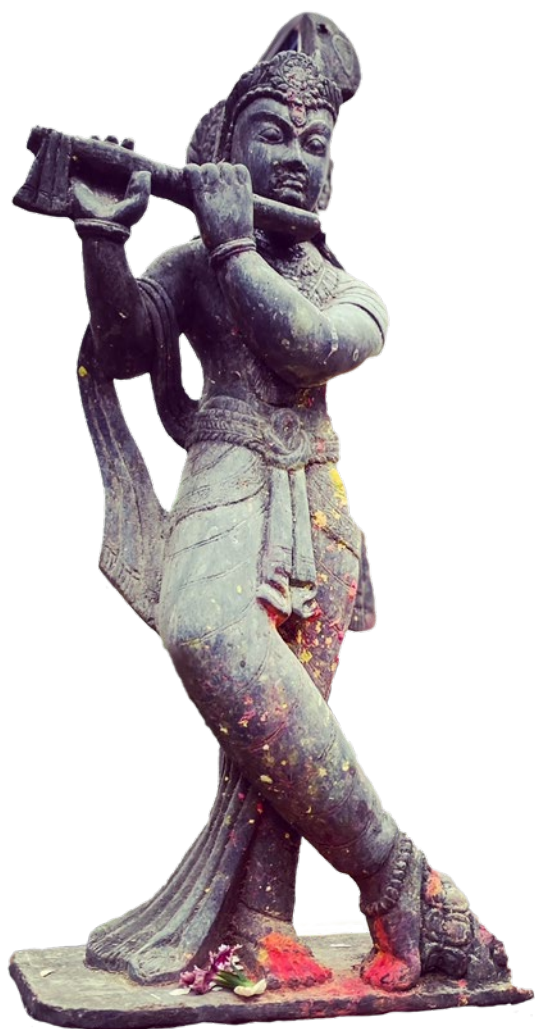
Beyond Restitution

The Beyond Restitution project explores the story of cultural objects after their repatriation and seeks to offer a longer-term view on restitution through an analysis of past experiences. Initial research focused on the legal framework applicable to de-accessioning museum objects and the processes adopted to address restitution claims. The project studies the impact of restitution once objects have changed hands and seeks to inform the debate through its consideration of the impacts of restitution on the communities and countries of origin and on those institutions or nations from which the objects have been claimed.

Nepal's cultural heritage suffered massive looting in the 1970s and 1980s and only today some of these objects, which are locally considered as living Gods, are making their way back to their communities of origin. In 2022, fieldwork was undertaken to visit the statue of the God Shiva and his consort Parvati (Uma-Maheshwor) which was returned to Nepal by Germany in 2000. Since its return, the statue has been housed in the Patan Museum, near Kathmandu. Yet, it was originally from a village called Dhulikhel, outside of the Kathmandu Valley. Today, there is an intent by the museum and the authorities to return the statue to the community.

BIICL's fieldwork followed closely the initial stages of this process including discussions with the community and potential for return of the artifact to its original home. By expanding the understanding of return processes, the project aims to bring a nuanced perspective on the question of restitution and the broader issues at stake. [READ MORE](#)

Kristin Hausler, Elke Selter



Human rights

Inter-state communications before UN human rights treaty bodies: awakening and potential

Working in co-operation with the Centre for International Governance and Dispute Resolution (CIGAD) at King's College London, BIICL is involved in analysing how inter-state communication procedures before human rights treaty bodies have been designed, (under)used and perceived by international actors over time.

The purpose of this research is to contribute to a deeper understanding of the aims of those procedures and of their evolution and potential.

In addition, BIICL has been invited to partner with Solidar Suisse and Pragya on a five year project – Platform for Organising by Workers for Empowerment and Recognition (GLP-POWER) – focusing on labour rights in Asia, funded by the USAID Global Labor Programme.

BIICL will provide international and comparative law analysis and capacity building to inform platforms that are being created to bring together informal workers, thereby supporting their efforts for improved labour conditions and adherence to international labour standards. [READ MORE](#)

Jean-Pierre Gauci, Rosana Garciandia

Determinants of Anti-Trafficking

In 2022, we published the final outputs of our multi-year research project on determinants of anti-trafficking efforts, which was supported by the United States Government J/TIP Office within the Department of State. The project included desk research, a global survey and 14 case studies and the findings were presented and discussed at a launch event in May. The results reflect on the complex web of factors that influence States' anti-trafficking efforts and were described as ambitious, novel, and hugely important. [READ MORE](#)

Jean-Pierre Gauci, Victoria Wyndham, Noemi Magugliani and Iris Anastasiadou

Ukraine: “Researchers at Risk” Fellows hosted at BIICL

BIICL is hosting academics fleeing the war in Ukraine through the Researchers at Risk Fellowship Programme, funded by the British Academy and the Council for At-Risk Academics (CARA).

The CARA programme was established in the 1930s, and helped to bring German Academics to the UK who were forced out of their positions by the Nazi regime as well as helping at-risk academics from Stalinist Russia. Now CARA has once again offered its support by assisting academics from Ukraine who are fleeing the horrors of the Russian invasion

BIICL’s collaborations with our new colleagues will enrich and inform our research and produce impactful results to deal with a crisis that has shaken the foundation of the basic principles of international order and the rule of law. [READ MORE](#)

Business and human rights

During 2022 BIICL’s business and human rights research has impacted regulatory developments in three different areas.

Supporting the Regulation of Corporate Due Diligence in Europe

When the European Commission presented the BIICL-led study on regulatory options for due diligence in the supply chain in April 2020, it launched the initiative which has since become the proposed European Corporate Sustainability Due Diligence Directive (CSDDD). The negotiations for the final text of the Directive are currently ongoing. It will introduce mandatory human rights and environmental due diligence relating to European and non-European companies and their global value chains.

A model for a Civil Campaign for a UK Business, Human Rights and Environment Bill

Also published in early 2020, the BIICL report supported by Quinn Emanuel and Hogan Lovells on a ‘UK Failure to Prevent Mechanism for Corporate Human Rights Harms’ has since formed the basis for the ongoing civil campaign for a UK Business, Human Rights and Environment Bill. The report found that the main reasons for business support of regulatory intervention are a level playing field, legal certainty and a non-negotiable standard with third parties in the value chain. The findings of the report were presented at the UN Forum on Business and Human Rights in Geneva, and at the 2022 Annual Labour Party Conference in Liverpool.

A legal opinion by Timothy Otty KC and Naina Patel of Blackstone Chambers considered how the BIICL model would have applied in the context of Boohoo’s labour practices (which were subject to an independent review by Alison Levitt KC.) The legal opinion copies the BIICL model as an annex and concludes that “Boohoo could have been found liable for breaches ... in the form of the BIICL Model Legal Provision, had such legislation been in place during the relevant period of time.”





Preventing products made with forced labour in the EU

In September 2022, the European Commission published a Proposal for a Regulation on prohibiting products made with forced labour on the Union market. To help shape the design of the Regulation, BIICL was commissioned by Anti-Slavery International, the European Center for Constitutional Human Rights (ECCHR) and the Greens/EFA Group in the European Parliament to set out a model law with the key elements to include in the Proposal.

As the world's largest single market, the EU has an enormous opportunity to set global leadership in its design of laws and approaches to address systemic forced labour in corporate supply chains. We advised that the EU regulation must be designed to place workers at its heart and that it must not only stop goods being traded or retailed, but rather incentivise meaningful action against forced labour.

We drafted the model law through an analysis of existing or proposed mechanisms under EU law that relate to the seizure or banning of the entry of products, which were considered most relevant to forced labour bans, as well as the US Uyghur Forced Labor Prevention Act – a unique tool to address state-imposed forced labour. Through this analysis, we identified areas in existing EU and US legislation that can be adapted or considered in the design of the forced labour prohibition.

The model law was launched in November 2022 by the Greens/EFA Group in the European Parliament and was well received by MEPs and the European press. [READ MORE](#)

Irene Pietropaoli, Julinda Beqiraj, and Lise Smit



Without you, this would not have been possible: Your expertise and views have contributed significantly not only to the creation of this important model law but also to a fruitful discussion. It is very important for us to maintain a close exchange with practically experienced representatives from civil society and researchers, as you. This is the only way we can achieve an effective and encompassing ban of products made and produced with forced labour."

Anna Cavazzini, MEP

Training

A photograph of a diverse group of people in a training or classroom setting. In the foreground, a woman with dark curly hair is smiling and raising her right hand. Other participants are visible in the background, some looking towards the camera and others looking slightly away. The image is overlaid with a dark blue gradient and a white curved line that separates the title from the text below.

Capacity building is an important part of the Institute's work. BIICL continues to develop its programme of short courses bringing a wide range of international law topics to participants around the world and expanding to offer new topics and programmes.

Training

In addition to established courses which have now become flagship, 2022 also saw the development and launch of new courses responding to recent developments and building on BIICL's constantly evolving research programmes. Some of the new courses included Artificial Intelligence, Ethics and the Law, Energy Law, Climate Change Litigation, Labour Law as well as Pharma and Intellectual Property.

We are delighted to have trained over 550 participants over the course of the year with overwhelmingly positive feedback from our participants. The range of participants, from legal and non-legal backgrounds, from governments, law firms and chambers, NGOs and civil society, academia and elsewhere is a testament to the credibility of our short course offering and informs our work moving forward.

Offering our courses both in person and online has facilitated capacity building across the world. 2022 saw us return to a number of in person courses which brought back the face-to-face networking opportunities whilst we have been able to maintain a strong, smooth virtual course delivery that has allowed the courses to overcome time, financial and travel limitations and expand the reach of our courses to a global audience. Indeed, participants on our courses came from almost every continent around the world, a diversity of backgrounds and experiences that truly enriched the group discussions.

Beyond our in person and virtual short courses, we also continued to offer our online courses (Massive Open Online Course) including our Citizenship and the Rule of Law MOOC offered with the University of London and our International Investment Law and Dispute Resolution (ISDS) online course. By the end of 2022, the former had over 15,000 overall enrolments since its launch in 2020. Our ISDS Course has gone from strength to strength with enrolments rolling in from across the globe.

Each of our courses is convened and taught by expert researchers from BIICL's own team, esteemed members of the legal profession and other experts. We provide academic expertise with practical experience rarely available in short course format. We are thankful to the colleagues within and outside the institute that



have taken part in the training – convening, engaging and delivering the sessions – the programme would not have been possible without their support, and we are grateful.

The success of the training programme in 2022 has informed our training programme for 2023 and 2024 where further new courses are being designed and presented whilst our successful courses are being delivered afresh. [READ MORE](#)

Working with Law Schools Around the World

In order to facilitate exchange of ideas and resources BIICL is working to develop memorandums of understanding with law schools and institutes across the globe. Most recently we have renewed our Memorandum of Understanding (MOU) with the University of Melbourne Law School. The MOU enables cooperation between the two institutions including BIICL hosting interns from Melbourne Law School (MLS) for research experience at BIICL. The contribution of MLS students over the past years has been of great mutual benefit with one former student describing it as *'an invaluable professional experience, and the most enriching and enjoyable part of my studies'*.

Other recent links include MOUs the University of Chicago law school and a new agreement to host students from Harvard Law School.

We trained
more than
550
participants
in 2022

Quotes from Participants on our short courses

'This is a really excellent course. Really informative and well structured. It is suitable for anyone interested in this area including non-lawyers.'

Climate Change litigation participant

'Would definitely take the course again if I could! Very interesting and useful for anyone wanting to build capacity in climate change law.'

Climate Change Law participant

Artificial Intelligence, Law and Ethics

Aviation Law

Climate Change Litigation

Energy Law

International Cultural Heritage Law

Labour Law

Public International Law in Practice

International Migration and Refugee Law

Law of the Sea

Cross Border Dispute Resolution

WTO Law

Business and Human Rights

Climate Change Law

'The course was excellent! We had the opportunity to learn a lot from leading experts in the field. The BIICL was also generous enough to offer me a scholarship, giving me the opportunity to attend this great course!'

Foundations of International Law participant

'Excellent throughout, enthusiasm for and knowledge of the areas discussed was impressive.'

Aviation law participant

'I learned immensely in this course and met very valuable people. I strongly feel that this course has influenced my academic and personal interests. The course has met all my expectations, and I am very glad to have attended to it.'

International Cultural Heritage Law participant



Centre For Comparative Law

In a world characterised by complexity and interdependence, it is important to understand similarities and contrasts between jurisdictions. Comparative methods are essential to gaining a profound understanding of the legal systems around the world and to advance their development. Perspectives and experiences of different jurisdictions enrich the legal debate and help in identifying areas prone for harmonisation and convergence of laws.

New
BIICL videos
on our YouTube
channel received
22,595
views in 2022

BIICL's Centre for Comparative Law covers a broad range of areas, from civil to commercial law, conflict of laws and dispute resolution. The Centre co-operates with various universities, distinguished scholars and research institutions in the UK and around the world.

COVID-19 and the law: protection and recovery for vulnerable groups

The COVID-19 pandemic triggered an unprecedented global health and economic crisis. It has fundamentally impacted every aspect of life, led to massive economic disruption, affected supply chains, the ability to undertake work, government functions and access to justice. This has led to various new legal phenomena which have left certain groups particularly vulnerable. Groups such as small businesses and consumers, women and children, supply chain workers in developing economies, migrants and refugees.

In a project with the University of Kyoto BIICL is investigating the new legal issues arising from the COVID-19 pandemic with a focus on the protection of vulnerable groups. The study will assess the existing legal mechanisms in the UK and Japan in comparison to other various European and Asian legal systems. It will identify the holistic needs of jurisdictions, to understand how to effectively maximise safety and access to justice for the most vulnerable in times of crisis. [READ MORE](#)

Eva Lein, Constance Bonzé



Collective Redress

The Centre for Comparative Law has been conducting studies and organising events in the area of collective redress for a number of years. This work has included comprehensive research on the current developments regarding collective redress mechanisms in the EU Member States. In 2022, in collaboration with Aston University, BIICL's website on collective redress was relaunched. The website contains a comprehensive catalogue of national reports, latest news on collective redress, BIICL's events and publications on the topic.

In May 2022 following the website re-launch, a conference 'Collective Redress: Emerging Practice and Everyday Use', was hosted by BIICL and Aston University to consider the evolving use of collective redress proceedings to solve disputes. The event brought together leading practitioners, academics and stakeholders to discuss some of the complex legal and practical issues arising from such claims. Expert speakers considered a range of issues including navigation of procedural and practical difficulties in collective proceedings, use of LegalTech in such proceedings, funding structures and the wider use of collective proceedings in human rights and environmental claims. [READ MORE](#)

Eva Lein, Constance Bonzé, Rhonson Salim, Aston University

Business and Human Rights: Access to Justice and Effective Remedies

During the year the BIICL team also participated in a collective redress project with the European Law Institute (ELI) and the EU Fundamental Rights Agency (FRA). The project, entitled Business and Human Rights: Access to Justice and Effective Remedies, aimed to identify a range of draft EU regulatory and/or soft law options intended to increase access to remedies and ensure corporate human rights compliance and thus greater corporate social responsibility. The final report was published by ELI in 2022. [READ MORE](#)

Duncan Fairgrieve, Lise Smit. Project Reporters Diana Wallis (ELI), Jonas Grimheden (FRA)

Rules for Cross Border Litigation

BIICL follows closely the developments in cross-border dispute resolution after Brexit and in May 2022 hosted a discussion of the pivotal role played by jurisdiction rules in cross-border litigation. This provided a timely opportunity to take stock in the post-Brexit landscape, focusing on two sets of proposals for amending the jurisdiction rules for English courts – the suggestions made by the Civil Procedure Rule Committee a reform proposal made by BIICL honorary senior fellows Professors Adrian Briggs and Andrew Dickinson.

Eva Lein, Professor Adrian Briggs, University of Oxford, Professor Andrew Dickinson, University of Oxford

ITF Empirical Study: Provisional measures in investor-state arbitration (2023)

During 2022 BIICL and White & Case updated their empirical study on provisional measures in investment treaty arbitration which was extensively cited in academic literature, and decisions of arbitral tribunals and parties' submissions on provisional measures.

The study consists of three parts, summarising key new developments that have occurred since the 2019 Report, exploring procedural efficiency in the resolution of requests for provisional measures, and updating the 2019 Report's findings in accordance with the newly available cases.

We hope that this study which will be updated on a bi-annual basis, will become a regular and anticipated development in the field of investor-state arbitration. [READ MORE](#)

Yarik Kryvoi, David Goldberg and Ivan Philippov, White & Case



Bingham Centre For The Rule Of Law

DOWNING
STREET SW1
CITY OF WESTMINSTER

The Bingham Centre was founded by BIICL in 2010 to take forward the vision of Lord Bingham, a former President of the Institute. It was an inspiring vision then, with the Rule of Law coming under increasing strain. Today, it has become an urgent vision, as the institutions on which the Rule of Law depends to give it life are becoming more systematically undermined, requiring renewed effort to reach wider audiences about the meaning and fundamental importance of the Rule of Law.

During 2022 the Rule of Law came under increasing pressure in much of the world. In the UK, the plan to replace the Human Rights Act was one of many legislative initiatives that raised serious Rule of Law concerns. Abroad, Russia's war of aggression against Ukraine represented a new crisis for the rules-based order.

Examining Counter-Terrorism Law, Policy and Practice

Formed in 2022, the Independent Commission on UK Counter-Terrorism Law, Policy and Practice, provides an opportunity for a wide-ranging public examination and review of UK counter-terrorism law, policy and practice. It aims to provide a broad independent public consultation on the overall picture of counter-terrorism law, policy, strategy, its implementation and impact.

The Commission brings together individuals with a diversity of knowledge, understanding and experiences to undertake a review of relevant counter-terrorism laws, policies and practice. Chaired by Sir Declan Morgan, the former Lord Chief Justice of Northern Ireland, it brings together 15 Commissioners including three former cabinet members (John Denham, Dominic Grieve and Baroness Sayeeda Warsi) and senior figures from the judiciary, policing, legal practice and academia. The Commission's work, which will continue until 2024, considers the impact of measures on different groups and communities; examines adherence to human rights standards and the requirements of the Rule of Law; and makes recommendations on changes in law, policy and practice. [READ MORE](#)

Tufyal Choudhury, Rachael Beaumont

Reviewing Public Health Emergency Powers

During 2022 the Bingham Centre launched a year-long Independent Commission on UK Public Health Emergency Powers with the aim of reviewing the UK's public health legislative frameworks to establish how far they protect the Rule of Law and human rights how far they promote accountability, transparency and parliamentary control of executive action. The Commission is chaired by Sir Jack Beatson, a former judge of the Court of Appeal in England and Wales. Its 12 members have expertise in the fields of law, public health and parliamentary processes.

The Commission will make recommendations for changes in law, policy, practice and procedure to inform planning for future public health emergencies

The commission plans to publish its findings in a report in 2023 which will also assist the UK and Scottish COVID-19 public inquiries. [READ MORE](#)

Lucy Moxham, Katie Lines

Providing Scrutiny for UK Legislation

The Rule of Law Monitoring of Legislation, which began in 2020, continued to provide much-needed scrutiny of how the Rule of Law would be affected by Government Bills that were debated by the UK Parliament. The project published reports during key stages of parliamentary debate, which identified Rule of Law problems and amendments that parliamentarians could support to address them. These reports were often quoted in Parliament, alongside those of other organisations. In some cases, amendments were passed in circumstances where the Bingham Centre's view formed part of a body of opinion supporting the change: for example in the Police, Crime, Courts and Sentencing Act 2022 (removing broad and vaguely worded restrictions on protest which the Government introduced at a late stage of the Bill's consideration); the Judicial Review and Courts Act 2022 (removing a provision that would have weakened judicial review remedies); the Nationality and Borders Act 2022 (improving access to justice for challenges to deprivation of citizenship). The project also reported on wide-ranging rule of law problems in Bills which had not yet been enacted, such as the Northern Ireland Protocol Bill (later abandoned) and the Northern Ireland Troubles (Legacy and Reconciliation) Bill. [READ MORE](#)

The Bingham Centre also provides the secretariat for the All-Party Parliamentary Group (APPG) on the Rule of Law, and convened meetings to discuss some of these Bills. In the case of the Northern Ireland Troubles Bill, a meeting was also held for Members of the Legislative Assembly at Stormont, Northern Ireland. The Bingham Centre gave both oral and written evidence to committees of the Westminster Parliament on the Government's proposals for modifying retained EU law, and held an APPG meeting on the Retained EU Law (Revocation and Reform) Bill when it reached the House of Lords. The APPG also convened a



meeting on the reform of delegated powers in legislation (with presentations from the Hansard Society and academic experts). Excessive delegated powers are one of the most common Rule of Law problems that the Centre's reports have identified in recent Bills. [READ MORE](#)

Ronan Cormacain, Katie Lines, Oliver Garner, Andrew Hodge

The "Bill of Rights" Bill, and human rights reform processes in devolved UK jurisdictions

While the Government was promoting a so-called "Bill of Rights"



Bill (subsequently shelved) to replace the Human Rights Act 1998, the Bingham Centre subjected these proposals to analysis and scrutiny, which highlighted severe dangers including the likelihood that the UK would breach its international obligations under the European Convention on Human Rights if the Bill was enacted.

The Bill of Rights Bill was not the only human rights reform proposal in the UK during this period. The devolved jurisdictions of Scotland, Wales and Northern Ireland have all seen considerable discussion in recent years about adopting bills of rights of their own. International human rights law (IHRL) is highly relevant to these developments, including not just European but also global obligations. Bingham Centre collaborated with the Bonavero Institute of Human Rights at Oxford, and the Centre for the Study of Human Rights Law at the University of Strathclyde to produce a report entitled 'The Making of Bills of

Rights: Relevant International Human Rights Law Obligations'. The report examines five global IHRL obligations which bind the UK: the obligation to respect, protect and fulfil human rights; the obligation to provide an effective framework of remedies; the obligation to monitor and report on human rights; the obligation to ensure public participation in shaping bills of rights; and the obligation of non-regression in rights protection. [READ MORE](#)

Murray Hunt, Lucy Moxham, Katie Lines

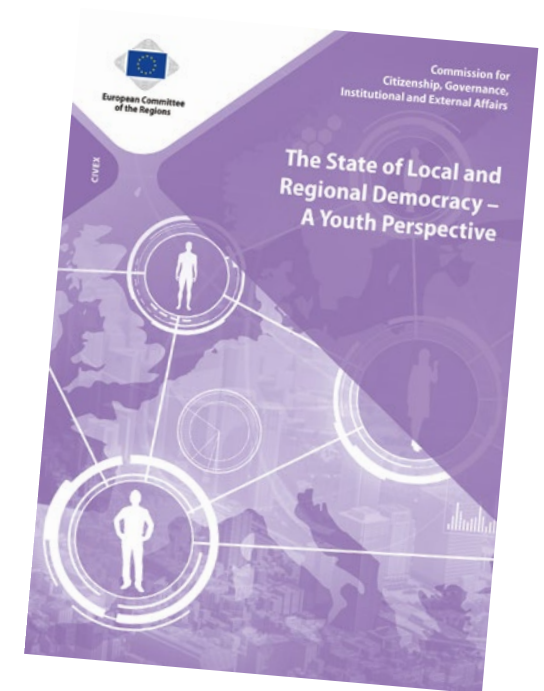
A Youth Perspective on Local and Regional Democracy in the EU

A study on "The State of Local and Regional Democracy – A Youth Perspective", was undertaken on behalf of the European Committee of the Regions (COR). The survey-based study was conducted as part of the COR's ongoing work to foster democratic spaces for young people. Its aim was to gain insights into the circumstances affecting young people's decisions on whether or not to participate in democratic processes.

The main findings of the study are that: (1) young people engage based on the policy issues they are interested in; (2) they consider a spectrum of avenues for democratic participation, which goes beyond voting or other activities in support for traditional political parties; and (3) civic education for citizens of all ages, including school pupils, would bolster political awareness and democratic participation. The Bingham Centre has previously taken a leading role in developing materials for civil education of younger audiences. At the end of 2021, the Centre launched a Youth Resource Centre on Democracy and the Rule of Law for Young People in the EU, developed in collaboration with the University of Leuven as part of the RECONNECT project funded by the Horizon 2020 programme of the European Commission.

[READ MORE](#)

Julinda Beqiraj, Jean-Pierre Gauci and Anthony Wenton.



Young People's Rights Are Human Rights

During 2022 the Centre made a series of videos which explore the importance of public legal education for young people, particularly as it relates to the Rule of Law. The 'Young People's Rights Are Human Rights' hub also features a series of blogs written by the Centre's team and collaborators. The videos were made in partnership with EachOther. These videos complemented the in-school workshops run by the Public and Youth Engagement project. [READ MORE](#)

Abiodun Olatokun, Michelle Kamya, EachOther



In 2022 the
Institute published
54
reports and
blogs

Working With Business To Support The Rule of Law

The Bingham Centre Business Network (BN) was founded in 2017 with the purpose of generating better research outputs that could inform policy making and lobbying by incorporating businesses' experiences, perspectives, and expertise. The network members are businesses with a strong interest in and commitment to the Rule of Law (ROL) and the network facilitates a platform for continuous conversation among members and with the Bingham Centre related to business priority areas.

Since its inception, the network has contributed to relevant research undertaken by the Bingham Centre and BIICL and more recently that of the Modern Slavery and Human Rights Policy and Evidence Centre. Outputs of those projects have impacted UK and European policymaking in various ways. For example Business Network members were engaged in all stages of the BIICL project "UK Failure to prevent Mechanisms for Corporate Human Rights Harms" to provide an important business perspective for the research which reached wide audiences including policy makers. The project was the basis for the UK Business, Human Rights and Environment Bill, was cited by CJC, The Guardian and a Legal Opinion about Bohoo, and influenced discussions on the EU Draft Directive.

In 2022, the Business Network members met to discuss several rule of law issues and their effect on business such as the regulatory failures and lessons learned from the war in Ukraine, human rights due diligence legislation and its translation into practice, and practical learnings for preventing and mitigating modern slavery risks in long and complex supply chains. At the end of 2022, an updated strategy and thematic research agenda was developed to better link the Business Network's priority rule of law issues with the ongoing research and policy work of the Institute. [READ MORE](#)

BIICL
received
6.4m
tweet impressions
during 2022



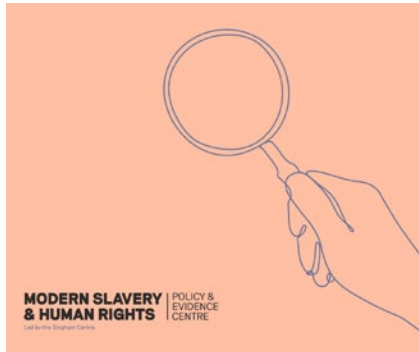
It has been very rewarding to be able to contribute a business lens to the vital research undertaken by the Bingham Centre [and PEC] and to bring a Rule of Law perspective back into Rolls-Royce".

Mark Gregory, Business Network Co-Chair and General Counsel at Rolls-Royce

Modern Slavery and Human Rights Policy and Evidence Centre

The image features a photograph of two individuals, likely agricultural workers, bent over and working in a field. The scene is heavily filtered with an orange color, creating a somber and intense atmosphere. A white curved graphic element, resembling a stylized 'C' or a protective shield, is positioned in the upper left and bottom right corners, framing the text.

The Modern Slavery and Human Rights Policy and Evidence Centre's vision is a world where everyone is protected from exploitation by effective laws and policies, informed by evidence. The Centre's mission is to enhance understanding of modern slavery across the globe and transform the effectiveness of laws and policies designed to overcome it.



The Modern Slavery and Human Rights Policy and Evidence Centre (Modern Slavery PEC) was set up to improve the quality of the evidence and knowledge base to influence policies and laws, by bringing different disciplines, individuals and organisations together and facilitating new collaborations in modern slavery research, a priority recognised among many working to address modern slavery. The Centre also seeks to ensure that people with lived experience of modern slavery, and those working closely with them, meaningfully inform research and policy in the UK.



Research

The Modern Slavery PEC funds and co-creates impartial research to provide insight and analysis on modern slavery, translating the evidence produced by funded teams into practical recommendations for decision makers to drive a real policy change.

The priority research areas for the Centre are:

- Preventing modern slavery
- Understanding survivor needs and enhancing victim support
- Modern slavery in business supply chains
- The effectiveness of legal enforcement measures

We have funded 40 teams to undertake research projects on our research priorities, focused on impact on policy and practice. These teams comprise members from 36 universities and academic institutions, 18 NGOs, and a number of other organisations. Several partnerships have continued their collaboration beyond the projects funded by the Centre and at least eight research teams have received follow on funding from a range of funders.



Protecting British nationals from modern slavery

Research led by St Mary's University Twickenham found that UK frontline professionals miss many opportunities to protect British nationals from modern slavery, leaving survivors to face "a cycle

of closed doors", caused by confusion over what support they are entitled to. [READ MORE](#)

Dr Carole Murphy, St. Mary's University Twickenham, Dr Alicia Heys Wilberforce Institute, University of Hull, Dr Craig Barlow, Louise Gleich, Joint Modern Slavery Policy Unit, Justice and Care & Centre for Social Justice, and Sophie Wilkinson, St. Mary's University

Including those with lived experience of modern slavery

Research led by the University of Liverpool found that meaningful inclusion of people with lived experience of modern slavery in development programmes makes them more effective, pointing to improved efficacy, innovation, sustainability, and programmes' improved ability to address root causes of exploitation. The research was commissioned and funded by the UK Foreign, Commonwealth and Development Office (FCDO). [READ MORE](#)

Dr Wendy Asquith, University of Liverpool, Dr Allen Kiconco, University of the Witwatersrand, Alex Balch, Modern Slavery PEC

In addition, the Centre has undertaken evidence reviews and developed policy briefs on specific themes, in collaboration with Modern Slavery PEC Research Fellows and consortium partners. Including

Effectiveness of mandatory human rights due diligence legislation

Owain Johnstone & Olivia Hesketh

The effectiveness of forced labour import bans

Irene Pietropaoli, Owain Johnstone and Alex Balch

In 2022, the Centre held over 80 conversations with policymakers. Over the same period the Centre facilitated 17 meetings between policymakers and researchers to discuss research findings. The Centre works to embed evidence with a wider spectrum of actors, including businesses, NGOs and the wider academic sector. In 2022, this included four meetings with business stakeholders and one business roundtable, alongside participating in meetings of the Bingham Centre Business Network.

Meaningful inclusion of people with lived experience of modern slavery

We have dedicated significant resource to embedding lived experience as an essential part of research and policy in this area, within the Centre and across modern slavery research more generally. In 2022 the Centre recruited a Lived Experience Engagement Manager and Lived Experience Engagement Coordinator to lead this work, alongside a Working Group of nine civil society organisations from across the anti-slavery sector.

The Centre has funded many research projects relating to survivor support and recovery, which include survivors in different ways. This includes co-creation with people with lived experience through participatory work, as peer researchers and as advisory board members. The Centre has also produced a number of outputs which support best practice including a bespoke Safeguarding Policy and meeting rules to ensure that our meetings are safe spaces for participants to engage. These are also used by research teams in our public facing events.

In addition to funding research team partnerships, we hosted three workshops with research teams to exchange learnings and experiences, as well as hosting public events to share learnings, including a workshop on equitable and collaborative research partnerships between academics and civil society and an event to support smaller NGOs to partner on research projects.

Addressing lack of access to legal advice for survivors of modern slavery

The right to legal assistance is enshrined in international and regional instruments, and it has been emphasised as a key element of protection and recovery across various soft law and treaty body measures. The transformative impact of legal advice and representation on survivors of modern slavery has increasingly been recognised. Yet, effective access to quality legal assistance remains a critical concern for people with lived experience of modern slavery.

Lack of access to adequate and timely legal services triggers a series of negative impacts. These include difficulties in accessing and navigating the National Referral Mechanism (NRM), limited access to existing rights (such as welfare rights and compensation) and available services, which are critical to support recovery,

and increased risk of re-trafficking or removal from the United Kingdom. While these impacts have been widely acknowledged, gaps remain in the understanding of survivors' perspectives on the way in which access to legal services assists their wellbeing and recovery. This project mapped relevant obligations and standards to the delivery of available, accessible, and quality legal assistance to people with lived experiences of modern slavery. The research found that the system providing legal advice to modern slavery survivors is inadmissible, disengaging, piecemeal, and significantly under-resourced. This has a profound impact on survivors and in areas much wider than previously understood, with much of legal advice provided by providers narrowly focused on trafficking, whereas survivors also need support in other areas, from recognition as victims, immigration or criminal proceedings, to less talked about impact in areas such as family matters (such as custody of children), compensation and access to other support services. [READ MORE](#)

Jean-Pierre Gauci, Noemi Magugliani, John Trajer, BIICL, Lauren Saunders, Unseen UK

Identification of adults with lived experiences of modern slavery in the UK

There is limited evidence about how services can most effectively identify people with lived experiences of modern slavery, make quality referrals, and engage with people at the point of identification to encourage access to support, or how this has been affected by remote working necessitated by the COVID-19 pandemic.

In September 2022 BIICL began a collaboration project with the Human Trafficking Foundation, to investigate potential ways to improve the identification of adults with lived experiences of modern slavery in the UK through the examination of existing practice, looking at gaps in identification processes, and capturing promising practice in the area.

The team is looking at training that is currently in place at six First Responder Organisations (FROs) – designated to refer people to the NRM and exploring patterns of identification, including gaps and promising practice with FRO's and adults with lived experiences of modern slavery. [READ MORE](#)

Noemi Magugliani, Jean-Pierre Gauci, John Trajer, BIICL, Robyn Phillips & Jasmine Selby, Human Trafficking Foundation



BIICL Forums

The Institute enhances its research activities through specialist discussion and working groups, called Forums, which cover the areas of Competition Law, Investment Treaty Law, Product Liability Law and Business and Human Rights. The Forums bring together those with a serious engagement in these areas, including solicitors, barristers, in-house counsel, policy advisers, lobbyists, academics, government officials, regulators and international officials. The activities of the forums include events in which members can share opinions and create opportunities for collaborative research.

Competition Law Forum

The Competition Law Forum is a centre of excellence for European competition and antitrust policy and law, and provides a forum in which the practical application of competition policy can be considered by lawyers, economists, senior business managers, public servants, public affairs professionals, consumer bodies and other specialist practitioners.

The Competition law forum at BIICL maintains a close watch on the impact of new regulation and as such the introduction of the Digital Markets Act (expected in 2023) was the subject of discussions at two of our events – ‘Merger control and the CMA role in the post-Brexit world’ and the ‘Annual Tech Antitrust Roundtable’ hosted with Linklaters.

At other roundtable events in 2022 the Forum also examined the impact on business of the new National Security and Investment Act (NSI Act) and considered how companies that engage with peers in their industry on the implementation of human rights due diligence might run competition law risks.

Forum Director: Dr Liza Lovdahl Gormsen

Investment Treaty Forum

2022 has been a challenging, yet successful, year for the Investment Treaty Forum (ITF). It was the first “normal” year after the peak of the COVID-19 pandemic. The Forum convened high-level events on topics of interest for its members, engaged in ISDS reform efforts led by UNCITRAL and ICSID and conducted in-depth studies on various aspects of investor-state dispute settlement.

Events reflected the changing geopolitical realities such as the war in Ukraine and the increasing complexity in investment treaty arbitration. The ITF public conferences dealt with overlapping treaty regimes in international investment law and complex arbitration proceedings in investor-state dispute settlement.

2022 marked the moment the new ICSID Arbitration Rules entered into force and ITF organised an event in September which brought together a deputy Secretary General of ICSID and senior practitioners to discuss the future application of the new rules. An ITF event in December examined the role of subsequent agreements and subsequent practice in treaty interpretation to understand whether States are still masters of their treaties.

To better engage the future generation of international investment law practitioners, ITF became a platform for Young ITF, a learning, discussion and networking forum for junior practitioners, postgraduate students, civil servants and academics interested in international economic law. Young ITF Debates in 2022 focused on a range of important issues including amicus briefs in ISDS, legitimate expectations and the multilateral investment court.

Forum Director: Professor Yarik Kryvoi

Product Liability Forum

The Product Liability Forum (PLF) at BIICL exists to allow for the practical application of policy and developments in product liability and safety law to be considered. The forum includes leading lawyers in private practice, industry, academia, regulatory bodies and senior business managers, consumer representatives, public servants, public affairs professionals and other specialist practitioners. Its role is to analyse and improve the conduct of policy and practice in the spheres of product liability, product safety and mass torts.

Part of the role of the forum is to host related events for members which this year included an event on Reforming the Product Liability Directive, and a discussion around access to Justice in Products cases. The forum is also involved in public events being part of the team hosting the International Class Action Conference in Amsterdam, in collaboration with the University of Amsterdam and University of Tilburg.

Under the auspices of the PLF, an important project has been undertaken to assess the impact of COVID-19 on emergency



BIICL team
members spoke at
74
events and conferences
outside the Institute
in 2022

products in the medical sphere, as well as the acceptability of COVID-19 vaccines. Another ongoing project has focused on the potential liability of online platforms, undertaken with PLF members and foreign colleagues.

In addition Professor Fairgrieve is also heading up an international research project on vaccine compensation schemes bringing together leading academic and practitioner experts from around the globe as well as representatives of WHO / COVAX vaccine programme.

The Forum continues to run unique web-based database of legislation and judicial decisions on product liability, aiming to bring together selected judgments under the European Product Liability Directive. Each country report includes an analysis of domestic tort and contract law, the relevant procedural background, as well as the implementation of the Directive. This is then supplemented by case reports of the major decisions in the country under the implemented Directive. Commentary on each decision is provided by a team of national experts drawn from both academia and practice.

Forum Director: Professor Duncan Fairgrieve KC (Hon)

Human Rights Due Diligence Forum

The Human Rights Due Diligence Forum is a platform for legal practitioners working in the area of business and human rights to discuss developments arising from the UN Guiding Principles as they relate specifically to legal practice. The membership of the forum is increasingly global, with current members in Australia, Belgium, France, Germany, Netherlands, Nigeria, Norway, Portugal, Sweden, Switzerland, the UK and the US.

The Forum organises a regular programme of events in which key topics are examined with contributions from experts in the field. During 2022 the HRDD forum hosted a range of roundtable events for members which considered human rights due diligence in public procurement, the potential human rights harms linked to pricing and remuneration, the impact of competition law on the human rights due diligence actions of organisations as well as examining the disproportionate effects of climate change on vulnerable communities. These important discussions continue to inform our work to drive human rights due diligence policy across Europe.

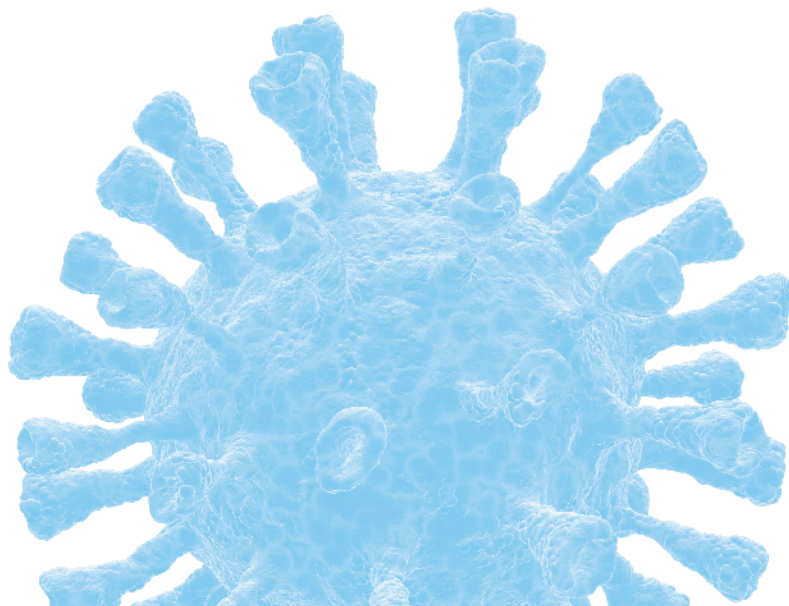
Forum Director: Lise Smit

[READ MORE ABOUT OUR FORUMS](#)



We would like to express our appreciation and gratitude for including us in your Human Rights Due Diligence, Price, and Remuneration event this past Monday. The webinar was deeply insightful and provided us with valuable learnings and reflections for our line of work”.

UN Global Compact Network UK



Events at BIICL

Event topics during 2022 at BIICL were wide-ranging and included legal issues related to: Climate Change; Artificial Intelligence; Displacement in and from Ukraine; Product Liability; Collective Redress; Merger Control; and Trade and Investment. BIICL was also a co-convenor for the second London Conference on International Law. Events at BIICL are now more often delivered in a hybrid format at the Institute allowing participants and speakers from around the world to come together to share knowledge and discuss key legislative topics.

In May 2022 the annual Harry Weinrebe memorial lecture was given by Professors Amal Clooney and Philippa Webb on *Defending the Right to a Fair Trial*, with reflections offered by discussants, Baroness Kennedy of the Shaws KC and The Rt. Hon. Lady Arden of Heswall DBE.

During September a high-profile panel included the new members elect of the International Law Commission (ILC), who are based in the United Kingdom: Professor Dapo Akande (University of Oxford and Essex Court Chambers), Professor Phoebe Okowa (Queen Mary University of London), and Dr Martins Paparinskis (University College London). This event focused on the current and possible future work of the ILC and was expertly chaired by Sir Michael Wood KCMG, a member of the ILC since 2008.

[READ MORE ABOUT EVENTS AT BIICL](#)



BIICL ran
69
events during
2022

2160
attendees were
hosted at our
2022 events

Event partners in 2022

Includes sponsors, media sponsors, co-organisers

2 Temple Garden Chambers

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Membership

Membership of BIICL is open to all and provides an opportunity to participate in a diverse community of practitioners, scholars and others with an interest in international and comparative law, and the rule of law. Members are kept informed of BIICL's latest research and developments, and are able to engage in debate and discussion through our programme of topical events, courses and conferences. Our membership includes judges, solicitors and barristers, government officials, regulators, international civil servants, in-house counsel, academics and students, and many non-lawyers. A range of individual and organisation membership packages are available. All members receive substantial discounts on events and training plus access to our renowned journal, the International and Comparative Law Quarterly.

BIICL Fellowship programme

BIICL continues to develop relationships with experts across the world with the creation of honorary senior fellows from law firms, academia and international organisations such as the WTO. Honorary senior fellows who have recently joined BIICL include Professor Mark Findlay, Singapore Management University, Judge Tomas Heidar, Vice-President, International Tribunal for the Law of the Sea, Human Rights lawyer Amrit Singh and Philip Kessler, of US law firm Hoffman Kessler.



Publications

International and Comparative Law Quarterly

The International and Comparative Law Quarterly (ICLQ) has a reputation for publishing high-quality articles in Public International Law, Private International Law, Comparative Law, European Law, and Human Rights Law.

In 2022, the ICLQ achieved its highest score in the Clarivate Journal Citation Reports, increasing its 2-year Impact Factor to 2,000. It is now ranked as the top journal for European and Comparative law and second for international law. The journal also performed well in the Journal Citation Indicator (JCI), indicating its strong performance in law but also comparatively across academic fields.

The Altmetric Attention Score is used to measure the impact of individual articles. In 2022, over 50 articles published in the ICLQ received Altmetric scores over 20, with some scoring in the 80s and 90s. One article even scored 100, placing it among the top 5% of all research outputs scored by Altmetric. The journal's mentions in the news significantly increased in 2022, demonstrating its contribution to current debates.

The present challenge for academic publishing is the move towards Open Access (OA), which Cambridge University Press who publish the ICLQ, have embraced. Transformative Agreements allow libraries traditional access to journals whilst also enabling university faculty members to publish OA without a fee. As a result, the OA output of the ICLQ has substantially increased over the last couple of years.

The Editorial Board, led by General Editor Sir Malcolm Evans KCMG and Managing Editor Anna Riddell-Roberts, actively reviews articles and provides swift decisions.

The 2022 Annual Lecture addressed questions on human rights and global health law, with respect to the unequal distribution of vaccines to developing countries, authored by Mark Ecclestone-Turner and Michelle Rourke.

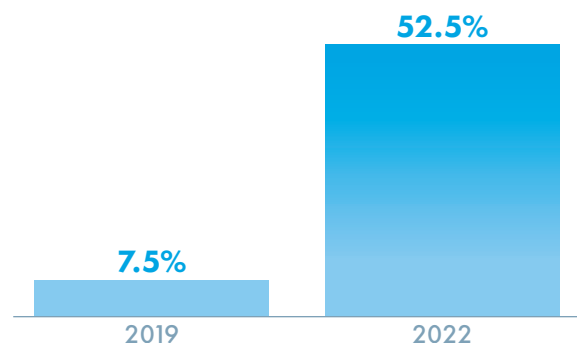
The ICLQ continues to publish and support many researchers at an early stage of their career. The 2022 Early Career Prize was awarded to Rebecca Barber for her article on UN sanctions and their implications in Ukraine. [READ MORE](#)

New e-publications

BIICL has a long history as a publisher of international law books. In 2022 BIICL began offering some of these published titles as e-publications. A range of thirteen new e-publications were launched including our most popular titles. The move to e-publishing reflects the way in which readers prefer to access our publications and allows us to offer these titles at a very reasonable charge across the globe.

The titles are available on the Kindle platform to purchase and download either alone or as a series. They can be viewed in the [Books](#) section of the BIICL website.

Articles published Open Access



INTERNATIONAL & COMPARATIVE LAW QUARTERLY

37 days
from submission
to first decision

16 days
peer review
turnaround

31 days
in production
before publication

The International and Comparative Law Quarterly had **590,000** downloads during 2022

How You Can Help

Our donors make a tangible difference in the world. Their support enables BIICL to continue its vital and global work in advancing the field of international and comparative law, conducting ground-breaking research, and promoting the rule of law.

As a small, independent charity, BIICL relies on donations, research grants and income from events, training and publications. Our ability to address emerging legal issues in international law, threats to the rule of law, and pressing global challenges such as climate change and the rapid development of technology, depends on the ongoing support of our members, donors, funders and sponsors.

BIICL 60+ Appeal

Chaired by Lord Neuberger of Abbotsbury, the BIICL 60+ Appeal continues to have a hugely positive impact on the Institute. Generous gifts from our supporters have enabled us to refurbish our entire premises, develop our highly specialised programmes of research and establish a rich and varied series of training courses and events. It has helped us to engage with young people and the general public in general on the rule of law and how these rights are important to their daily lives.

We are extremely grateful to all of those who have supported the Appeal so far, a list of whom can be found on page 29. We would particularly like to thank those individuals who have made generous personal donations and thereby joined the BIICL 60+ Appeal President's Circle. We have also been fortunate to be supported generously by a number of trusts and foundations: **Dorset Foundation, Laudes Foundation, The Sybil Shine Memorial Trust, Bluston Charitable Settlement, and The Leverhulme Trust.**

With continued support of the 60+ Appeal, BIICL can continue to help advance the understanding of international and comparative law in the UK and around the world, and to promote the rule of law in national and international affairs.

We would be delighted to discuss your interest in supporting our work and welcome gifts at all levels. For more information on the BIICL 60+ Appeal or the President's Circle, or to make a donation, please visit www.biicl.org/60thappeal or contact:

Diane Denny, Development Director

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members at the
end of 2022

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