Bingham Centre Events

The 30th Anniversary of the Bangalore Principles on the Domestic Application of International Human Rights Norms

Programme

09:00am Registration, tea and coffee

09:30am Welcome from Bingham Centre and IBA Human Rights Institute

Opening Remarks – The 1988 colloquium and 30 years of the Bangalore Principles

- The Right Hon Lady Arden of Heswall DBE (Justice of The Supreme Court of England & Wales)
- The Hon Michael Kirby AC CMG (former Justice of the High Court of Australia)
- Dr Nihal Jayawickrama (Sri Lanka)

10:30am Break

11.00am Panel 1 – International human rights law and domestic courts

Chair: Murray Hunt (Director, Bingham Centre for the Rule of Law)

- Shaheed Fatima QC (Blackstone Chambers) – “Using international human rights law before English courts”
- Prof André Nollkaemper (University of Amsterdam) – “International human rights law and domestic courts”
- Dr Octavio Ferraz (King’s College London) – “Of Generals and Judges: Amnesty Laws in the Inter-American Court of Human Rights”
- Dr Devika Hovell (LSE Department of Law) – “Non-Justiciability and Human Rights”

Q&A discussion

12:30pm Lunch break
1:30pm  Panel 2 – The role of parliaments

Chair: Dr Phillip Tahmindjis AM (Director, International Bar Association’s Human Rights Institute)

- Eleanor Hourigan (Counsel to the JCHR) – “UK Parliamentary oversight of human rights and the role of the Joint Committee on Human Rights”
- Dr Matthew Saul (PluriCourts Centre, University of Oslo) – “Positive Subsidiarity at the European Court of Human Rights and its Impact on Domestic Legislative Processes”
- Prof Leiv Marsteintredet (University of Bergen) – “The Inter-American Court of Human Rights in challenging times. Any role for national parliaments?”

Q&A discussion

3:00pm  Break

3:30pm  Panel 3 – The role of NHRIs and civil society organisations

Chair: Prof Alan Miller (Special Envoy of the Global Alliance of National Human Rights Institutions)

- George Kegoro (Executive Director, Kenya Human Rights Commission) – “The role of the Kenyan Judiciary in Protecting Human Rights under a new Constitution: A view from the Kenyan Human Rights Commission”
- Prof Bongani Christopher Majola (Chairperson, South African Human Rights Commission) – “The role of NHRIs in domesticating International Human Rights Law – South African Perspective”
- Rebecca Hilsenrath (CEO, UK Equality and Human Rights Commission) – “Enhancing the status of international human rights treaties at home. Opportunities and challenges”

Q&A discussion

5:00pm  Closing Remarks – Next steps: Time for some new Principles on the Domestication of International Human Rights Norms?

- Hon Michael Kirby AC CMG (former Justice of the High Court of Australia)
- Dr Philippa Webb (Kings College London)
- Murray Hunt (Director, Bingham Centre for the Rule of Law)

5:30pm  Close
**Biographies**

**Opening remarks**

**The Right Hon Lady Arden of Heswall DBE**

Lady Arden studied law at Cambridge and Harvard. She became a Justice of the High Court of Justice of England and Wales in 1993, being the first woman judge to be assigned to the Chancery Division, and a member of the Court of Appeal in 2000.


She has written several books and articles.

She was appointed a Justice of the Supreme Court of the United Kingdom on 1 October 2018.

**The Hon. Michael Kirby AC CMG**

When he retired from the High Court of Australia on 2 February 2009, Michael Kirby was Australia’s longest serving judge.

He was first appointed in 1975 as a Deputy President of the Australian Conciliation & Arbitration Commission. Soon after, he became inaugural Chairman of the Australian Law Reform Commission (1975-84). Later, he was appointed a Judge of the Federal Court of Australia, then President of the New South Wales Court of Appeal (1984-96) and, concurrently, President of the Court of Appeal of Solomon Islands (1995-6). His appointment to the High Court of Australia followed in 1996 and he served thirteen years. In later years, he was Acting Chief Justice of Australia twice.

In addition to his judicial duties, Michael Kirby has served on three university governing bodies being elected Chancellor of Macquarie University in Sydney (1984-93). He also served on many national and international bodies. Amongst the latter have been service as a member of the World Health Organisation’s Global Commission on AIDS (1988-92); as President of the International Commission of Jurists, Geneva (1995-8); as UN Special Representative for Human Rights in Cambodia (1993-6); as a member of the UNESCO International Bioethics Committee (1995-2005); as a member of the High Commissioner for Human Rights’ Judicial Reference Group (2007- 9) and as a member of the UNAIDS Reference Group on HIV and Human Rights(2004-).

Following his judicial retirement, Michael Kirby was elected President of the Institute of Arbitrators & Mediators Australia from 2009-2010. He served as a Board Member of the Australian Centre for International Commercial Arbitration (2009-14). He has been appointed Honorary Visiting Professor by twelve universities. And he participates regularly in many local and international conferences and meetings. He has been awarded a number of honorary doctorates at home and abroad. He also serves as Editor-in-Chief of The Laws of Australia (2009 -).

He served 2011-12 as a member of the Eminent Persons Group on the future of the Commonwealth of Nations. He was a Commissioner of the UNDP Global Commission of HIV and the Law 2011-2012. He was appointed to the Advisory Council of Transparency International, based in Berlin in 2012. In 2013- 2014, he was appointed Chair of the UN Commission of Inquiry on Human Rights Violations in North Korea. He a Commissioner of the UNAIDS Lancet Commission on AIDS to the Right to Health (2013-2014); the Global Fund’s Equitable Access Panel (2015-16); the UN Secretary-General's High Level Panel on Access to Essential Medicines (2015-16); and
Dr Nihal Jayawickrama

Dr Nihal Jayawickrama is the Coordinator of the UN-sponsored Judicial Integrity Group – a representative group of Chief Justices – that drafted the Bangalore Principles of Judicial Conduct, the 175-page Commentary on the Bangalore Principles, and the Measures for the Effective Implementation of the Bangalore Principles.

A graduate of the University of Ceylon, he received his doctorate from the University of London, School of Oriental and African Studies, for his research on the international law of human rights. He practised law in Sri Lanka before serving briefly as Attorney General and then, for seven years, as Permanent Secretary to the Ministry of Justice. In the latter capacity, he was responsible for introducing the most extensive reform of the judicial system and criminal, civil and appellate procedures in nearly a century. He was a member of the Judicial Services Advisory Board responsible for the appointment and transfer of judges; the Council of Legal Education; the New Delhi-based Asian-African Legal Consultative Committee; and of the Permanent Court of Arbitration at The Hague. He was the Representative to the Third Committee of the United Nations General Assembly, and a member of the Committee that drafted the Constitution of the Republic of Sri Lanka.

Moving into academic life, he was a Research Fellow at King’s College, University of London; Associate Professor of Law at the University of Hong Kong; and the Ariel F. Sallows Professor of Human Rights at the University of Saskatchewan, Canada. In Hong Kong, he was Chairman of JUSTICE, the Hong Kong Section of the International Commission of Jurists. He was Executive Director of Transparency International in Berlin; a member of the Advisory Board of the US-based Genetics Policy Institute; and Chair of the Commonwealth Human Rights Initiative in London. Since 2001, he has served on UN expert groups and prepared several UN reports. As an independent consultant to UNDP, UNODC, UNOHCHR and the EU on governance, judicial reform and the implementation of UNCAC, he has worked with governments and judiciaries in Asia and the Pacific, Africa, and Eastern and Central Europe.


Panel sessions

Shaheed Fatima QC

Shaheed Fatima Q.C. is a barrister at Blackstone Chambers, London. She specializes in international law, public law, and commercial law. Her practice extends beyond English courts and includes the European Court of Human Rights, UN treaty bodies, arbitral tribunals, and the EU courts. In January 2017, The Lawyer magazine named her one of its “Hot 100” leading lawyers; in December 2013 she was listed in Chambers UK’s Top Junior Bar 100; in October 2013 she was awarded Junior of the Year in Human Rights and Public Law (by Chambers Bar Awards; having been shortlisted in the same category in 2011); and in 2005 she was awarded the Human Rights Lawyer of the Year Award (by Liberty and Justice). Prior to being appointed Queen’s Counsel in 2016, Ms. Fatima was a member of the Attorney General’s Public International Law “A” Panel.
(2014-2016) and the Attorney General’s “A” Panel (2011-2016), having previously been on the “B” Panel (2009-2011). She is the lead author of “Protecting Children in Armed Conflict” (2018; Hart/Bloomsbury); working on the second edition of her book, “International Law and Foreign Affairs in English Courts” (forthcoming 2019; Hart/Bloomsbury) and a founding editor of the transatlantic national security blog, “Just Security.” She has taught law at Pembroke College/University of Oxford, Harvard Law School, NYU School of Law, and the Graduate Institute in Geneva. She is a trustee of the British Institute of International and Comparative Law; an Advocacy Trainer for Gray’s Inn and a member of their Scholarships Committee.

Dr Octavio Ferraz

Dr Octávio Luiz Motta Ferraz is co-director of the Transnational Law Institute and a Reader in Transnational Law at King’s College London. He is also an affiliate of the King’s College London Brazil Institute. He holds an LLB and MPhil in Law (University of São Paulo), an MA in Medical Ethics & Law (King’s College London, where he won the prize Benjamin Gijsen for his dissertation) and a PhD in Law (University College London). Before joining King’s he was a senior research officer to the UN special rapporteur for the right to health, and then moved to Warwick Law School, where he was an Assistant and then an Associate Professor for eight years.

Before moving to academia, he practiced law in Sao Paulo, Brazil, mostly in the fields of corporate public law, human rights and medical law, for over ten years. He is still a member of the Brazilian Bar and contributes regularly to the Brazilian and international press.

Rebecca Hilsenrath

Rebecca Hilsenrath was appointed Chief Legal Officer to the Equality and Human Rights Commission in March 2014.

Prior to that, she was for five years CEO of LawWorks (the Solicitors Pro Bono Group), a national charity facilitating free legal advice to community groups and individuals in need.

After graduating from Cambridge, Rebecca trained and practiced at Linklaters, and then moved to the Government Legal Service, where she held roles in the then Department for Education and Skills and in the Attorney General’s Office.

Rebecca has also established two schools, set up the National Pro Bono Centre in Chancery Lane and has sat on the boards of a number of charities and advice agencies, including the Bar Pro Bono Unit and the Mary Ward Legal Centre.

In 2012, she was listed by the Times among the 100 most influential lawyers in the country.

She has four sons and a foster daughter and her hobbies include renovating a listed cottage in Snowdonia and writing e-novels.

Eleanor Hourigan

Eleanor Hourigan has been Counsel to the Joint Committee on Human Rights at the UK Parliament since January 2018. The Joint Committee examines matters relating to human rights within the United Kingdom. In particular, the Committee undertakes legislative scrutiny of Bills before Parliament and remedial Orders remedying incompatibilities of UK legislation with the UK’s ECHR obligations, as well as undertaking thematic inquiries into areas of interest for human rights.

Previously, Ellie worked for the legal directorate of the Foreign and Commonwealth Office since 2008, advising on a variety of different legal matters. From 2016 to 2018 Ellie was Deputy Permanent Representative and Legal Adviser at the UK Delegation to the Council of Europe in
Strasbourg. In particular she represented the UK in Council of Europe negotiations concerning justice matters and human rights – including the “DH” (Droits de l’Homme) meetings on the execution of ECtHR judgments. She was also the liaison point between the UK Government and the Council of Europe’s Department for the Execution of Judgments on the implementation of cases against the UK. Prior to that, Ellie’s human rights work has included litigation work as agent on litigation cases before the ECtHR, representing the UK in United Nations Human Rights Council negotiations in Geneva and advising on a wide variety of international human rights issues, including human rights issues arising in consular cases. From 2011 to 2015 Ellie represented the UK in the EU negotiations in Brussels - first as legal adviser in UKRep (2011-2013) and later as justice counsellor in UKRep focusing on negotiations in the field of justice and fundamental rights (2013-2015). Prior to joining the FCO, Ellie worked as a legal adviser in the Department of Environment, Food and Rural Affairs, where she was also the Departmental Coordinator for human rights matters.

Dr Devika Hovell

Devika Hovell is an Associate Professor in Public International Law. She holds a doctorate from the University of Oxford and a Master of Laws from New York University. She served as an Associate to Justice Kenneth Hayne at the High Court of Australia, and as judicial clerk at the International Court of Justice in the Hague. She was formerly Director of the international law project at the Gilbert + Tobin Centre of Public Law at the University of New South Wales, a three-year project that examined the relationship between international law and Australian law through a number of books and articles. More recently, she is author of The Power of Process (Oxford University Press 2016), examining the application of due process principles in the Security Council decision-making context and has been working on the issue of universal jurisdiction in UK courts.

Murray Hunt

Murray Hunt joined the Bingham Centre for the Rule of Law as Director in June 2017. He is a practising barrister and one of the founders of Matrix in London where he is an Associate Member. Murray was the Legal Adviser to the UK Parliament's Joint Committee on Human Rights and is a Visiting Professor at the University of Oxford.

Since joining the Bingham Centre, Murray has established an EU (Withdrawal) Bill and the Rule of Law Expert Working Group bringing together parliamentarians, NGOs and academics. He has also become an Adviser to the Scottish Parliament's Equalities and Human Rights Committee.

George Kegoro

George Kegoro is the Executive Director of the Kenya Human Rights Commission

He studied law at the University of Nairobi and is an advocate of the High Court of Kenya. Before his current post Kegoro served as Executive Director of the Kenyan Section of the International Commission of Jurists and before that he was Secretary to the Law Society of Kenya.

In between Kegoro served as Secretary to the Commission of Inquiry into the Post Election Violence in Kenya in 2008, which was an international commission of inquiry to investigate the violence which followed the disputed results of the presidential election held in 2007. Previously, Kegoro was Joint Secretary to the Commission of Inquiry into the Goldenberg scandal, a major financial scandal implicating Kenya’s banking sector, including the Central Bank.

Kegoro writes a weekly column in the Sunday Standard, a Kenyan newspaper, and is a regular commentator on public affairs in Kenya. He has contributed chapters in various publications on such subjects as counter-terrorism and human rights, anti-money laundering and anti-corruption.
Prof Bongani Christopher Majola

Advocate Bongani C. Majola is the Chairperson of the South African Human Rights Commission (SAHRC/ the Commission), since 3 January 2017. The Commission is established under section 181(3) of the South African Constitution and is mandated to promote and protect human rights and to monitor and assess their observance in the country.

Advocate Majola served as the Assistant Secretary-General of the United Nations (UN) and Registrar of the UN International Criminal Tribunal of Rwanda (UNICTR) from January 2013 to December 2015. For ten years before that, he was the Deputy Chief Prosecutor at the UNICTR where he was involved in the investigation and prosecution of persons implicated in the commission of the international crimes of genocide, crimes against humanity and war crimes, committed during the Rwandan Genocide of 1994 in which between half a million and eight hundred thousand people were murdered within a period of 100 days.

In South Africa, he headed a public interest litigation organisation, the Legal Resources Centre (LRC), from May 1996 to January 2003, as its National Director. He is an admitted advocate of the High Court of the Republic of South Africa. A former public prosecutor and magistrate, he is also a former academic who taught law at three universities in the country including serving as professor and dean of the Faculty of Law at the University of Limpopo.

His legal qualifications include a South African LLB degree and an LLM (1988) from Harvard Law School.

Prof Leiv Marsteinredet

Leiv Marsteinredet is associate professor and director of studies at the Department of Comparative Politics, University of Bergen. Marsteinredet research has focused on backlash against human rights and the Inter-American Court of Human Rights, and national parliaments and the Inter-American Court of Human Rights. His other research focuses on presidentialism, constitutional history, political crises, and rules of succession in Latin America.

Prof Alan Miller

Professor Alan Miller is Special Envoy of the Global Alliance of National Human Rights Institutions and a roster member of the UNDP Crisis Bureau. Currently he is also independent Chair of the First Minister of Scotland’s Advisory Group on Human Rights Leadership and teaches at the University of Strathclyde.

He is former Chair of the European Network of National Human Rights Institutions and of the Scottish Human Rights Commission. Previously he practised law and was President of the Glasgow Bar Association.

Prof André Nollkaemper

André Nollkaemper is Dean and Professor of Public International Law at the Faculty of Law of the University of Amsterdam. He is also external Legal Advisor to the Minister of Foreign Affairs of the Netherlands, Member of the Permanent Court of Arbitration, President of the European Society of International Law and Member of the Royal Netherlands Academy of Arts and Sciences.

In 1999, he established the Amsterdam Center for International Law (ACIL), which has become a centre of excellence at the University of Amsterdam and ranks amongst the top institutions for international law in the Netherlands.
His practical experience includes cases before the European Court on Human Rights, the Special Court for Sierra Leone, the International Criminal Tribunal for the Former Yugoslavia, the Extraordinary Chambers in the Courts of Cambodia, courts of the Netherlands and consultancy for a variety of international and national organisations. From 1998 to 2010 he was of-counsel at Bohler, attorneys in Amsterdam

Dr Matthew Saul

Matthew Saul is a Researcher at PluriCourts, a Centre of Excellence for the Study of the Legitimate Roles of the Judiciary in the Global Order at the University of Oslo, Norway. He publishes on aspects of general international law, international human rights law, and international adjudication. His current research focuses on the impact of the European Court of Human Rights on the behaviour of national parliaments. He is the author of two recent pieces examining how the European Court of Human Rights has evaluated the quality of parliamentary processes (Human Rights Law Review, 2015; The International Journal of Human Rights, 2016). He is the editor (with Follesdal and Ulfstein) of The International Human Rights Judiciary and National Parliaments: Europe and Beyond (Cambridge University Press, 2017). Saul is also the editor (with French and White) of International Law and Dispute Settlement: New Techniques and Problems (Hart 2010), and (with Sweeney) of International Law and Post-Conflict Reconstruction Policy (Routledge 2015). His monograph Popular Governance of Post-Conflict Reconstruction: The Role of International Law was published by Cambridge University Press in 2014.

Dr Phillip Tahmindjis AM

Phillip has degrees in Arts and Law from the University of Sydney, a Master of Laws degree from University College London, and a Doctorate from Dalhousie University, Canada. Admitted to the Bar of New South Wales in 1978, Phillip was for 25 years a professor of human rights, teaching and researching in Australia, North America and Hong Kong. He has been a consultant to private industry and government with respect to the implementation of human rights (particularly with respect to anti-discrimination measures) and is the editor of four books and the author of several articles in this area, including Sexuality and Human Rights: A Global Overview. At the IBAHRI, he has undertaken projects in Afghanistan, Bhutan, Cambodia, Iraq, Libya, Nepal, Pakistan, Swaziland, Syria, Timor-Leste and Tunisia. He was for three years a member of the Queensland Anti-Discrimination Tribunal and is a trained mediator. In September 2012, Phillip was appointed a Member of the Order of Australia (AM) for services to the international community and the law, in particular for his contributions to, and advocacy in respect of, the promotion and protection of human rights.

Dr Philippa Webb

Dr Philippa Webb is Reader (Associate Professor) in Public International Law at King’s College London. She is also a barrister at 20 Essex Street Chambers specializing in international law. Philippa previously served as the Special Assistant and Legal Officer to President Higgins at the International Court of Justice. Together with Dr Kirsten Roberts Lyer, she has conducted a research project on Parliaments as Human Rights Actors and presented draft standards at the Human Rights Council. Their work is set out in in Saul, Follesdal & Ulfstein (eds.) The International Human Rights Judiciary and National Parliaments (CUP, 2017). Philippa’s other books include Oppenheim’s International Law: The United Nations (OUP, 2017, with Dame Rosalyn Higgins, Dapo Akande, Sandy Sivakumaran and James Sloan) and The Law of State Immunity (OUP 2015, with Lady Hazel Fox QC).