

Impact case study (REF3b)

<p>Institution: Middlesex University</p>
<p>Unit of Assessment: Law</p>
<p>Title of case study: Incorporating Socio-Economic Group Rights Within Global Development Goals</p>
<p>1. Summary of the impact (indicative maximum 100 words)</p> <p>Emerging from investigations of social exclusion during the 1990s, the Unit's research into minority rights has led to outputs and consultancy ranging across political participation, identity, rights protection and international criminal law. The impact claimed here falls in two main channels. Firstly, research on socio-economic group rights, amplified by Castellino's work as co-chair of the relevant UN delegated group, has made a significant input into the UN Sustainable Development Goals (SDGs) 2015-30. Secondly, research has been incorporated into practice and capacity-building through projects involving judiciaries, advocates, statutory bodies, and NGOs. Beneficiaries include the public across 194 states who will benefit from implementation of SDGs over their 15 years lifespan; and civil society bodies and their users.</p>
<p>2. Underpinning research (indicative maximum 500 words)</p> <p>Human rights are conceptualised as civil/political rights accruing to individuals, realised through legal challenge: an approach that has failed the world's Bottom Billion. With access to law restricted, the approach has led to increased inequality. Research in the Unit has collected evidence and sustained arguments for strengthening socio-economic rights - hitherto deemed non-justiciable - and making them collectively available to vulnerable groups. Studies concerned with these issues have been conducted by the Unit in domestic jurisdictions in different continents.</p> <p>The present emphasis of this research emerged in a series of steps from work on social exclusion at Middlesex during the 1990s. That work consisted initially of Sargeant's analysis of the mis-articulation of public policy that led to workplace exclusions [1]. From 2007, Castellino introduced a focus on socio-economic underpinnings of exclusion, highlighting remedies in administrative systems in different states. Other contributors to concern with exclusion included Howard (religious identity); Wray (immigration); Dominguez-Redondo & Keane (minority rights); Schabas (genocide, international criminal law); and Leach (litigation).</p> <p>The resulting body of research takes a distinctive comparative approach to the critique of 'vulnerable groups' access to law. Special emphasis is placed on 'Southern law', challenging legal systems that derived from the colonial experience. Publications have examined constitutional, administrative and legislative measures in jurisdictions that have tackled problems of exclusion in land ownership, freedom of religion, political participation, gender, immigration and education. Together, the Unit's studies propose models that could be incorporated into legal systems as solutions, while demonstrating how courts remain beyond the reach of vulnerable groups.</p> <p>The Unit's research is closely linked to advocacy. The researchers work to mainstream rights in administrative legal policy, to bring together investigation of collective dimensions of rights with remedies and with capacity-building among lawyers and activists. Along with associated professional activity derived from the research, the studies described have played a significant part in facilitating the Unit's links with legislators, bar associations, and NGOs.</p> <p>Notable in the broader impact of the Unit's research, a specific impact on UN policy stems from research initially published in a special issue of the <i>International Journal of Human Rights</i> entitled 'Millennium Development Goals and Human Rights' [2]. That issue, edited by Doyle, contained contributions from Castellino and Dominguez-Redondo [3] which argued for broadening the scope of goal-setting towards collective rights. The perspective put forward in those articles has since</p>

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been elaborated in an assessment of constitutional models developed in successive volumes of the Oxford University Press (OUP) Minority Rights Series, co-written by Castellino (lead author) with Dominguez Redondo (Asia) and with Keane (Pacific) [4]. The third volume in this series (co-written with Cavanaugh, 2013) examines the Middle East [5]. On the strength of the collective work of this group of researchers, Castellino was invited to join the Leadership Council of the United Nations Sustainable Development Solutions Network (UNSDSN), and now co-chairs the group 'Social Exclusion, Human Rights and Gender'. Castellino's contribution in this role has led to incorporation of collective human rights as a projected goal, and his wording is reflected in the UN Secretary General's Report, September 2013 [6].

3. References to the research (indicative maximum of six references)

- [1] Sargeant & Tucker 'Layers of Vulnerability in Occupational Health and Safety for Migrant Workers: Lessons from Canada & the UK' *Policy and Practice in Health and Safety*, 2, (1997) 51-73.
- [2] 13(1) *The International Journal of Human Rights*, Special issue, 'Millennium Development Goals and Human Rights' (2009), guest editor Doyle. There were substantive contributions by Castellino, Dominguez-Redondo & Doyle (all Middlesex) as well as Sepulveda-Carmona, subsequently UN Special Rapporteur on Extreme Poverty & Schmidt-Traub, subsequently Executive Director, United Nations Sustainable Developments Solutions Network.
- [3] Castellino 'The MDGs and International Human Rights Law: A View from the Perspective of Minorities and Vulnerable Groups', 13(1) *International Journal of Human Rights* (2009) 10-28; Dominguez-Redondo, 'The MDGs and the Human Rights Based Approach: Reflecting on Structural Chasms within the United Nations system', 13(1) *International Journal of Human Rights* (2009) 29-43
- [4] Minority Rights Book Series: Castellino & Keane *Minority Rights in the Pacific: A Comparative Legal Analysis* (OUP, 2009); Castellino & Dominguez Redondo, *Minority Rights in Asia: A Comparative Legal Analysis* (OUP, 2006).
- [5] Castellino & Cavanaugh, *Minority Rights in the Middle East: A Comparative Legal Analysis* (OUP, 2013)
- [6] UNSDSN Secretariat, *Social Inclusion Gender and Human Rights' submission to the High Level Panel on Sustainable Development* (Their Excellencies Cameron, Ono, Sirleaf-Johnson) Meeting in Bali, Indonesia, February 2013.

All these publications were subject to stringent editorial standards and peer review. The book series was reviewed by Oxford University Press delegates, advised by specialist external reviewers, with each volume evaluated by academic peers prior to publication.

Research which led to capacity-building projects, has been supported by a number of competitively won grants, including: (a) Foreign & Commonwealth Office £99,000 (Leach, Castellino, Central Asian Defenders Project) 2008; (b) DelPhe Project £47,000 (Dominguez-Redondo, Castellino, Duhok University) 2011; (c) Banco Santander, £23,000 (Castellino, Dominguez-Redondo, Latin America Indigenous Project) 2008.

4. Details of the impact (indicative maximum 750 words)

Impact from the body of research described above falls into two streams: (1) contribution to international policy formulation; and (2) research-led training of actors whose practice has been made more effective by engagement with collective rights.

1. Formulation of a new UN SDG, 'Gender, Social Inclusion and Human Rights'

Castellino's (and his colleagues') critique of dominant approaches to rights, and proposals for alternative formulations around group rights derived from non-Western legal systems, led to his appointment as Co-chair of the Social Exclusion, Human Rights and Gender group, as indicated above. This position called for his input into formulation of the SDGs [1] with input into the High Level Panel [2] reflected in the report of the UN Secretary-General [3]. Inclusion of a human rights

goal based on vulnerable groups, as advocated by Castellino, contributes to the establishment of a global framework for poverty eradication, hitherto an exclusive concern of development economists.

The SDG formulated is informed by research produced by the Unit and by Castellino's public advocacy as lead researcher to NGOs and end-users [4] as well as Governments [5]. The model avoids traditional rights foci on the individual and emphasizes co-operation rather than censure. Each of these aspects involves a significant departure from the orthodoxies of contemporary human rights politics; underpinned by publications that had led to Castellino's appointment as Co-chair of the UN Group in the first place, and which guided his co-chairing of that Group, and impacted the deliberations of the High Level Panel chaired by Their Excellencies Cameron (UK), Johnson Sirleaf (Liberia) and Yudhoyono (Indonesia).

Research in the Unit is now engaged in analysis of the unfolding impact of the SDGs e.g. in relation to criticism from human rights lobbies wedded to censure, ('naming and shaming' procedures, see Dominguez-Redondo, Output 3). Compliance with the SDGs will follow the practice associated with the earlier Millennium Development Goals, i.e. annual world-wide monitoring. The ultimate impact of the Unit's research, accordingly, as amplified by the goal it has helped to shape through publications and Castellino's UN involvement, will be the requirement on 194 states to provide evidence of progress to the UN over the 15 year span of the SDGs. Potential impact is therefore on millions, to the extent that national policies adhere to the SDGs, and UN goals are reflected by agencies whose activities and funding will be shaped to implement them.

2. Training programmes aimed at capacity-building related to group-oriented human rights

To connect the Unit's contribution to policy formation with professional practice, a range of programmes have been designed and delivered by researchers to advocates (a), judges (b), civil servants (c) and emerging policy makers (d), as below:

a. 2009. The *Human Rights Defenders Network (Central Asia)* created by the European Human Rights Advocacy Centre and other researchers in this Unit, and funded by the *Foreign & Commonwealth Office*. The *Network* consists of 18 professionals from Kyrgyzstan, Kazakhstan and Uzbekistan, but also extends to Tajiks and Turkmen and is hosted by the *Kazakh Human Rights Lawyers Association*, Almaty. Continued academic support provided by Middlesex researchers consists of updates training and facilitation of networking between international organizations [6].

b. 2010. Two-day judicial colloquium, *Equality Law: Global Approaches*, co-hosted with Equal Rights Trust (UK) and Human Rights Law Network (HRLN, India). This event was attended by Lord Walker, then President, UK Supreme Court; Lord Lester QC, and Lord Justice Sedley (via video-link) [7]. The case analyses presented were drawn from Middlesex research, adapted to requirements of the Supreme Court of India. Impact took the form of increased professional awareness and enhanced expertise on the part of 40 High Court and Supreme Court judges. The programme also led to a successful bid by HRLN (India), funded by KIOS (Finland), to deliver training in conjunction with Middlesex staff to the judiciaries of Bangladesh (October 2013) and Nepal (April 2014) [8].

c. 2011. Human rights programme designed to assist the re-building of Iraqi Kurdistan, delivered by Dominguez-Redondo and others (funded by British Council, facilitated by DelPhE). This programme was delivered to 20 civil servants and judges, and became the model on which the first LLM Human Rights Law in Iraq was directly based (Duhok University, first award made in 2012 to 20 recipients) [9].

d. 2012. Closed sessions at Wilton House, Sussex, delivered by Castellino, on human rights considerations involved in drafting new constitutions. These sessions derived from Castellino's research in comparative constitutional law, and functioned as catalysts to continuing work on drafting by nine Arab delegations. The delegations consisted of MPs, leaders of opposition parties, activists and journalists, selected by the British Council based

in Bahrain. The event was devised in response to an approach by Shevolution on behalf of the British Council and Foreign & Commonwealth Office [10].

5. Sources to corroborate the impact (indicative maximum of 10 references)

1. Secretariat of the UN SDSN. For details on Thematic Group 3, (Social Exclusion, Human Rights & Gender) see <http://unsdsn.org/thematicgroups/tg3/>.
2. Website of the High Level Panel on Post 2015, confirming acceptance of framing documents for the High Level Panel process: <http://www.un.org/sg/management/hlppost2015.shtml>
3. United Nations, *Report of the UN Secretary General to the United Nations*, UN.Doc. A/68/202 (26 July, 2013) containing substantial language derived from the cited papers: http://www.un.org/en/ga/search/view_doc.asp?symbol=A/68/202
4. See for instance, Public Lecture by Castellino 'From Courtroom to Street: Minorities & Poverty' for Tom Lantos Institute (Budapest, Hungary) and Central European University, full telecast available at <http://tomlantosinstitute.hu/content/video-and-photos-our-latest-public-lecture-delivered-dr-joshua-castellino>
5. Castellino address to the United Nations Human Rights Council, at the First Ever Minorities Thematic Discussion, Geneva, available at <http://www.unmultimedia.org/tv/webcast/2012/03/panel-on-minorities-32rd-meeting-19th-session-human-rights-council-2012.html>
6. See Description of the Project [https://metranet.londonmet.ac.uk/research-units/hrsj/training-and-consultancy/\\$ppcahrd.cfm](https://metranet.londonmet.ac.uk/research-units/hrsj/training-and-consultancy/$ppcahrd.cfm). There was also a conference report from 2009, available at: <https://metranet.londonmet.ac.uk/fms/MRSite/Research/HRSJ/2009-conf/conference-report-2009.pdf>
7. Programme for the Judicial Colloquium, available on request.
8. Corroboration of Impact of Research on NGOs, by Mr. Colin Gonsalves, Founding Director, Human Rights Law Network, New Delhi, India, available on request.
9. Terms of Reference DELPhE and Programme Report available on request.
10. Terms of Reference and Programme and corroborating statement from Ms Lesley Abdela, MBE, CEO, Shevolution http://www.abdela.co.uk/About_Us/about_us.htm, available on request.