



# EU-China Human Rights Network



## Newsletter

June 2004



### **Review of the Network seminar on the Right to Health and Right to Social Security held at the Human Rights Centre, University of Essex April 2004**

The fifth Expert Network Seminar of the EU-China Human Rights Network was held on 27-28 April 2004 at the Human Rights Centre at Essex University in Colchester, United Kingdom. This seminar addressed the topic of Right to Health and the Right to Social Security. This seminar was previously due to have taken place in May 2003 but was postponed due to the outbreak of Severe Acute Respiratory Syndrome (SARS). The Chinese Delegation was led by Professor Liu Hainian, Director of the Centre for Human Rights Studies of the Chinese Academy of Social Sciences; while Professor William Schabas, Director of the Irish Centre for Human Rights, led the European delegation.

Professor William Schabas of the Irish Centre for Human Rights, NUI Galway and Professor Liu Hiannan of CASS, Beijing at the Essex network seminar



The Seminar was addressed by Professor Paul Hunt, the United Nations Special Rapporteur on the Right to Health. A full report on discussions and the papers presented at this seminar have been posted in the seminar and file library sections of the website.

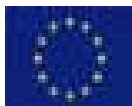
### **Network Website**

The EU-China Human Rights Network has launched a project website in three languages– English, French and Chinese. The site contains information on the Network, partner institutions and upcoming events. Select reports and materials from past events may also be accessed on the site:

<http://www.eu-china-humanrights.org>

### **Upcoming Dialogue Seminar, Beijing**

The next EU-China Human Rights Network Seminar will be held in Beijing, China from 26–27 September 2004. The topic of this Seminar will be Gender and the Law. There will then follow a training work-shop in Guizhou. This event will build on the results of previous Network Seminars. A report on discussions will be made available on the Network website in the aftermath of the Seminar.



*The EU-China Human Rights Network is a cooperation project funded by the European Commission. The opinions and views expressed in this information bulletin do not necessarily represent the views of the European Commission.*

## Profile of Network Steering Committee Members

The last issue of the Newsletter included introductory text on the lead institutions of the EU-China Human Rights Network, that is the Irish Centre for Human Rights and the Institute of Law at the Chinese Academy of Social Sciences.

Aside from these project leaders, the Network is fortunate to count among its partner universities some of the foremost human rights institutes and law faculties, in addition to involvement of a large number of leading academics, human rights experts and members of international committees. In this issue, brief profiles of some of the members of the Steering Committee are included.

The Irish Centre for Human Rights is joined by three additional European institutions on the Steering Committee: The Human Rights Centre, University of Essex; the University of Milan; and Universite Pantheon-Assas Paris II.

The lead Chinese institution, the Institute of Law at CASS, is represented on the Steering Committee by Professors Xia Yong, Wang Jiafu and Liu Hainian. The Foreign Affairs College, Beijing, and the Centre for Human Rights Studies, CASS.

### ***Professor William Schabas, Irish Centre for Human Rights***

Professor William A. Schabas directs the Irish Centre for Human Rights. A specialist in the areas of international criminal accountability for human rights violations and the abolition of capital punishment, in addition to his duties at the National University of Ireland, he is currently serving as one of the international members of the Sierra Leone Truth and Reconciliation Commission. He has published numerous monographs and texts on human rights, including recent publications such as *Introduction to the International Criminal Court* (Cambridge University Press), the third edition of *The Abolition of the Death Penalty in International Law* (Cambridge University Press) and *Slobodan Milosevic on Trial* (Continuum Publishers, with co-author Professor Michael Scharf.



### ***Professor Xia Yong, Chinese Academy of Social Sciences***

Professor Xia Yong is the Director of the Institute of Law, Chinese Academy of Social Sciences and concurrently Director of the Research Center of International Law. He is a member of the Standing Committee of NPC's Hong Kong Basic Law Commission, a member of the Academic Affairs Committee of the State Council, a Consultant of the People's Supreme Court of China, a member of the Standing Committee of All-China Federation of Youth. He also serves as Vice President of China Law Society, Standing Vice President of China Jurisprudence Society, President of China Legal History Association, President of Dongfang Public Interest and Legal Aid Law Firm and an Expert Member of China National Judicial Examination Committee and other positions.

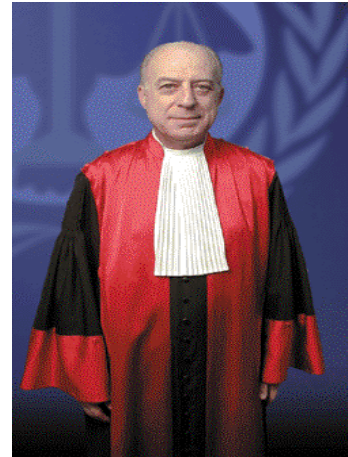
He is the author of numerous publications, including *The Origin of the Concept of Human Rights: the Philosophy of Rights History*, *Towards an Age of Rights: Studies of the Development of Civil Rights in China*, *Public Law*, *China Encyclopedia of Human Rights*, *The Philosophy of Civil Rights in the Context of China*.



## Profile of Network Steering Committee Members, continued

### Professor Fausto Pocar, University of Milan

Judge Fausto Pocar was appointed to the International Criminal Tribunal for the former Yugoslavia (ICTY) during 2000. He was initially assigned to Trial Chamber II, which in February 2001 rendered the first-ever ICTY judgement on gender-related crimes (in the *Kunarac & al.* case), and later assigned to the Appeals Chamber of both the ICTY and the International Criminal Tribunal for Rwanda (ICTR). He is now Vice-President of ICTY Chambers. Prior to joining the ICTY, Judge Pocar was Professor of International Law at the University of Milan. He had previously served as the Dean of the Faculty of Political Sciences, directed the Institute of International Law, and founded and directed the Postgraduate School of EC Law and Economics. In 1984 he was elected member of the Human Rights Committee under the International Covenant on Civil and Political Rights, a position he held until 2000. He served as its Chairman in 1991 and 1992. He was appointed Special Representative of the UN High Commissioner for Human Rights in Chechnya in 1995 and in Russia in 1996.



Within the Commission on Human Rights, Judge Pocar also chaired the informal working group that drafted the Declaration on the rights of people belonging to national or ethnic, religious or linguistic minorities, which was adopted in 1992 by the General Assembly.

He served on a number of occasions as a member of the Italian delegation to the General Assembly in New York and to the Commission of Human Rights in Geneva, and took part in the World Conference on Human Rights, Vienna 1993. He is the author of numerous publications, including books and more than 100 articles

### *Professor Kevin Boyle, University of Essex*

Professor Kevin Boyle was one of the original instigators of the EU-China Human Rights Network. He was Director of the Human Rights Centre at Essex University from 1990-June 1998 and again from October 1999-2001. He was Senior Adviser to the UN High Commissioner on Human Rights, Mary Robinson, from September 2001-September 2002. He was also founding Director of Article 19, and the first Director of the Human Rights Centre at the National University of Ireland, Galway. In 1998, with Professor Françoise Hampson, he was jointly named UK Human Rights Lawyer of the Year, by Liberty and the Law Society Gazette. He has published widely on human rights issues, focusing mainly on freedom of expression and religion and non-discrimination. His major books include (with T Hadden) *Northern Ireland: The Choice* (1994); (co-ed) *Freedom of Religion and Belief: A World Report* (1997), (co-ed) *Human Rights and Democracy: The Role of the Supreme Constitutional Court of Egypt* (1996).



*Pictured are (from left) Professor Zhang Minje and Professor Liu Hainian of CASS, with Professor Ivor Crewe, Vice Chancellor of Essex University, Professor Kevin Boyle of Human Rights Centre Essex University, and Professor William Schabas of the Irish Centre for Human Rights attending the Network Seminar on the Right to Health and Right to Social Security held April 2004 at the University of Essex.*

## Profile of Network Steering Committee Members, continued



### **Professor Liu Hainian, Chinese Academy of Social Sciences**

Professor Liu Hainian is a member of the Academic Committee of Chinese Academy of Social Sciences, the Director of the Centre for Human Rights Studies. He also serves as a part time professor in the Graduate School of Chinese Academy of Social Sciences, the Graduate School of Renmin University of China, Tsinghua University. His major works include *Basic Knowledge of Chinese Ancient Legal History*, *A Brief Introduction of the Chinese Police System*, *Legal Thinking History in Qin Dynasty of the Warring States Period*, *Building Socialist Rule of Law State by Ruling the Country in accordance with Law*, *Human Rights and Justice*, *Human Rights and Constitutional Government*, *Human Rights and the 21st Century*, *China Encyclopedia of Human Rights*.

### **Professor Emmanuel Decaux, Université Panthéon-Assas**

Emmanuel Decaux is professor of public law at the Université Panthéon-Assas Paris II, where he directs the Centre for Research on Human Rights and Humanitarian Law. He is also responsible for the masters (DESS) in human rights law and humanitarian law at the Université. He has published numerous articles and studies on international law and human rights law. Examples of his recent work include the third edition of the manual, 'Public International Law', and the co-editing of a textbook on 'International Criminal Law' and 'The European Convention on Human Rights'.

In addition, Professor Decaux is a member of the United Nations Sub-Commission on Human Rights since 2002, having been an associate member for eight years. His studies for the Sub-Commission have focused on 'The Administration of Justice under Military Tribunals', 'The Universal Application of Treaties relevant to Human Rights', and 'The Principle of Non-discrimination in the domain of Economic, Social and Cultural Rights'. He is also a member of the National Consultative Commission on Human Rights in France, where he acts as chairman of the group on international issues.



## Resource materials and searchable case-law on Minority Rights

During November 2003 a Network Seminar and Training Session were held in Beijing and Kunming on the topic of inority Rights. A large set of resource materials was put together by the Network for these events, including a CD-Rom containing the full-text (in searchable format) of the minority rights-related jurisprudence of international human rights bodies.

This extensive documentation on minority rights can now be downloaded from the website of the EU-China Human Rights Network. This download contains a fully searchable catalogue of international case-law on minority rights.

These materials may be downloaded directly from the following link:

<http://www.eu-china-humanrights.org/library/page0.php>



*Presentation of CD Rom sets at the Beijing Network Seminar on Minority Rights. Pictured are (from left) Professor Huang Lie, Professor Liu Hainian and WHO of CASS, with Dr. Joshua Castellino (ICHR), Dr. Vinodh Jaichand, and Professor William Schabas of the Irish Centre for Human Rights.*



The EU-China Network would like to wish Nuala Ni Mhuircheartaigh the very best in her new post as human rights officer with the Ireland delegation at the United Nations. Nuala has contributed greatly to the work of the EU-China Human Rights Project during her time as project co-ordinator and we wish her every success.

*Pictured are (from left) Professor William Scabas, Director Irish Centre for Human Rights, Nuala Ni Mhuircheartaigh and Dr. Vinodh Jaichand, Deputy Director Irish Centre for Human Rights.*

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## Recent Developments in the protection of Human Rights in the European Union and in China

The EU China network are glad to see that both the European Union and China have made obvious progress in the field of human rights.

Under the Irish Presidency of the European Union, there has recently been agreed on a new Constitution that involves incorporation of the Charter on Fundamental Rights. In addition on 1 May 2004 ten accession countries joined the European Union and now participate in our Network activities. These ten new accession countries are; Cyprus, Czech Republic, Estonia, Poland, Latvia, Lithuania, Slovenia, Malta, Slovakia Part of the process of accession involved recognition of the European *acquis* in the area of human rights.

In China too, there have recently been three significant events. The first of these is that the adoption of the fourth amendment of the Chinese Constitution in March 2004 which adds the following clause: “the state respects and safeguards human rights.” This amendment also reinforces the protection of the right to private property and the right to social security. The second event is the adoption of new guidelines by the Chinese government “to make the individual human as the fundamental basis,” and to implement this guideline in the legislation and other work of the State. The third is the establishment of the task force on the ratification on the ICCPR.



*Participants in the Essex  
Network Seminar on  
Right to Health and Right to So-  
cial Security,  
April 2004.  
University of Essex, Colchester,*

The Network is preparing  
a publication of select  
presentations drawn from  
the events of 2002—2004  
Further information to  
follow in the next issue of  
the Newsletter

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This Bulletin is produced by the  
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