

Institution: 10007140 Birmingham City University		
Unit of Assessment: 18: Law		
Title of case study: PROMOTING HUMAN DIGNITY WORLDWIDE		
Period when the underpinning research was undertaken: 2008-2020.		
Details of staff conducting the underpinning research from the submitting unit:		
Name(s):	Role(s) (e.g. job title):	Period(s) employed by submitting HEI:
Dr Amna Nazir	Lecturer in Law	2018-present.
Dr Alice Storey	Lecturer in Law	2018-present.
Dr Ozlem Ulgen	Reader in International Law & Ethics	2014-present.
Professor Jon Yorke	Professor of Human Rights	2009-present.
Period when the claimed impact occurred: 2014-2020.		
Is this case study continued from a case study submitted in 2014? No.		
<p>1. Summary of the impact (indicative maximum 100 words)</p> <p>We apply our research to promote human dignity worldwide. We have (1) informed a recommendation to the Myanmar government that it adopt a moratorium on capital punishment, which has been cited by the Office of the UN High Commissioner for Human Rights; (2) aided the Sudanese Human Rights Initiative to prevent wrongful punishments and inspired UN Member States and leaders to report on human rights violations in the Sudan; (3) influenced the development of the UN Guiding Principles of the Group of Governmental Experts on Lethal Autonomous Weapons Systems; and (4) developed international standards and ethics certification, produced by the Institute of Electrical and Electronics Engineers, regulating emerging technologies.</p>		
<p>2. Underpinning research (indicative maximum 500 words)</p> <p>Yorke, Nazir and Storey present multidisciplinary arguments that capital punishment is a violation of human rights, including the concept of human dignity. Yorke demonstrates that capital punishment is gradually being relinquished as an independent sovereign decision; a practice that is then emerging into regional norms, as explained in the context of the Council of Europe (R01). Yorke and Storey provide a worldwide lens of this phenomenon, emphasising the importance of history in assessing the global perspective on capital punishment, including the development of specific mechanisms, such as the United Nations' Universal Periodic Review (UPR). Identifying that post-WWII human rights cosmopolitanism first underscored abolitionism; they argue that the contributions of civil society are best achieved through promoting understanding of "<i>the force of human rights</i>" (R02). Yorke and Nazir then place the political rejection of capital punishment in the context of religious perspectives on monotheistic religions (Christianity, Judaism and Islam), presenting a theological account for abolition. They provide exegetical reasons to demonstrate that capital punishment is incompatible with God's attributes of mercy, grace and love, and identify a theological procedure to legitimise the claim that God's mercy can neutralise his retribution in capital punishment. They recommend a multi-faith statement in favour of abolition, which would serve as "<i>a monotheistic platform for the realisation of human dignity...</i>" (R03).</p> <p>Ulgen develops a cosmopolitan theory to regulate lethal autonomous weapons systems (LAWS) arguing for a "<i>world community interest</i>" approach (R04).</p>		

She contends that Kantian ethics provides a “*human-centric*” framework for governance of AI and robotics, whereby human existence and rational capacity are central to norm creation (R05). She develops the concept of “*human central thinking activities*” (defined as the ability to feel, think and evaluate, and the capacity to adhere to a value-based system in which violence is not the norm governing human relations) as essential to warfare in order to exercise reasoning and judgment to implement principles of feasible precautions, distinction, and proportionality under international humanitarian law (R04-5). Ulgen combines law and Kantian ethics to develop a secular, legal-philosophical notion of human dignity based on status entailing rights and duties, and respectful treatment. She applies this notion to LAWS and reveals an unethical hierarchy of human dignity is created as replacement of a human combatant with a machine elevates the combatant’s human dignity above that of the human target. This denies equality of persons, diminishes the duty not to harm others, and undermines respectful treatment (R05). Exploring the interface between a pre-deployment common law duty of care and the weapons review obligation under Article 36 of Additional Protocol I to the 1949 Geneva Conventions, Ulgen develops specific pre-deployment duties in relation to the lifecycle of LAWS and maps out the spectrum of individuals and entities attributed with legal responsibility (R06).

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

R01: Jon Yorke, *The Evolving Human Rights Discourse of the Council of Europe: Renouncing the Sovereign Right of the Death Penalty* in Jon Yorke (ed), *Against the Death Penalty: International Initiatives and Implications* (Ashgate, 2008) pp. 43-74.

R02: Jon Yorke & Alice Storey, *Toward a World without the Death Penalty* in Peter N. Stearns (ed), *The Routledge History of Death since 1800* (Routledge, 2020) pp. 109-122.

R03: Jon Yorke & Amna Nazir, *Monotheism and the Death Penalty: towards a homogeneous exegesis for abolition* in Russell Sandberg et al (eds), *Research Handbook on Interdisciplinary Approaches to Law and Religion* (Edward Elgar, 2019) pp. 367-403.

R04: Ozlem Ulgen, “*World Community Interest*” *Approach to Interim Measures on “Robot Weapons”*: *Revisiting the Nuclear Test Cases*, (2016) 14 *New Zealand Yearbook of International Law* 3-34.

R05: Ozlem Ulgen, *Human Dignity in an Age of Autonomous Weapons: Are We in Danger of Losing an 'Elementary Consideration of Humanity'?* (2017/18) *Baltic Yearbook of International Law*, 17 (1). pp. 167-196.

R06: Ozlem Ulgen, *Pre-deployment Common Law Duty of Care and Article 36 Obligations in relation to Autonomous Weapons: Interface between Domestic Law and International Humanitarian Law?* (2017) *The Military Law and The Law of War Review*, 56 (1). pp. 135-168.

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

Recommending a Moratorium on Capital Punishment in Myanmar

In 2017, Yorke advised the high-level Myanmar government *Workshop on the Moratorium of the Death Penalty*, organised by the Myanmar National Human Rights Commission and Asia Pacific Forum of National Human Rights Institutions. Workshop attendees included the Attorney General, Justices of the Supreme Court, Government Ministers, parliamentarians, civil society, and media. Yorke “*outlined international perspectives on the death penalty*” and “*raised pertinent points regarding the denunciation of the death penalty as an expression of ... state sovereignty and the solidity of the human rights standards for rejecting the use of the death penalty and for enhancing ... human dignity...*”

Based on a review of Myanmar's UPR cycles, Yorke suggested the Myanmar government was amenable to a moratorium, and led the Workshop in drafting an *Outcome Statement (OS)* recommending that Myanmar's government adopt an official moratorium [S01]. The OS remains under the government's consideration. In their stakeholder report to Myanmar's 2020 UPR, Yorke, Nazir and Storey recommended the OS be "*implement[ed]*"; a recommendation expressly noted by the Office of the UN High Commissioner for Human Rights across 64 stakeholder submissions [S02].

Safeguarding Human Rights in the Sudan

In 2014, the Sudanese Human Rights Initiative (SHRI) represented, in Sudanese courts and African Commission on Human and Peoples' Rights, Meriam Ibrahim, a pregnant woman sentenced to death for sexual immorality and 100 lashes for apostasy after marrying a Christian man. Due to "*their expertise*", the SHRI's Director "*sought advice from ... Yorke and ... Nazir on the application of international human rights law and Islamic law in the case...*" which "*helped ...[the] legal team to prevent both ...punishments*" and to free Meriam [S03]. Meriam's case "*triggered outrage and condemnation around the world...*" and, in October 2014, BCU hosted '*Meriam Ibrahim: The Case that Grippped the World*' to discuss the case's human rights implications, with panelists including the SHRI's Director and the Minister of State at the Foreign and Commonwealth Office (FCO) [S04]. Subsequently, across three grants, the FCO Human Rights and Democracy Programme awarded Yorke and the SHRI £244K+ to promote freedom of religion and access to justice, build capacities, and safeguard human rights in the Sudan. This included training for "*Sudanese judges, lawyers, media and civil society*" which "*informed the SHRI's collaboration with the African Centre for Justice and Peace Studies ... where [they] worked together to have charges of apostasy ... dropped by the Sudanese Ministry of Justice against 27 people, including 3 children...*" [S03].

In 2016, Sudan's National Intelligence Security Services prevented SHRI members from travelling to Geneva to participate in Sudan's UPR pre-session. In Geneva, Yorke, Nazir and Storey, joined other organisations to "*prepare a cross-regional statement, alerting the pre-session to the travel restrictions...*" and then "*coordinated lobbying 15 missions with member state delegationsand 36 NGOs.*" Their work "*led to UN Member State delegations raising human rights concerns*" at Sudan's 2016 UPR [S03]. The BCU team's work was crucial, with the UN Secretary General (UNSG) accounting for the travel restrictions in his annual report and commenting heavily on the issue of intimidation and reprisals (including travel bans) in his conclusions and recommendations. In particular, the UNSG welcomed continued efforts to assist groups subject to such action (like the BCU team did), particularly by "*raising their cases...to the Human Rights Council...*" In addition, the UN Independent Expert on the Situation of Human Rights in the Sudan, noting the travel restrictions, urged the Sudanese government "*to enable a conducive environment for a free and inclusive national dialogue by respecting the basic....rights of Sudanese people...*" [S05].

Informing the UN Group of Governmental Experts on Lethal Autonomous Weapons Systems (UN GGE on LAWS); Developing the Guiding Principles on LAWS

Since 2016, Ulgen has been involved as an Academic Legal Expert to the drafting committees and meetings of the UN GGE on LAWS. She was involved in the UN Fifth Review Conference of High Contracting Parties (HCP) to the Convention on Certain Conventional Weapons (CCW) (12-16 December 2016), which led to the historic decision by HCP to formalise LAWS discussions and establish the UN GGE on LAWS. At that point, BCU was the only UK university represented at the CCW by an expert on the law and ethics of LAWS. The Secretary General's welcome statement to the Conference noted that LAWS are "*increasingly challenging for humanity ... with serious ramifications for international law.*" He commended HCP for rising to the challenge by establishing the GGE as "*a welcome step to consider how the international community can take a proactive approach to this critical issue.*" [S06].

The UN GGE on LAWS, which has been meeting since 2017, is composed of State representatives, military experts, lawyers, academics, civil partnership organisations, and UN agencies, and operates under the auspices of the 1980 UN Convention on CCW.

Ulgen's work has been instrumental in steering the UN GGE on LAWS deliberations and influenced the drafting of legal and ethical rules on emerging technologies in the area of LAWS, leading to the Guiding Principles of the UN GGE on LAWS. For instance, her report *Definition and Regulation of LAWS* assisted HCP to reach a common definition of LAWS (based on maintaining human agency and responsibility, and human dignity that covers ethical considerations under The Martens Clause); review the merits of regulatory proposals; and develop the human control elements of a weapons system. Her *Command Responsibility and LAWS* report considered the different types of human control exercised by commanders/superiors in order to fulfil specific duties; the doctrine of command responsibility; and the impact of LAWS. Several HCP have endorsed her submissions during UN GGE on LAWS sessions. For example, Chile commented "...the terms 'responsibility' and 'accountability' are different... [BCU's] explanation is the right one..." and Germany stated "[The] suggestion made by [BCU]...clarifying the concepts of responsibility and accountability ...should be reflected..." Ulgen's contributions are reflected in the Guiding Principles on LAWS affirmed in 2019 [S07].

Developing International Standards and Ethics Certification for the Institute of Electrical and Electronics Engineers (IEEE)

Ulgen's work influenced the development of ethics, principles and values in international standards formulated by IEEE, the world's largest technical professional association for electrical and electronic engineering, which produces technical standards (known as P series) for products, services, and systems. The IEEE Standards Association asked Ulgen to participate in developing the IEEE Global Initiative on Ethics of Autonomous and Intelligent Systems, *Ethically Aligned Design*, a global treatise of high-level ethical principles, key issues, and practical recommendations intended to inform the public, engineers, policy makers, and manufacturers of autonomous and intelligent systems (A/IS). Ulgen's treatise chapter, *Classical Ethics in A/IS*, draws on her Kantian ethics and human dignity research. [S08].

As an Expert Member of IEEE Standards Working Groups P7007 *Ontological Standard for Ethically Driven Robotics and Automation Systems*, and P7000 *Model Process for Addressing Ethical Concerns During System Design*, Ulgen drafted legal principles and ethical values applicable to engineers, designers, programmers, and companies in the design and development of products, services, and systems. She developed the P7007 standard to incorporate legal responsibility and accountability, and drafted use cases demonstrating their application and representation in real-world RAS operations (e.g. healthcare robots; LAWS). She also drafted specific ontology models for data protection, privacy, and human dignity ethics. Ulgen contributed to extensive review and revision of the next P7000 draft, with amendments reflecting human dignity ethics and legal requirements [S09-10].

As Chair of the Accountability Expert Focus Group (AEFG) for IEEE's Ethics Certification Programme for Autonomous and Intelligent Systems (ECPAIS), Ulgen led on the development and drafting of the world's first accountability requirements for ethical certification of public and private sector A/IS. To guide technological development in the absence of specific laws, she developed ethical values of prevention of harm; human agency; human dignity; privacy and data protection; fairness; transparency; accountability; and responsibility. These ethical values form the basis to the accountability certification requirements, used to certify that a product/service/system incorporating emerging technologies is ethically compliant. Companies, organisations, and governmental entities across the globe can implement the accountability certification requirements to enable cross-jurisdictional trade. Ulgen produced the final AEFG Process and Technical Reports, explaining the organisation of work, rationale for the ethical values framework, and detailing the accountability certification and evidentiary requirements [S010].

5. Sources to corroborate the impact (indicative maximum of 10 references)**Recommending a Moratorium on Capital Punishment in Myanmar**

S01: Reports on the Workshop and Workshop Outcome Statement (Asia Pacific Forum of National Human Rights Institutions (report); Global New Light of Myanmar (report); The Myanmar National Human Rights Commission (Outcome Statement)).

S02: Myanmar UPR Reports (*The UPR Project at BCU Myanmar Report (2020)* and *Summary of Stakeholders' submissions on Myanmar*, Report of the Office of the United Nations High Commissioner for Human Rights, Human Rights Council (12 November 2020)).

Safeguarding Human Rights in the Sudan

S03: SHRI Partnership Materials (Testimonial, Director of the Sudanese Human Rights Initiative; Partnership Grant Awards; African Centre for Justice and Peace Studies, *Group of 27 stand trial for apostasy after attending Qur'anist gathering in Khartoum* (December 2 2015)). **[Named Corroborator 1]**

S04: News and BCU Reports on the Meriam Ibrahim case (Summary of BCU Centre for Human Rights Clinic support in Meriam Ibrahim's Case; Adam Withnall, *Meriam Ibrahim: 'Apostasy' woman and Family arrive in Italy after finally leaving Sudan*, The Independent (Thursday 24 July 2014)).

S05: UN Secretary-General and Independent Expert on Sudan Reports (Human Rights Council, thirty-third session, Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General, *Cooperation with the United Nations, its representatives and mechanisms in the field of human rights*, Report of the Secretary-General (16 August 2016); and United Nations Human Rights Officer of the High Commissioner, *Sudan, UN expert calls for a positive environment for a free and inclusive national dialogue* (29 April 2016)).

Informing the UN Group of Governmental Experts on Lethal Autonomous Weapons Systems; Developing the Guiding Principles on LAWS

S06: UN Fifth Review Conference Materials (Participants List; Secretary-General's message to the Fifth Review Conference of High Contracting Parties to the Convention on Certain Conventional Weapons (12 December 2016)).

S07: UN GGE on LAWS - Reports, Submissions and Endorsements (Ulgen O., "Definition and Regulation of LAWS" (UN GGE LAWS Report, 5 April 2018); Ulgen O., "Command Responsibility and LAWS" (UN GGE LAWS Report, 22 August 2018); UN Digital Recordings; Report of the 2019 session of the Group of Governmental Experts on Emerging Technologies in the Area of Lethal Autonomous Weapons Systems, UN CCW/GGE.1/2019/3 (25 September 2019) (Containing the UN Guiding Principles of the Group of Governmental Experts on Lethal Autonomous Weapons Systems in Annex IV).

Developing Standards and Certification for the Institute of Electrical and Electronics Engineers

S08: "Classical Ethics in AIS" in *The IEEE Global Initiative on Ethics of Autonomous and Intelligent Systems. Ethically Aligned Design: A Vision for Prioritizing Human Well-Being with Autonomous and Intelligent Systems* (IEEE Report, April 2019), chapter 3, pp.36-67.

S09: Testimonial, Chair of P7007.

S010: Testimonial, Vice Chair of ECPAIS and the Managing Director of IEEE Standards Association.