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HUMAN RIGHTS IMPLEMENTATION CENTRE

LAW SCHOOL, UNIVERSITY OF BRISTOL

FIFTH ANNUAL REPORT  
2013/14

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## Introduction

The Human Rights Implementation Centre (HRIC) is pleased to present its 5<sup>th</sup> Annual Report. Over this past year the Centre has consolidated its position within the University and externally and while continuing its work along the various thematic areas to promote the implementation of human rights around the world. We have increased the number of projects in which law students can engage, including within the Human Rights Clinic and provided opportunities and greater visibility for PhD candidates involved in our work. We have also been able to secure core Law School funding for our Administrator and the appointment of Law School staff interested in the activities of the Centre.

HRIC has also experienced growth in its profile externally, continuing to build on its position as a centre of expertise on torture prevention and the Optional Protocol for the Prevention of Torture (OPCAT). We have consolidated our work along our other thematic priorities: the African Human Rights System, Human Right Implementations, and National Human Rights Institutions (NHRI's) and we now provide a number of on-line courses around these themes.

Since September 2013, the Centre has been admitted as a member of the Association of Human Rights Institutes. The Association consists of over 40 member institutions that are engaged in research, education and discussion in the field of human rights. We have been fortunate this year to have three new high profile individuals appointed as visiting staff: Ben Kioko, a judge of the African Court on Human and Peoples' Rights, Jonathan Cooper, OBE and Chief Executive of the Human Dignity Trust, and John Wadham, former Executive Director of INTERIGHTS. Our website has been completely revamped and updated with the addition of links and resources on our four main areas of thematic focus, thanks to the valuable help from our Administrator, Cecilia Smith and the University's IT service. The Centre is now more visible in the University website, and through PolicyBristol, a specific website mirroring diverse policy-relevant work from across the University to make it more accessible to a wider audience outside the academic community.

The HRIC would also like to say a special thanks to Cecilia Smith, our administrator, who retired in 2014, for all her fantastic work over the years. We are very happy to welcome Regine Gentinetta in her place.

This report presents highlights of the Centre's activities along its four thematic priorities, from July 2013-June 2014 and we hope you will find it informative.

### **About the Centre**

The HRIC was established in June 2009 within the University of Bristol Law School with a view to enhancing the implementation of human rights worldwide through research, education and discussion. Accordingly, it conducts major research projects and provides advice to institutions and organisations including to national governments, civil society organisations, national human rights institutions, regional bodies, such as the African Commission on Human and Peoples' Rights, the Council of Europe, the Organisation on Security and Co-operation in Europe, as well the UN human rights mechanisms.

### **Staff of the Human Rights Implementation Centre:**

**Director:** Prof Rachel Murray

**Deputy Director:** Prof Malcolm Evans

### **Researchers:**

Dr Elina Steinerte (on maternity leave until May 2015)

Ms Debra Long

Dr Dadimos Haile

### **Other Staff associated with the HRIC:**

Dr Diego Acosta

Dr Judy Laing

### **Administrator:**

Mrs Cecilia Smith

## I. Torture Prevention and OPCAT

### Projects

In 2013-the HRIC pursued a range of activities linked to torture prevention and the OPCAT.

- **Article 5 Initiative:** We have continued to work with our partners from the University of Cape Town, the University of the Western Cape, and the African Policing Civilian Oversight Forum (APCOF) on the Article 5 Initiative (A5I). The project, which is now running until the end of January 2015 aims to support African institutions to improve domestic compliance with international law obligations, norms and procedures under the United Nations Convention against Torture (UNCAT) and the African Charter on Human and People's Rights through the development of practice-aimed resources. To that end, a series of 'Domestication and Implementation Packages – 'DIPs') have been developed in numerous stakeholder consultations held in each of the target countries (Burundi, Kenya, Mozambique, Rwanda, South Africa and Uganda) which assists with the domestication and implementation of the UNCAT. The final A5I tool was launched in the form of a manual in October - November 2013. As part of its activities under the [Article 5 Initiative](#), the HRIC organised a workshop on 13 and 14 November 2013 in Kampala, Uganda, to assist with the implementation of the new Prevention and Prohibition of Torture Act. The workshop was organised with the assistance of the [Uganda Human Rights Commission](#) (UHRC), and was held in collaboration with the [Association for the Prevention of Torture](#) (APT) and the [Omega Research Foundation](#) (Omega).

The workshop brought together key representatives from government; parliament; police, prison and military services; and civil society to identify the short-term priorities for the implementation of the new anti-torture Act. The outcome of the workshop was the development of an action plan for 2014-15. This action plan highlights a range of measures aimed at raising awareness of the Act, improving oversight, identifying training needs and legal reform required to give effect to the Act. This action plan will be a useful tool for a range of national actors to develop strategies on the implementation of the Act and monitor progress over time.

- In a related event, Debra Long also participated in a training workshop organised by Omega and the UHRC on 15 November 2013 in Uganda. The overall aim of this training was to sensitise relevant stakeholders on the forms of military, security and policing equipment which may constitute torture within the meaning of the new anti-torture Act; the issues associated with the use of these weapons; and to provide practical tools and techniques to record, identify and monitor them.
- **NPM in Nigeria:** On a related development, we are pleased to launch, through a grant by the UK Foreign and Commonwealth Office, a new project aimed at strengthening the National

Preventive Mechanism (NPM) established by the government of Nigeria. Debra Long will be coordinating the project, which will run from July 2014 to February 2015.

- **Work with National Prevent Mechanisms:** We have similarly undertaken a number of initiatives as part of our engagement in support of NPMs, including the UK NPM, which is composed of 20 entities coordinated by Her Majesty's Inspectorate of Prisons. We have continued to maintain and update the UK NPM database:  
<http://www.bristol.ac.uk/law/research/centres-themes/hric/hricnmpukdatabase/>.

Furthermore, the Centre co-organised one-day high profile conference on 8 April at the University of Bristol in collaboration with the UK NPM, which marked the fifth year of its establishment. The conference discussed the work of UK NPM to-date and looked at wider issues including the role of monitoring, follow-up and implementing a human rights framework when inspecting places of detention. A report of the event will be produced.

- **NPM Directory:** A new global Directory of NPMs was produced which provides basic information about all the designated National Preventive Mechanisms (NPMs) around the world thus providing its users with quick and easy access to the basic information about each NPM. It pulls together key background information on each designated NPM as well as hosts links to the published material of the individual NPMs such as their Annual Reports or SPT's NPM advisory visit reports. The NPM Directory is one of the external sites linked to the website of the UN Sub-committee on Prevention of Torture. It complements the more comprehensive databases produced by the APT and the information on the SPT's website. It is available from:  
<http://www.bristol.ac.uk/law/research/centres-themes/hric/npmdirectory/>
- **Amnesty International's Manual on Combating Torture:** We are finalising our ongoing work with Amnesty International (AI) to revise and update AI's Manual on Combating Torture which will be published as part of their larger campaign against Torture. The aim is to produce a user-friendly update of their 2002 publication which will be primarily an online resource for those involved in working to prohibit and prevent torture and other forms of ill-treatment, and in the assistance of victims.
- **Collaboration with the Omega Foundation on torture technologies:** HRIC's collaboration with the Omega Foundation is ongoing within the framework of a project funded under EIDHR, which looks at stronger controls on the supply and use of torture technologies. The HRIC will assist the Foundation in the preparation of workshops for international and regional bodies as well as materials for a training to be organised in Senegal this year.

#### ***OPCAT in the context of mental health***

Together with Judy Laing the HRIC has been working on a number of projects related specifically to mental health

- We have continued to follow up with the Care Quality Commission (CQC) on the work Judy Laing and Rachel Murray were commissioned to deliver last year on monitoring places of detention in mental health care settings.

- Rachel Murray provided expert advice to Antenor Hallo de Wolf and Brigit Toebes at the University of Groningen carrying out research on OPCAT with respect to health care settings in the Netherlands.
- In recognition of her work, Judy Laing was appointed to the Care Quality Commission's Mental Health Act Advisory Group.
- Expanding our work into linkages between OPCAT and the more recent UN Convention on the Rights of Persons with Disabilities, we have undertaken comparative research as well as other activities that seek to build on lessons from the experiences of the Subcommittee of the Prevention of Torture that can be beneficial to the Committee on the Rights of Persons with Disabilities (CRPD).

### **Expert Advice, Presentation and Publications**

We have continued to engage closely with the UN Subcommittee on Prevention of Torture (SPT). The Centre's Deputy Director, Professor Malcolm Evans, is still serving as the Chair of the SPT. We are also working closely with the African Commission's Committee on the Prevention of Torture (CPTA). In particular, together with other organisations, we are providing advice and assistance to the CPTA in the development of a general comment on Article 5 of the African Charter on Human and People's Rights, which prohibits torture.

The HRIC remains active as a Steering Committee member of the OPCAT Contact Group, which has now been transformed into OPCAT Contact Network with more established framework for participation.

Our advice and presentations and publications include the following:

- Building on the experience and expertise of its staff, the HRIC provided advice on a draft legislation Bahrain. In addition Dr Elina Steinerte was invited to take part in the training organised by the International Bar Association (IBA) for the Bahraini National Institute for Human Rights in Manama, Bahrain, 23-26 September, 2013. Dr Steinerte was the expert trainer on two topics: 'The Absolute Prohibition of Torture' and 'The Role of National Human Rights Institutions in Prevention of Torture'.
- In March 2014, the HRIC made an individual submission for the second cycle of the Universal Periodic Review (UPR) of Kazakhstan.
- In May 2014, we submitted, with a number of other organisations, comments to the UN Human Rights Committee's Draft General Comment 35 on Article 9 of the ICCPR.
- We submitted comments on the UN Committee on the Rights of Persons with Disabilities Draft General Comment on Article 9 of the CRPD, in February 2014. A number of our recommendations were taken board by the Committee:  
<http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G14/033/13/PDF/G1403313.pdf?OpenElement>
- In September 2014, Professors Rachel Murray, Malcolm Evans and Rod Morgan submitted written evidence to the UK Parliament's Extradition Law Committee on monitoring places of detention.

- In August 2013, we produced an analysis and commentary on the Law on the Amendments and Additions to certain legislative acts of the Republic of Kazakhstan on the matter of the establishment of national preventive mechanisms aimed at the prevention of torture and other inhuman or degrading treatment or punishment.
- In September 2013 the HRIC submitted an individual submissions for the second cycle of the Universal Periodic Review of Costa Rica Côte d'Ivoire.
- Dr Steinerte provided research assistance to the Legal Policy Research Centre in Kazakhstan, on:

*Issues raised by the UN Human Rights Committee (HRC) in 2011 in its Concluding Observations regarding the periodic report by Kazakhstan on the implementation of the International Covenant on Civil and Political Rights (ICCPR) ( August 2013); and,*

*The Concept of the Project on the Ten Steps to Reduce the Prison Population, prepared by the High Court of the Republic of Kazakhstan, the Office of the Prosecutor General of the Republic of Kazakhstan and the Ministry of the Interior of the Republic of Kazakhstan (April 2014)*

## Events

- The HRIC, in collaboration with International Centre for Prison Studies, organised an exploratory meeting on 22 January 2014 on the topical issue of extradition on the basis of assurances given by receiving states. The purpose of the meeting was to discuss possible safeguards for the protection of persons subject to extradition undertakings from the risks of torture and other ill treatment.
- On 11 March 2014 the HRIC together with the Open Society Justice Initiative organised an expert meeting in London to assist the UN Subcommittee on Prevention of Torture (SPT) to refine its approach to applying its mandate to pre-trial detention contexts. The meeting brought members of the SPT together with representatives from civil society organisations in Europe, South America and Africa to discuss the challenges and opportunities for the SPT, and other monitoring bodies, when addressing problems caused by the excessive and misuse of pre-trial detention in practice. Subsequently a draft substantive statement was prepared based on these discussions and it is anticipated that this statement will be considered for adoption by the SPT in their November session for possible inclusion in their next Annual Report.
- On 24 and 25 April 2014, Debra Long took part in an expert meeting to discuss the development of an implementation strategy for the African Commission's Guidelines on the Use and Conditions of Police Custody and Pre-Trial Detention in Africa. The meeting was organised by the African Policing Civilian Oversight Forum (APCOF) in collaboration with the Open Society Justice Initiative with the support of the African Commission's Special Rapporteur on Prisons and Conditions of Detention. At the meeting Debra gave a presentation on the lessons learnt from the African Commission's Robben Island Guidelines drawing on the findings of the HRIC's Implementation of Human Rights Standards project.

- On 12 May 2014, Debra Long gave a briefing to members of the UN Committee against Torture on the Article 5 Initiative during the Committee's 52<sup>nd</sup> session in Geneva. This event was aimed at introducing the tools that have been developed under the project, to discuss the key findings and lessons learnt from the six countries where the tools have been pilot tested, and to discuss ways in which the tools and the Article 5 Initiative can support the work of the Committee against Torture.

### **Publications**

- Steinerte, E 2014, '[The Jewel in the Crown and its Three Guardians: Independence of National Preventative Mechanisms under the Optional Protocol to the UN Torture Convention](#)'. *Human Rights Law Review*, vol 14., pp. 1-29
- Judy Laing and Rachel Murray, 'An international comparison of monitoring mechanisms in mental health care settings', in *Torture in healthcare settings: Reflections on the Special Rapporteur on Torture's 2013 Thematic Report*, 2014: <http://antitorture.org/torture-in-healthcare-publication/>
- Steinerte, E, 'The contribution of National Human Rights Institutions of Africa to the protection and promotion of the rights of asylum seekers: existing practices and opportunities for the future through the Optional Protocol to the UN Convention against Torture' in Abass, A. and Ippolito, F. (eds). *Regional approaches to the protection of asylum seekers: an international legal perspective*. Ashgate (2014).

## II. Implementation of Human Rights Standards

### Projects

We have continued our work into examining how and why states comply with and implement their human rights obligations under international and regional human rights treaties. In the past year this has resulted in a number of initiatives and projects:

- The HRIC and the Ludwig Boltzmann Institute of Human Rights (BIM) are working in partnership on a new project to help strengthen the implementation and follow-up of recommendations of torture monitoring bodies within the European Union. This project is funded by the European Union through the European Commission Directorate General for Justice. The project commenced in March 2014 and is due to be completed by April 2015. Under this project the HRIC and BIM will be working directly with a range of bodies operating with the EU that have a mandate to prevent torture, namely national preventive mechanisms established by States Parties to the Optional Protocol to the UN Convention against Torture, the UN Subcommittee on Prevention of Torture, and the European Committee for the Prevention of Torture. Research will be carried out on the standards, principles, procedures and mechanisms concerning follow-up to the recommendations of these bodies and the practices and lessons learnt from this research will subsequently be published in a Good Practice Study.  
<http://www.bristol.ac.uk/law/research/centres-themes/hric/npmrecommendationsproject/index.html>
- As part of the litigants group before the African Commission, Rachel Murray is working with other lawyers on strategies for engaging with the African Commission on implementation of its decisions.
- Emily Kakoullis at the HRIC is developing, coordinating and managing an online Directory on the bodies and mechanisms designated by States under Article 33 of the UN Convention on the Rights of Persons with Disabilities (CRPD). The Directory holds core information on the Focal point(s), Coordination mechanism, Independent mechanism(s), and information on the involvement and participation of persons with disabilities, their organisations, and civil society in the monitoring process. It is designed to provide its users with fast and easy access to basic information on the designated bodies and mechanisms under Article 33 in States that have ratified the CPRD. Sessions were developed offering students the opportunity to gain knowledge on the CRPD and also to assist in research in the Directory.  
<http://www.bristol.ac.uk/law/research/centres-themes/hric/article33crpddirectory/index.html>

### **Expert Advice, Presentation and Publications**

In addition to our publications detailed under the African human rights system below:

- As part of litigants group before African Commission, we are currently drafting papers in collaboration with other organisations, on reparations, exhaustion of domestic remedies, and implementation.
- We are working with the Slynn Foundation to produce a manual for judges in Palestine on international human rights law.

### **Events:**

- On 16 May 2014, Debra Long from the HRIC gave a presentation at a side-event on the implementation of soft law standards as part of the 23rd session of the UN Commission on Crime Prevention & Criminal Justice. The event was organized by the Open Society Justice Initiative (OSJI) and discussed recent developments in the legal standards around criminal justice and the opportunities and challenges for implementation. Drawing on the findings of the HRIC's four-year research project on the 'implementation of human rights standards', Debra presented an examination of the factors and strategic choices that influence the use of standards in practice.

### III. National Human Rights Institutions

#### Projects

- We have continued to engage with NHRIs as part of our OPCAT work and that on implementation, specifically in the African context.
- **Implementation of African Commission decisions by NHRIs:** The HRIC is partnering with the Network of National Human Rights Institutes (NANHRI) in collaboration with the African Union Commission (DPA) and other partners to examine the role of NHRIs in implementing the decisions of the African Commission on Human and Peoples' Rights. We have developed an online learning course for NHRIs which provides a space for initial discussions among participants on the African human rights system in practice and the implementation of decisions and human rights standards. This is to be followed up by a workshop at the 56<sup>th</sup> session of the African Commission in Niger in October 2014. One of the outputs of this project will be the production of guidelines for NHRIs on implementation.
- **NHRIs and access to justice:** Rachel Murray is working with Lorna McGregor (University of Essex) and Shirley Shipman (Oxford Brookes) on a Nuffield Foundation funded project examining the role of national institutions in providing access to justice.

#### Expert Advice, Presentation and Publications

- From March – May 2014 Professor Rachel Murray provided expert advice to the UNDP and the National Council for Civil Liberties and Human Rights in Libya in the drafting of its strategic plan.
- Gauthier de Beco and Rachel Murray have written a *Commentary on the Paris Principles on National Human Rights Institutions* which will be published by Cambridge University Press later in 2014.

#### **IV. The African Human Rights System**

The African Human Rights System remains an important priority of the Centre's activities.

##### **Projects**

- As members of the Litigants group before the African Commission on Human and Peoples' Rights, HRIC staff continue to take part in strategic discussions to enhance the procedures and practice before the Commission.
- We continue to work on the Article 5 Initiative project and launched a new project to work with the Nigerian National Prevention Mechanism (see above under torture prevention for more detail on both projects). We are exploring funding in order to be able to conduct training and knowledge sharing workshops on the basis of the outputs of the project.
- In September 2013 together with Amnesty International and the Centre for Human Rights in Pretoria, we submitted an amicus brief to the African Court on Human and Peoples' Rights.
- As noted above, we continue to engage closely with the African Commission's CPTA.
- As in the previous years, HRIC staff attended the sessions of the African Commission on Human Peoples' Rights in 2013 and 2014.

##### **Expert Advice, Presentation and Publications**

- Rachel Murray and Debra Long, *Implementation of the Findings of the African Commission on Human and Peoples' Rights*, Cambridge University Press, forthcoming
- Rachel Murray and Elizabeth Mottershaw, 'Mechanisms for the Implementation of Decisions of the African Commission on Human and Peoples' Rights', 36 *Human Rights Quarterly* (2014) 349-372

## **V. Other Projects and Activities**

### **Online Short Courses on Human Rights**

The HRIC launched a series of online short courses last year on: the African Human Rights System; the Prevention of Torture and the Implementation of Human Rights Standards in Practice.

We hope to continue to offer these courses this year and are also working with a number of external organisations to develop bespoke courses with them.

### **The Human Rights Law Clinic and Research by Students**

Established in 2010, the Human Rights Law Clinic offers students the opportunity to engage in HRIC's work and gain practical knowledge on human rights issues as well as enhance their research and writing skills. We are grateful to the Open Society Justice Initiative which works with our students and funds the work of the Clinic. On the request of OSJI, the students worked on four issues this year, producing reports on each of them:

- Constitutional law in transitional states
- Independent investigations of police violence
- Police use of force and the right to life
- Torture and discrimination.

In addition to and in parallel with our Clinic with OSJI, the Human Rights Implementation Centre involves students in other ways in its work. This has included a wide variety of different projects including writing background reports for UN visits (for the relevant UN committee), researching particular issues or particular rights for briefs for litigation which staff are involved in and doing background research on broader projects or events being run by the Centre.

<http://www.bristol.ac.uk/law/research/centres-themes/hric/opportunitiesforstudents/humanrightslawclinic.pdf>

### **Collaboration with the University of the Gambia**

As with previous years we have maintained our relationship with the University of the Gambia. This year Sophie Gallop, a former LLM student, worked at the University as a visiting lecturer.

### **Seminars by visiting Staff**

On 20 November 2013, HRIC's visiting fellow Jonathan Cooper gave two seminars for Law students and staff on: *Litigating, legislating and acting up: the path to lesbian and gay equality*; and on *Things really did get better: the case for the Human Rights Act*.

### **Thanks and acknowledgements**

The HRIC would like to acknowledge the support of the following organisations and donors which have funded the activities of the Centre this year:

European Commission  
Foreign and Commonwealth Office  
Oak Foundation  
Open Society Foundations  
Slynn Foundation  
University of Bristol Impact Acceleration Account  
Vice Chancellor's Fund of the University of Bristol