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HUMAN RIGHTS IMPLEMENTATION CENTRE

CENTRE

LAW SCHOOL, UNIVERSITY OF BRISTOL

FIRST ANNUAL REPORT  
2009/10

This is the first annual report of the Human Rights Implementation Centre (HRIC) of the Law School of the University of Bristol for year 2009/10.

This has been an extremely busy year for us: we have participated in various events around the world, given expert advice on legislation, provided training on various aspects of human rights implementation and supported activities related to human rights at the University of Bristol. We embark on the next year with busy diaries, especially as we have just been granted nearly two and half million Euros by the European Commission to work on two 3 year collaborative research projects with our partners in the CIS region and Africa on torture prevention.

The present report provides account of all the activities we have been engaged with from 01 June 2009 to 01 June 2010 as well as an insight into our plans for the forthcoming year.

Staff of the Human Rights Implementation Centre:

Acting Director: Prof Malcolm Evans

Director (on maternity leave): Prof Rachel Murray

Research Associate: Dr Elina Steinerte

Researcher on the Implementation of Human Rights Standards project :  
Ms Debra Long

Administrative Assistant (until March 2010): Ms Emma Rowstone

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## 1. Events organised by the HRIC in 2009/10

- The HRIC launch event was held in the Graduate School of Education, 35 Berkeley Square, Bristol on 10th September 2009. This event was well attended by University staff and PhD students, law professionals as well as other delegates from the Implementation of Treaty Body Decisions Seminar held earlier that day. This seminar was attended by, among others, Ruth Wedgwood, Member of the UN Human Rights Committee and Professor of law at Johns Hopkins University; Sir Nigel Rodley, former UN Special Rapporteur on Torture and current member of the UN Human Rights Committee; and Justice Sanji Monageng, judge of the International Criminal Court.

On the occasion of the launch, Prof Renate Kicker, Vice President of the European Committee for the Prevention of Torture, remarked:

“This idea of creating a Human Rights Implementation Centre follows a noticeable shift in the approach of international organizations from developing and adopting new legally binding human rights principles to focusing on compliance with obligations already entered by states. As a member of a Council of Europe expert body, tasked with the monitoring of the implementation of the prohibition of torture principle in 47 member states, I full heartedly welcome this initiative. I look forward to cooperate with the institute and hope to be able to contribute to its future work.”

- The Human Rights Implementation Centre together with Her Majesty's Inspectorate for Prisons in England and Wales (HMIP) hosted a one day event: 'The National Preventive Mechanism for the United Kingdom: what it is and what it can do' on 14th December 2009. This was the first event to bring together institutions that were designated to carry out the mandate of the National Preventive Mechanism (NPM) in the United Kingdom in March 2009. The collaboration with the HMIP continues as the HRIC is finalizing a database on all institutions that comprise the UK NPM.

## 2. Events attended by the staff of the HRIC

- Prof Malcolm Evans and Dr Elina Steinerte of the HRIC together with Ms Mary Murphy and Ms Saule Mektepbayeva of Penal Reform International (PRI) hosted a side event during the Human Dimension meeting organized by OSCE-ODIHR on 29 September 2009 in Warsaw, Poland. The presentation, 'National Human Rights Institutions in the OSCE area and the Optional Protocol to the UN Convention Against Torture' was followed by a lively discussion in both English and Russian. The event was well attended by representatives of governments, national human rights institutions, national preventive mechanisms, NGOs as well as OSCE field missions.
- Dr Steinerte was invited to speak and chair a workshop at the regional conference 'Prevention of Torture: What does it mean and how well do we do it in South Caucasus?' in Tbilisi, Georgia, 01-02 October 2009 by the PRI South Caucasus regional office in Tbilisi. She presented on the topic of 'Torture Prevention: Deconstructed' and chaired a session that discussed the specific aspects of monitoring military places of detention.
- Between 19-20 November, 2009 Ms Debra Long from the HRIC took part in a multi-disciplinary meeting organised by the Open Society Justice Initiative (OSJI) in New York, USA, to discuss pre-trial detention. She made a joint presentation with Ms. Julia Kozma from the Boltzmann Institute (Austria) on torture and pre-trial detention. This meeting was part of a broader global campaign for pre-trial justice led by the OSJI. The aim of this campaign is to reduce unnecessary pre-trial detention worldwide. The multi-disciplinary meeting explored issues relating to torture, public health, corruption and the socio-economic impact of pre-trial detention.
- On behalf of the HRIC, Dr Steinerte attended the now customary meetings of the OPCAT Contact Group in November 2009 and February 2010. She also presented the HRIC during the in-session meetings with the UN Subcommittee on Prevention of Torture in Geneva at these times.

- Dr Steinerte also attended the States-Parties meeting of the UN Committee on the Rights of Persons with Disabilities in February 2010 on behalf of the HRIC.
- On 1 March 2010, following an invitation by the PRI office in London, Dr Steinerte spoke at a high-level Torture Prevention roundtable in London organised by the PRI, on the challenges of independent monitoring mechanisms.
- On 7 April 2010 Prof Evans and Dr Steinerte, following an invitation by the Rehabilitation and Research Centre for Torture Victims (RCT) in Copenhagen, Denmark, participated in a one-day conference 'Prevention of Human Rights Violations: Conceptual and Methodological Issues'. Their presentations focused on aspects of 'measuring' torture prevention.

### 3. Country Engagements

Throughout this year we continued to respond to requests from various countries and regional and international organisations in providing assistance with various human rights implementation issues.

- **Azerbaijan**

The HRIC has worked closely with the OSCE field mission in Baku and ODIHR/OSCE on the implementation of OPCAT in Azerbaijan. We participated in three events in Azerbaijan during this year. First, Dr Elina Steinerte and Ms Debra Long of the HRIC travelled to Baku, Azerbaijan on 25-26th November 2009 following an invitation by the OSCE mission in Baku (Azerbaijan) and OSCE/ODIHR to take part in a two day workshop on the Implementation of the OPCAT and the Establishment of the National Preventive Mechanism in Azerbaijan. The event brought together representatives of the Office of the Human Rights Commissioner, representatives from ministries and other governmental bodies and civil society as well as representatives of the Estonian, Georgian and Polish NPMs. Dr Steinerte and Ms Long presented on the issues of Recommendations of the NPMs;

Preventive Mandates of the NPMs; the History of the OPCAT; NPM Reports; Preventive Monitoring and the role of the SPT.

Dr Elina Steinerte returned to Baku in May 2010, when she participated in a one-day conference on 'Strengthening the Role of the Office of the Commissioner for Human Rights as the National Preventive Mechanism in Azerbaijan' on 24 May. She made a presentation on the topic of 'Strengthening the structural capacity of the NPM in Azerbaijan: legal framework'.

This event was followed by a two-day training seminar 'Methodological training on monitoring places of detention' during which Dr Steinerte led a training session on the issue of preventive mandates of NPMs 'The preventive mandate of NPMs- what does it mean in practice?'

- **Kazakhstan**

The earlier collaboration with PRI Central Asia office in Almaty, Kazakhstan, continued also during this year as the HRIC continued with its involvement in the process of OPCAT implementation in Kazakhstan. Firstly, on 14th December Dr Elina Steinerte participated via video link in the one-day roundtable 'Implementation of OPCAT in the national legislation: some questions on the National Preventive Mechanism' which took place in Astana, Republic of Kazakhstan. This roundtable was organised by the Ministry of Justice of the Republic of Kazakhstan and Penal Reform International (PRI) with the support of British Embassy in Astana.

In March 2010, following a request from the PRI Central Asia office in Almaty, Dr Steinerte acted in the capacity of external expert and provided a detailed review of the draft law on the National Preventive Mechanism in Kazakhstan with the provisions of OPCAT. The draft law was prepared by the civil society working group in the country and later presented for consideration to the Ministry of Justice.

- **Kyrgyzstan**

The Regional office of the UN High Commissioner for Human Rights for Central Asia requested the HRIC to provide comments on the draft Law of the Kyrgyz Republic 'On the National Mechanism for the

Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment'. Following this, with the financial support of the ODIHR/OSCE Dr Steinerte travelled to Bishkek to participate in the public hearing on the Draft Law on the National Preventive Mechanism that took place on 30 November 2009 and presented the comments there.

- **Macedonia**

The HRIC had two visits to Macedonia during this year at the invitation of the OSCE spill-over mission in Skopje. First, Dr Steinerte was approached by the OSCE spill-over mission in Skopje (Macedonia) to participate and provide expert advice in the two-day Workshop on the 'Role of the National Preventive Mechanism- preventive monitoring of the prisons/police stations', which took place on 21-22 October 2009 in Skopje, Macedonia.'

Second, Dr Elina Steinerte was approached by the OSCE spill-over monitor mission in Skopje (Macedonia) to participate in the design and delivery of a training Workshop on 'Human Rights Reporting Training for the Ombudsman Office of the Former Yugoslav Republic of Macedonia', which took place on 16-17 December 2009 in Mavrovo, Macedonia.

- **Montenegro**

In August 2009, Prof Murray and Dr Steinerte of the HRIC, following a request from the OSCE mission in Montenegro, reviewed the draft Law on Amendments to the Law on Protector of Human Rights and Freedoms of May 2009), in the light of the obligations arising to Montenegro pursuant to the provisions of the OPCAT.

- **United Kingdom**

The HRIC continued its close collaboration with the various institutions that have been designated to fulfil the mandate of the National Preventive Mechanism (NPM) in the UK as stipulated in the OPCAT. Moreover, on 14 December 2009, together with Her Majesty's Inspectorate for Prisons in England and Wales, the HRIC hosted a one day event that brought together all institutions of the UK NPM.



Also, the HRIC was approached by the National Council of Independent Monitoring Boards, institution who is part of the UK NPM, to provide advice on the aspects of NPM independence. The HRIC sent its comments in May 2010.

#### 4. Engagement with NGOs

- We have continued our excellent collaboration with PRI. As noted earlier, we co-hosted a side event during the ODIHR/OSCE Human Dimension Meeting in September 2009. However the HRIC was asked to carry out an independent evaluation of PRI's torture prevention project in Georgia, which was carried out between 2006-2009. Accordingly, Dr Steinerte travelled to Tbilisi (Georgia) from 10-16 January 2010 to carry out interviews with the relevant stakeholders and submitted an extensive, detailed evaluation report to PRI in February 2010.

Additionally, in March 2010 PRI finalised an occasional paper entitled 'The Role of Independent Monitoring in Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment'. This discussion paper was edited by PRI from a document prepared for the organisation by Dr Elina Steinerte of the HRIC. This paper was disseminated by the PRI during the 12th United Nations Congress on Crime Prevention and Criminal Justice which was held in Salvador, Brazil from 12 to 19 April 2010.

- HRIC was approached by the Open Society Justice Initiative (OSJI) to assist in their global campaign to reduce pretrial detention. Thus the HRIC team drafted a paper, together with the research team of the UN Special Rapporteur on Torture at the Boltzmann Institute in Austria, highlighting the fact that people held in pretrial detention face the greatest threat of being tortured or ill-treated. Using examples from the visits of the UN Special Rapporteur on Torture, the paper demonstrated that pretrial detainees face a risk of abuse at all stages of their detention and are often held in conditions of detention that are considered to be cruel, inhuman and degrading. The paper

also examined national initiatives, such as visits to pretrial detention facilities, which can provide an invaluable safeguard for the well-being of pretrial detainees. This paper forms one of a series of flagship publications for the OSJI global campaign examining the nexus between pretrial detention and corruption, torture, public health, and socio-economic development.

- HRIC continued to take part in the so-called 'OPCAT Contact Group' a collation of civil society organisations working on the issues surrounding implementation of the OPCAT around the world.<sup>1</sup> The group met before the SPT sessions in November 2009 and February 2010 as well as with the SPT during its sessions at the same times.
- In October 2009 and January 2010 the HRIC submitted comments to the African Policing Civilian Oversight Forum (APCOF) on their draft common policing standards for the East African Region. In a related activity, in February 2010, Ms Debra Long attended an expert workshop organised by APCOF to discuss the development of indicators for implementing the SARPCCO (Southern African Police Chiefs Cooperation Organisation) Code of Conduct.

## **5. Activities supported by the HRIC**

In the Funding Call for 2009-2010, the HRIC received a total of 5 applications and after careful consideration, the panel decided to make two awards; one for the sum of £250 and the other for £750.

- The first successful applicant was the EU Law lecturer Ms Nina Boeger who received an award of £250 to organise an interactive public lecture on Implementation of EU and International Data Protection Law.

As explained by the Ms Boeger:

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<sup>1</sup> This group was established by the Bristol OPCAT research team in September 2006.

‘£250 were gratefully received from the HRIC to fund a visit to Bristol University by Mr Christopher Kuner, Partner at the Brussels-based US law firm Hunton and Williams and an international expert on Data Protection Law.

Mr Kuner gave two talks at the School of Law on 22 February 2010.

In his public lecture to undergraduate and postgraduate law students, he addressed the implementation of the EU data protection directives. His lecture focused on the discussion of human rights aspects of the directives, especially the right to privacy.

Mr Kuner also spoke at a roundtable event which was organised jointly by the School of Law, the HRIC and the Centre for Law and IT at Bristol to debate the future of EU Data Protection law. Co-speakers were Andrew Charlesworth, Reader in Law at the School of Law and Director of the Centre for Law and IT, and Dr Ian Brown, Senior Research Fellow of the Internet Institute, Oxford University, both international specialists in Data Protection law and policy. The event attracted a specialised audience of lawyers, academics and policy makers as well as interested members of the public. The discussion focused, amongst other things, on the future development of an international law framework for data protection and privacy.’

- The second successful applicant was Dr Ana E. Juncos, Lecturer in European Politics of the Department of Politics who received an award of £750 to hold a Human Rights Film Series.

According to the applicant,

‘The aim of the Human Rights Film Series was to raise awareness regarding human rights abuses and the challenges facing the implementation of human rights at a global level. The series showcased six films and documentaries which highlighted key human rights issues, focusing in particular on aspects related to the protection and implementation of human rights. The thematic content of the films and documentaries includes conflict and reconciliation, environmental issues, global civil society, international justice, counter-terrorist measures and civil liberties. The Film Series

spoke to the thematic priorities of the Human Rights Implementation Centre and contributed to publicize its activities.

The films were introduced by an external speaker or a member of staff from the Faculty with expertise on the topic. They were followed by a discussion of the film, with interesting questions raised by the audience. They were attended by students from the Faculty of Social Sciences and Law and the wider University population.

The screenings took place in the Department of Politics (Room G2, 10 Priory Road). All screenings were free and refreshments were provided. Purchased films will be donated to the University Library's collection. '

*Schedule of the Screenings:*

1. The Reckoning. The Battle for the International Criminal Court (Pamela Yates, 2009); Thursday 11 February 6.30pm.

Introduced by Prof. Malcom Evans, School of Law, HRIC, University of Bristol

2. The War on Democracy (John Pilger, 2007); Tuesday 23 February 6.30pm.

Introduced by Mr Alvaro Mendez, Department of Politics

3. No Man's Land (Danis Tanovic, 2001); Thursday 11 March 6.30pm. Introduced by Dr Annemarie Peen Rodt, Exeter Centre for Ethno-Political Studies, University of Exeter.

4. As we forgive (Laura Waters Hinson, 2008); Thursday 18 March 6.30pm.

Introduced by Dr Daniel Butt, Department of Politics, University of Bristol.

5. Drowned Out. We Can't Wish Them Away (Franny Armstrong, 2002); Thursday 22 April 7pm.

Introduced by Dr Andrew Wyatt, Department of Politics, University of Bristol.

6. Standard Operating Procedures (Errol Morris, 2008); Thursday 6 May 6.30pm.

Introduced by Elina Steinerte, School of Law, HRIC, University of Bristol.

- Volunteer research assistant of the HRIC Ms Giulia Di Mattia, participated in a research project funded by the Open Society Institute. The project included comprehensive research in preparation for the 2010 thematic report of the United Nations Special Rapporteur on the right to education, Vernor Muñoz. The research findings will directly inform the report which is to be presented at the 14th session of the Human Rights Council in June 2010. Its focus is the right to education for migrants, refugees and asylum seekers who have crossed international borders.

## **6. Projects for year 2010/11**

We are very pleased about the funding we have secured from the European Commission together with our partners:

- First, together with our partners the University of Cape Town; the Community Law Centre of the University of the Western Cape; and the African Policing Civilian Oversight Forum, we have secured funding of nearly 1.2 million Euros from the European Commission for a three year collaborative project to assist African institutions working for the prevention of torture. The aim of the project is to support efforts by African institutions to improve the level of compliance by African States with their international and regional obligations to prohibit and prevent torture and other ill-treatment. A package of tools will be developed specifically for the Special Mechanisms of the African Commission on Human and Peoples' Rights and national actors involved with the prevention of torture. Pilot projects using these tools will be conducted in Burundi, Kenya, Mozambique, Rwanda, South Africa and Uganda, in order to develop context-specific recommendations to prevent torture in these countries.
- Second, together with our partners Penal Reform International and the Medical Foundation for the Care of Victims of Torture we have secured another funding of nearly 1.2 million Euros from the European Commission for a three year collaborative project (this funding represents 80% of the total costs). The aim of the project is to strengthen, support

and assist with developing torture prevention mechanisms in 9 countries of the Commonwealth of Independent States (CIS) region: Russia, Ukraine, Belarus, Armenia, Azerbaijan, Georgia, Kazakhstan, Tajikistan and Kyrgyzstan. The project will focus on a whole variety of preventive mechanisms, such as National Preventive Mechanisms established in accordance with the Optional Protocol to the UN Convention against Torture; national human rights institutions; statutory oversight bodies; and also civil society initiatives. In addition to strengthening the capacity of these assorted bodies through various training workshops and conferences, a set of country specific assessment tools will be developed aimed at the evaluation of the torture prevention approaches adopted by these bodies, as well as targeted recommendations to the national Governments and bodies in question. The project will also focus on advocating for holistic and comprehensive programmes of rehabilitation for torture survivors based on existing models of international good practice.

## 7. Publications

### ○ Articles

- E. Steinerte and R. Murray 'Same but Different? National Human Rights Commissions and Ombudsman Institutions as National Preventive Mechanisms under the Optional Protocol to the UN Convention against Torture' *Essex Human Rights Review* vol 6, No1 December 2009 pp.54-72.

### ○ Policy Papers

The HRIC finalized three policy papers that were drafted during the earlier OPCAT implementation project:

- The policy paper 'The Optional Protocol to the UN Torture Convention and the UN Convention on the Rights of People with Disabilities: some common issues' explores commonalities between the two instruments as they envisage a direct role for national mechanisms in the implementation of an international human rights treaty. This latter element is very unique and it sets the mandates of the SPT and the CRPD apart from those of other UN treaty bodies. The national element of the two treaties clearly holds the potential of making the instruments truly effective and therefore the way

these national mechanisms are constituted, their independence and requisite powers become of paramount importance.

- The policy paper entitled "The Relationship between the Optional Protocol to the UN Convention Against Torture (OPCAT) and other international and regional visiting mechanisms" discusses the ways in which international and regional mechanisms involved in torture monitoring, visiting and prevention, such as the UN Subcommittee on the Prevention of Torture, the UN Committee Against Torture, the Special Rapporteur on Torture, the European Committee on the Prevention of Torture and the International Committee of the Red Cross can interact and engage with each other, taking into account their specific contexts.
- The policy paper entitled "The Inter-American Commission on Human Rights' Principles and Best Practices on the Protection of Persons Deprived of Liberty in the Americas and the Optional Protocol to the Convention against Torture" examines the relationship between the Principles drafted by the Inter-American Commission on Human Rights in 2008 and the OPCAT. The paper describes the Principles' background and main features, and how these compare to those found in the OPCAT. It also discusses how the Inter-American Human Rights system can interact with the OPCAT's Subcommittee for the Prevention of Torture and the National Preventive Mechanisms envisaged by the Protocol in the area of the prevention of torture.

## **8. Finances**

The establishment of the HRIC was supported by the University of Bristol, Vice-Chancellor's Initiative Fund, to which the Centre is most grateful. Many of the activities recorded in this Report have been made possible by the additional support of project partners, for which the Centre is also most grateful. The Centre continues to seek to broaden the range of its support base as its activities continue to increase.