


HUMAN RIGHTS IMPLEMENTATION CENTRE

CENTRE

LAW SCHOOL, UNIVERSITY OF BRISTOL

SECOND ANNUAL REPORT
2010/11

This is the second annual report of the Human Rights Implementation Centre (HRIC) of the Law School of the University of Bristol for June 2010 – May 2011.

The first year of the HRIC was about ensuring that the work of the Centre was known to stakeholders outside of the University and the best testament to achieving this was receiving funding from 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 work on these exciting projects has commenced and we very much look forward to further activities in the remits of these ventures.

As we concluded our first year of operation, our efforts were recognised also at the University level as the HRIC was included in the Bristol Institute of Public Affairs. The HRIC is humbled by such recognition of its work as it is the ‘youngest’ entity to come aboard this distinguished network of research in public affairs and public policy which hosts a range of high profile research centres.

In the second year of our operation we turned our attention more to the home arena. We have worked extensively to make the Centre more accessible to the students of the University and Law School in particular by holding an HRIC Visiting Staff Seminar Series, establishing a Human Rights Law Clinic and inviting students to join us on a voluntary basis on a variety of research activities. The present Annual Report contains a number of observations made by our students on how useful they have found the work of the HRIC.

We have also continued our work on the international stage: we have participated in various events around the world, given expert advice on legislation and provided training on various aspects of human rights implementation.

We are very pleased that in November 2010 Prof Malcolm Evans was appointed to the Government’s Human Rights Advisory Group. This Group has been established to give the Foreign Secretary the best possible information about human rights challenges, and for the Foreign Office to benefit from outside advice on the conduct of its policy.

Prof Evans was also elected to the United Nations Subcommittee on Prevention of Torture in 2010 and was subsequently elected Chair of this treaty body in February 2011.

As this report was drafted, we received two sets of excellent news: first, the Centre has secured funding of £150 000 over the next three years from the Oak Foundation. Secondly, we have been successful with our bid to the Foreign and Commonwealth Office to hold an event on capacity building for national human rights commissions in North Africa during times of conflict and post conflict situations. We are very grateful to both the Oak Foundation and the Foreign and Commonwealth Office for supporting the work of the HRIC.

The present report provides an account of all the activities in which we have been engaged from 1 June 2010 to 30 June 2011 as well as an insight into our plans for the forthcoming year.

Staff of the Human Rights Implementation Centre:

Director: Prof Rachel Murray

Deputy Director: Prof Malcolm Evans

Research Associate: Dr Elina Steinerte

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

Administrator: Mrs Cecilia Smith

Table of Contents

Events organised by the HRIC in 2010/11	p. 5
Events attended by the staff of the HRIC	p. 7
Country Engagements	p. 9
Engagement with civil society	p. 10
Activities supported by the HRIC	p. 11
Human Rights Law Clinic	p. 12
Students and the HRIC	p. 13
Proposed projects for year 2011/12	p. 14
Publications	p. 15
Finances	p. 16

1. Events organised by the HRIC in 2010/11

- Drawing on the wide expertise of its Visiting Staff, the HRIC in 2010/11 for the first time held its Visiting Staff Seminar Series, which were aimed at both staff and students across the University. The seminars ran in the Spring semester of 2010/11 and took place according to the following schedule:

*'While the presentations were very helpful for students to follow the thread of the seminar, it was also very interesting that each of the speakers had the chance to interact with the students in his/her own way. (...)
Moreover, I really enjoyed the sense of always being welcomed to express my opinion and ask questions.'*
Sofia Galani, LLM student

'...as a politics student with no background in law at all I was a little apprehensive about how legal the talk was going to be. However, this wasn't an issue at all - while the talk was dealing with very high-level legal processes, it wasn't specialist to the point of me not understanding it.'
Claire Hill, MSc in International Development

Claudine Haenni Dale	1 February 13.00 – 16.00	<i>Internal Displacement and Migration in the context of climate change – protection challenges</i>
Silvia Casale	4 March 14.00 – 17.00	<i>Deprivation of liberty and counter terrorism: safeguarding human rights of people held in connection with terrorism.</i>
Antenor Hallo de Wolf	8 March 13.00 – 16.00	<i>The regulatory autonomy of the State when privatizing state and public functions or services and its impact on the implementation of human rights.</i>
Maggie Beirne	23 March 14.00 – 17.00	<i>The front line of human rights defence: a Northern Ireland case-study.</i>
Mary Murphy	29 March 12.00 – 15.00	<i>From the UN Standard Minimum Rules of 1955 to the Bangkok Rules of 2010: Narrowing the gap of negligence in relation to women in the criminal justice system.</i>
Renate Kicker	8 April 10.00 – 13.00	<i>The European Committee for the Prevention of Torture (CPT): Standard-setting through monitoring.</i>

The seminars were open to all members of staff and students across the University and we especially encouraged students and staff from other departments to attend the seminar series. We very thus very pleased to see many participants from, for example, the School of Politics, among others.

- In collaboration with the Office for Democratic Institutions and Human Rights (ODIHR) of the Organisation for Security and Cooperation in Europe (OSCE) and Penal Reform International (PRI), in October 2010 the HRIC hosted a side event during the OSCE Review Conference, the Warsaw Part entitled 'Why are we still talking about torture?'. The event took place in Warsaw, Poland, was moderated by Ms Liane Adler, OSCE Office for Democratic Institutions and Human Rights and the speakers were:
 - Prof Zbigniew Lasocik, member of the UN Sub-Committee on Prevention of Torture and Law Professor
 - Mr Eric Svanidze, former member of the European Committee on Prevention of Torture, expert on torture and detention monitoring
 - Ms Saule Mektepbayeva, Penal Reform International
 - Dr Elina Steinerte, Human Rights Implementation Centre

- As part of its activities under the “Implementation of Human Rights Standards” (IHRS) project, the research team organised an expert workshop for East African national human rights institutions in Nairobi, Kenya between 18 and 19 October 2010. This workshop brought together for the first time representatives from the East African NHRIs, the African Commission, the African Union, the Network of African NHRIs, the Office of the High Commissioner for Human Rights, the UN Subcommittee on Prevention of Torture, and non-governmental organizations in order to examine the implementation of standards to prevent torture and other ill-treatment in the sub-region and explore ways in which collaboration between the African Commission and the East African NHRIs could be strengthened.

- In 2010/11 the Human Rights Implementation Centre has continued supporting the work of the National Preventive Mechanism (NPM) of the United Kingdom. On 9 May 2011 the HRIC supported a one-day workshop in Edinburgh aimed at strengthening the capacity of the UK NPM. This was a thematic workshop which examined the concepts of ‘independence’ and ‘deprivation of liberty’ in the context of the Optional Protocol to the UN Convention against Torture (OPCAT). The

event presented an opportunity for the 18 institutions of the UK NPM to come together and examine the issues as they relate to each individual organisation.

2. Events attended by the staff of the HRIC

- Dr Steinerte and Ms Long participated in the bi-annual world conference of the National Human Rights Institutions which took place in Edinburgh (Scotland) 6-10 October 2010.
- On 19 November 2010 Professor Murray attended and presented a paper on 'Independence of the Mechanism: Critical success factors beyond the Paris principles', to the Work Forum for the Implementation of the Convention on the Rights of Persons with Disabilities, Belgian presidency of the EU, with the European Commission, 18-19 November 2010
- On 22 November 2010 Professor Murray participated in and presented at the event organised by the Open Society Justice Initiative (OSJI) in Geneva, in relation to the publication of their report *From Judgment to Justice: Implementing International and Regional Human Rights Decisions*, 2010
- On 1 December 2010 Professor Murray presented a paper entitled: 'Making the Convention's Principles a Reality', at the event: *Making the Disability Convention Rights a Reality in Northern Ireland*, Belfast, Equality Commission for Northern Ireland, Northern Ireland Human Rights Commission, 1 December 2010
- On behalf of the HRIC, Dr Steinerte attended the now customary meetings of the OPCAT Contact Group in November 2010 and together with Prof Murray, the meeting in February 2011. They also presented the HRIC during the in-session meetings with the UN Subcommittee on Prevention of Torture in Geneva at these times.
- On 9 March 2011 Professor Murray attended a high level workshop organised by Queens University Belfast and the University of Oxford

in Kent, UK on the 'Equality and Human Rights Commissions: Achievements, Challenges and Opportunities.'

- Ms Long and Professor Murray attended the 48th and 49th ordinary session of the African Commission for Human and Peoples' Rights in October 2010 and April 2011. As well as providing an opportunity to meet with Commissioners, NHRIs and NGOs from the region in order to inform them about the IHRS project and activities of the HRIC generally, the IHRS team met with the Special Rapporteur on Prisons and Conditions of Detention in Africa and Chair of the Committee for the Prevention of Torture in Africa in order to follow-up on the Kenya conference for NHRIs and to discuss future activities under the IHRS project and the new "Article 5 Initiative" project – a collaborative project funded by the European Commission which is aimed at assisting African institutions working for the prevention of torture.
- In September 2010 and May 2011 Prof. Evans and Ms. Long attended expert meetings organised by the UK Foreign and Commonwealth Office (FCO) to review the FCO's strategy on the prohibition and prevention of torture and other ill-treatment.
- In March and April 2011 Prof. Evans and Ms. Long attended two civil society strategy meetings organised by PRI and Amnesty International to discuss plans by the UN Office on Drugs and Crime to review the UN Standard Minimum Rules for the Treatment of Prisoners.
- On 20 May 2011 Ms. Long participated in a workshop on the role of prevention for the promotion and protection of human rights organised by the UN International Coordinating Committee of National Institutions.
- On 26 May 2011 Ms. Long attended a meeting organised by the UK FCO to prepare for the seventeenth session of the UN Human Rights Council.
- On 27 June 2011 Prof Murray presented and participated at the Interights/OSJI event on 'The Implementation of Human Rights Judgments: The Litigator's Perspective', in London, UK.

3. Country Engagements

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

- **Kazakhstan**

The collaboration with the regional office of the UN Office of the High Commissioner for Human Rights (OHCHR) in Central Asia and the PRI Central Asia office in Astana, Kazakhstan, continued also during this year. The HRIC provided two sets of commentaries on the draft NPM legislation in Kazakhstan. The first commentaries were provided in September 2010 and presented to the stakeholders during the follow-up visit to the country by the then UN Special Rapporteur on Torture, Prof Manfred Nowak.

The HRIC was once again asked to review the next draft produced by the Ministry of Justice of Kazakhstan in March 2011.

- **Kyrgyz Republic**

In August 2010 the Regional office of the OHCHR once again requested the HRIC to review the draft NPM law that the Working Group on the implementation of OPCAT in the Kyrgyz Republic had produced.

In June 2011 the Regional office of the OHCHR approached the HRIC with the request to support the tabling of the draft NPM legislation to the legislator of the Kyrgyz Republic by reviewing the draft law and addressing the MPs.

- **Turkmenistan**

During 2010/11 the HRIC has worked extensively with the United Nations Development Programme (UNDP) in Turkmenistan in assisting the Turkmen authorities in their preparations for the examination of their initial report submitted under the UN Convention against Torture to the Committee against Torture (CAT). The Turkmen authorities submitted the initial report to CAT with some 9 years delay and the report was considered by CAT in May 2011. At the

request of the UNDP in Turkmenistan, Dr Steinerte travelled to Ashgabat three times: in July and October 2010 and in April 2011. In the remit of the EU/UNDP/OHCHR joint project "Strengthening the national capacity of Turkmenistan to promote and protect human rights." During these visits Dr Steinerte held workshops aimed at identifying any gaps in the initial report submitted to CAT and assisting the delegation with its preparations for the presentation of report in May 2011.

- **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 under OPCAT. The HRIC continued work on the 'UK NPM database' which is hosted on the web site of the HRIC and now linked from the websites of Ministry of Justice and Her Majesty's Inspectorate of Prisons (HMIP), the coordinating body for the UK's NPM. The database has been reviewed and updated in the light of the changes in the mandates of the some of the UK NPM institutions.

The support of the HRIC has been highly praised in the First Annual Report of the UK NPM.

4. Engagement with civil society organisations and others

- We have continued our excellent collaboration with Penal Reform International (PRI). In addition to co-hosting the side event during the ODIHR/OSCE Human Dimension Meeting in October 2010, as noted above, we have also embarked on the execution of our collaborative 3-year project on prevention of torture in 9 former Soviet Union countries (Russia, Ukraine, Belarus, Armenia, Azerbaijan, Georgia, Kazakhstan, Kyrgyzstan and Tajikistan), the funding for which is provided by the European Commission.
- HRIC continued to take part in the 'OPCAT Contact Group' a coalition of civil society organisations working on the issues surrounding

implementation of the OPCAT around the world.¹ The group met before the SPT sessions in November 2010 and February 2011 as well as with the SPT during its sessions at the same times.

- On behalf of and in close consultation with the OPCAT Contact Group, Dr Steinerte drafted and submitted a letter to the UN's Subcommittee on the Prevention of Torture (SPT) containing detailed comments regarding the SPT's Third Annual Report. The aim of the letter was to initiate further dialogue with the SPT and offer some insight into the work of the OPCAT Contact Group.
- The HRIC has embarked on closer collaboration with the Mental Disability Advocacy Centre (MDAC) as the work on a joint policy paper on issues of disabilities and deprivation of liberty has commenced.
- In 2010/11 the HRIC has also established closer links with the Omega Research Foundation and the International Harm Reduction Association. Further collaboration possibilities are being explored.

5. Activities supported by the HRIC

In the Funding Call for 2010-2011, the HRIC panel made one award for £998. The successful applicant was Ann Singleton, Senior Research Fellow, Head of the Centre for the Study of Poverty and Social Justice. The funds were used to hold a one day conference 'Migration and Social Policies: local, national and international perspectives' on 7 April 2011. The event was co-sponsored by the European Migration Network. The aim of the conference was to bring together academic researchers, practitioners and policy-makers to discuss current and emerging migration-related, social justice and social policy issues.

The conference was well-attended, with over 50 participants from local authorities, immigration law firms, social workers, immigration lawyers, police officers, academics and students, as well as interested members of the public.

The keynote speakers were Jeremy Oppenheim (UKBA), Prof. Vassilis Karydis (Deputy Ombudsman, Human Rights, Greece), Tony Bunyan (Director of Statewatch),

¹ This group was established by the Bristol OPCAT research team in September 2006.

Will Guy (University of Bristol) and Christien van den Anker (University of the West of England). Their contributions in the plenary session on European Union, UK and local policy and practice on migration policy, civil liberties and Roma integration stimulated discussion in the workshops, in which experts on human trafficking, social care and the demand for migrant labour, social harm, poverty and social justice. The resulting atmosphere was thought-provoking and challenging, as well as positive, relaxed and friendly. Many useful contacts and opportunities for future engagement, networking and exchange of insights were made.

The HRIC is also funding a piece of research carried out by Liz Mottershaw in collaboration with Professor Murray examining domestic structures for follow-up of UN and regional treaty body decisions in Europe and Africa.

6. Human Rights Law Clinic

In 2009 Ms Hena Sial, LLB student in the Law School, approached the HRIC with an idea of establishing the Human Rights Law Clinic. The HRIC were very interested in supporting this initiative but it was decided that instead of taking the 'classical' law clinic route, the Human Rights Law Clinic would team up with international NGOs who are involved in international and regional human rights litigation and assist them with their current cases by providing the required background research.

In 2010/11 the Clinic was launched when the HRIC received a request for such assistance from the Open Society Initiative (OSI) to assist with research for the case concerning Equatorial Guinea that was being submitted to the African Commission on People's and Human Rights.

There was an open call made to all Law students who had relevant human rights experience to express their interest if they wished to participate. We received a significant number of applications, and from this selected a team of six students from undergraduate, postgraduate and PhD backgrounds. Ms Hena Sial took the role of Student Director; the research was supervised by Prof Murray and Dr Steinerte.

The initial request from OSI was followed by a request from Human Rights Watch to assist with the research for a case concerning Bosnia and Herzegovina that was being considered by the European Court of Human Rights.

7. Students and the HRIC

'I applied to an advertisement to assist the HRIC in a research project (...) I found the research hugely interesting and whilst the task was a large one, I felt the HRIC had structured the assignment well, pairing us up and dividing the task into a manageable size. I felt we were well supported by (HRIC staff) who encouraged us to email her any questions and who gave us prompt feedback on our draft reports.'

Violet Marcel, 4th year Law and French LLB student

- In addition to the Human Rights Law Clinic, the HRIC invited students of the Law School to get involved with other research for the HRIC on a voluntary basis. The aim of this initiative was to provide the students with an opportunity to gain hands-on experience in human rights law. Our call received a very good response with over 30 students expressing an interest and getting involved with the research for the Centre. Each application was carefully reviewed to as to offer each individual the work that would best match their interests. The research was closely supervised by the staff members of the HRIC who were in close contact with students and reviewed various drafts produced by the students. The work of students hugely enriched the outputs of the HRIC this year. As a result their work we were able to, *inter alia*, make a stakeholders submission for the Universal Periodic Review of Thailand; compile an in-house report for the OHCHR; update our 'UK NPM Database'; update our web site 'Human Rights Visits'; find information on the role of national human rights institutions before UN treaty bodies; and to collect all of the public country reports and documents of the Special Rapporteur on Prisons and Conditions of Detention in Africa and the Committee for the Prevention of Torture in Africa for the IHRS project.

The HRIC would like to thank all the students for their hard work and enthusiasm.

Making the HRIC accessible to students across the University is one of the long term commitments of the HRIC. We found a very enthusiastic, intelligent and interested student community. The HRIC will continue with the various initiatives aimed at students and would like to encourage all students to take an active part as well as approach us with ideas

they may have about other ways in which they could be involved in the life of the HRIC.

Sarah Carl, LL.M student: *'As I have two seminars in human rights law, I thought that working with the HRIC was an excellent opportunity for me as a student to make practically use of what I have learned through getting involved in concrete research. Moreover, I appreciated that I could choose the country and topic for the UPR autonomously. This gave me the liberty to focus on a theme I was personally interested in. (...) In the end, I was more than proud when the report was completed, submitted to the UN and published on the HRIC website. It was an indescribable feeling to see released an official document I had worked on.'*

'Overall, I can say that my experience with the HRIC has been very beneficial. I had the chance to improve my skills by voluntary research as well as to enhance my knowledge by attending lectures by highly distinguished professionals. The whole environment during the seminars was very friendly and the staff of the HRIC as well as the speakers were very approachable and willing to communicate with students. The participation in the HRIC is something that I would definitely recommend to my fellow students.'
Sofia Galani, LL.M student

8. Projects for year 2011/12

The Human Rights Implementation Centre will continue to respond to the requests received from various stakeholders around the world. In addition, in 2011/12 the work on our two research projects funded by the European Commission, will continue as the projects enter their second year. Furthermore, the AHRC Implementation of Human Rights Standards project will reach the end of its funding in October 2012 and we have a number of events planned.

The HRIC has a number of major events planned for the forthcoming year:

- On 19-20 September 2011 under the IHRS project, the HRIC will host a high-level conference 'Implementation of UN Treaty Body Concluding Observations: The Role of National Mechanisms in Europe'. This will follow up from the event held in September 2009 which examined implementation in a broader sense and focus on the role of treaty body follow-up on Concluding Observations. It will bring together UN treaty bodies as well as national actors engaged in the implementation of international human rights, including national human rights institutions and key civil society actors.
- Between 21 and 22 November 2011 the IHRS project will host an expert workshop on 'National Mechanisms for the Follow-up of Communications adopted by the African Commission' in Addis Ababa, Ethiopia. This will bring together representatives from governments, the African Union, the African Commission on Human and Peoples' Rights, and civil society to examine national mechanisms for the follow up of communications adopted by the African Commission on Human and Peoples' Rights. It is anticipated that this event will identify examples of best practice and explore opportunities for strengthening follow-up on communications at the regional and national levels.
- The HRIC has also secured funding from the Foreign and Commonwealth Office to hold a seminar on capacity building for national human rights commissions in North Africa during times of conflict and post conflict situations. In collaboration with the Egyptian Council of Human Rights, the African Network of National Human

Rights Institutions and the National Institutions Unit of the Office of the High Commissioner for Human Rights, this will bring together the national human rights commissions, representatives from governments and civil society from Algeria, Egypt, Libya, Morocco and Tunisia to discuss strategies for working in conflict and post conflict situations. The event will be held in Cairo, Egypt before the end of 2011.

The HRIC will also continue its support to the UK NPM and two further workshops are planned for 2011/12: an event on the role of lay visiting bodies within the UK NPM and a workshop on the use of restraints.

9. Publications

○ Books

'Optional Protocol to the United Nations Convention Against Torture' (Murray, Steinerte, Evans and Hallo de Wolf), Oxford University Press, forthcoming, summer 2011

○ Chapters in Books

'The OPCAT at 50' (Evans, MD.), in G Gilbert, F Hampson, C Sandoval (Eds.), *The Delivery of Human Rights: essays in Honour of Professor Sir Nigel Rodley*, (pp. 85-113), Routledge, 2011

○ Papers

'Pretrial Detention and Torture: Why Pretrial Detainees Face the Greatest Risk' (M.Birk; J.Kozma; R.Schmidt; Z.Watts; D.Long and E.Steinerte) – publication with the Open Society Justice Initiative on 26 June 2011.

○ Articles

'The Special Rapporteur on Prisons and Conditions of Detention in Africa and the Committee for the Prevention of Torture in Africa: the potential for synergy or inertia?' (D.Long and L.Muntigh) – publication forthcoming in the SUR Journal in June 2011.

We are also currently working on developing manuals for national human rights institutions before the UN and the African Commission on Human and Peoples' Rights.

10. Finances and other support

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 due to the collaboration with and support from partners who funded the events and our participation in these. The Centre would like to thank these organisations for their collaboration and support over the past year.

As we conclude this second year of our work, we are very pleased to have secured funding of £150,000 from the Oak Foundation for the next three years. This will fund the costs of the Centre's research associate to continue the Centre's work into OPCAT and its implementation more broadly.

We are very grateful to the Oak Foundation for supporting the work of the Centre.