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HUMAN RIGHTS IMPLEMENTATION CENTRE

CENTRE

LAW SCHOOL, UNIVERSITY OF BRISTOL

THIRD ANNUAL REPORT  
2011/12

This is the third annual report of the Human Rights Implementation Centre (HRIC) of the Law School of the University of Bristol for June 2011 – May 2012.

Over the past year the Human Rights Implementation Centre has gone from strength to strength, and we are delighted that our reputation seems to be very well established and indeed, still growing. We have continued to receive approaches and to provide support, on a multitude of issues, including advice to governments, NHRI and civil society stakeholders. Much of this is reflected in the Report that follows, and we take this opportunity to reflect on the year's achievements as well as our progress going forwards.

Based upon our ongoing work over the years, and our particular expertise, the HRIC has identified three priority areas (our themes) for research. These are (i) prevention of torture and OPCAT, (ii) National Human Rights Institutions, and (iii) Implementation of human rights standards. Accordingly, this Report is in a new format to reflect this. This does not, of course, discount our activity or expertise in other areas, and as the present report demonstrates, we are not limited to or by these themes. Nevertheless, these are the areas to which we lend the most focus and are the areas on which we have our sights set for further work.

This year we have welcomed to our ranks Dr. Christine Reynolds, who joined us in July 2011 with funding from the FCO. She is currently also providing maternity cover for Dr. Elina Steinerte. In addition, we continue our strong relationships with visiting staff, whose numbers are also increasing at the time of writing and whose expertise is consistent with our themes.

The present report provides an account of all the activities in which we have been engaged from 30 June 2011 to 1 June 2012 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

**Researchers;** Dr Elina Steinerte (on maternity leave from March 2012 to November 2012)

Dr Christine Reynolds

Ms Debra Long

**Administrator:** Mrs Cecilia Smith

Please visit our website at: <http://www.bristol.ac.uk/law/research/centres-themes/hric/>

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## 1. Torture Prevention

### -Projects

- In 2011/12 the Human Rights Implementation Centre has continued its work on the 'Article 5 Initiative'; a partnership between the HRIC; the University of Cape Town (Gender, Health and Justice Research Unit); the University of the Western Cape (Civil Society Prison Reform Initiative at the Community Law Centre); and the African Policing Civilian Oversight Forum.

The Article 5 Initiative aims to support African Institutions to improve domestic compliance with the United Nations Convention against Torture (UNCAT) and the African Charter on Human and People's Rights. It focuses on six post-conflict African countries, namely Burundi, Kenya, Mozambique, Rwanda, South Africa and Uganda. This project is supported by the European Union (EU) through the European Instrument for the Development of Human Rights (EIDHR). Under this project, during the course of 2011 baseline studies for each of the 6 target countries were developed, examining the extent to which measures have been taken to give effect to the obligations under the UNCAT within the target countries. In 2012 these baseline studies will be used as the basis for identifying the challenges and opportunities for implementing UNCAT with stakeholders in each country.

- We completed our role as partners on a European Commission funded project on prevention of torture in 9 former Soviet Union countries (Russia, Ukraine, Belarus, Armenia, Azerbaijan, Georgia, Kazakhstan, Kyrgyzstan and Tajikistan). With the assistance of Kirill Koroteev we produced detailed analytical baseline studies for each state.
- As part of the on-going 'Implementation of Human Rights Standards' (IHRS) project, research visits were undertaken to Ethiopia, Tanzania and South Africa to interview various stakeholders on the use of the Robben Island Guidelines (RIG) and other standards aimed at the prevention of torture. In addition members of the IHRS team attended the ordinary sessions of the African Commission on Human and Peoples' Rights in 2011, in particular to meet with members of the African Commission's Committee for the Prevention of Torture in Africa to discuss the forthcoming 10th anniversary of the drafting of the RIG and the Article 5 Initiative.
- The HRIC has partnered with Amnesty International in order to assist in the revision of Amnesty's flagship publication on the prohibition and prevention of torture - "Combating Torture: A Manual for Action". The revised publication seeks to be a practical, comprehensive guide for all organisations and individuals working to combat torture and other ill-treatment world-wide. It is anticipated that the revised manual will be launched on 26 June 2013 as part of Amnesty's activities to mark the International Day in Support of Torture Survivors.

The HRIC has continued to update its website [www.humanrightsvisits.org](http://www.humanrightsvisits.org) which was this year added as a link from the homepage of the SPT's website. The website, which was originally set up in 2009, was designed to be a very practical tool of use to practitioners

working in the human rights field. The website reflects the visiting activity of regional and international human rights visiting mechanisms and, where they are available, provides links to their reports. The website allows the browser to search by state, by region, and by visiting mechanism. We are delighted to have this recognition of our work.

#### **-Presentations and Expert Advice**

- Dr Elina Steinerte was invited to deliver a presentation on 'Monitoring Children and young people held in prison custody in the United Kingdom: the experience of Her Majesty's Inspectorate of Prisons and Independent Monitoring Boards' in the remits of Summer School for NGO representatives and independent experts on 'Monitoring of children's institutions in the Republic of Kazakhstan in the framework of implementation of the Convention on the rights of the child and Optional Protocol to the UN Convention against torture' which took place between 18-22 July, 2011 in Akmolinskaya region, resort 'Zeren', Kazakhstan.
- Dr Elina Steinerte was invited to take part in the Expert Consultation to Develop a Tool for Monitoring Health Conditions in Pre-trial Detention, organised by the Open Society Foundations which took place in Vienna, Austria on 24-25 October, 2011
- Dr Elina Steinerte delivered a presentation, based on a co-authored paper with Prof Rachel Murray and Dr Judy Laing, on 'Monitoring those deprived of their liberty in psychiatric and social care institutions: international and national practice' during the Roundtable discussion 'Evolving Standards in Preventing Torture and Ill-treatment against Persons with Disabilities' which took place in Strasbourg, France on 4 November 2011. The event was organised by the Mental Disability Advocacy Center, the Human Rights Implementation Centre at Bristol University, and the Centre for Disability Law and Policy at the National University of Ireland, Galway.

#### **-Publications**

- Ms Debra Long of the HRIC, together with Dr Lukas Muntingh of the Community Law Centre of the University of the Western Cape published a paper, entitled '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?' in SUR- International Journal on Human Rights; Vol 7, N. 13.
- In June 2011, as part of the activities to commemorate the International Day in Support of Torture Survivors, the Open Society Justice Initiative (OSJI) launched the publication 'Pretrial Detention and Torture: Why Pretrial Detainees Face the Greatest Risk', written jointly by Moritz Birk, Dr. Julia Kozma, Roland Schmidt, and Zoe Oliver Watts of the Ludwig Boltzmann Institute of Human Rights; and Debra Long and Elina Steinerte from the HRIC.
- In July 2011 the Policy Paper on the Possible Future Role and Activities of the Committee for the Prevention of Torture in Africa (CPTA) was published by the HRIC.

- In the remits of the 'Article 5 Initiative', the HRIC team together with its project partners made a submission to the UN Committee against Torture on the Working Document of the General Comment on Article 14 of UNCAT.
- Dr Elina Steinerte, Prof Rachel Murray and Dr Judy Laing co-authored a paper 'Monitoring those deprived of their liberty in psychiatric and social care institutions: international and national practice' which is due to be published in International Journal of Human Rights later this year.
- The HRIC team was approached by the International Harm Association with the request to comment on its draft report Inflicting Harm: Judicial corporal punishment for drug and alcohol offences in selected countries. The HRIC welcomes the final publication of the report in autumn of 2011.

## 2. Work on OPCAT

### -Presentations and Expert Advice

- The HRIC submitted an expert opinion on Draft 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 to the Minister of Justice of Kazakhstan in September 2011. In May 2012, the HRIC sent a further detailed expert opinion to the Members of the Working Group on the Draft law.
- In addition, and in relation to the Kazakh NPM legislation, the HRIC has undertaken subsequent research for regional Civil Society partners, in particular PRI, at their request. This included a detailed illustration of how all other states with designated NPM have approached specific questions, including their independence from government. Civil Society have made use of this information in their discussion of the draft legislation with government. PRI have also reproduced it in Russian and included it on their website.
- During this year, the HRIC also continued its assistance to the adoption of adequate NPM legislation in the Kyrgyz Republic by, *firstly*, submitting an expert opinion on The Law of the Kyrgyz Republic "On the National Centre of the Kyrgyz Republic on prevention of torture and other cruel, inhuman or degrading treatment or punishment" to the Parliament of Kyrgyz Republic; and *secondly* by furnishing an expert opinion on Review of the Law on Ombudsman (Akyikatchy) of the Kyrgyz Republic in the light of the Optional Protocol to the United Nations Convention against Torture and Draft Law of the Kyrgyz Republic 'On the National Centre of the Kyrgyz Republic on prevention of torture and other inhuman, degrading treatment or punishment' to the Working Group in charge of the Draft NPM legislation in November 2011.

- On 8<sup>th</sup> June 2012 the HRIC received news from those we had been assisting that the draft legislation for the Kyrgyz NPM had been passed by the Parliament of the Republic of Kyrgyzstan. The HRIC is delighted with this excellent news, and humbled to receive thanks and recognition for our input.
- We have provided comments also on Hungary's draft legislation, in May this year, as it moves towards designating an NPM.
- In June 2011 the HRIC was approached by a consortium of organizations led by the Association for the Defense of Human Rights in Romania – the Helsinki Committee (APADOR) to assist in the remits of its project on 'Preventing Human Rights Abuses in Place of Detention'. In the remits of this request, Ms Debra Long travelled to Romania to examine the state of affairs regarding the ratification and implementation of OPCAT while Dr Elina Steinerte did the same in respect to Hungary. The outcomes of these two visits were two detailed expert reports on the state of play regarding OPCAT in these two countries.
- As part of a follow up to these initiatives, Prof Rachel Murray and Prof Malcolm Evans participated in a seminar in Budapest, Hungary on 14-15 May 2012 on implementation of OPCAT in Hungary organized by the Helsinki Committee on the Mental Disability Advocacy Centre (MDAC). This brought together key government officials, the ombudsman and civil society organizations to discuss the draft legislation on the NPM.
- Prof Malcolm Evans delivered a key-note speech during the Global Forum on OPCAT, organized by the Association on Prevention of Torture (APT), which took place on Geneva, Switzerland, on 10-11 November, 2011. Dr Elina Steinerte delivered a presentation entitled 'On a visit or a mission? The Mandate of the Subcommittee on Prevention of Torture' during the Thematic Session 'Enhancing the SPT's impact' of the same event. Due to expertise on OPCAT, all HRIC members were invited to, and attended the forum.
- The HRIC continued its engagement with the OPCAT Contact Group<sup>1</sup>. The Group met on 22 February and on 23 February 2012 appeared before the UN Subcommittee on Prevention of Torture (SPT) to discuss issues surrounding mental health in places of deprivation of liberty. The work of the HRIC on OPCAT and support to the UN SPT has been recognized by the treaty body in its Fifth Annual Report<sup>2</sup> (see para.37 at which the input of the Contact Group is also noted.)
- On behalf of the OPCAT Contact Group, the HRIC coordinated and submitted a letter to the UN Subcommittee on Prevention of Torture with comments on SPT's Fourth Annual Report in September 2011.

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

<sup>2</sup> CAT/C/48/3, available at; <http://www2.ohchr.org/english/bodies/cat/opcat/docs/CAT-C-48-3.pdf>



## -Events

In 2011/12 the HRIC continued its support to the work of the UK NPM which has been acknowledged once again in the Second Annual report of the UK NPM.

*Firstly*, on 31 October 2011 we supported an event aimed at the lay-visiting bodies of the UK NPM, entitled 'The lay monitoring bodies of the UK: challenges of being part of the UK NPM'. This took place in London, UK.

*Secondly*, on 20 March 2012 the HRIC supported a workshop for all UK NPM organizations on UK NPM on the Use of Restraints which took place in Bristol, UK.

- The HRIC continues to maintain and update the UK NPM database on its website: <http://www.bristol.ac.uk/law/research/centres-themes/hric/hricnpmukdatabase/>

The importance of this database has been acknowledged also in the Second Annual report of the UK NPM.

## -Publications

- A new book 'The Optional Protocol to the UN Convention Against Torture', written by Prof Rachel Murray, Dr Elina Steinerte, Prof Malcolm Evans, and Mr Antenor Hallo de Wolf, of the University of Bristol Law School's Human Rights Implementation Centre, was published by Oxford University Press in September 2011. The book, drawing upon events held and interviews with governments, civil society, members of UN treaty bodies, national visiting bodies and others, identifies key factors that have shaped the operation of these visiting bodies since OPCAT came into force in 2006. It looks in detail at the background to the adoption of the Protocol, as well as how the international committee, the SPT, has carried out its mandate in its first few years, and examines the range of places of detention that could be visited by these bodies, and the expectations placed on the national visiting bodies themselves. The book also places the OPCAT within the broader system of torture prevention in the UN and elsewhere and identifies a range of trends arising from the different geographical regions. As well as providing an insight into its work, this detailed examination of OPCAT also provides valuable lessons for other new human rights treaties such as the UN Convention on the Rights of Persons with Disabilities and the Convention on Enforced Disappearances, which have similar provisions concerning national mechanisms.
- The HRIC published a Policy Paper entitled "Deprivation of liberty' as per Article 4 of OPCAT: the scope' in October 2011.

### **3. National Human Rights Institutions**

#### **-Projects**

- In January 2012, the HRIC was commissioned by the Equality and Human Rights Commission (EHRC), - one of the UK's three national human rights institutions, - to undertake an evaluation of its effectiveness in treaty body monitoring. This also involved organising a national workshop and interviewing a large number of key people both within and outside the Commission. The research outputs included a literature review and a larger (internal) report of the research findings that was finalized in June 2012.

#### **-Publications**

- The HRIC has been working to produce a Manual for National Human Rights Institutions (NHRIs) on Engagement with the United Nations System. The manual is intended to set out, in an accessible format for NHRIs and others, information about the nature of NHRI and related issues (for example, the Paris Principles, ICC Accreditation etc.) and to give practical guidance to national institutions about the different mechanisms available in the UN through which human rights can be promoted and protected. The manual includes case examples of cross-cutting issues and how the UN mechanisms can be engaged. The manual is currently in the writing stages and will be published jointly by the HRIC and the UN OHCHR's National Institutions Unit in the coming year.

#### **-Events**

- On 27<sup>th</sup> February 2012, as part of its project evaluating the EHRC's treaty monitoring work, the HRIC organized a national workshop at the Equality and Human Rights Commission's offices in London. The event was designed to bring high-level interested parties around the table to discuss issues around effective treaty body monitoring. Participants included representatives from Civil Society groups with interest in a broad range of rights issues, and statutory bodies including HMIP, the Audit Commission and the Children's Commissioners, the Northern Ireland Equality Commission and the Scottish Human Rights Commission.
- A high level seminar 'Strengthening the Capacities of National Human Rights Institutions in North Africa in Conflict and Post Conflict Situations' was held from 3-4 December 2011 in Cairo, Egypt, to examine ways of strengthening the capacities of National Human Rights Institutions (NHRIs) in North Africa in conflict and post-conflict situations. It was organized by the HRIC in collaboration with the Network of African National Human Rights Institutions (NANHRI) and the Egyptian National Council for Human Rights (NCHR). It brought together the NHRIs of Algeria, Egypt and Morocco, civil society and government representatives from Algeria, Egypt, Morocco, Libya and Tunisia as well as stakeholders from international organizations, NGOs and NHRIs outside of the region. The event was funded by the Foreign and

Commonwealth Office (UK). The event culminated with the drafting and adoption of Cairo Declaration *On the Role of NHRIs in Conflict and Post Conflict Situations*.

#### 4. Human Rights Implementation

- Dr Elina Steinerte has been appointed to the newly established Council of Independent Experts on International and European law of the Republic of Latvia. The Council, composed of individual experts in international and European law who all serve in their individual capacities, has been convened by the Minister of Foreign Affairs with the aim of assisting the Latvian Ministry of Foreign Affairs to formulate its responses to the various issues emerging issues at the international level. This is the first time that such a Council is being convened since Latvia regained its independence in 1991. The Council met for the first time on 1 March 2012 in Riga, the capital of Latvia.

#### -Events

- On 19-20 September 2011, as part of the its IHRC project funded by the AHRC, the HRIC organized a High Level Seminar entitled 'Implementation of UN Treaty Body Concluding Observations: The Role of National and Regional Mechanisms in Europe' which brought together UN treaty bodies and OHCHR staff, representatives from European regional mechanisms, and national actors from various sectors (government, parliaments, judiciary, NHRIs and civil society). The event contributed to the ongoing United Nations Treaty Bodies Strengthening Process; see: <http://www2.ohchr.org/english/bodies/HRTD/index.htm>
- As part of the activities of the IHRS project, the HRIC organized an expert seminar on identifying national mechanisms to follow up and implement decisions of the African Commission on Human and Peoples' Rights. This event took place in Addis Ababa, Ethiopia on 21-22 November 2011 and brought together representatives from governments; the African Union; the African regional human rights mechanisms; the UN; national human rights institutions; and civil society to share experiences and best practice on follow up to decisions on individual communications. In particular it sought to explore current and future opportunities for strengthening follow up procedures at the national and regional levels; to identify mechanisms that are in place at the domestic level to respond to communications; and to examine the role of the African Commission and the African Union with respect to follow up.

## 5. Other Projects

In addition to work falling under the Centre's main themes, the Centre has had activity in some other areas. In particular, in November and December 2011, Professor Rachel Murray and Dr Christine Reynolds were commissioned by the European Union to act as Expert Consultants for an Expert Working-Group Meeting on the Freedom of Expression. The Meeting was convened under the frame of the Partnership in Governance between the EU and the African Union. It was held in Tunis 12-13 December and was attended by Dr Christine Reynolds. We played a key role in organising this event, identifying and inviting European experts in this area, we wrote three thematic papers for circulation and discussion at the session and, together with our African partners, produced the agenda and concept note, and a final report which included several practical recommendations for future work.

## 6. Activities supported by the HRIC

- The HRIC held a series of seminars during 2011/12 which enabled us to bring over to Bristol a number of distinguished speakers:
  - 17 October 2011: Shaykh Faizul Aqtab Siddiqi, Barrister and Maulana Sultan Mahmood, Chairman, Governing Council of Muslim Arbitration Tribunal delivered a seminar on 'Family Law, minorities and legal pluralism: Should English Law give more recognition to Islamic Law?';
  - 28 November 2011: Damon Barrett, a co-founder of the International Centre on Human Rights and Drug Policy and senior human rights analyst at Harm Reduction International in London delivered a seminar on 'Drug control: the need for thematic human rights focus';
  - 8 December 2011: Rachel Zaltsman, Senior Policy Adviser to the Chair and Chief Executive of the Equality and Human Rights Commission delivered a seminar 'A catalyst for change and improvement: developing the Equality and Human Rights Commission's Strategic Plan 2012-15';
  - 28 February 2012: Femke Hofstee-van der Meulen, Inspector of the Dutch Inspectorate for Implementation of Sanctions delivered a seminar entitled 'Foreign national prisoners';

- The HRIC has funded 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. Various academic outputs for this project include an article on national mechanisms for implementing European Court of Human Rights judgments, and follow-up mechanisms in Africa.

## **7. Human Rights Law Clinic**

The Human Rights Law Clinic, which was established in 2010/11, has continued its work this academic year under the student Directorship of Emily Peel (Director) and Sofia Galani (Deputy Director), with support from the HRIC. The Clinic comprised 8 students (including the aforementioned), who undertook research on three distinct projects for the Open Society Justice Initiative (OSJI). The projects consider some very specific and detailed questions posed by the OSJI on the themes of (i) access for NGOs to immigration detention facilities, (ii) migrant workers and issues surrounding arbitrary detention, and (iii) admissibility criteria to bring a case to the European Court of Human Rights (exhaustion of domestic remedies). The scope of this last project was narrowed to match the Clinic's capacity, but has yielded two pilot reports which we hope that next year's Human Rights Law Clinic will be able to build upon. As in previous years, the Clinic has provided students with the opportunity to contribute meaningfully to on-going human rights work, while developing their research and report writing skills. The HRIC welcomes the hard work of all the students involved and the high quality of the Clinic's research outputs which have been well received by the OSJI. We are very grateful to OSJI for providing some funding for the work of the Clinic.

## **8. Students and the HRIC**

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. This is an initiative continued from the previous year which aims 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 in order 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 and it remains relevant as, for example, research is now being used as we compile the NHRI Manual (see above). Furthermore, additional student inputs have not ended with the coming of exams. Indeed, we have been approached by several students, who, acting on

their own initiative have requested research work with the Centre. We are encouraged to have such pro-active students at the university, and have continued to accommodate these requests where we can.

## **9. Finances and other support**

The establishment of the HRIC in 2009 was supported by the University of Bristol, Vice-Chancellor's Initiative Fund, to which the Centre is most grateful.

Since mid-2010 some staff costs are funded by the Oak Foundation. We are very grateful to the Oak Foundation for supporting the work of the Centre.

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.

Looking to the future we have submitted several bids for research funding. These include proposals to the EU's EuropeAid funds, looking at aspects relating to OPCAT. We have also submitted a proposal to the UK's Foreign and Commonwealth Office for a project that would look at the UPR process in more detail. In addition, we are presently working on a proposal for research in collaboration with International Harm Reduction Association (lead partner) and Canadian Legal HIV/AIDS Network that would look at the adequate provision of healthcare in prisons, with a particular focus on AIDS/HIV and other blood borne viruses.