


HUMAN RIGHTS IMPLEMENTATION CENTRE

CENTRE

LAW SCHOOL, UNIVERSITY OF BRISTOL

FOURTH ANNUAL REPORT
2012/13

This is the fourth annual report of the Human Rights Implementation Centre (HRIC) of the Law School of the University of Bristol for June 2012 ó June 2013.

This report follows the four priority areas (our themes) which we have identified on the basis of our on-going work over the years, and our particular expertise. These are (i) prevention of torture and OPCAT, (ii) National Human Rights Institutions, and (iii) Implementation of human rights standards (iv) and the African human rights system.

This year we were sad to see Dr. Christine Reynolds leave the HRIC. She has worked with the Centre since July 2011, initially with funding from the FCO to assist Prof Evans and then also providing maternity cover for Dr Steinerte. We would like to thank Dr Reynolds for her valuable contribution to the HRIC .

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 1 July 2012 to 30 June 2013 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:

Ms Debra Long

Dr Christine Reynolds (until 31 March 2013)

Dr Elina Steinerte (on maternity leave from March 2012 to February 2013)

Administrator: Mrs Cecilia Smith

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

Table of Contents

| | |
|---|-------|
| 1. Torture Prevention and OPCAT | p. 5 |
| 2. National Human Rights Institutions | p. 8 |
| 3. Human Rights Implementation | p. 9 |
| 4. African human rights system | p. 11 |
| 5. Other projects | p. 12 |
| 6. Students and the HRIC | p. 12 |
| 7. Forthcoming activities for year 2013/14 | p. 14 |
| 8. Finances and other support | p. 15 |

1. Torture Prevention and OPCAT

Projects

- In 2011/12 the Human Rights Implementation Centre continued its work on the Article 5 Initiative, a partnership between the HRIC, the University of Cape Town (Gender, Health & 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 Peoples Rights. It focuses on six post-conflict African countries, namely Burundi, Kenya, Mozambique, Rwanda, South Africa and Uganda. The project is supported by the European Union (EU) through the European Instrument for the Development of Human Rights (EIDHR). Having completed baseline studies and draft tools for the domestication of the UNCAT, in 2012-13 the focus of the project turned to the national level. Two workshops were undertaken during this period in each of the 6 target countries to introduce and then pilot test the tools being developed. The HRIC is leading the work in Uganda and held workshops in July and December 2012 with the assistance of the Uganda Human Rights Commission as the in-country liaison. Each of these workshops involved key national stakeholders including representatives of the government, judiciary, police force, security service, the military, civil society organizations, Office of High Commissioner for Human Rights and the EU. Further workshops will be held in the second half of 2013 to finalise the tools and develop an action plan for each of the target countries. The final package of tools will be published later in 2013. In addition to activities at the national level, the Article 5 Initiative submitted statements at the 52nd and 53rd Ordinary sessions of the African Commission on Human and Peoples Rights. A side event on the project was also held during the 53rd Session in April 2013. Lastly, the Article 5 Initiative also made a submission to the UN Committee against Torture in respect of its consideration of Kenya's second periodic report during its 50th session in May 2013.

- 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 in 2014.
- Dr Judy Laing and Professor Rachel Murray were awarded a grant by the Care Quality Commission to conduct comparative research into international mental health monitoring mechanisms. The CQC is currently reviewing its

monitoring and regulatory strategy and, as part of that process, is keen to explore and compare monitoring regimes in other jurisdictions. The results of this study will inform the CQC's thinking on the most effective way to protect the rights of people who are subject to the powers of the Mental Health Act, and in particular, how to ensure that the monitoring role complies with the UK's obligations under the United Nations Optional Protocol to the Convention against Torture and fits in to the general healthcare regulatory regime. The report summarising the findings of the research is now available on the CQC's website: <http://www.cqc.org.uk/public/reports-surveys-and-reviews/reports/mental-health-act-annual-report-2011/12/comparative-revie>

- The HRIC signed a Memorandum of Understanding with the UK NPM in January 2013 to facilitate future collaboration.

-Presentations and Expert Advice

- The HRIC has continued its long-standing support for the adoption of NPM legislation in Kazakhstan and thus in June 2012 we provided advice to the Members of the Working Group 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.
- The HRIC has continued its work with the OPCAT Contact Network (previously the OPCAT Contact Group) in supporting the work of the UN Subcommittee on Prevention of Torture. The HRIC, together with the Association for Prevention of Torture (APT) form the Steering Committee of the Network.
- The HRIC is collaborating with the African Policing Civilian Oversight Forum (APCOF) and the Open Society Justice Initiative (OSJI) on the development of regional guidelines on pre-trial detention to be adopted by the African Commission on Human and Peoples' Rights.
- Rachel Murray was invited to speak at the University of Groningen in the Netherlands on 'OPCAT and Monitoring Places of Detention in Healthcare Settings' in February 2013. This was in connection with a funded project led by Dr Antenor Hallo de Wolf and Brigit Toebes on implementation of OPCAT in the Netherlands with respect to health care settings.
- Dr Elina Steinerte was invited to speak at the First International Conference on Combating Torture and Reduction of Pre-Trial Detention in the MENA region. The event was organised under the patronage of His Majesty King Abdullah II ibn Al Hussin and took place on Dead Sea, Jordan on 26-27 June

2013. This conference, marking the International Day in Support of Torture Survivors, was the first gathering of the kind of representatives from 10 countries of the MENA region (Bahrain, Egypt, Iraq, Jordan, Lebanon, Oman, Palestine, Sudan, United Arab Emirates and Yemen) and examined in detail the practice of countries in relation to pre-trial detention and prevention of torture.

-Events

- On 21 February 2013 the HRIC and the OSJI organized a strategy session on pre-trial detention for the SPT in Geneva. The SPT has identified pre-trial detention and overcrowding as one of the general issues arising from its visits. Therefore the aim of this event was to bring together a few external experts with the SPT members to consider how the SPT can most effectively and strategically tackle problems arising from pre-trial detention with the resources it has to date. The activity was devised to feed into the SPT's strategic development plans and internal reflections on the delivery of its mandate as a whole in order to strengthen its future activities and impact at the national level.
- As part of our visiting staff seminar series the following individuals gave presentations at the Centre:
 - Audrey Olivier from the APT gave a presentation on 'Enhancing dignity in detention. The Optional Protocol to the UN Convention against Torture, an example of a successful advocacy campaign' in February 2013.
 - Rod Morgan, 'Reluctant Expert: providing Article 3-related evidence in extradition proceedings' November 2012
 - Mary Murphy and Mona Sadek, 'ICRC - Humanitarian and Human: Making the standards work for detainees' October 2012

-Publications

- D. Long and R. Murray, 'Ten Years of the Robben Island Guidelines and prevention of torture in Africa: For what purpose?' 12(2) *African Human Rights Law Journal* (2012)
- R Murray, 'Monitoring the prohibition of torture' *Think Africa Press*, 13th November 2012
- E. Steinerte, 'The Changing Nature of Relationship between the United Nations Subcommittee on Prevention of Torture and National Preventive

Mechanisms: in Search for Equilibrium' 31 (2) *Netherlands Quarterly of Human Rights*, (2013), pp. 129-155.

- E. Steinerte, J. Laing, R. and Murray, 'Monitoring those deprived of their liberty in psychiatric and social care institutions and national practice in the UK' 16(6) *International Journal of Human Rights*, (2012): 865-882.
- J. Laing and R. Murray, *A comparative review of international monitoring mechanisms for mental health legislation*, May 2013, <http://www.cqc.org.uk/public/reports-surveys-and-reviews/reports/mental-health-act-annual-report-2011/12/comparative-revie>
- J. Laing and R. Murray, 'An international comparison of monitoring mechanisms in mental health care settings' in Juan Mendez and Hadar Harris, *Torture and Ill Treatment in Health-care Settings: A Compilation*, Center for Human Rights & Humanitarian Law of the American University Washington College of Law, forthcoming
- In the remit of RIG/Soft Law project a Policy Paper '10 Years of the Robben Island Guidelines and the Optional Protocol to the UN Convention against Torture (OPCAT) – a time for synergy' was published in August 2012.
- The HRIC continues to maintain the UK NPM database on its website which is an extensive source of information about the all organizations forming the UK NPM: <http://www.bristol.ac.uk/law/research/centres-themes/hric/hricnmpmukdatabase/>

2. National Human Rights Institutions

Projects

- The HRIC is continuing the work 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, 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 will be published jointly by the HRIC and the UN OHCHR's National Institutions and Regional Mechanisms Section (NIRMS) in the coming year.

-Expert Advice

- Professor Rachel Murray participated in a Roundtable on Support for NHRIs in the OSCE Region in Warsaw, Poland, organized by ODIHR in October 2012.

-Publications

- G. De Beco and R.Murray, *A Commentary on the Paris Principles on National Human Rights Institutions*, Cambridge University Press, forthcoming.

3. Human Rights Implementation

Projects

- December 2012 saw the completion of the HRIC's Implementation of Human Rights Standards project. This four year research project, funded by the Arts and Humanities Research Council (AHRC), had examined how soft law is used in practice and what are the factors that have an influence on its use by national, regional and international actors, particularly in the African context. It is anticipated that the findings of this project will help to inform and guide the future development and use of non-binding human rights instruments and the lessons identified by this project are helping to inform the development of guidelines on pre-trial detention at the African Commission on Human and Peoples Rights. A book *Implementation of the Findings of the African Commission* will set out further findings from the project.
- Prof Murray produced an internal report for Interights evaluating the impact of six of their cases. Further collaboration on this issue is envisaged. Background research for this was carried out by former LLM student Laura Wills, and current LLM student Michael Ashworth.
- The Centre is also funding research to look into the use of assessors in courts in the UK. This project is being carried out by Catherine Maskell.

-Events

- On 4 July 2012 the Human Rights Implementation Centre held an expert seminar in Bristol to examine the strategic use of soft law human rights documents. This seminar formed part of the final activities under the Implementation of Human Rights Standards project and provided an opportunity for the IHRS team to present their preliminary findings emanating

from this four year project. The seminar brought together representatives from academia and civil society organizations in order to discuss the key influencing factors that drive the use of soft law human rights documents in practice and drawing upon practical examples to identify what are the main challenges and/or limitations to their use. A report of the seminar is available on the Centre's website: <http://www.bristol.ac.uk/law/research/centres-themes/hric/softlawrigproject/>

- On 17 September 2012 in Addis Ababa the HRIC together with the East African Regional Office of the High Commissioner for Human Rights hosted a high level seminar on the role of AU bodies in following up decisions of the African Commission on Human and Peoples' Rights (African Commission). This seminar built upon an earlier workshop organized by the HRIC in November 2011, which examined national mechanisms to follow up decisions adopted by the African Commission. One of the recommendations emanating from this earlier workshop was that the role of various AU bodies in following up on decisions of the African Commission needed further consideration. Accordingly, this high level seminar brought together key representatives from the African Commission; the Peace and Security Council; the AU Legal Office; the AU Commission; the African Committee of Experts on the Rights and Welfare of the Child (ACERWC); and UN bodies, in order to share experiences and best practice, and to identify future opportunities for strengthening follow up procedures within the AU human rights framework. A report of the seminar is available on the Centre's website: <http://www.bristol.ac.uk/law/research/centres-themes/hric/softlawrigproject/>
- As part of our visiting staff seminar series the following gave presentations:
 - Antenor Hallo de Wolf, Regulation of essential services and human rights implementation, January 2013.
 - Maggie Beirne, Putting human rights into practice at the domestic level, using the case-study of Northern Ireland, November 2012.

- **Publications and presentations**

- E. Mottershaw and R. Murray, 'National Responses to Human Rights Judgments: The Need for Government Coordination and Implementation' 6 *European Human Rights Law Review* (2012), 639-653.
- Professors Rachel Murray and Malcolm Evans presented at an expert workshop organized by the University of Nottingham on 'International Human Rights Law: Towards Pluralism or Harmony' in June 2013.

4. African human rights system

Projects

- Members of the HRIC are part of a network of organisations engaged in litigating before the African Commission that are considering strategies on how to enhance the experiences before the Commission and its practices.
- Staff of the HRIC attended the sessions of the African Commission on Human and Peoples' Rights throughout 2012 and 2013.
- Article 5 Initiative project (see above under torture prevention).
- In August 2013 we acted as co-applicant (with the Centre for Human Rights in the University of Pretoria and Amnesty International) in the submission of an amicus curiae brief to the African Court on Human and Peoples' Rights in respect of the request for an advisory opinion by the Socio-Economic Rights and Accountability Project (SERAP) under article 4(1) of the Court Protocol and Rule 68 of the Rules of Court.
- We also submitted comments on the African Commission's draft guidelines on pre-trial detention and participated in an experts meeting at the 53rd Ordinary Session of the African Commission in Banjul, in April 2013.

Publications

- R. Murray and E. Mottershaw, 'Mechanisms for the Implementation of Decisions of the African Commission on Human and Peoples' Rights', *Human Rights Quarterly*, forthcoming
- E. Steinerte, '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 Ippolito, F. and Abass, A. (eds). *Regional approaches to the protection of asylum seekers: an international legal perspective*. (Ashgate, forthcoming)

5. Other Projects:

- Online short courses in human rights

The HRIC ran for the first time in July 2013 three Online Short Courses in Human Rights. Three courses were offered:

- The African Human Rights System
- The Prevention of Torture
- The Implementation of Human Rights Standards in Practice

The courses were aimed at providing students with a practical insight into their subject and a thorough understanding of the most recent developments. The courses were taught by staff at the Human Rights Implementation Centre and also involved high profile experts from the UN and regional human rights bodies as well as other human rights organisations. Participants were students, academics, non-governmental and inter-governmental staff, representatives from governments, and legal professionals, as well as others for whom knowledge of the subject is important to their work or who are embarking on a career in human rights.

Students who successfully completed a course received a Certificate of Attendance. Each course is accredited by the Solicitors Regulation Authority and Bar Standards Board for CPD points.

These courses will become a regular feature throughout the year.

- Visitors to the HRIC

We also welcomed a number of visitors to the Centre, including Rosa Cortado from the University of Mercia in Spain, who was working on reservations to human rights treaties.

6. Students and the HRIC

(a) 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 leadership of Marina Velickovic (Student

Director) and Patrick Thompson (deputy student director) and with the contribution of six student researchers (Declan Gallivan, Heidi Li, Sarah Okimaru, Moira Sy, Seema Kavar, Rebecca Yeo and Fawzi Barghouti held the last position at different times).

The clinic undertook research on two projects for the Open Society Justice Initiative (OSJI) focusing on the (i) application of international law in Kenya following the 2010 Constitution and (ii) conduct of investigations of human rights complaints against the police.

The Clinic gave students the opportunity to engage in independent research and contribute to on-going human rights work with external partners.

We are grateful to OSJI for working with the students and for providing some funding for the work of the Clinic.

(b) Other activities

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. Over 30 students have provided valuable assistance for the Centre in this way. The projects in which they have been involved have included:

- background research for the NHRI manual and Amnesty International Combating Torture Manual;
- background research for the implementation projects including those on the African Commission;
- research for the Human Dignity Trust on references to sexual orientation by the African human rights bodies; the Ugandan Anti-Homosexuality Bill, and litigation in Cameroon.
- research for Interights on their impact evaluation work.

We are encouraged to have such pro-active students at the University and very much welcome their continued involvement in the Centre.

In the forthcoming year we will be offering a number of internships at the Centre.

(c) University of the Gambia lectureship

Each year the HRIC has sponsored one former student to work at the University of the Gambia as a lecturer. Last year Fiona Batt, a PhD student and former LLM student, undertook this role. As the Dean of the Faculty of Law of the University of the Gambia noted that Fiona has done extremely well in every respect that relates to her

assignment at the University of the Gambia. This year, the position has been filled by Sophia Gallop, an LLM student.

(d) PhD students in the Law School

A number of PhD students are undertaking human rights related PhDs in the Law School. Information on their research can be found on the Law School's website: <http://www.bristol.ac.uk/law/research/research-students/>

We welcome applications for PhDs in the area of human rights law. Please do contact Professors Rachel Murray or Malcolm Evans for more information.

7. Forthcoming activities for 2013/14

Projects and advice:

- The Human Rights Implementation Centre will continue to respond to the requests received from various stakeholders around the world.
- In 2014 the HRIC will be collaborating with the OMEGA Foundation on their new project funded by the EU. This project aims to encourage governments to develop effective national, regional and international mechanisms to control the trade in, use of and accountability for, the technologies of torture.
- We will continue our work on implementation of human rights decisions, with further funding applications in collaboration with other universities in UK and Africa.
- The HRIC will continue its work on the Article 5 Initiative with its project partners.

Events:

- As part of its ongoing relationship with the UK NPM, a major conference to mark the five years of the designation of the UK NPM will be held in Bristol in April 2014. This is being funded by HMIP in collaboration with the HRIC.

We are also delighted to announce that Jonathan Cooper OBE (Doughty Street Chambers and Chief Executive of the Human Dignity Trust) and Ben Kioko (Judge of the African Court on Human and Peoples' Rights) will join us as Visiting Fellows of the Centre from 2013.

8. Finances and other support

The Centre is grateful to the following for providing financial support for its work this year:

- The establishment of the HRIC in 2009 was set up with seed funding by the University of Bristol, Vice-Chancellor's Initiative Fund.
- Since mid-2010 some staff costs are funded by the Oak Foundation.
- The Open Society Justice Initiative has provided financial support for the running of the Human Rights Law Clinic.
- The AHRC funded the implementation of soft law project and the EU funds the Article 5 Initiative.

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.