

## Impact case study (REF3)

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| <b>Institution:</b> University of Exeter   |   |  |
| <b>Unit of Assessment:</b> UoA 21 Sociology  |   |  |
| <b>Title of case study:</b> Enhancing the prevention of torture and misuse of 'less lethal' weapons in places of detention   |   |  |
| <b>Period when the underpinning research was undertaken:</b> 2003 – 2018   |   |  |
| <b>Details of staff conducting the underpinning research from the submitting unit:</b>   |   |  |
| <b>Name(s):</b>  | <b>Role(s) (e.g. job title):</b>                    | <b>Period(s) employed by submitting HEI:</b> |
| Dr Abigail Dymond  | Senior Lecturer in Criminology                      | 2017 - present                               |
| Professor Brian Rappert  | Professor of Science, Technology and Public Affairs | 2003 - present                               |
| <b>Period when the claimed impact occurred:</b> 2017 - present   |   |  |
| <b>Is this case study continued from a case study submitted in 2014?</b> N   |   |  |
| <b>1. Summary of the impact</b>  |   |  |
| <p>Despite the global prohibition on torture and ill-treatment by the United Nations and Geneva Conventions, such practices occur in over 140 countries and in every region of the world. Mass-manufactured 'less lethal' weapons and restraints are often used in torture and ill-treatment and their misuse in prisons and places of detention is reported worldwide, yet the market for these weapons is large, growing (currently valued at over \$6 billion) and under-regulated.</p> <p>Visits by independent torture prevention bodies to prisons and detention centres can be effective in the fight against torture and abuse involving such weapons. However, these bodies lacked resources to monitor less lethal weapons and restraints, and to help them understand and apply international standards. Dymond and Rappert's research has: <b>enhanced the work of the UN Subcommittee for the Prevention of Torture (SPT); informed torture prevention practice and international norms and standards</b> via the Organisation for Security and Co-operation in Europe (OSCE); and <b>improved monitoring and safeguarding practice world-wide.</b></p>   |   |  |
| <b>2. Underpinning research</b>  |   |  |
| <p>The underpinning research draws on work conducted by Dr Dymond's ESRC's Future Research Leaders Award (2017 – 2020 at the University of Exeter), in conjunction with research undertaken by Professor Rappert since 2000 (also at the University of Exeter since 2003). The research involved multiple methods, including i) a survey of torture prevention bodies, ii) analysis of international and regional human rights law, regional and national trade control legislation, iii) a systematic review of statements by torture monitoring bodies and UN Special Procedures, iv) a literature review of work on detention monitors and v) analysis of less lethal weapons and restraints.</p> <p>Several key findings emerged from this research. Rappert's work highlighted the use and misuse of less lethal weapons [3.1, 3.2] and demonstrated that focusing on the key international standard on such weapons – <i>The United Nations Basic Principles on the Use of Force and Firearms</i> – could only go so far since 'what these principles mean in practice has not been given much attention' [3.2]. Later work by Rappert and Dymond highlighted the importance of looking not just at the <i>use</i> of less lethal weapons but at broader issues, including their selection prior to use and reporting requirements post-use [3.3]. Taken</p> |   |  |

together, this body of work highlighted the importance of monitoring and scrutiny of less lethal weapons by external bodies in order to prevent torture, ill-treatment, inadvertent or unintentional misuse and the infliction of unnecessary pain and suffering. It further highlighted the role that equipment design, training, and accountability mechanisms could play in preventing or facilitating such human rights abuses.

The difficulties and ambiguities that such external bodies face were also assessed [3.3]. These difficulties included the perceived technical nature of the monitoring, difficulties in identifying and operationalising relevant standards—standards which had question begging relation to situated action [3.4]—and a lack of suitable resources to assist monitors in this area. In order to address this gap, Dymond conducted a systematic review of the evidence. This included reviewing the literature and relevant standards pertaining to ‘less lethal’ weapons and restraints. These were complemented with less traditional sources, including international and regional trade control legislation, statements by UN Treaty Bodies, reports from UN agencies and regional torture prevention bodies. The resulting Practical Guide revealed and made accessible, in a user-friendly format, hitherto under-utilised standards that monitors could apply; for example, requirements around reporting the use of less lethal weapons. It also operationalised existing standards; for example, by helping to clarify the provision in the Nelson Mandela Rules prohibiting ‘inherently degrading equipment’ through providing examples of this equipment.

These insights were expanded upon and translated into resources, co-designed with the Chair of the UN Subcommittee for the Prevention of Torture (SPT) to meet the needs of torture prevention bodies. Dymond led on researching (as detailed above) and drafting, with advice from Rappert and substantive input from Omega Research Foundation (an influential NGO in this area, who co-authored the resources), the SPT Chair, and the SPT Committee during a dedicated slot in their 2017 session. Dymond then produced a final version, presented to the SPT in their 2018 session, resulting in a set of evidenced-based practical materials [3.5] for torture prevention bodies. The UN Subcommittee, Omega and others circulated the resources to more than 60 national torture prevention bodies worldwide, as well as to the Organisation for Security and Co-operation in Europe, the UN Special Rapporteur on Torture and other relevant stakeholders, enabling systematic and effective approaches to monitoring weapons and restraints.

The outputs [3.5] were initially provided in English, French and Spanish, and were subsequently translated by request into seven additional languages (Arabic, Indonesian, Polish, Portuguese, Russian, Slovenian and Uzbek). They comprised:

- a *Practical Guide*, which set out existing norms and standards and provided checklists of questions and observations for monitors to use;
- a *Pocket Book*, designed to be taken into places of detention. This comprised a one-page summary of the Practical Guide, setting out practical actions monitors could undertake while on visits;
- a *Training Package* to complement the guide, which was run in Brazil, Indonesia, Poland, Uzbekistan and Slovenia.

### 3. References to the research

3.1 Rappert, B. 2004. ‘[Moralizing Violence.](https://doi.org/10.1080/0950543042000193762)’ *Science as Culture* 13(1): 3–35

3.2 Rappert, B 2004. ‘[A Framework for the Assessment of Non-lethal Weapons](https://doi.org/10.1080/13623690412331302284)’ *Medicine, Conflict and Survival*, 20:1, 35-54, DOI: 10.1080/13623690412331302284, p41.

3.3 Dymond, A. and Rappert, A (2015) ‘[The Role of Civil Society in the Control of New Weapons Technologies](https://doi.org/10.1080/13623690412331302284)’ *Sicherheit und Frieden* 2: 73–8

3.4 Rappert, B. 2007. ‘[On the Mid-Range: An Exercise in Disposing \(or Minding the Gaps\)](https://doi.org/10.1080/13623690412331302284)’ *Science, Technology & Human Values* 32(6): 693–712.

**3.5** Dymond, A and Omega Research Foundation. 2018. *Monitoring Weapons and Restraints in Places of Detention: A Practical Guide for Detention Monitors* Omega Research Foundation, Manchester.  
<https://omegaresearchfoundation.org/publications/monitoring-weapons-and-restraints-places-detention-practical-guide>

#### **4. Details of the impact**

The tools and resources detailed above have enabled torture prevention bodies at the global, international and national levels to enhance their monitoring and safeguarding practice in prisons and other places of detention, contributing to better regulation and additional protection for people at risk of torture and ill-treatment.

#### ***Global Impact: enhancing the work of the UN Subcommittee for Prevention of Torture (SPT)***

The UN SPT visits places of detention in 90 states worldwide and advises torture prevention bodies in more than 70 of these jurisdictions. Dymond provided a ‘train-the-trainers’ event for 25 SPT members during their June 2018 Committee meeting. For the Chair of the SPT, these ‘practical tools underpinned by high-quality academic work ... brought to light something so important and really got us all to think about it in ways in which we never had before. If this is not impact, what is!’ **[5.1]** Consequently, SPT members report greater confidence in asking questions, following up on concerns, and establishing whether international standards are being respected **[5.1]** on their in-country visits.

The UN Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Professor Nils Melzer, also welcomed these documents. The Special Rapporteur has a mandate to conduct fact-finding country visits and monitoring trips to places of detention worldwide, conducting visits to countries including Venezuela, Serbia, Argentina and Ukraine in 2019 alone. The Rapporteur noted that the ‘excellent’ practical guide and pocket book provided him and his team with a ‘handy checklist of questions to focus on when examining the use of weapons and restraints during monitoring visits’ **[5.2]**. The reach of the work is considered particularly important given the global market in, and trade of, less lethal weapons worldwide.

#### ***Impact in Europe and Central Asia: the Organisation for Security and Co-operation in Europe (OSCE).***

Dymond and Rappert’s impact with the OSCE was threefold. First, Dymond’s research assisted the OSCE’s Adviser on Torture Prevention, to ‘develop understanding and practice in this area’. The adviser noted that, prior to this research, she had not been working on the use of weapons and restraints and that ‘this issue received little attention compared to other aspects of torture prevention’. As a ‘direct result’ of the research and resources, she is ‘now better equipped to provide advice and training to participating States, national human rights institutions and civil society organisations in the 57 countries in Europe, Central Asia and North America that participate in the OSCE on the use and misuse of less lethal weapons and restraints, as well as to advise senior OSCE officials, country staff and field operations’ **[5.3]**.

Second, the research helped develop guidance on international norms and standards via the publication of the OSCE and Penal Reform International’s *Guidance Document on the Nelson Mandela Rules*. The *Nelson Mandela Rules*, are new United Nations standards setting out minimum rules for the treatment of prisoners. The Guidance Document is designed to provide expert practical advice for prison managers, staff, governments, detention monitors and others involved in prison work, on how to operationalise the Rules, and to assist their implementation on the ground. Following Dymond’s feedback, the Practical Guide was cited extensively in the Guidance Document. The section on ‘Prohibited Means of Restraint’ was taken directly from the Practical Guide **[5.4]**, adding detail and helping prison staff and monitors, both in the OSCE region and more broadly recognise

appropriate and inappropriate weapons, equipment and uses. For the OSCE Lead, 'the section Dr Dymond drafted on restraints assists prison administrations, penitentiary staff, monitoring bodies and policymakers in effectively implementing standards for the treatment of prisoners, preventing torture and other ill-treatment and ensuring human dignity for all. This section will help them to use restraints in a human rights-compliant manner' [5.3].

Third, Dymond worked with the OSCE Advisor on Torture Prevention, the OSCE Office in Uzbekistan, the UN Office of the United Nations High Commissioner for Human Rights (OHCHR) Regional Office for Central Asia and the Omega Research Foundation to plan and personally deliver training across OSCE participating States, including in Poland [5.5], Slovenia [5.3], and Uzbekistan [5.6] (discussed in more detail in the next section). The OSCE Advisor on Torture Prevention further noted that the work played an important part in the OSCE's 'continuous work on preventing torture and strengthening the independent monitoring of places of detention in the OSCE region' [5.5].

### ***Nation State Impact: Improved monitoring and safeguarding practices***

In addition to improving monitoring and safeguarding practice at the global and European level, Dymond and Rappert's work contributed to improved practices and safeguarding in multiple States worldwide. In Norway, the detention monitor the Norwegian Parliamentary Ombudsman and National Preventive Mechanism (NPM) 'found [the research and resources] really valuable...especially given the scant research available' [5.7]. They used the *Practical Guide* to help inform their engagement with the Directorate of the Police over proposals to use pepper spray in police custody suites. The Guide also informed their response to draft police guidelines on pepper spray inside cells and helped them to express 'misgivings' highlighting the lack of 'proper safeguards' in the proposed guidance. As a direct result of the NPM's input, 'the authorities introduced stricter safeguards and safety requirements when using [the spray] in confined spaces' [5.8].

In Jamaica, meanwhile, the Independent Commission of Investigations (INDECOM) used the research as a 'benchmark' for policies and practices of the Jamaican police and prison service on batons and pepper spray. INDECOM received 208 complaints on the use of these weapons between January 2016 and October 2018. Using and frequently referring to the guide, alongside other resources, INDECOM assessed existing training and guidance, as well as exploring technical features of the weapons. They subsequently issued nine new recommendations to improve the use and accountability of 'less lethal' force, the first instance of specific public recommendations for the Jamaican police and prison service in this area [5.9].

The Training Pack on the *Practical Guide* that Dymond developed was used in training courses with torture prevention and detention monitors in five countries worldwide between 2018 - 2019. In Poland [5.5], Uzbekistan [5.6] and Slovenia [5.3] Dymond personally delivered the training, working with the partner organisations discussed above. The Training Pack was also used by the Omega Research Foundation, independent of Dymond, in trainings they provided in Brazil and Indonesia, with additional requests received from monitoring bodies in Austria, Kosovo and Portugal.

Taken together, these trainings reached over 130 participants, predominantly detention monitors, across the five countries between 2018 – 2019. Participants reported enhanced monitoring skills and a better understanding of the area as a direct result of the training [5.5]. In Slovenia, monitors will further analyse the trainings provided to police officers, internal police rules and regulations and elaborate on policy recommendations on the use of electric-shock weapons and other equipment to the Slovene authorities following on from the training [5.3]. In Poland, the Head of the National Preventive Mechanism noted that 'monitoring weapons... is a crucial part of our mandate. Until very recently there was little guidance for monitors, and this training... enhanced our monitoring skills in this area' [5.5]. The information and techniques discussed on the workshop are being utilised by the Polish

National Preventive Mechanism in their day-to-day preventive work and included in their monitoring methodology and practices [5.3].

In addition, Dymond was invited to speak at a webinar convened as an emergency response to a new law, purportedly concerned with COVID-19, but which authorised the use of electric-shock weapons, such as Taser, in Polish prisons. The event was organised by the OSCE Office for Democratic Institutions and Human Rights (ODIHR) and the Polish Commissioner for Human Rights, with support from Omega Research Foundation and the University of Exeter. 40 participants, predominantly from the Polish Ombuds Institution and the National Preventive Mechanism were helped to formulate recommendations to the Polish authorities to address the potential human rights implications of the use of electric discharge weapons in prisons [5.10].

## 5. Sources to corroborate the impact

**5.1** Correspondence from the Chair of the UN Subcommittee for the Prevention of Torture, Professor Malcolm Evans, and Dr Dymond, including a Letter of Support for Dr Dymond's Nomination for the ESRC Celebrating Impact Award. Used with permission.

**5.2** Email from UN Special Rapporteur on Torture, Professor Nils Melzer, to Dr Abi Dymond. Used with permission.

**5.3** Letter of support from the Adviser on Torture Prevention, OSCE/ODIHR, Poland: impact of Dr. Dymond's research on torture prevention.

**5.4** OSCE and PRI (2018) *Guidance Document on the Nelson Mandela Rules Implementing the UN Revised Minimum Standard Minimum Rules for the Treatment of Prisoners*. Please see p81 - 82 where the section entitled 'Context: Prohibited Means of Restraint' is taken directly from the Practical Manual.

**5.5** OSCE (2018) Polish torture prevention monitors trained by ODIHR and partners in monitoring and documenting use of weapons and restraints. <https://bit.ly/3rheVgg>

**5.6** National Centre for Human Rights of the Republic of Uzbekistan (2019) 'Closed Institutions and Places of Detention: The first day of training'.

**5.7** Email correspondence from Johannes Flisnes Nilsen, Senior Advisor to the Norwegian Parliamentary Ombudsman and National Preventive Mechanism to A. Dymond, made available with the express written permission of Nilsen and Dymond.

**5.8** Norwegian NPM (2018) *The Norwegian NPM's submission to the UN Committee against Torture's 63rd session – Information regarding the Norwegian Government's implementation of the Convention* p22, p26. <https://bit.ly/3lSeC46>

**5.9** INDECOM (2018) 'The use of Less Lethal Weapons by Jamaican Law Enforcement' *The INDECOM Quarterly* July-September 2018. <https://bit.ly/3coreq0>

**5.10** OSCE (2020) Use of Taser in the Polish prison system. <https://bit.ly/3spDnab>