



CONVENTION AGAINST TORTURE INITIATIVE
CTI2024.ORG

**Technical workshop on
legislative drafting for anti – torture laws for common law African States
12-14 September 2017
Laico Lake Victoria Hotel
Entebbe, Uganda**

AGENDA

DAY 1 Tuesday 12 September 2017			
		Learning outcome/purpose	Facilitator/speakers
9:00- 9:30	Registration of participants		
9:30 -10:00	<ul style="list-style-type: none"> • Welcome remarks: Dr. Alice Edwards, Head of Secretariat, Convention against Torture Initiative • Remarks: Commissioner Med Kaggwa, Commissioner and Member of the Committee for the Prevention of Torture in Africa, African Commission on Human and Peoples’ Rights • Remarks: Carla Ferstman, Director, REDRESS 		Alice Edwards, CTI Secretariat Commissioner Med Kaggwa Carla Ferstman, REDRESS
10.00-10.15	Introduction to the aims and purpose of the workshop, and the programme <ul style="list-style-type: none"> • Roundtable: introductions and expectations 		REDRESS
10:15-11.15	Session 1: Introduction to legislative drafting <ul style="list-style-type: none"> • This session will introduce legislative drafting and examine principles that draft-persons should take into account during the drafting process. • Introduction to legislative drafting • Principles of legislative drafting 	Understand the basic principles of good legislative drafting	Ms Olive Zaale
11.15-11.45	Tea break		

11:45-13:00	Session 2: Legislative drafting techniques This session will look at issues such as: <ul style="list-style-type: none"> • The conventional approach to legislative drafting • Analysis and structure of original legislation • Analysis and structure of amending legislation. 	Grasp the techniques of legislative drafting	Ms Olive Zaale
13:00-14:00	Lunch		
14:00 – 15:15	Session 3: The prohibition of torture under the Convention against Torture (UNCAT I) and the African Charter <ul style="list-style-type: none"> • This session will introduce participants to the essential elements of anti-torture legislation, as well as discuss the recommended and other optional elements , touching upon key substantive legal issues drawn from UNCAT as well as the African human rights system • The session will include: i) definition of torture; ii) including other cruel, inhuman or degrading treatment or punishment; iii) modes of liability; iv) the exclusionary rule/admissibility of evidence; v) jurisdiction. 	Understand key issues that should be taken into account when drafting anti-torture legislation.	REDRESS Commissioner Med Kaggwa
15:15 – 15:45	Tea break		
15:45 – 17:00	Session 4: The prohibition of torture under the Convention against Torture (UNCAT II) and the African Charter <ul style="list-style-type: none"> • This session will continue to focus on the essential, recommended and optional elements of anti-torture legislation, drawing from UNCAT as well as the African human rights system. • The session will include: i) complaints, investigation, prosecutions and extradition; ii) amnesty, immunity, statutes of limitations and other impediments iii) non-refoulement and iv) redress 	Understand key considerations that should be taken into account when drafting anti-torture legislation.	REDRESS Commissioner Med Kaggwa
17:00-18:00	Invited Panel: Uganda’s experience of legislative reform on torture		Alice Edwards, CTI Secretariat

	Uganda is one of few countries to have adopted stand-alone anti-torture legislation. This session will hear from Ugandan officials why they opted for a stand-alone law, how the process was initiated and who was involved in the process. They will share their experience of implementing the law to date. Different perspectives will be shared.		<p>Panellists:</p> <ul style="list-style-type: none"> - Mr Wilfred Niwagaba, Parliament of the Republic of Uganda - Mr Samuel Herbert Nsubuga, African Center for Torture Victims - Mr Paul Okirig, State Attorney, Ministry of Justice and Constitutional Affairs - Ms Ruth Ssekindi, Uganda Human Rights Commission
18:00-18:15	Wrap-up Day 1, what to expect from Day 2		REDRESS
18:15-18:25	Group photo		
19:00 – 21:00	<p>Reception - welcome remarks by Ms. Mavis Amoa, Representative of Government of Ghana, and Ms. Majbrit Holm Jakobsen, Councillor, on behalf of H.E. Mr. Mogens Pedersen, Ambassador of Denmark to Uganda</p> <p>Participants will be joined by diplomatic representatives from Kampala-based embassies, along with UN and other international organisations</p>		
	End of Day 1		

DAY 2 Wednesday 13 September 2017			
		Learning outcome/purpose	Facilitator/speakers
9:00-9:15	Introduction to Day 2's programme		REDRESS
9:15-10:45	Session 5: Application of legislative drafting techniques – Exercise – reviewing legislative provisions UNCAT I: Building on the knowledge gained on Day 1, participants will engage in an exercise of reviewing and evaluating a number of anti-torture legislative provisions to determine whether i) they meet the basic principles of good legislative drafting and ii) are in conformity with UNCAT. Participants will be divided into groups. Facilitators will give advice on-the-spot.	Be able to identify key elements in legislative provisions that produce clear, effective and implementable legislation which comply with the requirements of UNCAT	Ms Olive Zaale REDRESS
10:45-11:15	Tea break		
11:15-12:30	Session 6: Case study: An introduction to anti-torture legislation: Inclusion of anti-torture provisions in other statutes <ul style="list-style-type: none"> This session will consider the approach and methods of including anti-torture provisions into existing laws, by studying the Mauritian Criminal Code and/ or other legislation. Participants will be involved in interactive discussions and encouraged to actively engage. 	Participants will be informed of the anti-torture provisions of the Mauritius Criminal Code and attain an understanding behind the motivation of this choice of format.	Ms Purnima Dunpath REDRESS
12:30-13:30	Lunch		

13:30 -14:45	<p>Session 7: Case study: The structure of Anti-torture legislation - Stand-alone legislation</p> <ul style="list-style-type: none"> • This session will focus on how to structure stand-alone anti-torture legislation. The case study will look at the structure of Uganda’s Prevention and Prohibition of Torture Act and provide insights into why this structure was deemed appropriate. • Participants will be involved in interactive discussions and encouraged to actively engage. 	Aid participants appreciate the structure of stand-alone anti-torture legislation.	Ms Ruth Ssekindi REDRESS
14:45- 15:45	<p>Session 8: One-to-one surgeries</p> <p>Participants will be assigned to an expert from the workshop team and discuss opportunities and challenges arising in the context of their own country situation. Come prepared to discuss your most pressing issues.</p>	Have questions answered and discuss your national context	Experts REDRESS
16:00-17:00	<p>Session 9: One-to-one surgeries</p> <p>Participants will be assigned to an expert from the workshop team and discuss opportunities and challenges arising in the context of their own country situations. Come prepared to discuss your most pressing issues.</p>	Have questions answered and discuss your national context	Experts REDRESS
17:15 – 17:30	<p>Reconvene for tea and coffee - Wrap-up Day 2, what to expect from Day 3</p>		REDRESS
	<p>End of Day 2</p>		

DAY 3 Thursday 14 September 2017			
		Learning outcome/purpose	Facilitator/speakers
08:45-09:45	Session 10: One-to-one surgeries Participants will be assigned to an expert from the workshop team and discuss opportunities and challenges arising in the context of their own country situations. Come prepared to discuss your most pressing issues.	Have questions answered and discuss your national context	Experts REDRESS
09:45 – 10:00	Reflection on Day 2, and introduction to Day 3's programme		REDRESS
10:00-11:30	Session 11: <u>Exercise</u> - drafting exercise UNCAT II For this exercise, participants will be divided into groups. Each group will draft provisions on each of the specific issues examined on the afternoon of Day 1. Facilitators will provide advice on-the-spot.	Gain substantive knowledge of the components good anti-torture law should include	REDRESS Experts
11:30 – 11:45	Tea break		
11:45– 13:00	Session 12: <u>Exercise – Comparing the two approaches</u> During this exercise participants will compare the two approaches to criminalising torture: stand-alone legislation, or legislative amendments. Participants will look at the pros and cons of the two forms of anti-torture legislation and will analyse their own country contexts.	Appreciate the two forms of anti-torture legislation	REDRESS
13:00– 14:00	Lunch		

14:00 – 16:00	<p>Session 13: Strategies and processes of legislative drafting – Roundtable</p> <ul style="list-style-type: none"> • During this session each participant will have 3 minutes to describe the process of legislative drafting generally and the role of key stakeholders in these processes. • Experts from Uganda will Mauritius will share their experiences. • The various experiences will enable participants draw from good practices and lessons shared by other participants. 	Share each other’s country experiences from which participants will draw lessons and good practices pertinent to their situations.	Experts REDRESS
16:00- 16:30	<p>Session 14: The next steps and conclusion</p> <p>This session will wrap up the workshop. Discussions will focus on the next steps and forms of assistance and / or collaboration required to progress this discussion in specific countries.</p>	Conclude the event. Next steps and the kind of collaboration / support participants would need to take some of the issues discussed forward.	Alice Edwards, CTI Secretariat REDRESS
16:30 – 17:00	End of day 3/ Workshop closure		

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