



United against all forms of torture: Applying a cross-cutting perspective to prevent, prohibit and redress torture globally

18th EU-NGO Human Rights Forum
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Executive summary

Despite the considerable legislative progress made at international, regional and national levels in the past decades, in practice, torture and ill-treatment **persist** worldwide. Indeed, in the context of **escalating crises** and **protracted conflicts** in various regions of the world, the challenges of preventing, investigating and prosecuting torture, as well as ensuring redress to its victims, are as relevant as ever.

While 2016 marked several milestones in terms of normative and legislative measures in the efforts against torture, recent global developments demonstrate the need to improve and adapt their implementation to **rapidly changing realities** and newly emerging challenges. Against the backdrop of global and European migration crises, counter-terrorism measures and the continued shrinking of space for independent civil society, action against torture and ill-treatment, already declared to be at the top of the EU's political agenda, must be prioritised.

Today, some individuals and groups remain **disproportionally at risk of torture** and ill-treatment due to discrimination and marginalisation. At the same time, redress, reparation and rehabilitation available to torture survivors fail to match the scale of the problem and the growing numbers of torture cases. Even as the overall national and international anti-torture framework marks positive steps forward, many are left behind.

These challenges were discussed extensively at the 18th EU-NGO Human Rights Forum organised by the European External Action Service (EEAS) and the Human Rights and Democracy Network (HRDN) in Brussels on December 1-2, 2016. Human rights defenders (HRDs) and activists from over forty countries testified to the realities of torture and ill-treatment and reflected together about current policy approaches at national, regional and international levels and possible ways forward to effectively combat torture. The Forum took place at a timely moment ahead of the revision of the EU Guidelines on Torture.

Discussions at the Forum pointed to several key challenges in the fight against torture, including the impact of the lack of rule of law, including the absence or failure of legal safeguards, and a misunderstanding of the various forms which torture can take. Existing discrimination can make specific groups within society more vulnerable to torture and ill-treatment. In turn, a weak legal and judicial system, inefficient security and police forces as well as a lack of political accountability all perpetuate impunity. This undermines social and political trust and propels forward a vicious circle leading to more instances of torture. The issue of torture must be therefore viewed in all its complexity and addressed across policy areas and at all levels. It is further crucial that the overall human rights framework be respected in all circumstances, independent of perceived crises; civil society must further be given the space to promote and protect this framework.

Two key themes emerged in the discussions during the 18th EU-NGO Forum. One is that the EU and its member states already have at their disposal a wide range of tools and resources to promote efforts against torture and ill-treatment; the other stresses how the EU and its member states can further enhance their impact in this area by leading by example.

The Treaty of Lisbon, the Strategic Framework on Human Rights and Democracy, the Action Plan on Human Rights and various human rights guidelines already commit the EU and its member states to following the vast majority of the recommendations made by the participants of the Forum. Unfortunately, as underlined by a number of testimonies, the EU and its member states still fail to fully implement their own policies in dealing with third countries. While providing substantial financial support towards global anti-torture efforts, the EU's public commitment can falter at critical moments. The need for the EU and its member states to speak out more systematically about occurrences of torture and bring up individual cases during dialogues with third countries, including at the highest levels, was stressed throughout the Forum by participants from all geographical regions.

Participants also called for a more ambitious, proactive implementation of the Action Plan on Human Rights and the EU guidelines on torture, including by training staff at all levels to mainstream anti-torture efforts into all policy areas. Overall, participants sent the EU and its member states a resounding call for greater political will and resources to fully deliver on their human rights obligations and the commitments they have made to combat torture and ill-treatment, mainstreaming this work throughout political relations and human rights engagement with third countries as well as in trade, security cooperation and technical assistance.

Crucially, the EU's calls to eradicate torture worldwide must go hand in hand with efforts to apply the same standards domestically. The EU and its member states cannot be perceived as credible human rights actors on the global stage if they do not adhere to international laws and norms themselves. Forum participants testified to the loss of the EU's influence in some fora as a result of its disregard for human rights in responding to increased migration flows into Europe. To maintain their relevance and influence internationally, the EU and its member states must redouble their efforts to ensure that all policies and practices fully respect international human rights law and comply with international and regional legal obligations and commitments.

The EU faces particular challenges as the world's largest donor to civil society working against torture, and for human rights activities as such. The changing global political landscape will likely result in NGOs and actors relying ever more on its financial and political backing, as other major donors realign their political and financial objectives. Responding to this global change will require increasingly close cooperation between the EU and civil society at all levels, to protect existing human rights work and

to strategically think towards the next steps in responding to human rights challenges, including in the fight against torture.

The outcomes of the 18th EU-NGO Forum point to the far-reaching role the EU and its member states can play in combatting torture and ill-treatment in both external and internal policies. Today more than ever, their international human rights law commitments will be tested throughout policy areas – especially in the domains of migration and security policy. Where the EU and its member states rise to the challenge and prioritise human rights consistently and coherently, they have the opportunity to truly promote and support the eradication of torture and ill-treatment worldwide.

Key recommendations

Participants at the 18th EU-NGO Forum agreed that torture and ill treatment must be understood in the broadest possible scope, including setting, targets and acts, in order to best tackle and eradicate them in all their forms. The key recommendations below are grounded in this fundamental consensus and in the wide-ranging discussions at the Forum. Recommendations are directed to the EU, its member states and third countries on policy and practice at home and abroad, in bilateral relations and finally with the ambition of greater international, multilateral efforts to stop torture worldwide.

To the EU and its member states

- Mainstream EU and member state obligations and commitments on eradicating torture and ill-treatment across all areas of foreign policy, truly demonstrating zero tolerance of (risk of) torture, including in security, counter-terrorism, trade and cooperation agreements with third countries and explicitly addressing (risk of) torture in Foreign Affairs Council discussions;
- Engage third countries to both commit to and implement international human rights norms and agreements by efficiently using existing mechanisms, such as the EU Action Plan on Human Rights; the full spectrum of EU human rights guidelines, including the guidelines on torture; human rights dialogues and dialogues under the Cotonou Agreement; political dialogues and summits; as well as the Generalised System of Preferences (GSP+);
- Engage third countries to take action against torture and ill-treatment in policy and practice, including implementation of the Istanbul Protocol and of mechanisms aimed at the protection of specific groups;
- Ensure coherence between the EU's external and internal human rights policies and practices by ensuring that EU and member states' actions comply with international standards, including the ratification and effective implementation of the OPCAT by all EU member states;
- Pro-actively promote the full use of international and regional human rights mechanisms and tribunals such as the ICC, regional human rights courts and bodies, UN Human Rights Treaty bodies such as CAT and the SPT, as well as Special Procedures such as the UN Special Rapporteur on Torture (SRT), fully backing their findings and recommendations and encouraging their full implementation;
- Ensure that the risk and/or occurrence of torture and ill treatment is explicitly addressed and assessed in any EU or member state cooperation on migration management, including

designation of “safe third countries”, training of border staff, externalisation of asylum procedures and readmission agreements;

- Ease access to grants for anti-torture organisations, especially ones based outside of capitals and/ or in smaller countries; fund holistic programmes providing rehabilitation along with full scale legal aid and access to effective investigation;
- Step up support and legitimise work of HRDs and CSOs working on torture, providing funding as well as critically needed and visible political support to anti-torture organisations by visiting their offices and projects as well as meeting with torture survivors;
- Make full use of the forthcoming issue of the revised EU Guideline on torture in 2017, to adopt Council Conclusions taking up the recommendations resulting from the Forum and committing to intensify EU and member states’ action against torture and ill treatment worldwide.

To third countries

- Uphold the absolute ban on torture in line with international human rights law obligations and commitments in all areas of foreign and domestic policy, truly demonstrating zero tolerance against torture;
- Ratify the UN CAT and the OPCAT and ensure the full implement their provisions at domestic level;
- Develop and implement comprehensive anti-torture policies;
- Ensure full human rights training of all detaining authorities and establish effective, independent oversight of all places of detention, through a National Preventive Mechanism (NPM) in full compliance with the OPCAT and civil society monitoring;
- Establish monitoring mechanisms for acts of torture that may take place outside of a detention setting;
- Train judges and prosecutors to raise their awareness concerning torture and ill-treatment and the different forms they can take and strengthen the independence of national judicial systems to better tackle impunity;
- Establish independent complaint mechanisms and implement the Istanbul Protocol to address impunity, while building the capacities of social, medical and psychological professionals in state structures and CSOs to apply the Istanbul Protocol and rehabilitate torture victims;
- Provide holistic, victim centred rehabilitation including medical care and legal aid to those who wish to seek judicial remedies, ensuring sensitivity to gender, age, culture and ethnicity.