

CONCEPT NOTE

2016 EU NGO Human Rights Forum 1-2 December 2016

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

Global context

2016 is a key moment for global engagement against torture and ill-treatment, and to take stock of achievements and challenges in the fight against torture and ill-treatment worldwide. This year marks the 10th anniversary of the entry into force of the Optional Protocol to the Convention against Torture (OPCAT), the 29th anniversary of the entry into force of the Convention Against Torture (CAT) and the 50th anniversary of the adoption of the International Covenants on Economic, Social and Cultural Rights (ICESCR) and on Civil and Political Rights (ICCPR), the latter prohibiting torture and ill-treatment in Article 7.

Addressing torture and ill-treatment remains as urgent as ever against the backdrop of conflicts and crises, such as the global and European migration flows, counter-terrorism efforts and the shrinking space for independent civil society, in particular the repression of human rights defenders.

Today, there are multiple specific instruments, guidelines and mechanisms to address torture through the European Union (EU) itself, as well as at international level through the United Nations (UN), the Council of Europe (CoE), the Organization for Security and Cooperation in Europe (OSCE), the African Commission on Human and Peoples' Rights (ACHPR) and the Inter-American Commission on Human Rights (IACHR). At the same time, some countries have spearheaded efforts towards the absolute prohibition of torture in practice, launching the Convention against Torture Initiative (CTI) two years ago. Yet despite such diverse instruments, torture remains a reality worldwide, and victims still do not have access to redress.

EU context

Combating torture and ill-treatment is one of the EU's stated human rights priorities, and is specifically referred to in the EU Action Plan on Human Rights and Democracy 2015-2019. As part of this commitment, the EU launched a global call in August of this year prioritising the fight against torture in EU programming.

2016 is also a key moment for EU action against torture as the EU Guidelines on Torture – which aim to provide the EU and its Member States with practical guidance on action against torture and ill-treatment worldwide – are also being revised this year.

On Human Rights Day 2014, EU High Representative for Foreign Affairs and Security Policy, Federica Mogherini, said:

“We have achieved a lot but much remains to do. One such area of work is torture. The Convention against Torture was adopted by the UN 30 years ago today and yet torture is still widely practised around the world. This demands our urgent attention.”

This year’s EU NGO Forum on the theme ***“United against all forms of Torture – applying a cross-cutting perspective to prevent, prohibit, and redress torture globally”*** will offer a precious opportunity to carry the debate forward at this crucial moment.

General objectives

First and foremost, the 2016 EU NGO Forum aims to identify ways to reinforce EU and Member State action to prevent, fight and redress torture at home and worldwide.

This will include strengthening EU leadership and collaboration at international level, and proactively giving visibility to the issue in line with relevant EU policies and instruments.

Moreover, the EU NGO Forum will also identify, disseminate and draw on best practice and opportunities from the EU institutions, EU Member States, international organisations, third countries, civil society and human rights defenders.

Specific objectives

The 2016 EU NGO Forum will facilitate open dialogue on the challenges of fighting torture and ill-treatment, bringing together representatives of the European institutions, EU Member States, international organisations and global civil society, including practitioners and human rights defenders, to:

- analyse the challenges in the eradication of torture and ill-treatment;
- assess the impact of existing responses in policy and practice;
- identify best practices to circulate and ways to improve the effectiveness of existing policy and practice ;
- foster connections, exchange and partnerships.

Forum methodology

The Forum will address torture and ill-treatment from a cross-cutting perspective, exploring how these issues are inexorably linked to almost all other major human rights challenges e.g. freedom of expression, freedom of peaceful assembly, and rights of vulnerable groups such as LGBTI people, human rights defenders or migrants.

In this spirit, the three main cross-cutting areas of focus for discussion will include:

- **Most vulnerable groups.** What are the specific needs and risks faced by minorities, women, children, persons with disabilities, human rights defenders, and indigenous peoples? How can policies against torture and ill-treatment be better tailored to meet the specific needs of these groups and to translate commitments into practice?

- **Accountability and the fight against impunity.** How can we increase accountability of authorities, bring perpetrators to justice and fight impunity for torture and ill-treatment? What are the potential pitfalls and opportunities for next steps, both in terms of practical measures and legislative or policy changes? What is the space for redress and rehabilitation for victims that complements efforts on accountability and the fight against impunity?
- **Torture and ill-treatment as explicitly related to today's foreign and domestic security policy agenda.** Today, key foreign and domestic security policy issues including counter-terrorism, the fight against organised crime and migration, naturally touch on human rights. Questions around torture and ill-treatment often implicitly arise from EU and Member State cooperation with third countries. How can the EU and Member States more explicitly address torture related issues in foreign and domestic security policy? What role can civil society play in this process?

Throughout the discussion, we will aim to explore how the EU and its Member States can mainstream and advance prevention, response and redress for torture and ill-treatment throughout their human rights work.

Together, using these areas of focus as a starting point, we will look for ways forward through:

- Existing international and regional mechanisms and organisations (UN, International Committee of the Red Cross (ICRC), CoE, ACHPR, IACHR);
- The OPCAT and National Preventive Mechanisms (NPMs) in the EU and worldwide;
- Recently developed and adopted mechanisms e.g. AU Guidelines on the Conditions of Arrest, Police Custody and Pre-Trial Detention, Nelson Mandela Rules;
- International, national and regional justice mechanisms, and the role of National human rights institutions;
- Creation of national legal frameworks in compliance with the internationally accepted definition of torture and ill-treatment;
- Legislative changes and practical action e.g. police reform, effective investigation using the Istanbul Protocol, monitoring of places of deprivation of liberty, centralised and comprehensive databases;
- Civil society engagement in the implementation and follow-up on commitments, and through collective, collaborative efforts at a time of widespread shrinking of civil society space;
- Involvement of media in exposing torture and ill-treatment in policy and public debates.

Expected outcomes

The Forum will conclude with action-oriented suggestions and recommendations on the way forward, emphasising practical ways for the EU and Member States to reinforce current practices and effectively step up engagement against torture and ill-treatment.