



## **Address to the EU-NGO Forum**

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### **Cast a Light and Make Torture Unthinkable**

*(Check against Delivery)*

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Ladies and gentlemen, friends, thank you for the opportunity to address this Forum.

We are at a crucial point in international and European history, where the very fundamental idea of what we stand for is once again in question. As I reflected on what I wanted to say today, I thought that given the context we are living in, we need to reflect beyond technical policy points on the broader question of why actually is it important to prioritise the eradication of torture.

I want us to reflect on three points;

1. What has history taught us about the circumstances in which torture can happen?
2. From this, how does the practice of torture inter-link with other areas of our work
3. And finally, knowing this, what can we do then to make torture unthinkable in practice.

### **Enabling Environment for Torture?**

Ladies and gentlemen, in December 2016, as indeed has been reflected on over these two days, there are more people on the move fleeing poverty and conflict since the Second World War. Across the world armed groups have taken thousands of lives through senseless violence. Governments themselves are violating international humanitarian law with impunity and dropping bombs on civilians. There is a global trend towards shrinking the civic space which impacts hugely on human rights defenders worldwide.



To the dismay of many, in spite of the lessons of history, in contradiction of hard evidence to the contrary, some politicians have once again attempted to abuse these circumstances, and play to the echo chamber of fear and anxiety in their societies by blaming the complex economic and social problems on ‘the other’ – the ‘migrant’, the ‘refugee’, the ‘foreigner’. This pernicious approach casts darkness and gloom, and as we know it is in darkness and in the shadows that an enabling environment for the torturer is created. Our international laws are unequivocal. Due to the weight that must be given to integrity of the human person, irrespective of whatever crime they may have committed, irrespective of what their immigration or social status might be – no human shall be subjected to torture. And yet it persists. Time and time again, throughout history we have seen that it is when the integrity of the human person is undermined, whether through dubiously defined counterterror laws (the work I do on human rights would qualify me as ‘terrorist’ in too many countries around the world today), suppression of freedom of expression or narratives that dehumanise refugees and migrants, an environment <sup>[AA1]</sup> in which torture happens is created.

### **Interlinkages between boarder EU policies and Torture prevention**

This is also why the broader context of current European politics is of concern. Because combatting the crime of torture should be central to our thinking as the risk of its occurrence is present in practically all of the key foreign and domestic policy issues that are high on the EU agenda at the moment.

Counterterrorism is one such area. From the CIA rendition programme and what was allowed to happen here in Europe because of it, we all know all too well what happens when counterterrorism operations are carried out outside the rule of law. Badly thought-out security and counterterror laws and policy all too often create loopholes and shadows within which torture is allowed to happen. Member states and the EU alike must listen to the warnings of civil society on these points. As all ready flagged during this Forum, the current EU Counterterrorism Directive draft is a prime example of what not to do – and needs urgent amendments. On a more positive note, the recent guidance note on working with security forces abroad from the External Action Service includes commitments on avoiding contributing to human rights violations. This is an important step and one I am sure shall be tried and tested to its fullest in the context of the proposed migration compacts, where in some cases the aim seems to outsource responsibility for refugees to states where



we know that there are serious short-comings in rule of law and human rights. To mitigate these risks, in domestic and foreign policy the risks should be spelt out and named in Council Conclusions with safeguards and checks inbuilt to mitigate against them.

Migration is of course another area very high on the EU agenda. It is easy today to forget that the principle of *non-refoulement* so often spoken of in the context of migration is first and foremost a safeguard against torture, persecution and ill-treatment. To give true meaning to this safeguard we need to listen, through a full and fair process, to the individual stories of peoples' fears regarding risks they face if returned to another land. Current EU policies pushing for notions of 'third safe countries' risk drowning out the individual story in favour of collective political expediency and put those who rely on us for protection at even higher risk. How do the EU migration policies at home and abroad then contradict our ambition to eradicate torture?

There is also a pattern that must be acknowledged. In states where freedom of expression is repressed the difficulty to investigate and expose torture is greatly diminished. With independent human rights monitors under threat, with freedom of the media curtailed, a darkness is cast under the cloak of which the risk of torture is strongly heightened.

The EU has acknowledged that there is a shrinking space for civil society worldwide. We must then also think in a more sophisticated manner about how this in turn increases the risk of torture and indeed increases the burden on regional and international bodies to expose and call out these wrongdoings when the national system is being prevented from doing so. This point also draws attention for the need for the EU to stay proactively in close contact with HRDs on the ground on the question of torture happening. Often courageous defenders are challenging the violations of the very justice systems that are then so easily turned against them. They need support not only through funding but also with a deliberate effort by the EU to back the legitimacy of their work and make it possible for them to carry on.

If ladies and gentlemen, it so obvious that the best way to tackle torture is to drag it into the light, call a spade a spade and ensure there is accountability and safeguards against it – why do we still hear so little about it in EU discourse? Why am I met at times with awkward shrugs from officials and diplomats when I insist that they must call out a state for torture? I am reminded of the story of the former UN Director of the Human Rights Division (or High Commissioner before there was one), Theo Van Boven. He took on



the entire UN system by seeking to challenge the dictatorships in Argentina and Chile about their use of ill treatment and torture. Hard to imagine now, but at that time it was almost completely taboo to publically accuse a state of torture at the UN-level. Van Boven came under tremendous pressure to back down and shut up. But he didn't.

The reasons he faced such fierce opposition, even in the face of bravely telling the truth and calling for justice in what was a clearly unjust situation are not dissimilar from the reasons we see at EU level today. Torture is shocking, difficult to speak about, also a sign that a state has much bigger rule of law problems. How can relations with another state be maintained if the EU calls that state out for torture?

At Amnesty International we strongly believe that the best way around these challenges is a combination of practical impactful measures that help to depoliticise the issue with an explicit policy of naming torture for what it is, wherever it is found.

Some practical ideas of what can be done? Many EU member states have not yet signed up or ratified the OPCAT or Convention on Enforced Disappearances. Signing up yourselves makes bridging into that conversation diplomatically a whole lot easier.

Theo Van Boven, and others with him were trail blazers who changed the UN system. Through their work it was no longer taboo to mention torture at the UN level. It is understood and accepted by most that access to places of detention, casting that light and speaking that truth is essential to combatting torture. The EU should take full advantage of these UN fora to bridge the gap between an expedient and candid discourse on torture. Through the Universal Periodic Review, the Human Rights Council and other opportunities, slowly and systematically introduce concerns in the relevant countries and open the door to mainstream the discussion. The EU rightly shouts collectively and loudly for a world without the death penalty – why on earth can there not be a clearer positioning of the EU against torture?

### **The March towards a Torture free World**

Ladies and gentleman over 40 years ago activists at Amnesty International had a vision, they envisaged a world where torture would be as unthinkable as slavery and launched a campaign with that very tag line. 'Make torture unthinkable!'



It was a vision that spurred activists and advocates world-wide to organise and demand its realisation.

Make torture unthinkable.

It was a vision that inspired diplomats and politicians to craft a Convention against Torture and fight to garner enough support for its entry into force.

Make torture unthinkable.

It was a vision, so clear and compelling, so inherently linked with the moral and physical integrity of the human person, that it became codified in international law as a norm from which no exception would be permitted, from whose protection no human should ever be excluded.

Ladies and gentlemen, the battle to eradicate torture is inextricably bound with humankind's march towards progress. To those who seek to omit references to torture on the grounds that it's not in the Union's interest – we say you don't understand that interest, for it has been etched into the founding Treaties of this Union that protection and promotion of human rights and the dignity of the human person be a guiding principle by which all other policies be agreed.

To those who claim that it's just too difficult to talk about torture, we say to them we must and we will, because the only way to stop the torturers is to drag them out into the light and hold them to account.

History has now heightened the importance and the role that the EU shall have to take in this fight. It's not an understatement to say that we are now fighting for the type of world we wish to live in. I hope that we can galvanise the ideas and energies from this conference to progress further on the path to a world where torture is unthinkable.

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