



OMCT

SOS-Torture Network

TERMS OF REFERENCES

**TORTURE & TERRORISM
WORKING GROUP**

A. Why a working group on torture and terrorism?

Terrorism and terrorist acts are today a reality in many parts of the world, and will probably stay with us for the foreseeable future. So to, therefore, are some counter-terrorism laws and policies that are not human rights compliant and may discursively undermine the absolute prohibition of torture. **The more extreme proponents of these corrosive discourses locally and globally go so far as to publicly suggest that torture may be necessary and is useful, and that key safeguards against such abuse may be set aside for what they see as a greater good – security.**

Real and perceived security threats, including terrorist acts, are often used politically to create divisions between ‘us and them’ in societies, and the rhetoric that ‘we are at war against terrorism’ has posed difficulties for effective anti-torture advocacy, leading in some cases to threats and attacks against human rights defenders protecting the indivisible, fundamental rights of all. While we may have hoped to overcome such trends, emerging mainly in the wake of the terrorist attacks of September 11, 2001, the sharp recent turn toward populist governance including in democratic countries, and the continued acts of terrorism by ISIS and similar groups, show us that indeed this issue has not been overcome, and may become worse in an increasingly unequal and politically turbulent global context.

Terrorist attacks and counter-terrorism reactions together pose perhaps one of the most difficult advocacy and communications challenges for human rights and in particular anti-torture activists and organisations. Although many around the world live in countries with terrorist violence, and although we generally have a good understanding of the technical issues and strong expertise on the legal standards, our messaging often sounds abstract, dispassionate and predictable, and does not compete with the fiery appeals to urgency and security that populist discourses have used to sweep into power. Yet it may be precisely the persistence of state violence, and the increased ill treatment and use of torture, that become counterproductive to achieving greater security, may indeed contribute to a lack of trust towards the state, and therefore may fuel radicalization and even increased terrorism. But such arguments are still rarely heard among the din of hard-line calls to radical and repressive measures.

This is why, in this specific context, the global anti-torture movement must come together to take action.

The challenge to us is foundational. It is time to come together, to share and pool our collective experiences, to develop collective strategies and narratives to counter such discourses and policies, and prevent legitimate security concerns from destroying the foundations of human rights laws and standards consensually established by so many countries over the past decades.

The OMCT, working since 1985 to strengthen the anti-torture movement through its civil society network, now aims to accompany, connect, reinforce, and better protect anti-torture organizations around the world, especially those operating in the midst of these corrosive discourses. Thanks to our members in the General Assembly and Executive Council, the OMCT International Secretariat (with offices in Geneva and Brussels), as well as our Tunisia office, now stands to benefit from a wide range of expertise and field experiences from all continents on this key issue.

This working group therefore, by creating a new platform for cooperation among OMCT Network Members, prospective Members and partner organisations, seeks to build collective understanding, actions, and messaging that harness the true potential of a global network toward impact against the challenges of terrorism and counter-terrorism to the anti-torture movement.

B. What is the Group's mandate and methodology?

The working group on torture and terrorism, by creating a space to exchange experiences, initially among a core group of 10-12 anti-torture organizations from all over the world, aims to provide strategic guidance, advice, and support for our SOS-Torture Network Members dealing with issues related to defending the absolute prohibition of torture while countering terrorism. The mandate of the group will be to advise the OMCT International Secretariat, its Executive Council, and its Network on:

- 1. Mapping civil society organisations' challenges in combatting torture and terrorism and identifying research areas and needs;**
- 2. Providing advocacy support and legal policy advice to Members of the SOS-Torture Network affected by terrorism and counter-terrorism laws, practices, and policies;**
- 3. And developing counter-narratives, effective communications and campaign strategies against torture and terrorism.**

The methodology will be participatory and geared toward experience- and expertise-sharing, group learning, and acting collectively and in coordination across boundaries. It will initially be made up of 12 members of the SOS-Torture Network, prospective members, or partner organisations with particular interest and experience in this issue, selected through an open process. In the course of the work, the group may identify additional research and may conduct further consultations with the broader membership of the OMCT to draw on specific, real-life stories and experiences of working against torture in volatile security contexts.

The group will meet at least three times in person with an in an additional set of webinar meetings during the three initial years of operation. The working languages will be French and English.

The working group may delve into some of the following issues:

- How to understand terrorist acts and respond to terrorist acts? How to build security understanding and increase our credibility when speaking publicly on the issue?
- How to counter the legitimization of torture and ill treatment in this context and prevent the seepage of abusive policies?
- How to combine legal and principled arguments while tackling the effectiveness argument?
- How to understand the relationship between state violence, abuse and the risk of growing radicalization and terrorism? Do we know enough about radicalization? How to address its root causes, and among them, the use of torture?
- How to counter the argument currently saying terrorism has no precedent and therefore international and national legislative framework should be considered inadequate? How to counter the excessive use of emergency states and exceptional measures?
- How to work collectively against these discourses across national boundaries, and how to develop and implement collective actions?

The working group will also gather and examine diverse experiences in addressing the torture prohibition in national security contexts, to identify effective arguments and campaign messages that can guide the OMCT and its Network in raising public understanding on this key issue.

In addition, it will look at the threats to human rights defenders overall in this context:

- Counter-terrorism laws, policies and discourses against the legitimate work of defenders?
- How to counter the instrumentalities of counterterrorism's legislation for political reasons?

C. What are the expected results?

The concrete **products and tools** of the group will initially be:

- Legal and policy papers;
- Argumentative and advocacy strategies;
- Campaigning strategies and tools to be used both globally and locally as part of joint campaigns open to all actors in the anti-torture movement (umbrella campaign).

The **capacity building** for working group members, but also for the entire SOS-Torture Network will yield:

- Better communication & networking within NGOs (more collective thinking and action);
- Better understanding of arguments related to the prohibition of torture while countering terrorism (drawing on past experiences, successful or failed practices);
- Stronger advocacy & campaigning skills (innovative and impactful in this specific erosive environment).

D. What will be the composition and selection process?

The working group will be composed of 12 NGOs members, including SOS Torture Network Members, prospective members or other partner organisations with particular interest and experience in the issue, representing all regions of the world, and selected through an open process based on a list of objective criteria: field experience, expertise, motivation, capacity to work in a group, language, gender, age and geographical balance.

The decision will be taken by a collection committee of the OMCT Executive Council formed by three members with particular exposure to the issue including the two Vice Presidents of the OMCT, convened by the OMCT Secretary General.

E. Patrons and advisory support

Patronage: The working group on torture and terrorism will be under the patronage of Ms. Hina Jilani, OMCT President, Prof. Nils Melzer, Special Rapporteur on Torture and other cruel, inhuman or degrading treatment or punishment, and Ms. Fionnuala Ní Aoláin, Special Rapporteur on the Promotion and protection of human rights and fundamental freedoms while countering terrorism.

Coordination & secretariat: The working group will be convened through the OMCT International Secretariat, at least once per year physically. Coordination will be maintained by a Project Coordinator, in close collaboration with the Programme Director, the OMCT Secretary General as well as the OMCT Communications and Network teams.

Advisory committee: An advisory committee for the group will be established, composed of a small group of persons who may have pertinent and diverse professional backgrounds linked to the working group thematic and who can act as resource persons when needed to enrich or deepen exchanges.

For more information, please contact Camille Henry, Working group coordinator, ch@omct.org.

This new initiative is made possible thanks to the support of

