

Report on the International Conference October 4-6, 2005

Poverty, Inequality and Violence: Is there a Human Rights Response?



Organised by the World Organisation Against Torture
OMCT - Geneva
To address the question

“ How can we prevent or reduce violence, including torture, by acting on the root causes found in violations of economic, social and cultural rights? ”

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the Geneva International Academic Network (GIAN),
the Dutch Foundation ICCO (Interchurch Organisation for Development Cooperation),
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« The conditions of deterioration and dependency witnessed by Egyptian society have affected the majority of social factions. The latter are living in a state of poverty and of social and cultural deterioration and deprivation. This is in addition to the state of political repression that provides an atmosphere suitable for the spread of violence both inside the family, the two main victims of which are women and children, and in outside relations that control social and political powers. Moreover, the severe social conditions endured by poor families whether in urban or rural areas are another form of social violence. »

*The Land Center for Human Rights*¹

“ The wealthier sectors of the population appear to have benefited disproportionately from economic growth while other parts, notably the more vulnerable, have not benefited and are burdened with most of the hardships resulting from the transition. ”

*United Nations Development Group,
Common Country Assessment - Uzbekistan 2003*³

“Resource denial and deprivation lie at the heart of violence.”

*Rural Reconstruction Nepal*²

“Discriminatory exclusion and inequitable distribution of wealth rest on the same prejudices and stereotypes that glorify or at least tolerate the inflictions of ill treatment and violent attacks of all sorts. They are based on deeply rooted beliefs - explicit or not - that some are more deserving than others - more deserving of respect, rewards and protection.

The intensity of these discriminatory assumptions varies and the difference in intensity - from mild indifference to outright hatred - expresses itself in practices ranging from tolerance of police brutality and of social neglect to active participation in torture and the promotion of national and international policies known to imperil the lives of millions.”

*Ms. Louise Arbour, United Nations High Commissioner for Human Rights*⁴

¹ See Egypt, Country Profile, in the study presented to the conference "Poverty, inequality and violence: the economic, social and cultural root causes of violence, including torture, a human rights perspective" which is available at:
http://www.omct.org/pdflescri2006/intl_conference_2005/00_conference_documents_webpage_rev2.pdf

² See Nepal, Country Profile, *ibid.*

³ See Uzbekistan, Country Profile, *ibid.*

⁴ Keynote Address by Ms. Louise Arbour, United Nations High Commissioner for Human Rights. See Annex 1.

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Executive Summary

From October 4-6, 2005, the World Organisation Against Torture (OMCT) organised an international conference in Geneva entitled **“Poverty, inequality and violence: is there a human rights response?”**. Over 70 participants engaged in a rich and wide-ranging discussion, the main ideas, conclusions and recommendations of which are presented in the relevant sections of this report.⁵

1 Conclusions

Conference participants agreed that non-respect for economic, social and cultural rights often leads to violence, including torture, cruel, inhuman and degrading treatment, disappearances, arbitrary executions, violence in the community and domestic violence, and that OMCT should give priority to addressing the economic, social and cultural root causes of violence.

Participants, in particular national human rights NGOs, agreed that the causal links between the failure to respect economic and social rights, the resulting poverty, inequality and discrimination and violence that were described in the study *“Poverty, inequality and violence: the economic, social and cultural root causes of violence, including torture, a human rights perspective”*⁶ presented to the conference were accurate, and that similar links could be seen in their own countries. Participants also agreed that developed as well as developing countries were concerned, although to different degrees and in different manners.

The study and the conference provided a solid foundation for preventing violence by acting on the root causes found in failures to respect economic, social and cultural rights. The question is no

longer *“is there a link?”*, but *“how do we address that link to prevent violence?”*

Participants recognized that a number of other factors must also be addressed to combat torture and other forms of violence, such as access to justice, impunity, the empowerment of civil society and education.

Some national NGOs reported that they had already addressed the economic and social root causes of violence in a preventive way. For many others, the conference led them to realize the importance of the link and to consider how best to act in their own national context. It was clear that successful preventive action on economic, social or development policies or agreements could reduce the risk that these policies would lead to violence. In addressing the economic, social and cultural root causes of vio-

⁵ See Annex 6 for the list of participants.

⁶ A revised and edited version of the study was published by OMCT in September 2006 under the title *“Attacking the Root Causes of Torture: Poverty, Inequality and Violence - An Interdisciplinary Study”* and is available from OMCT, Geneva in book or electronic format (www.omct.org). The unedited study, including summaries of the chapters and other documents can be consulted at: http://www.omct.org/pdf/escr/2006/intl_conference2005/00_conference_documents_webpage_rev2.pdf

lence, close cooperation with national NGOs was essential, as such action had to be tailored to the specific circumstances of each country concerned.

The conference gave rise to a better understanding of what needed to be done nationally and internationally to support action against the economic, social and cultural root causes of violence. In particular, participants confirmed that such action should be seen as an integral part of OMCT's mandate and strategy and, in that regard, the activities of OMCT and its network of field organisations (SOS-Torture Network) reinforced each other: "Our strength is collective".

2 Recommendations

Participants recommended that OMCT should develop new forms of action to address the link between poverty, inequality, discrimination and violence, and that its ongoing work should be strengthened in that regard in a number of priority areas. They asked OMCT to provide leadership, to facilitate the exchange of experience, and to assist in capacity building and in integrating the elements of root causes into ongoing international activities.

A. New forms of action to address the link between poverty, inequality, discrimination and violence

Recommendations were made for *new forms of action* to address specifically the links between economic, social and cultural rights and violence in a *preventive* way with the objective of changing the actions, policies, programmes and agreements of governments, international financial and development institutions and private sector actors in order to improve respect for human rights.

It was recognized that it was not within OMCT's competence to define economic policies, but rather to aid those concerned to understand the human rights consequences of those policies and, when necessary, denounce the human rights violations those policies are responsible for at the national and international levels.

These new forms of action include:

- *Reaching out* by network members to work with other NGOs in their country that deal with economic, social and cultural rights and related policy-making to promote action on the poverty-violence link;
- *Learning of the experiences* and examples of other NGOs in dealing with problems related to that link;
- *Developing new ways of intervening* with governments, international development and financial agencies and private actors to end violations of economic, social and cultural rights which cause or risk causing violence; and,
- *Providing resources* in terms of the analysis, research and support needed to deal with policies, decisions, projects and agreements likely to adversely affect the enjoyment of economic, social and cultural rights and lead to violence.

B. Priority areas in OMCT's ongoing work

Participants recommended that action against the root causes of violence should be seen as an integral part of OMCT's mandate and that emphasis should be placed on the following on-going OMCT activities:

- *Denouncing acts of violence and torture*, by preparing alternative reports to United Nations treaty bodies dealing with the poverty-violence link and preparing urgent appeals, com-

plaints and other forms of intervention to follow-up on those appeals, including press communiqués;

- *Following up and monitoring* the implementation of recommendations made by treaty bodies and other organs with the governments concerned, the World Bank and other institutions;
- *Strengthening judicial systems* at the national and international levels, including *fighting impunity* and *demanding reparations*;
- *Preventing violations* by acting to protect vulnerable groups through human rights *education and training*, conducting *further research*, and pursuing *advocacy and lobbying* activities; and,
- *Strengthening the SOS-Torture Network* by supporting partner NGOs and expanding the role of OMCT regional delegates.

Participants also felt that OMCT's central services should be strengthened in order to support these activities, assist members of the Network and undertake studies.

C. A challenge for OMCT

Conference participants were aware that some of their recommendations would lead Network members and OMCT into new and relatively unexplored areas of activity that would require growth in both awareness and capacity. This investment was seen as vital and necessary by participants because successful preventive action can help to reduce violence. Participants believed OMCT could make an important and unique contribution to this objective.



I. Introduction

The international conference “Poverty, inequality and violence: is there a human rights response?” was organised in Geneva by the World Organisation Against Torture (OMCT) from October 4-6 2005 to answer the question **“How can we prevent or reduce violence, including torture, by acting on the root causes found in violations of economic, social and cultural rights?”**.

Human rights defenders from some 40 countries, United Nations human rights experts, representatives of international trade unions, academics, international officials and representatives of donors gathered for the three-day conference to discuss the causal relationship between poverty, inequalities, violations of economic, social and cultural rights and violence. The conference understood violence in its broadest sense, including State-sponsored violence (e.g., torture, cruel, inhuman and degrading treatment, summary executions, disappearances, etc.), violence by non-State actors, social violence, and domestic violence. Its work was based on an interdisciplinary study entitled “Poverty, inequality and violence: the economic, social and cultural root causes of violence, including torture, a human rights perspective”.

The conference and the study were part of a project carried out from 2003 to 2005 by OMCT within the programme of the Geneva International Academic Network (GIAN) and with the financial support of the GIAN, the Dutch Foundation ICCO (Interchurch Organisation for Development Cooperation), the Geneva-based Fondation des droits de l’homme au travail and the Swiss Federal Government (Swiss Agency for Development and Cooperation). Guided by a Scientific Council ⁷, its ultimate objective was to identify specific actions that various actors could take to reduce violence by acting on its economic, social and cultural root causes.

⁷ See Annex 5 for the list of members.

1 The conference⁸

Ms. Louise Arbour, United Nations High Commissioner for Human Rights, delivered the conference's Keynote Address.⁹ Statements were also made by Mr. Jean-Marie Dufour, President of the Foundation Council of the Geneva International Academic Network, Mr. Eric Sottas, Director of the World Organisation Against Torture (OMCT)¹⁰ and Mr. Manuel Tornare, Mayor of Geneva.¹¹

2 Organisation of work

The conference's primary objective was to propose ways in which the wide range of actors could contribute to the elimination of violence (including torture) by promoting respect for economic, social and cultural rights. Particular attention was given to how OMCT's SOS-Torture Network of national NGOs could act on the economic, social and cultural root causes of violence.

Given this practical orientation, the major portion of the conference's time was devoted to working groups and to the formulation of specific recommendations. Four working groups were established, each with a diversified cross-section of participants. The issues submitted to the working groups were divided into three clusters that each group considered in turn. Questions were prepared for the issues in each cluster to help focus discussions. The result of the work on each cluster was then reported back to the plenary for debate. The final plenary focussed on drawing general conclusions and formulating recommendations, which are presented in this report.

In addition, a number of reference and background documents were made available electronically to participants in preparation for the conference. They can be consulted on OMCT's website.¹²

3 Acknowledgements

The success of this project is due to the dedication and work of many people. First, to the members of the Scientific Council, who provided invaluable advice and guidance. Second, to OMCT's national partners, who provided country evaluations, statistical information and case studies under often very difficult circumstances: the Centro de Estudios Legales y Sociales/CELS (Argentina); the Land Center for Human Rights (Egypt); the Rural Reconstruction Nepal (Nepal); the Human Rights Institute of South Africa (South Africa); and, the Legal Aid Society (Uzbekistan). The authors of various chapters of the study also deserve our thanks: Mr. Alan Wood, Mr. Cedric Loots, Mr. Bahram Ghazi and Mr. Carlos Lopez, as well as Mr. Anders Nilsson and Mr. Felipe Estrada for reviewing the chapter based on their studies.

⁸ See Annex 4 for the conference's programme.

⁹ See Annex 1 for her Keynote Address.

¹⁰ See Annex 2 for his Opening Statement.

¹¹ See Annex 3 for his Statement.

¹² The study as submitted to the conference and related background documents are available at :
http://www.omct.org/pdf/escr/2006/intl_conference2005/00_conference_documents_webpage_rev2.pdf

The success of the conference also owes much to the moderators and rapporteurs of the working groups: Mr. Yves Berthelot and Ms. Anna-Lena Svensson-McCarthy (Working Group 1); Mr. José B. de Figueiredo and Ms. Cecilia Ales (Working Group 2); Mr. Theo van Boven and Ms. Tinatin Khidasheli (Working Group 3); Ms. Florizelle O'Connor and Ms. Sara Hammerton (Working Group 4). Mr. Berthelot prepared the paper that formed the basis for discussions on the recommendations in the final plenary. The present report would not have been possible without Ms. Svensson-McCarthy's extensive and detailed notes of the discussions of the second working group and the four plenary sessions.

This project was conceived and directed by Eric Sottas with the assistance of Anne-Laurence Lacroix, OMCT Deputy Director.

It was launched in August 2003 and a number of OMCT staff members and interns have contributed to it. During the early stages, Ms. Nathalie Mivelaz and subsequently Ms. Meghna Abraham served as programme managers with the assistance of Ms. Lucinda O'Hanlon and interns Claire Bernard, Rana Crevier, Alison Epting, Erin P. Kelly, Katrine Krause-Jensen, Grégory Lecoq, James Pope, Fabio Sofia and Robert Thompson. As of October 2004, Tom McCarthy managed the programme with the assistance of the following interns: Sarah Jaquier, Mohamed Lotfy, Roman Seitenfus, Rachel Kelleher and Evelien van Essen. Special thanks are due to Ms. Julia Double and Ms. van Essen for the work on the organisation of the conference. Thanks also to Ms. Rachelle Cloutier for editing this report. Many other staff of OMCT also deserves our thanks for having contributed to the success of the project.



II. A survey of salient points of the OMCT study

“Poverty, inequality and violence: the economic, social and cultural root causes of violence, including torture, a human rights perspective”

The study, “Poverty, inequality and violence: the economic, social and cultural root causes of violence, including torture, a human rights perspective” is divided into three parts containing academic correlation analyses of socio-economic inequalities and violence, country analyses and case studies from five countries and a survey of the approaches adopted by selected international organizations. The salient points of the study are as follows.

1 Social-economic inequality and violence: Empirical studies

Part I presents an extensive academic analysis of the correlations between socio-economic inequalities and violence based on unique survey data on 63 countries from the ILO’s People’s Security Survey and from OMCT’s national partners in Argentina and South Africa. A second chapter analyses data on how women’s property ownership and access to resources affected domestic violence in South Africa. A further chapter examines the relationship between the increase in socio-economic hardship and violence during a recent recession in the developed economy of Sweden.

Despite their diversity, the conclusions of the analyses converge:

- “Economic inequality variables (predominantly inequality in income, economic development and gender empowerment)

are explanatory in analysing variations in the level and type of violence at both micro and macro levels. ...Inequality lies at the root of violence.” (Wood)

- “...There is a link or correlation between women’s home/property ownership and the levels of domestic abuse they will suffer in their everyday lives.” (Loots)
- “All of the welfare problems examined in the study – ill-health, limited education, unemployment, poor financial resources and a lack of social relations – involve substantial increases in the risk for exposure to violence.” (Nilsson & Estrada)

Further, two chapters explicitly conclude that addressing poverty and inequality can reduce violence:

- *“Such findings have important policy relevant repercussions in the manner that addressing explanatory variables of violence such as inequality in income and gender is a possible avenue for addressing levels of violence.”* (Wood)
- *“Measures aimed at improving the situation of single mothers, besides producing the self-evident welfare dividends involved when the opportunities available to a large group of individuals are extended, also have the potential to decrease levels of violent victimisation.”* (Nilsson & Estrada)

2 Country profiles and case studies

Part II presents in-depth analyses of the situation of human rights, poverty, inequality and violence in Argentina, Egypt, Nepal, South Africa and Uzbekistan together with six case studies examining in detail specific situations in which violence resulted from violations of economic, social and cultural rights. These analyses are based on voluminous reports prepared by OMCT’s national partner organisations and other relevant documentation.

The five countries examined are very different in their economic and social conditions and in relation to violence, but again, a number of conclusions converge. First, there is a causal connection between poverty, inequality, failures to protect economic and social rights and violence by the State, in the community and in the family. Second, inequality and poor economic and social conditions can fuel extremist elements and promote violence.

Third, governmental decisions or failure to take decisions can be an underlying cause of deteriorating economic and social situations that are thus, in some measure, preventable.

The violence described in the five country profiles and in the case studies includes violent reactions by government and private actors to public protest demanding respect for economic, social and cultural rights; torture and ill-treatment; executions; disappearances; threats and intimidation; violent eviction from land; violence in the community and domestic violence. The following section provides a few highlights of the extensive information presented in the actual study.

A. Argentina

Between 1995 and 2002, Argentina experienced serious economic deterioration and considerable political instability. Unemployment, underemployment, poverty and income disparities increased; all these elements contributed to the growth of shantytowns and to the deterioration of health and education. These worsening conditions provoked widespread demonstrations, protests and looting. Violence increased across the society, including violence in the form of forced evictions, torture and ill-treatment, armed confrontations, extrajudicial and summary executions, killing of persons in detention, threats and intimidation, and the violent searching and surrounding of houses and shantytowns. This violence was the result of the complex interaction of a number of factors.

The Argentine case study examines the violence inflicted on residents of a shantytown near Buenos Aires. It is interesting to note that it provides examples of the ways used by victims of institu-

tional violence to defend themselves against abuses, to confront State authorities with their demands, to insist on the respect of their rights, and to eventually reduce State and non-State violence and improve their living conditions.

B. Egypt

In recent years, Egypt has undergone significant economic and social changes. More specifically, the privatization of public enterprises has caused significant growth in unemployment, and agricultural reforms have led to the violent eviction of thousands of tenant peasants and small landholders. The country evaluation directly links these changes to violence by State and non-State actors both in the community and in the family. It addresses the link between poverty and extremism and concludes that: "In a nutshell, there are social and economic dimensions for the growth of religious extremism in Egypt and public protests."

The Egyptian case studies offer a detailed examination of the impact of agrarian reform on two villages from the point of view of human rights and violence. The violent implementation of land reform legislation is described, as is its negative impact on the living conditions of farmers. The study reveals that many peasants were injured or killed in attempts by the police to uproot them from their land. Protests by those affected were met with official and private violence including murders (revenge, beating to death, suicides), torture, ill-treatment, killings and executions, collective punishment, destruction of crops, repeated or almost continuous detention, enforced disappearances, armed robbery, as well as violence against children (at home, at work and in schools), women (at home, at work and in public) and various other social groups.

C. Nepal

In 1996, the People's War broke out in response to the failure of the government to create livelihood opportunities. The study reports that this truly nation-wide war was a major source of violence against civilians. The poorest groups in society experienced systematic discrimination and denial of their basic right to food, shelter, education, health and a dignified life. This denial of rights contributed significantly to the escalation of the conflict and to the abuse of civil and political rights by the State. The evaluation concludes that the available data shows a clear correlation between levels of violence and poverty: "Resource denial and deprivation lie at the heart of violence."

The Nepal case study describes the State and private violence engendered by the Kamaiya System of Bonded Labour, which is found in five western districts of Nepal. In this system, labourers are bound to their landlord because of debts that are passed to the eldest sons of subsequent generations, and all family members are required to work in various ways for the landlord. Unfortunately, poverty makes it impossible to pay off debt, and the system relies on continuous violence against labourers and their families by both landlords and the State.

D. South Africa

The last ten years in South Africa have been characterized by the transition to democracy and the challenge of moving away from the system of disparity and racial inequality inherited from Apartheid. The evaluation argues that one of the most devastating legacies of Apartheid has been the formation of a "culture of violence" within South African society, which is characterised

today by unacceptably high levels of violent crime that increases vigilante and mob justice. This provides the background for the analysis of women's property ownership and domestic violence in South Africa in Part I.

E. Uzbekistan

Uzbekistan merits our attention because the clear warnings that the rise in poverty and inequality could lead to violence went unheeded, with the results we know today. Since 1991, Uzbekistan has embarked on the difficult transition away from a totalitarian system and a centralized economy, with little success. The evaluation describes a situation of increasing poverty and inequality (as compared to the Soviet era) that, combined with a blocked political system, offers little hope for change. This has caused growing social tension to which the government has responded with increasingly repressive measures that have pushed some people to violence.

The causal connection between government policies that fail to provide protection for economic and social rights and increasing violence was identified with clarity in a 2003 United Nations Development Group report¹³:

- *"The wealthier sectors of the population appear to have benefited disproportionately from the economic growth while other parts, notably the more vulnerable, have not benefited from*

growth and are burdened with most of the hardships resulting from the transition."

- *"The national authorities, international development practitioners and the economists have so far paid little attention to the social implications of the transition and have instead prioritized economic and institutional development, thus exacerbating existing political, institutional, and economic problems."*

- *"...When social disparities become more pronounced, opportunities potentially exist for extremist groups to capitalize on the perception of growing inequality, as resentment about perceived social injustice blinds some to the shortcomings of alternatives. For example, Namangan province is often cited for its high number of sympathizers for radical Islamic movements, but support in this region may be rather the result of disappointment over socio-economic disenfranchisement than true passion for radical Islam."*

- *"Sympathy for militants seems to be linked to the lack of possibilities to express discontent within the current institutional framework."*

The first Uzbekistan case study deals with the situation of Uzbek workers forced by poverty to migrate to Tashkent (the capital). They are consequently subjected to exploitation and violence because, having no resident permit, they are considered as illegal residents in the city. The second deals with the economic and social causes of domestic violence. Both studies clearly confirm the relationship between violence and violations of economic, social, cultural, civil and political rights.

¹³ United Nations Development Group (UNDG), "Common Country Assessment Uzbekistan 2003", http://www.undg.org/documents/5479-Uzbekistan_CCA.pdf, p. 19, pp. 43-45.

3 Human rights mechanisms and international organisations

Part III provides an analysis of how United Nations treaty bodies, the ILO, the World Bank, the International Monetary Fund and the World Trade Organization approach the issue of poverty, inequality and violence, and how they have or could have an impact on that link. Following the conference, a chapter on how the United Nations special procedures approach this subject was added to the study on the basis of a note circulated to the conference.

A. United Nations Treaty Bodies

Overall, treaty bodies have adopted a generally timid approach to dealing directly with the issue at hand. Although some treaty bodies have occasionally recognized the need to act on economic, social and cultural factors to address violence, this does not appear to be a systematic practice.

A few examples illustrate the approach. The Committee on the Rights of the Child has said:

- *“...Children who, because of serious situations of extreme poverty as well as of situations of abandonment or violence within the family, are forced to live in and/or work on the streets ... are therefore vulnerable to different forms of exploitation and abuse, including sale, trafficking and abduction.”¹⁴*
- *“The State party (should) adopt comprehensive strategies which are not limited to penal measures but also address the root causes of violence and crime among adolescents, in gangs and*

outside gangs, including policies for social inclusion of marginalized adolescents; measures to improve access to education, employment and recreational and sports facilities; and reintegration programmes for juvenile offenders.”¹⁵

The Committee on Economic, Social and Cultural Rights has stated: *“(T)he extreme inequalities and the social injustice prevailing in Colombia, as well as drug trafficking, ... have led to serious and widespread increase in violence in the country. This violence has seriously affected the implementation of the rights protected under the Covenant.” The government should therefore “seek appropriate means to reduce the extreme social inequalities and increase its efforts to put an end to the armed conflict by political negotiation, which is the only way effectively to guarantee the economic, social and cultural rights of all citizens.”¹⁶*

The Committee on the Elimination of Discrimination against Women has described how aboriginal women in Canada are *“overly-concentrated in lower-skill and lower-paying occupations, they constitute a high percentage of those women who have not completed secondary education, they constitute a high percentage of women serving prison sentences and they suffer high rates of domestic violence.”¹⁷*

14 UN Doc. CRC/C/15/Add.105, para. 33 (Honduras)

15 UN Doc. CRC/C/15/Add.232 para. 68 (El Salvador)

16 UN Doc. E/C.12/1/Add.74 paras. 8 and 30 (Colombia)

17 Concluding Observations relating to Canada, 2003. A/58/38, para. 361

B. The International Labour Organization

When it was established in 1919, social injustice as a potential cause of violence was one of the basic premises of the International Labour Organisation; this principle was reiterated in 1944 in the Declaration of Philadelphia. Respect for trade union rights, which allow workers' organisations to play their role in decision-making and in protecting vulnerable sectors of society can cut down on violence by reducing poverty and inequalities. Further, respect for the dignity of workers through the recognition of their fundamental rights can also provide them with a sense of membership in the community and foster respect for common values.

Today, the issue of social injustice as a causal element in violence does not appear as an explicit theme in ILO's work. Nevertheless, the relationships between denials of economic, social and cultural rights, as well as civil and political rights and violence are very apparent in many areas of the ILO's work, from protecting trade union rights to promoting socio-economic security for the poorest.

C. The World Bank and the International Monetary Fund

The study identifies two areas of the activities of the World Bank and the International Monetary Fund (IMF) that have a potential impact on violence: project and project related activities, and macro-economic policies. It provides an example of the negative human rights impact of a Bank-financed project and Bank-promoted macro-economic policies, and also refers to studies linking such policies to violence. The study also address-

es the issue of how the Bank and the IMF's projects could actually reduce violence instead of increasing it. In this context, it surveys recent Bank-sponsored studies, such as the "Voices of the Poor" series that describe clearly, from the point of view of the poor, the connection between poverty and violence. Another important Bank study reviews the implications of gender-based violence for development.

Finally, the study considers what International Financial Institutions could do to diminish violence that might be caused by their activities, and proposes three areas for future action: (1) enhancing internal processes that aim to ensure respect for human rights; (2) taking steps to avoid or reduce violence in target countries; and (3) creating effective control mechanisms for projects (before, during and after implementation).

D. The World Trade Organization

The paper begins by recognizing that the link between international trade, socio-economic inequalities and levels of violence is not self-evident and that, in fact, there may be no direct link. However, it then explores a number of ways in which the systemic effects of trade liberalisation and market reform can lead to the deepening of poverty, destitution, distress and ultimately, violence. It also discusses the impact of trade liberalization on child labour and forced labour, as well as its role in the increase of suicides of farmers in India.

The study also describes two instances in which trade liberalization rules have been modified for social purposes or to promote peace, namely the granting of access to essential medicines and

the restriction of trade in conflict diamonds. These processes could be examined to see if there are other pressing social or human rights issues that would warrant such trade restrictions.

From the cases reviewed, the paper concludes that there is no direct causal relationship between trade liberalisation (whether it is done pursuant to WTO rules or not) and the actual occurrence of violence. It also puts into question the appropriateness of using a cause-effect relationship analysis in the social and economic fields. Furthermore, regardless of whether there is a “structural relationship” between trade liberalisation and levels of violence, the paper finds that such violence is also subject to the influence of a number of other concomitant factors.

However, the paper does recognize that empirically, growth does not necessarily translate into increased employment, income improvement, access to medicines or the prevention of conflict. Among other necessary elements are the protection of the rule of law, access to credit and investments, adequate infrastructure, education and other factors of human capital and – perhaps most importantly – the political empowerment of the poor.

III. Discussion and Recommendations

The rich and wide-ranging discussions at the conference brought to the fore the national experiences of participants and the perspective of academics, experts and international officials. Fundamentally, conclusions reflect the experience of grass roots organisation that the enjoyment of all human rights are interrelated, and that the economic, social and cultural root causes of violence must be considered in the overall context of the serious violations of many other basic human rights.

In the first cluster of discussions, the working groups exchanged information and comments on the study, tested the analysis and conclusions therein against their own experiences, and suggested developing and revising the documents where necessary.

The second cluster was designed to consider how to integrate the findings and conclusions of the study into OMCT's mission statement and mandate, i.e., to reflect on how an organisation dedicated to the elimination of torture should deal with the economic, social and cultural root causes of violence.

The third cluster aimed to develop recommendations for practical action by NGOs in the field, taking into account the strategies proposed by the second cluster of working group meetings: What specific approach should OMCT take on the subject? How can it develop the capacity of NGOs in the field? What action can be taken by international human rights NGOs, international human rights organs, and international development and financial institutions to deal with the root causes of violence?

1 Summary of Discussion

A. Areas of Consensus

Discussions revealed the existence of a broad consensus on the accuracy of the study's analysis, which underlined the causal links between poverty and violence. In addition, although not exhaustive, participants felt that the case studies reflected well the problems they encounter in the field.

Participants shared their own experiences, describing mass eviction from homes and land (leaving farmers destitute and desperate), violence against women to prevent them from claiming their rights, attacks on human rights defenders in the economic and social fields, the criminalization of legitimate trade union activity, etc. They also identified a number of vulnerable groups, such as children, women, the aged, the handicapped, refugees and persons subjected to trafficking. They explained how discriminatory practices against these groups lead both to a denial of economic, social and cultural rights and to violence, and how ensuring their rights is often hindered by the lack of reliable sta-

tistics. Reference was made to those living in extreme poverty and it was stated that OMCT's network could provide much assistance in the drafting of the guidelines on human rights and extreme poverty being undertaken by the United Nations. They recognized that the poverty-violence link was to be found in both developed and developing countries.

Special emphasis was placed on a number of issues. First, access to justice was seen as a fundamental issue. In Europe, for example, although legal systems appear satisfactory, vulnerable people (e.g., those living in extreme poverty) do not always have effective access to justice. This is particularly true with regards to people whose children have been taken away from them. The lack of access to justice by the poor has been dealt with by the European Court of Human Rights and the United Nations Independent Expert on the Independence of the Judiciary.

Second, participants often mentioned the very negative effects of impunity on human rights and violence, as well as the lack of responsibility of States and other actors for violations. The general cause was considered the weakness of national and international judicial systems, whose complexity and costliness can often lead to impunity.

Third, participants emphasized the importance of independent investigations and inquiries at the national level. They suggested that OMCT could send special missions and work to empower local groups to help them conduct independent investigations. Potential partner institutions include courts, professional police forces, religious organisations, national human rights institutions, academic institutions, lawyers (and other legal professionals), the media, local government, international organisations, the private sector, etc.

Fourth, concern was also expressed regarding the way in which States sometimes try to neutralise the work of NGOs by creating government-controlled NGOs (the GONGOs). Some national human rights institutions that are promoted by the United Nations and receive support from the World Bank actually hinder or undermine legitimate NGO work. Further study should be conducted on how these organisations and institutions can be dealt with.

Fifth, participants discussed the issue of their relationship with the private sector, in particular multinational corporations. They argued that States should not be able to opt out of their international obligations by delegating their responsibilities to the private sector or by simply blaming it for any wrongdoing. It must be clear that governments still remain responsible for failures in the implementation of their international legal obligations. Participants suggested that NGOs could try to engage private actors by protests and negotiations to help them understand the human right implications of their operations, not only in their own names as NGOs but also for all those who have no voice. For example, one participant shared the experience of an NGO in Georgia, where early and strong involvement during the drafting of the oil pipeline agreement resulted in the elimination of many harmful provisions. Although in this case the State did not become a hostage of private firms, the problem of enforcement still remains, as numerous cases are pending before the courts.

Finally, the importance of dealing with traditional slavery in Africa was emphasized. Unfortunately, little attention was paid to it by NGOs and governments. Not only were very many people held in slavery today, but the issue of access to land when they were freed had to be addressed, or their freedom would be an

illusion. The World Bank and other institutions should understand the problem and act on it, and not remain silent. Participants felt that fighting slavery should be included in the conference's plan of action.

A number of issues that had not been sufficiently examined in the study were identified including: the role of mass media, adequate emphasis on people without social power, the question of gender (not as a specific subject but as a factor to be mainstreamed across the studies), corruption, neo-liberal economic policies that increase inequality, the privatisation of basic services that made those services less accessible to the poor and the increased privatisation of education. Attention was also called to the need to ensure the basic security of people, their basic salaries, their access to basic sanitary services, etc. Finally, participants felt that the study had not sufficiently dealt with the contradictions between national law and international human rights conventions, which national legislation was supposed to respect.

More generally, participants also emphasised that:

- combating community and domestic violence and ending State violence in all its forms should be considered an important responsibility of the State;
- United Nations recommendations are not often implemented and should be followed-up with more diligence;
- specific rights on which to concentrate should be identified in order to reduce violence by acting on its root causes;
- ILO labour standards are vital for the reduction of poverty; and,

- human rights NGOs and trade unions should increase their cooperation.

B. Areas of Debate

Participants disagreed on the issue of whether overpopulation has an impact on violence. Although the Wood study concludes that population density is not correlated with violence, other participants pointed to specific instances where this has been the case, notably in Rwanda and Burundi.

The issue of the causal relationship between the economic and poverty variables and the various forms of violence described in the study was debated. Correlations were not necessarily evidence of causality and it was suggested that a more in-depth study of the causal correlations would be necessary.

The issue of the meaning of violence was raised. Participants felt that it would be difficult to act effectively if the meaning were too broad. Some called attention to the violence in the life of extremely poor and marginalised people, who are crushed by daily life. However, these people could be an enormous force for change, since their struggle to face daily challenges gives them unique knowledge and experience that can be crucial to fight poverty and violence.

Participants noted that the notion of violence was being enlarged on the international level. Jurisprudence now accepts that, for example, under certain circumstances, evictions from homes can be considered ill-treatment under international treaties. The European Court of Human Rights has a tendency to bring within

article 3 (prohibition of torture and inhuman and degrading treatment) of the European Convention as ill-treatment situations that would not have been covered earlier.

Lastly, opinions were divided on whether donor countries should be urged to use their influence over recipient countries to pressure them to improve human rights. The fear was expressed that pressure would be based on a developed world perspective of human rights.

C. Future Research

A number of areas for further research were identified. First, research could examine the actual impact of the programmes of international financial institutions on the enjoyment of human rights. Participants felt that progress would be much faster if they were able to demonstrate factual linkages between human rights violations and economic policies in specific sectors. For example, trade liberalization in agricultural products has been shown to have a negative impact on farmers in poor countries, since highly subsidized imported food deprives them of their means of subsistence. Consequently, future studies could examine the situation of farmers in developing countries both before and after trade liberalisation with special emphasis on the gathering of facts.¹⁸

Second, participants stated that more information was needed with regard to the importance given to economic interests as compared to social interests, for example in free trade agreements and the link between trade and social services. This would involve looking at the use of resources by States and international development agencies, since certain States assert a lack of

resources for social programmes while at the same time having funds for other purposes.

Third, participants argued that further research was required on the relation between property and violence against women, taking into account cultural and social factors. They also called on violence against women to be considered as a public matter worthy of the intervention of public authorities, rather than only a private one.

Fourth, participants felt that regional systems for the promotion and protection of human rights should be explored in greater detail, despite the fact that they may not always work well and that not every region (e.g., Asia) has a separate system. More specifically, it was important to reflect on how these regional systems could be used in addition to the international system. For instance, full use could be made of rapporteurs in Africa or the African Commission.

More generally, participants suggested that future research could focus on:

- corruption;
- the role of the mass media in combating human rights abuses;

¹⁸ For example, information could be gathered on an individual running a dairy farm in a given country both before and after the implementation of an IFM programme. Such a study would be important even if it allows for the substantiation of the deterioration of the living standard of just one family because of, e.g., the fact that skimmed milk becomes cheaper to import than to produce. The resulting information, which could include statistics on the evolution of the crime rate, could then be sent to OMCT for further action.

- the question of gender (not as a specific subject but as a variable to be mainstreamed across the studies);
- traditional and contemporary forms of slavery;
- trafficking in human beings;
- issues raised by religion and religious institutions (although religion can be seen – and should be seen – as a partner in the fight against violence, fundamentalism is often exploited for political purposes and can be a source of violence);
- the contradictions between national laws and international human rights conventions;
- the privatisation of education and of basic services (e.g., security, salaries, sanitary services), which are every day less accessible to the poor; and,
- how to improve the effective functioning of international organisations.

2 Priority Areas for Action

Participants emphasised the importance of fighting torture on a wide front, including by promoting respect for economic, social and cultural rights as well as civil and political rights. A number of strategic fields were identified that should be the privileged focus of OMCT action in the future.

A. Intervene effectively with governments

ALTERNATIVE REPORTS

Of key importance was the submission of alternative reports to the United Nations' human rights committees, in particular to the Human Rights Committee, the Committee against Torture and the Committee on Economic, Social and Cultural Rights. In these reports, and despite the reluctance of certain committees, it should be made clear that certain violations of economic, social, and cultural rights must be considered cruel and inhuman treatment. NGOs should consider addressing all the committees, in particular those that accept individual petitions, in order to help them to deepen their understanding of violence and its economic, social and cultural root causes.

It was also noted that alternative reports need not be hostile or confrontational, but can be used to present the NGO's perspective and to build a dialogue with national authorities. Such reports, for example, could present an evaluation of the exact impact on human rights of IMF policies by comparing the situation of an individual family before and after the implementation of its programmes.

URGENT APPEALS

Several participants reported that OMCT urgent appeals were effective. In some cases, they resulted in the sanctioning of the perpetrators and the payment of damages to victims. Not only were they seen as effective preventive measures, but they were also considered useful for the preparation of OMCT alternative reports to treaty bodies.

SPECIAL PROCEDURES

The importance of submitting information to United Nations special procedures was emphasized, since UN bodies need reliable and factual information to effectively pressure governments for change.

INDIVIDUAL CASES

Petitions and communications should be submitted to competent monitoring bodies in order to develop jurisprudence connecting violence resulting from the violation of economic, social and cultural rights with the right to be free from torture and other forms of ill-treatment.

PRESS COMMUNIQUÉS were also an important means because of their impact on public opinion.

B. Improve follow-up on recommendations by treaty bodies and special procedures

Participants felt that it was important to create a culture of follow-up at the national level for recommendations by treaty bodies and special procedures in cooperation with national NGOs. Consequently OMCT should continue and strengthen its work supporting the follow-up of recommendations by:

- providing financial help for follow-up in its budget;
- making concluding observations, views and judgments of monitoring organs easily accessible to people on the ground;
- discussing possibilities for detailed plans of action at the local level; and,

- strengthening opportunities for action by OMCT regional delegates to facilitate their interaction with the international secretariat in Geneva.

OMCT follow-up missions currently include meetings with national partners and government officials to discuss how they intend to implement the recommendations and how civil society can help. It was pointed out that, in Colombia, a law requires that the views (decisions on complaints) of the Human Rights Committee be fully implemented nationally.

C. Take action at the national level

While following-up on recommendations was essential, it was also important to consider how best to act nationally, and here there needed to be more discussion on detailed plans of action at the local level. It was also recognized that strengthening the possibilities for action by OMCT's regional delegates would help strengthen national NGOs and facilitate their relations with the international secretariat.

D. Focus special attention on vulnerable groups

Groups that are particularly vulnerable to violence should be given public attention and benefit from tailored preventive action. Such groups include women and children, persons with disabilities, sexual minorities, refugees, stateless persons, minorities based on descent (e.g., people of African descent in Latin America), the homeless (including street children), unemployed males, and persons subjected to traditional and contemporary forms of slavery.

E. Educate

Participants underlined the importance of education in its broadest sense for both NGOs and vulnerable groups. First, NGOs need to have quick access to reference material in their language of work, as well as practical guides on the meaning of conventions, with definitions of rights and explanations of case law. Second, vulnerable groups should also be targeted for education, since their lack of knowledge of existing laws and their rights makes them especially exposed to violations.

It was suggested that OMCT should educate stakeholders on human rights and their concrete impact on their lives. To that end, education could be conducted through a number of channels, including:

- the use of the mass media to raise the profile of human rights issues;
- cooperation with key social institutions such as religious organisations, the military, multinational enterprises, trade unions, the police, etc;
- the inclusion of human rights issues as part of school curriculum and specific training for teachers; and,
- regional seminars or training courses on: economic, social and cultural rights, accountability, the drafting of reports and petitions, conflict management, legal instruments, and follow-ups.

F. Strengthen judicial systems

Ensuring that victims have access to justice and that crimes do not go unpunished requires a sound and independent judicial system. Towards this end, participants recommended that OMCT and its Network partners should:

- organise meetings with local judges and national human rights institutions (NHRIs), and train them in economic, social and cultural rights;
- bring complaints/petitions in front of the national judiciary;
- denounce failures of national justice system;
- co-operate with NHRIs, many of which are valid and trustworthy partners with which cooperation can be fruitful. Some, however, are controlled by the government and attempt to discredit the work of independent NGOs, including those of OMCT's Network. In such cases, they can try to work with them on an ad hoc basis; and,
- address cases of failures in national justice systems and abuses of NHRIs to national governments, treaty bodies and, as appropriate, to other monitoring organs, donors, and international development and financial institutions.

G. Create a Global Legal Aid Fund

Participants called for the creation of a “Global Legal Aid Fund” to help ensure access to justice for those who do not enjoy it in their own countries. In addition, it was suggested that OMCT should support special programs for lawyers, including pro bono services.

H. Advocate and lobby

Importance was given to advocacy and lobbying on the connection between violence and the failure to respect economic, social and cultural rights. These activities should be aimed towards relevant United Nations organs, including the Human Rights Council and other international organisations and programmes.

At the international level, participants felt that OMCT, in collaboration with its Network partners, could help the European Union to promote respect for human rights in its bilateral relations by providing reliable information. Advocacy for the International Criminal Court was also seen as important. At the national level, advocacy could include pressure for legislative reform, as well as support for initiatives in the field of rule of law, democracy and access to justice.

I. Promote reparations

Ensuring reparations for victims of violations was seen as very important, but also very challenging, as not all governments award reparation, regardless of court rulings. On the issue of impunity and the rights of victims, reference was made to Theo van Boven’s report¹⁹ and the Principles on reparations²⁰ that were presented to the UN Commission on Human Rights.

Attention was also drawn to the Ugandan Human Rights Commission in Soroti, which created four Civil Military Operation Centres to deal with complaints against the military and human rights issues, and to reach out-of-court settlements that allow victims to get reparation. This might inspire NGOs in other countries to explore alternative ways of compensation and reparation in situations where the judiciary either does not work well, or its decisions are not enforced.

J. Examine regional cooperation agreements and trade agreements

Regional cooperation agreements and trade agreements should be the object of attention so that they include human rights clauses, including references to ILO core conventions. However, caution should be exercised when doing so because the evaluation of human right records is often determined by political considerations and consequently, human right assessments are often conducted only on smaller countries.

19 See E/CN.4/Sub.2/1996/17, “Revised set of basic principles and guidelines on the right to reparation for victims of gross violations of human rights and humanitarian law prepared by Mr. Theo van Boven pursuant to Sub-Commission decision 1995/117”, May 1996, <http://www.unhcr.ch/Huridocda/Huridoca.nsf/0/85787a1b2be8a169802566a00377f26?Opendocument>

20 See E/CN.4/1999/65, “Report of the independent expert on the right to restitution, compensation and rehabilitation for victims of grave violations of human rights and fundamental freedoms, Mr. M. Cherif Bassiouni, submitted pursuant to Commission on Human Rights resolution 1998/43”, February 1999, <http://193.194.138.190/Huridocda/Huridoca.nsf/TestFrame/c14e536f497cc6ee8025674c004fd5de?Opendocument>

See also Commission on Human Rights resolution 2004/34 in UN document E/2004/23.

K. Protect human rights defenders

Human rights defenders should be the subjects of protective action. OMCT's current activities should continue and be expanded to cover those who defend economic, social and cultural rights, including trade union rights.

L. Strengthen membership in human rights monitoring bodies

Participants argued that elections to human rights monitoring bodies should be more transparent and offer better possibilities for NGOs and human rights advocates to be heard during the election process and elected.

3 OMCT's Mandate and Activities

With regard to OMCT's mandate, participants argued that the main criteria would always be the right to be free from torture and other forms of serious ill treatment. This thematic approach means that OMCT does not deal with geographic regions or specific groups as such, but rather focuses on individuals and groups to the extent that they are subjected to torture or other treatment.

Second, participants discussed the issue of prioritizing the human rights that OMCT should address. They agreed that there could be no priorities among economic, social and cultural rights, since all human rights are interdependent and must be considered together. However, they also felt that specific cases that typify problems should be chosen and then submitted to the Committee against Torture, the Human Rights Committee, the Committee on

Economic, Social and Cultural Rights, etc. The recommendations emanating from these bodies should then be used before domestic jurisdictions.

Third, the question of what forms of violence fall within OMCT's mandate was also discussed. Participants recognised that the notion of violence is being enlarged at the international level. However, OMCT's work should always be focussed on the fight against torture and cruel, inhuman and degrading treatment or punishment.

Fourth, participants expressed the need for a better use of the actual resources in the Network, as well as the need to enlarge the scope of participants in order to work with other institutions on the root causes of violence. More specifically, outreach activities could be targeted towards economists, both to increase their awareness of the potential negative consequences of their policies and to make full use of their expertise when dealing with international agencies. Furthermore, the human right discourse in these outreach activities should be tailored to each interlocutor.

Overall, the importance of strengthening national NGOs members in the OMCT Network was consistently emphasised. In connection with work on the root causes of violence, national NGOs dealing with torture should reach out and involve NGOs and other stakeholders (e.g., academics), who deal with issues more closely related to economic, social and cultural rights and economic and development policies. At the international level, OMCT should also seek out such alliances, all the while improving the services its secretariat provides to members. Further, it was suggested that in its activities, OMCT should, when possible, apply the logic of the judicial system, i.e., it should first use national proceedings before going on to the regional or international levels.

More specifically, participants suggested that the SOS-Torture Network and its ability to support local NGOs could be strengthened in the following ways:

- Provide assistance in the preparation of alternative reports: OMCT's existing assistance in this area is appreciated but should increase if it intends to pay more attention to economic, social and cultural rights.
- Create and disseminate a database on good case-law, judgments of national or international courts and other institutions. This would help partner NGOs in their dialogue with national officials, judges, and human rights institutions.
- Create and disseminate a database on violations of economic, social and cultural rights. This would help partner organisations to prepare cases and reports for treaty bodies.
- Provide information on the work and evolution of treaty bodies, as well as on major trends in international thinking on human rights and violence.
- Offer training on: treaty body mechanisms (the material used for training must be in a simple and clear language); negotiation and dialogue with local authorities; creating partnerships with other organisations; and, using Internet facilities.
- Provide material and technical support such as computers, printers, IT help (particularly in Africa), radio communications, etc.
- Explore ways to enhance the contribution of OMCT delegates, who provide a link between the OMCT secretariat and partner NGOs.

When addressing the plenary at the end of the conference, the rapporteur from the third cluster (Mr. Yves Berthelot) noted that based on the discussion and debates, OMCT would now have to define its priorities and narrow down its options with the Committee of Delegates and the General Assembly. It would also have to ensure that it has the necessary financial resources to support these projects. To do so, it must remain credible, continue to produce quality work (something that also depends on the support of national partners), and focus on its areas of expertise: torture and violence. In closing, he concluded:

"Perhaps the bodies with which we work nationally and internationally do not always listen to us as we would wish, do not provide remedies to victims of violence and maintain impunity. This should not discourage us. We must continue to work as we have done, because there is nothing worse than silence."

Annex I

Keynote Address by Ms. Louise Arbour, *United Nations High Commissioner for Human Rights*

Geneva, 4 October 2005

Monsieur le Vice-Président du conseil exécutif de l'OMCT,
Monsieur le Maire,
Distinguished guests,
Ladies and Gentlemen,

It is my pleasure to join you today as you begin to address the very challenging question you have set as the basis of this conference: How can we prevent or reduce violence, including torture, by acting on its root causes found in violations of economic, social and cultural rights?

Your question is fundamental and goes to the very heart of human rights protection. It recalls the principle of interdependence of all human rights. By considering violence and torture in the context of socio-economic inequality and poverty, you are seeking to put the architectural basis of human rights - this interdependence of human rights - into practice. It is an acknowledgment that rights cannot be treated separately or in categories of civil and political or economic, social and cultural; but that enjoyment of one right depends on fulfilment of other rights. It is also a

sound basis for the creation of more sustainable and effective responses to human rights problems.

But this also makes your task more complex for it involves rethinking our strategies of implementation. While the founders of international human rights law drafted the Universal Declaration with continual advancement of all rights in mind, we have, in practice, lost sight of this imperative. Unfortunately, even after the reaffirmation of the interdependence of all human rights, many of our strategies are still based on an unhelpful categorization of rights - between civil and political on the one hand and economic, social and cultural rights on the other.

This categorization of rights has worked against implementation for too long. It has enabled the privileging of some rights over others, sometimes for reasons of political expediency. It has focused attention on violations of single rights without sufficient analysis of the surrounding conditions leading to violations. It has delayed or negated implementation of economic, social and cultural rights, reducing them to something viewed as second class -

vague and voluntary goals requiring massive investments, rather than minimum standards for a life in dignity. And it has also fostered the invidious perception – that economic, social and cultural rights are luxury goods, to be claimed and enjoyed only by societies that can "afford" them. Or again; that a healthy market economy will look after them.

I believe that we must now move beyond these convenient categories of rights towards an understanding of human rights that focuses on people and their capacity to claim the totality of their rights. The case studies that you have prepared as the basis of this conference demonstrate why this is so important. I believe that greater attention is needed on economic, social and cultural rights and on the pursuit of equality and non-discrimination. In developing a plan of action for my Office, I have identified a need for leadership in these areas as a means of achieving effective implementation of all rights.

In dismantling this categorization of rights, I do not wish to suggest that all rights are the same or that all rights need similar strategies of implementation and remedial action. I do, however, emphasize that differences between rights cut across simplistic categories. For example, aspects of economic, social and cultural rights are immediately realizable in the same way as civil and political rights. The forced and arbitrary eviction of people from housing, the unfair dismissal of a worker, or the exclusion of a pregnant girl from school require the same type of immediate action and redress as does the prohibition of torture or the protection of free speech. At the same time, aspects of economic, social and cultural rights call for long term investments; but the same can be also said for aspects civil and political rights. Take for example the establishment of an effective criminal justice system

as a guarantee for a fair trial; or the preparations for free and fair elections to guarantee the right to vote. The key is to understand that if responses to violations of rights may differ, the root causes have much in common.

Discriminatory exclusion and inequitable distribution of wealth rest on the same prejudices and stereotypes that glorify or at least tolerate the inflictions of ill treatment and violent attacks of all sorts. They are based on deeply rooted beliefs - explicit or not - that some are more deserving than others - more deserving of respect, rewards and protection

The intensity of these discriminatory assumptions varies and the difference in intensity – from mild indifference to outright hatred – expresses itself in practices ranging from tolerance of police brutality and of social neglect to active participation in torture and the promotion of national and international policies known to imperil the lives of millions.

As we seek to develop a broad-based culture of rights, we must pursue integrated strategies. First, we should consider how to reconceptualize human rights to move beyond the entrenched categories of rights. Even amongst human rights practitioners, misunderstandings of the interdependence of human rights linger. The rule of law or the right to life are often viewed solely in their civil and political context, without much attention to their economic and social dimensions.

Considering human rights in their wider socio-economic context requires engagement with many economic actors. We must therefore consider the forging of new partnerships. These new partners include inter-governmental actors - the World Bank and the IMF;

ministries - health, education, finance and trade, not only justice; and the private sector. How then can we engage with these various bodies so that they provide solutions and are not part of the problem?

We must also examine how we communicate, particularly with new partners. There are varying degrees of resistance to embrace human rights amongst potential partners. For some, human rights are seen as too political or too legalistic. Others will argue that it adds nothing to their initiatives. We must articulate the added value of the human rights framework, both to security and to development projects, without sacrificing the fundamental principle that human rights are valuable in themselves.

In other words, human rights advocacy must pursue a two-pronged line of argument. One is instrumental: respect for human rights will yield a better, fairer, more durable result; the other is normative: human rights must be respected and implemented even if there is a cost - such as a slower, more expensive process - because the full implementation of all rights is a desirable project in and of itself.

Finally, we must examine the strengthening of State accountability. While many strategies need to focus on ensuring human rights through promotion and advocacy, we cannot neglect the protection of human rights in the case of violations. Unfortunately, the categorization of rights has for too long delayed State accountability in relation to economic, social and cultural rights. There is growing acceptance of the justiciability of economic, social and cultural rights in many countries. Yet, accountability must be further strengthened. National human rights commissions also have a crucial role to play. The elaboration and adoption of an optional

protocol to the International Covenant on Economic, Social and Cultural Rights should also increase the avenues to petition an international forum where national recourse is inadequate in relation to economic, social and cultural rights. The growing recognition that the private sector has responsibilities to respect human rights is also welcome. But means of holding States and non-State actors accountable for their actions in relation to human rights are still wanting.

In this regard, we could rethink how we use human rights mechanisms. The urgent actions of Special Rapporteurs can be a useful way to petition governments to protect human rights. The increasing practice of joint urgent actions between Special Rapporteurs working on civil and political rights and economic, social and cultural rights opens up a possibility of addressing violations in their broader context. Similarly, consideration could be given to framing petitions to the Human Rights Committee under its optional protocol bringing out their socio-economic context. The Human Rights Committee has demonstrated some willingness to interpret its provisions broadly – for example through the interpretation of equality before the law to include prohibition of discrimination in relation to the right to social security.

All these initiatives will assist in developing new human rights strategies. I encourage you in your work which I believe comes at an opportune time. Last month, world leaders met in New York to chart the way forward for the United Nations. In the context of ongoing conflict and instability, poverty and underdevelopment, they affirmed human rights, security and development as the three pillars of the international order. Significantly, they accepted a collective responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity, and

they recommitted to the Millennium Development Goals as a means of fighting poverty. The challenge is now to put political declarations of State responsibility to protect against violence and socio-economic inequality into practice.

Civil society campaigns have had a crucial role in this regard. Grass roots organisations, such as OMCT, have daily contact with people victimized by violence and socio-economic injustice. They provide a link between people and the justice system informing people of their rights, helping them frame and voice concerns, consolidating group action, accessing legal representation and monitoring decisions. Where change is required at the policy level or in influencing traditions, civil society has a crucial role in forging partnerships with policy makers and communities and in identifying and analyzing policy options based on respect for human rights. Your discussions here provide an opportunity to make high-level political declarations work on the ground.

I wish you well in your discussions.



Annex 2

Opening statement by Mr. Eric Sottas,

Director of the World Organisation Against Torture - OMCT

Madame High Commissioner for Human Rights,
Mayor of the City of Geneva,
President of the GIAN,
Excellencies, Ladies and Gentlemen, Dear Friends,

The conference that you will attend in the next few days is part of an effort that began two decades ago. Indeed, since its foundation at the end of 1985, the World Organisation Against Torture (OMCT) has strived to define a global action strategy, one that would take into consideration the structural causes of torture.

In this context, in 1987-1988, OMCT's Council authorized me to conduct research on the possible links between the social and economic difficulties of Least Developed Countries (LDC) and the catastrophic situation of civil and political rights existing in most of them.

By using statistical tools that were far less precise than the ones we used for the present study, we were able to conclude that an irrefutable correlation existed. Based on this finding, which was presented during the conference on LDCs in Paris in 1989, we

sought to elaborate a strategy that would preserve gains perhaps even improve them all the while integrating new dimensions.

Indeed, between the end of World War II and the collapse of the Soviet Union, the international community - more specifically the United Nations - had developed not only an impressive body of legal instruments that accurately defined torture as well as cruel, inhuman or degrading treatment and declared their absolute prohibition, but also created both conventional and institutional mechanisms to fight against this plague. However, this consensual legal effort and the tools put in place remained fragile. It was inappropriate to cast doubt on their utility and the urgent need to develop and reinforce them. Nevertheless, it became clear to us that this effort towards a global strategy would fail if the socio-economic roots of state violence were not taken into consideration.

Towards this goal, we showed no indulgence for abject practices or for perpetrators who were influenced by unacceptable social or economic contexts. Regardless of contingencies, each person remains master of his or her actions and ethical choices. What we revealed was the existence of a continuum of violence between

infringements on social and economic rights and massive violations of civil and political rights. From then on, it became impossible to isolate torture as an aberrant practice that could be fought exclusively by calling for the respect of moral imperatives or by punishing perpetrators who refused to change. Of course, such actions were necessary, but they did not take into account the social dimensions of these violations.

Torture is not about culture. It emerges in societies in which bonds have degraded, where social injustice, marginalization and unreserved exploitation generate collective violence, both on the part of those who control the State in order to serve their own interests and among the victims who, because of the absence of the space and system required to recognize and protect their rights, resort to violence that ultimately breaks the social contract. From then on, it seemed that this social dimension needed to be integrated - and recognized instruments reinforced - should any progress be made on this issue.

Since 1988, we have identified what could and what should be our contribution to the prevention of torture at the socio-economic level, all the while continuing our work of denouncing recorded violations and our efforts aimed at improving the normative framework that is indispensable to any fight against torture in front of judicial and quasi-judicial bodies [see the reports of OMCT's General Assembly in the Philippines and OMCT meetings in Kenya and Burkina Faso].

Our approach provoked strong reactions and hesitations. By highlighting the socio-economic causes of torture, we were asking a number of questions and drawing attention to the limits of conventional strategies. In the context of the Cold War, human rights

defence organisations, especially those active in the fight against torture, had defined a strategy that sought to rise above political and ideological controversies. Activities, which mainly addressed abuses of civil and political rights, privileged four types of intervention:

1. investigations on reported violations to identify both victims and perpetrators;
2. denunciations of state authorities to pressure them to cease their violations;
3. legal action to obtain compensation for victims and sanctions against perpetrators; and,
4. the strengthening of the normative framework (international conventions and national laws).

For their part, organisations working for development and against poverty focused on essentially economic needs, such as the transfer of resources (both financial and technical) to guarantee the "economic take off" required for their economic development and the subsequent establishment of the rule of law.

However, the approach that we were proposing - while not putting into question the demands of these strategies - emphasised the inability of undertaking both fights on two separate tracks. In fact, they were two approaches to strongly interdependent problems that could not be treated separately. Development - even in its narrow economic dimensions - would not be possible without respect for civil and political rights. Of course, it was necessary to continue to denounce cases of torture, to assist victims and to punish perpetrators, but if no action was taken against the causes, the situation would simply endure and worsen, especially in the case of forgotten victims (i.e., exactions against street children).

In the same way, transfers were not sufficient to ensure development, especially since they were often re-exported. The oft-mentioned cases of Brazil, Chile and South Korea, which had enjoyed tremendous growth under arbitrary governments, were not at all models. In fact, extreme restrictions on internal consumption had caused famines in north-eastern Brazil and seriously compromised any chance for sustainable development in the three countries, slowed down internal distribution and consumption, and impeded modernisation stemming from social demands.

The path that we wanted to promote was far from drawing unanimous support. By emphasising the structural causes of violence, we were showing that if the direct perpetrator of torture is the one who planned it, the causal chain - in terms of responsibility - could not end with him. Other actors, often non-state, created or supported conditions that generated violence. From then on, it became impossible to limit ourselves to a restrictive approach. Rather, it was necessary, in the framework of a system of global law, to control these activities, even to punish certain practices.

Unfortunately, even if the Covenant on Economic, Social and Cultural Rights defines and protects this aspect of human rights, the nature of these rights (programmatic rights, soft law, etc.), the procedures and the mechanisms do not easily enable their respect. In addition, it is more difficult to establish responsibility in this field.

The goal of this conference is thus to allow us to make a new step.

Following this diagnostic, which can always be refined, we must focus on three priority tasks:

- To clarify the correlations between different rights and build a better understanding of their interactions. Even if causality can be demonstrated, the links are by no means mechanical. We must therefore better study them to act effectively.
- To define pressure points. Often, the process of breaking causal chains can be difficult to the point of paralysis. Indeed, regardless of the strength and the complexity of a system, there are ways to act effectively to allow other forces and other logics to impose themselves, despite their limits.
- To identify new activities that are both effective and accessible. Having clarified correlations and identified pressure points, the task of conceiving new ideas is a long-term project that requires the mobilization of large sectors. This is why the actions we propose must be easy to understand, implement, and evaluate with measurable results.

Our meeting will already be a success if it allows us to start such a process.



Annex 3

Statement by Mr. Manuel Tornare, *Mayor of the City of Geneva*²¹

Mrs Louise Arbour, United Nations High Commissioner for Human Rights,
Mr. Eric Sottas, Director of OMCT,
Mr. Jean-Marie Dufour, President of RUIG
Ladies and Gentlemen,

I am very happy to be with you today and to represent the City of Geneva at the opening ceremony of your international conference on violations of economic and social rights - and the increase in violence - which results in grave socio-economic imbalances in certain societies in certain countries.

Geneva, as you know, has, throughout its history, helped to put in place the great values of democracy, freedom, tolerance, justice and peace. Today, like Switzerland, it wants a world more socially equitable and more respectful of the environment. Its commitment in favour of developing countries is constant.

These values, which define our identity, are at the heart of the **United Nations Charter** - whose 60th anniversary we have just celebrated. They are at the centre of the **Universal Declaration**

of Human Rights which places dignity at the heart of the construction for a common future.

Two **covenants** link **civil and political** rights, on the one hand, and **economic, social and cultural** rights on the other, in an inseparable manner.

There is a movement for economic, social and cultural rights - the right to housing, education, health and food or clean water... - to be more effective, better guaranteed. The main question, for some years, has been the fight against inequalities and poverty, the impact of which is judged as inadmissible. The liberalisation of economic exchanges worsens, in a non-negligible number of countries, poverty, and widens the gaps.

This situation, which provokes despair, anger and resentment, reveals itself to be the fertiliser or root cause of grave threats to the whole planet: deadly pandemics, displaced populations, violence and, as we well know, terrorism.

²¹ Original French. Translation by OMCT.

The lesson is clear: there can be no security if we close our eyes to these gravely imbalanced economic situations - and generators of violence. Violence which can have both social and domestic consequences (thinking of violence against women and children) or which are perpetrated by an oppressive State (torture, summary executions, forced disappearances...). We also know that, in a majority of cases, victims of torture and ill-treatment are from the poorest layers of society.

It is the aim of our conference to study, through investigating the situation of human rights in a number of countries, the role of socio-economic factors in the emergence of this violence.

We can highlight the originality of this approach, which, beyond the necessary denunciation of violations of fundamental rights, seeks to show the primary cause of these violations and envisage new means of action taking into account, this time, the economic, social and cultural causes of violence.

An approach which has the advantage of associating, in both analysis and action, a large number of actors, direct or indirect, from the field or States. Your conference reunites these national and United Nations experts, members of the SOS-Torture network, representatives of international institutions and non-governmental organisations, as well as universities. It is important that the voice of civil society be heard.

Your measures, which allow for research and putting in place more efficient and prepared solutions, also has the advantage of promoting a global approach to the promotion of human rights, and not one which is selective of certain rights due to the interdependence of these.

* * *

The City of Geneva demonstrates a constant - I should say determined - attachment to development, security and peace, as well as the respect of human rights for all.

We are indeed attached to a renewal of the United Nations organisation - which is an organisation indispensable for peace. We salute the ambition of its Secretary General, Mr. Kofi Annan, to reinforce the promotion and defence of human rights at the heart of the international system.

The reforms announced a few days ago, during the Head of States summit in New York, aims in particular, to reinforce the system of human rights:

- proclamation of the principle of responsibility of all States in the protection of populations against these scourges which are genocide and crimes against humanity,
- creation of a Commission on the consolidation of peace,
- significant reinforcement of means of action of the Office of the High Commissioner for Human Rights an indispensable institution which we welcome in Geneva,
- creation, in a short delay, of a permanent Council on Human Rights, to replace the current Commission on Human Rights "which has lost its credibility".

Switzerland and the city of Geneva would like this Council, which must be a symbol of United Nations renewal, to be established in Geneva.

I wish you luck with your work.

Thank you.

Poverty, inequality and violence : is there a human rights response ?

**International Conference²² organised by the World Organisation Against Torture - OMCT
to address the question :**

*“How can we prevent or reduce violence, including torture, by acting on the root causes found
in violations of economic, social and cultural rights? „*

Tuesday, 4 October 2005

<u>10.00</u>	Registration	<u>15.15 - 18.00</u> Working Groups, first cluster	
<u>11.30 - 13.00</u>	Lunch	The objective of the first cluster of working group meetings is to exchange information and comments on the information contained in the conference documents, test the analysis and conclusions therein against the experiences of different countries and suggest developing and/or revising the documents where necessary. <i>Questions will be provided to help guide the discussions. They will be based on comments on the study sent by participants prior to the conference.</i>	
<u>13.00 - 14.00</u>	Opening Ceremony ²³		
<u>14.00 - 14.45</u>	First Plenary Session ²⁵		
	Presentation of the study and comments and suggestions received prior to the conference.	Working Group 1 ²⁵ , Working Group 2 ²⁶ , Working Group 3 ²⁷ , Working Group 4 ²⁸	22 October 4-6 2005, Geneva International Conference Centre, Rue de Varembé 15, CH-1211, Geneva 20, Switzerland. Interpretation in English, French and Spanish will be provided for plenary meetings and working groups as indicated.
<u>14.45 - 15.15</u>	Coffee break		23 E/F/S 24 E/F/S 25 E/F 26 E/S 27 English only 28 English only
		<u>18.00 - 19.00</u> Discussion of working group conclusions by working group moderators.	

Wednesday, 5 October 2005

9.00 - 10.00 | **Second Plenary Session** ²⁹

Presentation of the key conclusions of the first cluster of working group meetings and a discussion on how they can be implemented.

10.00 - 10.30 | Coffee break

10.30 - 13.00 | **Working Groups, second cluster**

The objective of the second cluster of working group meetings is to integrate the findings and conclusions of the conference documents, seen in light of the results of the first cluster of working group meetings, into OMCT's mission statement and mandate. *Based on the synthesis of the findings of the first cluster of working group meetings prepared by the moderators, the working groups will make detailed recommendations for OMCT's strategies in this field for the coming years.*

Working Group 1 ³⁰, Working Group 2 ³¹, Working Group 3 ³², Working Group 4 ³³

13.00 - 14.30 | Lunch

14.30 - 15.30 | **Third Plenary Session** ³⁴

Presentation of the key conclusions of the second cluster of working group meetings and a discussion on how they can be implemented.

15:30 - 18:00 | **Working Groups, third cluster**

The objective of the third cluster of working group meetings is to make recommendations for, *inter alia*,

- practical action to be taken by NGOs in the field, taking into account the strategies proposed by the second cluster of working group meetings, OMCT's specific approach to the subject and the capacity of action of NGOs in the field
- action to be taken by international human rights NGOs, international human rights organs, and international development and financial institutions.

Working Group 1 ³⁵, Working Group 2 ³⁶, Working Group 3 ³⁷, Working Group 4 ³⁸

18.00 | Reception

19.00 | Preparation of a draft final document by working group moderators

Thursday, 6 October 2005

9.00 - 10.00 | **Fourth Plenary Session** ³⁹

Presentation, discussion, amendment and approval of the final document (plan/program of action).

11.00 - 11.30 | Coffee break

11.30 - 13.00 | **Closing Ceremony** ⁴⁰

13:00 - 15:00 | Lunch

29 E/F/S
 30 E/F
 31 E/S
 32 English only
 33 English only
 34 E/F/S
 35 E/F
 36 E/S
 37 English only
 38 English only
 39 E/F/S
 40 E/F/S

Annex 5

Members of the Scientific Council 2005 - 2006

François Beaujolin

President
Fondation pour les droits de l'homme au travail

Yves Berthelot

Former Executive Secretary
United Nations Economic Commission for Europe

Théo van Boven

Professor Emeritus
University of Maastricht

Andrew Clapham

Professor of International Human Rights Law
Graduate Institute for International Studies (HEI)

José B. de Figueiredo

Former Senior Economist
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International Labour Office

Miloon Khotari

United Nations Special Rapporteur on the Right
to Adequate Housing

Giorgio Malinverni

Professor of Law, University of Geneva
Member, U.N. Committee on Economic,
Social and Cultural Rights

Pierre de Senarclens

Professor of International Relations
University of Lausanne

Eric Sottas

Director OMCT

Rodolfo Stavenhagen

United Nations Special Rapporteur
on Indigenous Peoples

Annex 6

Participants

NAME	FIRST NAME	ORGANISATION	COUNTRY
ABU EL-HAIJA	Mohammed	The Association of Forty	Israel
ALES	Cecilia	Centro de Estudios Legales y Sociales	Argentina
ANDINO PEÑALVA	Karla	Casa Alianza América Latina	Honduras
ANDJELKOVIC	Marija	ASTRA / Anti Sex Trafficking Action	Serbia & Montenegro
ARBOUR	Louise	United Nations High Commissioner for Human Rights	Switzerland
AZCUETA	Sonia	Asociación pro Derechos Humanos de España	Spain
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BERTHELOT	Yves	OMCT Scientific Council	Switzerland
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van BOVEN	Theo	Professor Emeritus, University of Maastricht	Netherlands
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CUENOD	Jean-François	Swiss Agency for Development and Cooperation	Switzerland
DAHAL	Jagadish	INSEC / Informal Sector Service Centre	Nepal
DE SENARCLENS	Pierre	OMCT Scientific Council	Switzerland
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DIEYE	Aminata	OMCT Assembly of Delegates	Senegal
DIMITRAS	Panayote Elias	Greek Helsinki Monitor	Greece

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HUDA	Sigma	UN Special Rapporteur on trafficking in persons	Bangladesh
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ISMALEBBE	Zanofer	Human Rights Strengthening Programme (HURIST)	Switzerland
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LOOTS	Cedric	Human Rights Institute of South Africa	South Africa
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