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World Organisation Against Torture (OMCT) Statement to the 41st Session of the Committee on Economic, Social and Cultural Rights: Examination of States Party Reports on Kenya and the Philippines

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- Together with its national partners, OMCT has submitted two alternative reports for consideration by the Committee. One of these is in response to the initial periodic report of Kenya and has been prepared in collaboration with the Kenyan Section of the International Commission of Jurists and the Centre for Minority Rights Development. The other report is in response to the initial-fourth periodic report of the Philippines, and has been prepared together with the Philippines Alliance of Human Rights Advocates, Karapatan and Task Force Detainees of the Philippines.
- These two reports share a common approach based on the conviction that torture and cruel, inhuman and degrading treatment or punishment and other forms of violence are related in many ways to – and are often directly caused by - disrespect for economic, social and cultural rights. If, therefore, these phenomena are to be effectively eliminated, then their economic, social and cultural root causes must be, first, understood and, secondly, effectively addressed.
- We would also like to draw attention to the fact that the converse equally applies: acting to reduce levels of violence in a given society is a fundamental step toward ensuring the widespread enjoyment of economic, social and cultural rights. As these reports demonstrate, in both Kenya and the Philippines conflict and lack of security expose citizens to situations that severely impede their possibility of escaping from poverty, of working in just and favourable conditions, of providing care and education to their children and of enjoying an adequate standard of living and the highest attainable standard of health.
- In some cases this violence is perpetrated directly by the state, while in others it arises as a result of a state's failure to provide adequate protection for its citizens. In submitting these reports, our aim has been to make this element of violence explicit and to encourage the Committee to develop practical recommendations that not only promote the enjoyment of economic, social and cultural rights, but also reduce violence and insecurity in the countries under examination.

- Kenya will also be examined during the 41st session of the Committee Against Torture also taking place this month. Given this, and given the close links between, on the one hand, torture and other forms of violence and, on the other, violations of economic, social and cultural rights, OMCT has also submitted a report to the Committee Against Torture on the situation in Kenya. This report was written in conjunction with the one you have before you, and each contains mutually reinforcing recommendations. We therefore warmly invite the Committee members to consult this complementary report for further information on the situation in Kenya.
 - Today, my colleague from the Centre for Minority Rights Development will say some words about our report on Kenya. Therefore I would like to conclude this intervention by briefly indicating some of the principle developments in the Philippines that have implications for both the socio-economic wellbeing and the security of Filipinos, and in particular of the country's poorest and most marginalised citizens (see appendix for the executive summary of this report).
 - Foremost among these is the policy of trade liberalisation in which the Government of the Philippines is engaged with the aim of attracting foreign capital and accelerating domestic economic development. For example, under this broad policy the Government promotes mining activities that consistently fail to take into account the human rights of persons and communities affected by these activities, and local resistance to mining projects is often met with violence by private security forces. Conflict over land is also a root cause of violence in the Philippines as landowners increasingly convert agricultural land to agro-business or other forms of economic activity at the expense of rural communities and small-scale farmers.
 - We are also concerned that violence against trade unions and trade union leaders in the Philippines has been increasing in recent years. Similarly, an alarming number of Filipino human rights defenders, human rights lawyers and indigenous or peasant activists engaged in defending economic, social and cultural rights have been victims of disappearances or summary executions.
 - Furthermore, socio-economic marginalisation can lead to desperation and hopelessness that finds its expression in armed rebellion. In turn, this rebellion becomes the justification for anti-insurgency activities by the Philippine military that regularly compromise the economic, social and cultural rights of rural communities. These activities prevent community members from working in their fields, restrict the movement of people and supplies in and out of villages and see the billeting of troops in schools and other community facilities.
 - These are only some of the mechanisms by which violence and the violation of economic, social and cultural rights are linked in the Philippines. Similar patterns can be observed in Kenya and, indeed, in countries around the world. For this reason, OMCT and its partners warmly encourage the Committee to develop practical recommendations that can be both implemented and monitored, certain in the knowledge that ensuring the enjoyment of economic, social and cultural rights is not only an end in itself, but also a fundamental building block of violence-free societies.
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Addressing the Economic, Social and Cultural Root Causes of Torture and Other Forms of Violence in the Philippines.

An Alternative Report to the United Nations Committee on Economic, Social and Cultural Rights, prepared by the World Organisation Against Torture (OMCT) in collaboration with Philippines Alliance of Human Rights Advocates (PAHRA), Karapatan (Alliance for the Advancement of People's Rights) and Task Force Detainees, Philippines (TFDP), November 2008

Executive Summary

This report seeks to reduce and eliminate torture, cruel, inhuman and degrading treatment, and other forms of violence in the Philippines by proposing to the Committee recommendations for action by the Government to address their economic, social and cultural root causes.

In the Philippines, poverty and inequality marginalise large sectors of society, rendering them vulnerable in their daily lives to many forms of violence, including state-sponsored violence. Persons peacefully claiming their economic, social and cultural rights or defending the rights of others are often subjected to violent attacks, killings and disappearances. And further, as a UN report has pointed out, desperation and hopelessness at their situation can lead some to resort to armed rebellion. Tragically, this violence and lack of security, in turn, severely impedes these people from escaping from poverty.

Although the Filipino economy has demonstrated healthy levels of growth in recent years, this has been accompanied by an increase in the inequitable distribution of wealth and has not contributed significantly to the reduction of poverty. Further, the Philippines has one of the highest levels of income inequality in Asia. The inability to break the cycle of poverty is “largely a result of these disparities and inequalities in accessing the resources and benefits of development and the lack of accountability placed on duty-bearers.”

The Government of the Philippines has implemented a policy of trade liberalisation in order to attract foreign capital and to accelerate domestic economic development. Policies in mining, land reform and export economic zones have very direct links with violence. In addition, low priority has been given to social services in the national budget where severe cutbacks have been made to enable continued debt servicing. This has rendered certain groups particularly vulnerable to violence, including indigenous people, the Muslim population in Mindanao, women living in precarious conditions (indigenous women and women living in rural and conflict-prone areas) and disadvantaged and marginalised children.

Policies promoting investment in mineral extraction that do not take into account the rights of the people affected provoke demonstrations that are often met with violent reactions by private security forces. Conflict over land is also a root cause of violence in the Philippines as landowners are increasingly converting agricultural land to agro-business or other forms of economic activity to the detriment of the lives of rural communities. And similarly, the urban population is subject to violent evictions to make way for economic development projects.

Violence against unions in the Philippines has been increasing in recent years, including killings, assault of workers on picket lines, threats and intimidation and the filing of false

charges against union activists. Further, an alarming number of Filipino human rights defenders, human rights lawyers, trade unionists, and indigenous or peasant activists engaged in defending economic, social and cultural rights are victims of disappearances and summary executions.

Recommendations

Effectively eliminating torture and other forms of violence in the Philippines will require a multifaceted and integrated approach ensuring the implementation of economic, social and cultural rights as well as civil and political rights, as experience has shown that acting on only one of the causes of torture has little chance of success.

The recommendations in this report cover, first, specific responses to the particular violations and problems identified. Second - and because in order for recommendations to be effective, they must be accompanied by means of implementation that identify those responsible for the implementation and engage their accountability - this report suggests possible institutional mechanisms that might be entrusted with implementing certain recommendations in specific circumstances. Finally, progress will also depend on correcting the serious imbalances in Philippine economic and social policy at the macro level, and so recommendations are made to deal with those basis policies.
