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Addressing the economic, social and cultural root causes of violence through the UN Special Procedures System

Position paper relating to substantive and other aspects of attacking the root cause of violence

Developed during the OMCT Special Procedures Seminar
Geneva, Switzerland
23-27 June 2008



The European Union, through the European Initiative for Democracy and Human Rights, provides substantial support for this project, which is also generously supported by the Swiss Agency for Development and Cooperation (SDC), the Karl Popper Foundation, the Interchurch Organisation for Development Cooperation and the Foundation for Human Rights at Work.



Seminar participants and members of the OMCT secretariat at the conclusion of the special procedures seminar, 27 June 2008.

Contents

| | | |
|-------------|--|-----------|
| I. | Introduction | 1 |
| II. | Expert Contributions | 2 |
| | Violation of Economic Social and Cultural Rights and Torture: Necessity of a dialogue between development and human rights NGOs by Mr. Yves Berthelot, Member of the OMCT Scientific Council and Former Executive Secretary of the UN Economic Commission for Europe | 2 |
| | Addressing the economic, social and cultural root causes of torture and other forms of violence: Philosophical bases of human rights and the role and limits of human rights NGOs by Prof. Pierre de Senarclens, Professor of International Relations, University of Lausanne, Member of the OMCT Scientific Council and former UNESCO Director of Human Rights | 4 |
| III. | Presentations by Seminar Participants | 7 |
| | Indigenous communities (India) | 7 |
| | Land grabbing and dispossession (Kenya) | 8 |
| | Criminalisation of poverty, gross inequalities and uneven distribution of resources (Colombia, Lebanon) | 9 |
| | Violence against vulnerable groups (Bulgaria, Peru) | 10 |
| | Extractive industries (Congo-Brazzaville) | 11 |
| IV. | Conclusions | 12 |

I. Introduction

As part of a wider project funded by the European Union and other donors, from 23 to 27 June 2008, OMCT hosted its second international seminar in Geneva on “Addressing the economic, social and cultural root causes of violence through the UN Special Procedures System”. This seminar is an important element of OMCT’s three-year project on “Preventing Torture and Other Forms of Violence by acting on their Economic, Social and Cultural Root Causes.”

The OMCT project, now in its second year, focuses on developing concrete measures to address the economic, social and cultural root causes of violence, particularly torture and other cruel, inhuman or degrading treatment or punishment, including violence against women and children.

This document contains expert papers and NGO case studies developed during the 2007 OMCT Special Procedures Seminar. We believe that this information is very relevant to the UN Special Procedures System, and its Mandate Holders.

During the five-day seminar, 14 NGO representatives from around the world focused on developing concrete recommendations to address the root causes of violence in specific cases. The substantive framework for the discussions was provided by presentations from two invited experts (reproduced in Section I): Mr. Yves Berthelot, member of the OMCT Scientific Council and former Executive Secretary of the Economic Commission for Europe, and Mr. Pierre de Senarclens, Professor of International Relations at the University of Lausanne, also a member of OMCT’s Scientific Council and former Human Rights Director of UNESCO.

Participants also submitted case studies highlighting specific links between violations of economic, social and cultural rights and violence in their countries (summarised in Section II). Seminar participants met and discussed these issues with mandate holders responsible for Human Rights Defenders, Adequate Housing, Minority Issues, Indigenous People, the Right to Food and the Human Rights of Migrants.

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II. Expert Contributions

Violation of Economic Social and Cultural Rights and Torture: Necessity of a dialogue between development and human rights NGOs

By
Mr. Yves Berthelot
Member of the OMCT Scientific Council and
Former Executive Secretary of the Economic Commission for Europe

The United Nations Special Rapporteur on Torture, the United Nations Independent Expert on Human Rights in Extreme Poverty, and several specialised NGOs conclude on the basis of their observations and research that, in the majority of cases torture is not inflicted for ideological reasons, but in reaction to social tensions caused by profound inequalities, growing poverty, and an increasing number of people who are unable to provide for themselves and their families. This is another illustration of the way in which human rights are indissociable.

Moreover, the World Organisation Against Torture (OMCT), on the basis of hundreds of cases throughout the world, established strong correlations between the failure to respect economic, social, and cultural rights, and violence, including torture. It observed that most victims of torture, arbitrary detentions, summary executions, enforced disappearances, and other forms of cruel, inhuman or degrading treatment or punishment come from the underprivileged sectors of society. These treatments are imposed on poor people who protest because they have been deprived of their land or their homes to construct dams for the production of electricity, to develop intensive plantations in order to produce competitive agricultural commodities for industry and export or to build apartments for middle and upper classes. The economic measures, taken on by private or public actors, are economically rational; their consequences are dramatic. The work of the OMCT is a strong argument in favour of dialogue and cooperation between economists and specialists of human rights, academics, civil servants and NGOs.

Such a dialogue would be mutually beneficial to economic development and the fulfilment of human rights. Human rights bring values, objectives and instruments to economics. The values, first, are *duty* and *responsibility* that could balance the absolute virtue that liberal economists give to the free exercise of individual preferences. In addition to the ethical dimension attached to the sense of responsibilities, the clarification of their rights and duties permits each economic actor (national and local authorities, enterprises and civil society organisations) to exercise his responsibilities and to enter into partnerships necessary to the good functioning of the economy.

Secondly, the Universal Declaration of Human Rights and the subsequent International Covenant on Economic Social and Cultural Rights give legitimacy to the objective of social justice and development for all advocated by some economists. Those legal instruments also prioritise the objectives to be pursued in identifying the elements of human dignity and an

adequate standard of living. As for the application of the instruments, human rights rely on institutions and the possibility for individuals or groups to have recourse to justice if their rights are not respected, protected or fulfilled. Indeed, the good functioning of the economy requires also institutions and access to justice. But human rights instruments go further as they empower the people and do not consider them as mere consumers or workers. Conversely, economics brings to human rights a long-term perspective on how to fulfil human rights.

Looking ahead, it seems that it will matter that economic decisions be checked against their impact on human rights. The issue of access to land illustrates it. To feed a growing world population and to meet the new consumption pattern of the middle and reach classes of emergent countries, as well as to meet the demand for agro-carburant, will require either more land or higher productivity. Despite the evidence demonstrating that small family farms can dramatically increase their productivity with limited chemical inputs, many argue that the easiest way to increase productivity is to rely on industrial farms benefiting from private research and abundant use of water, fertiliser, fungicide and pesticide. Without strong political pressure, it is likely that governments will favour industrial farms against family farms and that the number of poor peasants without land will increase dramatically. The growing price of land, the hiring or buying of land by investors, sovereign funds or governments in developing countries, and the increasing number of peasants expelled from their land are signals.

The mobilisation of development and human rights NGOs is urgent to invite governments to develop policies in favour of small efficient family farms. If this is not done, protests will multiply as will violence against protesters by the police and private militias.

**Addressing the economic, social and cultural root causes of
torture and other forms of violence:
Philosophical bases of human rights and the role and limits of human rights
NGOs
Some questions**

**By
Mr. Pierre de Senarclens
Professor of International Relations, University of Lausanne,
Member of the OMCT Scientific Council and former UNESCO Director of Human
Rights**

The World Organisation Against Torture (OMCT) has recognized for a long time that violations of economic, social and cultural rights are very often the root causes of the torture and other cruel, inhuman and degrading treatment, and that it should fight against these human rights violations. It has called for concerted action at the national and international levels in collaboration with other civil society partners to identify, address and act upon those root causes along with those violations of civil and political rights that make torture and other cruel, inhuman and degrading treatment.

OMCT's engagement is founded on the Universal Declaration of Human Rights and on the various legal instruments that have been inspired by this Declaration. In other words, it is a legally based position. This legal position is also closely associated with a certain representation of politics and this is the reason why human rights issues have always been hotly debated within the United Nations and are still highly contested by some of its Member States.

The Universal Declaration of Human Rights embodies a liberal conception of a legitimate political order. The State should respect the rule of law and should be organized on the principle of separation of powers. It should protect and promote human dignity, political freedom, equality and social justice. It entails a conception of national sovereignty that is intimately associated with the political participation of the citizens. National sovereignty is not identical with State sovereignty, but with popular sovereignty. The Declaration defines freedom by reference to classical civil and political rights. It covers therefore the protection of individual integrity and autonomy, i.e. the right not to undergo torture or arbitrary arrest, the right to express one's beliefs, to participate in associations and in the public affairs of one's country.

The individualism of the Declaration is tempered to a great extent by the concept of equality. Freedom is closely connected to a political goal, namely to the provision of a minimum standard of economic and social security for all citizens. The range of material and cultural freedoms defined in the Declaration goes far beyond the requirements of classical liberalism. The ideals of social democracy and distributive justice are explicitly and coherently integrated in the Declaration. Obviously its fundamental principles and ideals reflect the philosophy of the European Enlightenment.

In the 1940s it was imagined that the model of the liberal State that the western Allies had fought to restore in Europe, as well as the project of the Welfare State, could be universalized. However, when the Universal Declaration was adopted in 1948, the rationalist and secular inspiration of the Declaration's human rights was not accepted by some States, in particular by Saudi Arabia, and the Soviet Union did not like its liberal inspiration. Moreover, governments of recently independent states and political movements that had been or were still under the yoke of colonial powers, insisted on the necessity to integrate the peoples' right to self-determination into the definition of human rights, which was finally done in both International Covenants in 1966.

The drafters of the Universal Declaration defined certain principles of politics, an ideal representation of what should be the common good, but they did not provide us with a clear perspective of what kind of policies had to be implemented in order to attain these objectives. The policy that ensures the realization of negative liberties is easier to define than is the one necessary to implement positive liberties. In other words, the State has an obligation to abstain from torturing, but what type of policies should it pursue to insure the full employment and economic growth that are necessary to promote universal welfare?

This lack of precision also explains why human rights have always been a source of polemics and political turmoil. In the 1940s, the so-called western world claimed that the free market was the only way to insure the implementation of social, economic and cultural rights, whereas the Soviet Union defended the principle of state ownership of all the productive means and promoted a rigid command of the economy.

Although few would dispute today the overall benefits of the market economy, the confrontations within the United Nations on the best way to promote the norms of the International Covenant on Economic, Social, and Cultural Rights are not over. Far from it! Within the ILO there are some voices that insist on reducing the normative requirements of some conventions in order to promote the best economic conditions for employment.

In order to reduce violence and inequality it is crucial for donors, States, Intergovernmental Organizations and NGOs to identify and address its economic, social and cultural root causes. But can we agree on the precise definition of these causes, on a hierarchy of the most important variables explaining misery, inequality, violence? How can one ascertain the precise link between tyrannical government and underdevelopment? Tyrannical governments entail by definition gross and massive violation of human rights. These regimes are also incapable of protecting and promoting economic, social and cultural rights.

By the same token, no one can dispute the fact that there is a close correlation between misery, inequality, the destruction of the environment and different types of violence, including the widespread use of torture. In other words, we can assert that violence and torture are linked to the denial of economic, social and cultural rights, to bad institutions and lack of good governance. But can we reach an agreement on the ways and means to promote these rights, and on the proper institutional setting? No one disputes the importance and benefits of the Millennium Development Goals, but we still disagree on the ways and means to implement these objectives. Can we agree on the policies of international financial institutions, on the level of their conditionality? What are the benefits of the liberalization of trade and finance? What is the role of the State versus the role of the market? What is the role of Official Development Assistance (ODA), of the Bretton Woods institutions, of OECD countries? Can we agree how to reform the architecture of the United Nations system?

The United Nations and the World Bank insist rightly on good governance. Corruption, bad administrative practices and the lack of access to justice are usually correlated with an absence of checks and balances, dictatorship and denial of the basic needs for the majority of the population. It is, however, difficult to assess whether the misery in Africa has been the consequence of too many Mugabe-type-regimes, or whether these regimes are mainly the consequences of the struggle for survival in this part of the World. National sovereignty and democracy is supposedly the best regime to protect human rights. Yet in many parts of the world, in Bosnia and Kosovo for example, as well as in many countries of Africa, the best institutional mechanisms and the best economic policies necessary for the implementation of this conception of sovereignty have yet to be defined. What kind of policies should we advocate to ensure that states fulfil their responsibilities to protect human rights? These are very complex issues.

One issue facing human rights NGOs today is the resurgence of ideologies, religious beliefs and practices that grossly affect the secular meaning of universality. From a social science perspective, religious fundamentalism is a consequence of personal and collective insecurity. When the socioeconomic conditions of existence are too difficult to bear, human beings invent all manner of religious and ideological illusions in order to cope with these realities. Therefore, the defence of universality requires also the protection and promotion of economic, social and cultural rights.

In conclusion, we can plead for closer links between NGOs engaged in the promotion of human rights and those working in the area of development, but we are not sure that we can go further than to call for this rapprochement. In other words, human rights organizations should not be confused with development organisations. Their comparative advantage is not in defining a precise economic strategy in the fight against poverty and violence. Their role, rather, is to stick to their legal instruments and to denounce conditions that affect human dignity and that violate the rights of minorities, women, and children. Their engagement lies in their capacity to mobilise public opinion and oblige governments to respect and promote their legal commitments. Human rights can and must inspire individuals and political movements. Government policies should be evaluated in relation to the standards set up by these norms. One should not forget, however, that these rights, although they have a political meaning, are based on international conventions and legal obligations and procedures. One should not forgo their specific legal characteristics for the sake of being politically more relevant.

III. Presentations by Seminar Participants

The fourteen cases developed in the course of the week can be classified under the following six broad headings:

- 1) **Indigenous communities** subjected to gross human rights violations by private actors or private militia in connection with development projects. The forced eviction of indigenous communities without alternative resettlement and remedy;
- 2) Violence generated by **land grabbing** and the inability of the dispossessed - often peasant farmers or pastoralists - to provide for themselves and their families;
- 3) Omission by the State to correct **gross inequalities and uneven distribution of resources**, particularly as regards the most marginalised communities. Absence of mechanisms addressing inequality, and of programmes to promote the enjoyment of economic, social and cultural rights. Demonstrations to protest against these poor living conditions are frequently met with violent repression;
- 4) **Violence against vulnerable groups**, including children, migrants and persons with mental disabilities. Lack of effective access to health and social services for these groups. Victims of torture denied access to rehabilitation services and social support;
- 5) **Criminalisation of poverty**, leading to false charges against and imprisonment of the poor, suppression of legitimate social protest, and police impunity as regards arbitrary executions and violence against the poor;
- 6) Widespread poverty and environmental damage caused by **extractive industries**, and violence directed at local populations when they call for respect for their rights and a fair share of revenues.

The individual cases presented by the participants indicated that, time and time again, the principal victims of violence come from the most vulnerable segments of society such as the poor, persons with disabilities, indigenous peoples, women and children, as well as economic, social and cultural rights defenders.

Indigenous communities

Indigenous communities often bear the brunt of privatisation and economic liberalisation policies. Areas occupied by indigenous people may be violently cleared in order to free land for development purposes. Without formal title, indigenous communities can be left with no legal recourse. Even where they have a legal claim, indigenous groups may be subjected to improper forced evictions, threats and intimidation.

India - Mr. George Pulikuthiyil, Jananeethi Institute

In India, the majority of population depends on land and forests for their survival and livelihood. In 2006, for the first time in history the state formally admitted that rights had been denied to forest dwelling people, and a new forest law was passed. The law attempts not only to right that 'historic injustice' but also to give forest communities a primary role in forest management.

However, in practice Indian forest policies have clearly violated international human rights mechanisms with regard to indigenous peoples, with displacement and relocation of tribal communities in many of the states. Even where the government tried to provide alternate economic means to livelihood, it failed to a large extent, and tribal people were forced to shift from being pastoralists to agriculturists, which has led to further impoverishment. Policy makers and executors simply ignored the social conflicts that resulted from relocation. There has been no fund allocation for aid to displaced indigenous people. The various interventions by the state have only created greater inequities between the tribal and non-tribal populations.

Given their poverty and lack of political power, the tribal population and other forest dwelling communities living within and near forests have always been victims of brutal attacks by the Forest Department and other government forces. Attempts to evict tribal households from forests and the removal of encroachments have led to severe and at times violent clashes among the people and the police and forest officials. Though the law is on the side of the officials, tribal households have no other source of livelihood, and refuse to vacate these areas in spite of severe oppression.

Land grabbing and dispossession

In the name of development, the land rights of small-scale farmers, indigenous groups and others are often ignored. Large-scale projects, agrarian reform, and the lack of clear land management and distribution structures threaten these groups and their ways of life. In many instances, dispossession is accomplished through intimidation, threats and outright violence.

Kenya - Ms. Munini Mutuku, Centre for Minority Rights and Development (CEMIRIDE)

Inequality is at the heart of much of the recent violence and unrest in Kenya. In Kenya, wealth is connected to access to land among the local wealthy elite. The denial of this resource has subjected many a population to psychological, social and physical torture as untold amount of violence amongst families and communities results to losses in lives. The lack of proper land management laws and structures has seen the eruption of fighting that broke out not only in December 2006 after inter-clan disputes over land between the Soy community and their Mosop neighbours in the Mt. Elgon region¹, but also the ever on-going post and pre election violence that takes place within the Rift valley and the western provinces of Kenya every election year.

This violence, though expressed in regional or ethnic terms, is rooted in anger over economic inequality and denial of land. Issues that have sprung from and perpetuated inequality —the use of violence for political purposes, genuine land grievances, conspicuously corrupt leadership, historical injustices, a poor constitution, legal frameworks and policies —have been bubbling under the surface for decades. These factors, combined with poverty, rapid urbanization, high unemployment (especially among young males), ethnic political mobilization, unending conflicts, the free flow of information, huge democratic expectations and, finally an incompetently rigged election, ultimately boiled over into a crisis.

Criminalisation of poverty, gross inequalities and uneven distribution of resources

In many countries facing poverty and economic crisis, the failure of economic policies to address income inequality has driven the poor further down the economic ladder. High unemployment, lack of housing and basic necessities, and increased reliance on the informal sector contribute to instability and violence. Discontent and frustration due to state inaction to correct poverty and gross inequality can also lead to protest and violence.

Colombia - Mr. Jesus Armando Arciniegas Jurado, *Fundación Desarrollo y Paz (FUNDEPAZ)*

In Colombia, there is a near consensus that the current violence has a structural origin: in poverty, in economic inequalities, in short, in the lack of social, political and economic opportunities offered by the system. However, the current government, in contrast, focuses on violence produced by guerrillas and paramilitaries as the main factor in poverty, ignoring these structural factors. Colombia's security policy reinforces the existing exclusion from development of marginalized communities, by funding national security projects at the expense of social welfare.

In addition, the Colombian government has violated the rights of many marginalized communities for economic gain: the Afro-Colombian communities, U'WA, Paez, Embera Katio, the fishermen of the River Sinú, the peasants of the Macizo Colombiano, the big oil mega-projects of the region of the Orinoquía, are only some of the cases in which, on behalf of "development", individual and collective rights have been ignored. In communities that have resisted, armed groups harass, intimidate and cause deaths and disappearances of important spokesmen, leaders and *chamanes* (traditional wizard) within the community.

Lebanon - Mr. Ali-Marc Wazne, *Centre Libanais des Droits Humains (CLDH)*

Poverty and inequality in Lebanese society is the root cause of much violence, including torture and cruel, inhuman and degrading treatment. Economic policies in Lebanon have focused on promoting sectors of the economy that directly contributed to national growth, rather than on job creation, development and investment in sectors such as farming that would promote more equitable development. The marginalisation the poor experience in society, in addition to their poverty, prevents them from defending themselves and demanding their rights. Law enforcement officers often have a feeling of superiority over the poor and marginalised communities, and apply violence and even torture to extract information and quiet any discontent or protest. The special protection afforded police officers by Lebanese law contributes to a culture of impunity.

Violence doesn't stop at this level. Human rights defenders and union workers who demand rights have also been targeted. Only 6 months ago, a demonstration against electricity cut-offs in a poor Beirut suburb ended with 7 people killed, including 2 young children.

Violence against vulnerable groups

Minority groups and vulnerable populations are often excluded from economic and social development, which in turn means they are more likely to experience poverty, unemployment and other factors that put them at greater risk of violence. Exclusion also creates a devaluation of human life, so that violence against these groups is ignored or tacitly accepted. Women and children are at particular risk of rights abuses including trafficking, sexual abuse, denial of education, limited or no access to health care, and discrimination in legal and court proceedings.

Bulgaria - Ms. Daniela Furtunova, Bulgarian Helsinki Committee

The lack of social support for mentally disabled and intellectually impaired individuals in Bulgaria condemns this group to a wretched existence. The mentally disabled tend to become socially isolated, and easily fall victims to acts of discrimination, including mistreatment and violence, because of their disability. Effective access to health care of these and other vulnerable groups – incl. Roma, children and women - is crucial to preventing violence, documenting acts of violence, and subsequent rehabilitation of the victims.

Another serious social problem is violence and aggression within the family. Financial pressures provoke serious violations of the rights of children and others who are unable to care for themselves. Among the violations are human trafficking, human organ trafficking, prostitution, forced begging, and sexual and labour exploitation. Because of sex discrimination in hiring and promotion, women are often financially dependent on abusive men. At the same time, the Penal Code does not treat domestic violence seriously enough, and there is a lack of special services for victims of domestic violence and for their abusers. The police and social service workers need to be trained to provide adequate protection to victims of sexual crimes, trafficking and domestic violence.

Peru - Ms. Maria del Pilar Raffo Lavalle de Quiñones, Psychosocial Attention Centre (CAPS)

Racism is –and has always been- a major form of discrimination in Peru. Because of their race, ethnicity or origin, many people are excluded from the possibility of receiving better incomes, of having access to education and health – in short, they have been excluded from development. Centralized squatter settlements, fuelled by poverty and political violence in rural areas, have deepened Peru's differences and have triggered an increase in deviant social behaviours and urban violence. The hierarchical nature of the Government, school system, and even family life in Peruvian society encourages authoritarianism, intolerance and conflict leading to violence.

Extractive industries

Oil, gas and other extractive industries are often linked to violations of economic, social and cultural rights, as well as violence. Lacking political influence, poor and marginalised communities bear the brunt of environmental damage and displacement. Political conflict over control of resources can lead to instability and violence, and exacerbate economic inequality.

Congo-Brazzaville - Mr. Christian Mounzeo, *Rencontre pour la Paix et les Droits de l'Homme (RPDH)*

The Republic of Congo is currently the fourth largest oil producer in the Guinea Gulf. Since 2006, its revenues have exceeded two trillion francs CFA. Despite the importance of these revenues, over 70% of Congolese live below the poverty line on less than a dollar a day, without access to drinking water or electricity. Indeed, the oil leads to conflict and disastrous consequences: torture, violence against women, forced disappearances, poverty, lack of democracy, corruption, war, and debt.

The root causes of Congo-Brazzaville's conflicts in the past decade are tied to control over political power, and thereby oil revenues. Thus, human rights violations are a direct consequence of the lack of transparency in the management of oil revenues, bad governance and impunity.

IV. Conclusions

Taken together, the case studies presented and developed by the participants during the seminar clearly demonstrate that the relationship between poverty and violence is a mutually reinforcing one (see figure 1). Participants agreed that in order to reduce violence it is crucial for NGOs to identify and effectively address its economic, social and cultural root causes. At the same time, 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.

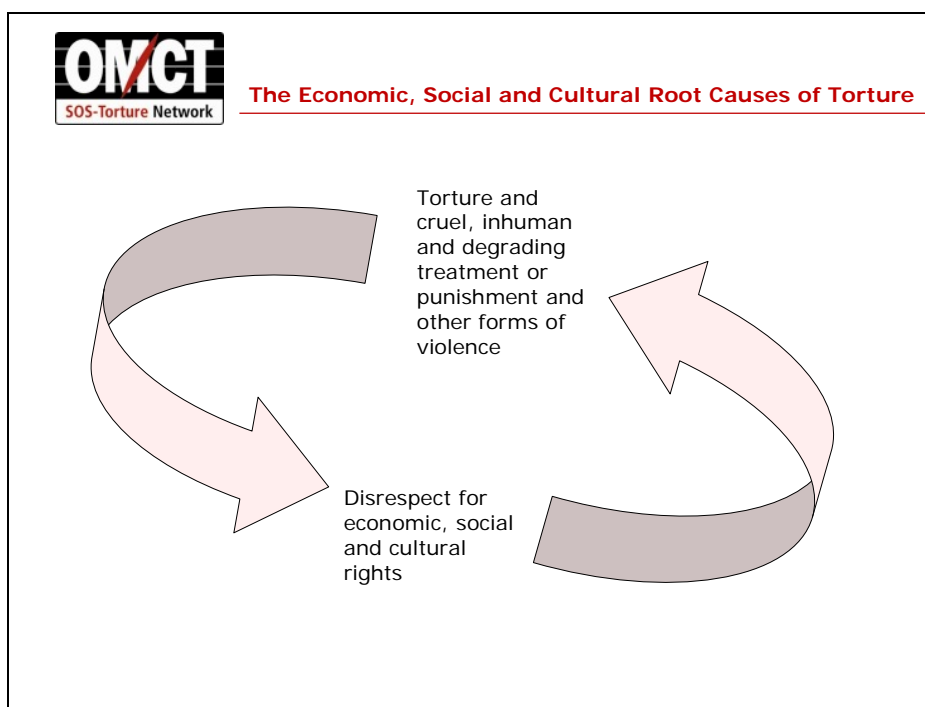


Figure 1: the relationship between poverty and violence is mutually reinforcing

The case studies examined during the seminar also demonstrate that reducing violence associated with the denial of economic, social and cultural rights involves a careful examination of how this violence is generated in specific national contexts. In many cases it calls, in addition, for an understanding of how global dynamics, economic interests and the policies of international financial institutions are played out in local situations. It is this in-depth understanding of a given situation that allows concrete recommendations and realistic solutions to be developed and progress to be made in reducing levels of violence, including torture and cruel, inhuman or degrading treatment or punishment around the world.