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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

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Seminar participants and members of the OMCT secretariat at the conclusion of the special procedures seminar

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I. Introduction

As part of a wider project funded by the European Union and other donors, OMCT organised an international seminar in Geneva on “Addressing the economic, social and cultural root causes of violence through the UN Special Procedures System” from 18 to 22 June 2007. This seminar, attended by representatives of national human rights NGOs from 14 countries, was 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.”

This OMCT project is intended to develop concrete measures to act upon this link and reduce levels of violence associated with socio-economic conditions. The Special Procedures mechanisms represent a significant element in this regard. It is, therefore, important that national NGOs addressing both human rights and development issues are aware of how to interact most effectively with these mechanisms.

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.

Presentations (reproduced in Section II) by two invited experts, Mr. François Beaujolin and Mr. Yves Berthelot, examined the macro-economic and political policies that need to be addressed to reduce inequality and the resulting violence and illustrated the ways that national NGOs, with international collaboration, can effectively act against government policies that risk increasing poverty.

The NGO representatives - from Argentina, Bangladesh, Brazil, Burundi, Colombia, Egypt, Gambia, Georgia, India, Liberia, Nepal, South Africa and Zambia - presented case studies (summarised in Section III) discussing the specific economic, social and cultural root causes of torture and violence in their countries, and discussed what national NGOs needed to do to help make the special procedures effective. They also held in-depth discussions with special procedures mandate holders responsible for issues relating to torture, indigenous peoples, the right to health, arbitrary detention, protection of human rights defenders and violations of human rights by private security forces.

The participants in the seminar concluded that in order to fight violence it is crucial for NGOs to identify and address its economic, social and cultural root causes; that NGO action can be effective in this regard, that the United Nations procedures can be of significant assistance if NGOs provide reliable and targeted information, and that it is important for OMCT to continue to develop its capacity to support national NGOs in this area.

OMCT is grateful to the European Union, 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 for their financial support for this project.

II. Expert Contributions

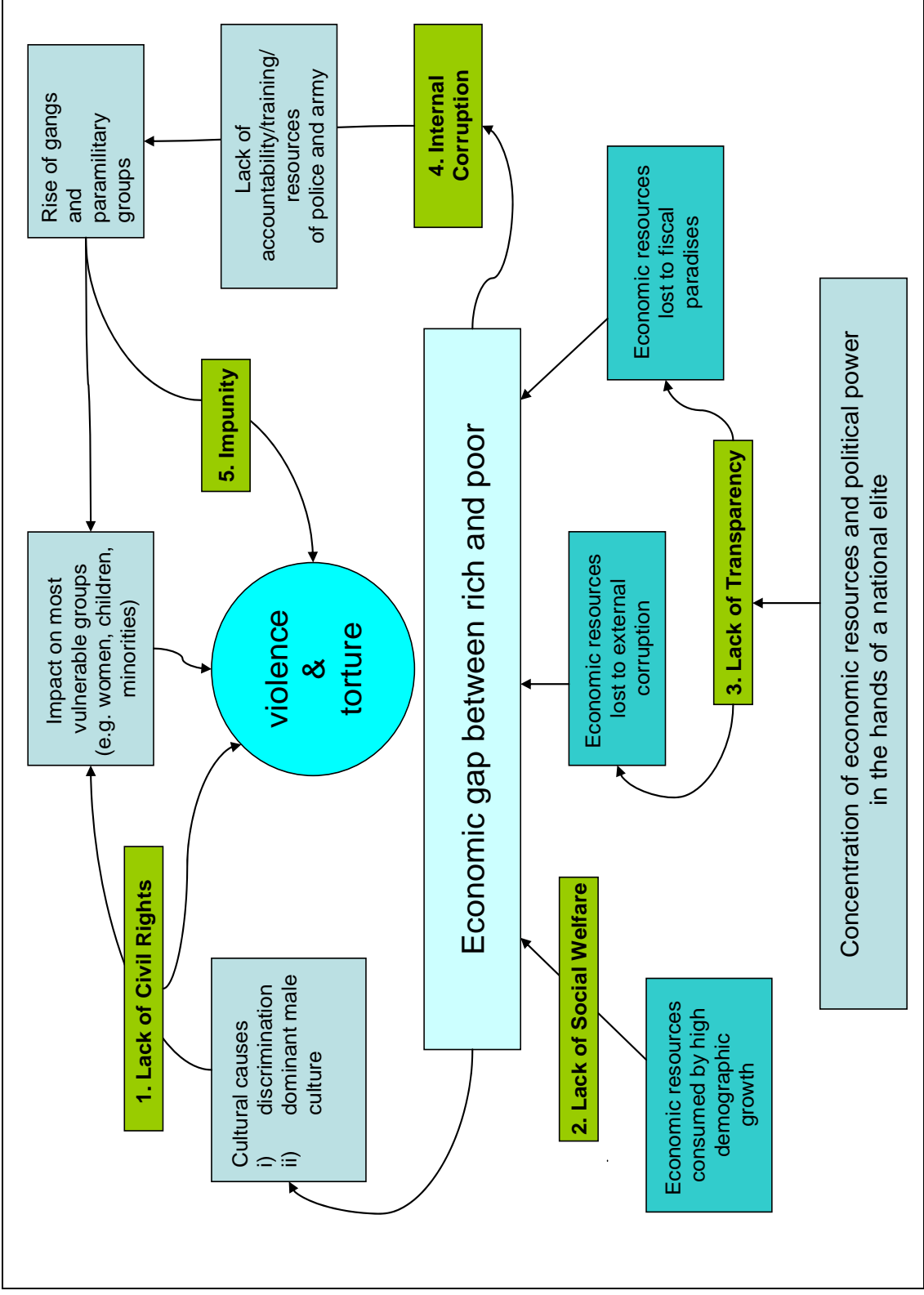
A macro-economic perspective on the root causes of torture and other forms of violence

By
Mr. François Beaujolin,
President of the Foundation for Human Rights at Work

In addressing the economic, social and cultural root causes of torture and violence, it is important to understand why, in spite of economic growth, “the poor are poorer” in developing countries (see figure below). One reason for this is high population growth in these countries, which absorbs perhaps 2 per cent of GDP growth per annum. Another reason is the diversion of capital (perhaps 5 per cent of growth per annum) into fiscal paradises abroad; these funds are therefore not subject to taxation in the home country, nor are they reinvested in the economy in which they were produced (50 per cent of money earned around the world is held in fiscal paradises). In addition, capital leaves the country through external corruption. Thus, even when a developing economy grows at 8 per cent a year, little is left to raise the actual living standards of the people.

Another crucial issue in determining the extent and degree of poverty is who controls resources: in democratic systems, the state, property owners and multi-nationals tend to be separated and their interaction regulated, while in less democratic states the links between the three groups tend to be stronger and resources are concentrated in the hands of a few. NGOs have an important role in monitoring how governments spend money and allocate budgets. Furthermore, countries that sell their natural resources without processing or refining them lose GDP since only a small percentage of the value of these resources comes back to the country. At the same time, these countries are more likely to buy elements of infrastructure (factories, roads etc) from abroad. Economic policy is also linked to cultural practices – for example, where no state pension is provided, children are regarded as a social support system for their parents.

Some of the key elements contributing to the economic gap between rich and poor in developing countries and their link to torture and other forms of violence are explored in the following diagram.



Tracing the economic and social roots of violence and torture

Poverty, Inequality and torture: Addressing the root causes of violence through the UN special procedures system

by
Mr. Yves Berthelot
former Executive Secretary, United Nations Economic Commission for Europe
and member of OMCT's Scientific Council

...the overwhelming majority of those subjected to torture and ill-treatment are [...] from the lowest strata of society.¹

... poverty and other denials of human rights, can greatly increase the risk of instability and violence..., conflict leads to abuse of human rights and sets back development...²

The first quote is a statement of fact: those who are most often victims of violence and torture come from the poor and from the most vulnerable groups. The second explains the mechanism whereby those whose economic, social and cultural rights are violated become victims of torture and ill-treatment.

The link between the violation of economic, social and cultural rights and torture has been highlighted by an empirical study conducted by OMCT using data from more than sixty countries. This serious statistical research draws attention to a number of strong correlations that confirm what case studies already suggested. It demonstrates that torture today is less often used to make people talk, and more often employed to keep them quiet.

Victims of rights violations are those who are forced out of their homes by large-scale projects or real estate speculation without being re-housed: they are those who are driven off their land for the construction of dams, by the expansion of urban areas or in order to make way for the establishment of large agro-industrial projects without being given new land or provided with another means of survival: they are those who suffer from hunger – most often small-scale farmers who see the price of their products collapse because they must compete with subsidised products imported without duty: they are those who are compelled to accept a job that neither assures the necessary means to provide for their family, nor meets any of the norms of the International Labour Organisation: and they are those who see the symbolic places and objects of their culture destroyed without being able to save a single element. These injustices are sometimes carried out in a brutal manner. They are the result of the abuse of power, be it the power of the state or the power of money. And it happens that the victims respond by protesting, demonstrating and leading revolts. These protests in turn provoke

¹ U.N. Doc. A/55/290, Report by the Secretary General, incorporating the Report of the Special Rapporteur of the Commission on Human Rights on the question of torture and other cruel, inhuman or degrading treatment or punishment, 11 August 2000, § 35.

² Statement by Ms. Louise Arbou, United Nations High Commissioner for Human Rights, to the Open-ended Working Group on the optional protocol to the International Covenant of Economic, Social and Cultural Rights, Geneva, January 2005, www.ohchr.org

repression and arrests followed by ill-treatment, even torture, carried out against the ringleaders in particular. This is the mechanism that links the violation of economic, social and cultural rights with torture and ill-treatment.

The lesson we can draw from this statement of fact and this analysis is simple: organisations for the defence of human rights and development NGOs must work together to prevent this chain of violence. Together, they must raise the awareness of the authorities as regards the indivisibility of human rights and the consequences that their violation can provoke. Development NGOs have the task of identifying the national and international policies and projects that risk compromising the enjoyment of economic, social and cultural rights by the poorest and most vulnerable members of society, and they can alert human rights organisations to this. Together, development NGOs and human rights organisations can call the attention of the authorities to the situation to ensure that the rights of every individual are respected and that the populations under threat are aware of their rights. If necessary, they can alert international public opinion, as has happened with China's Three Gorges Dam, as well as with deforestation projects in Brazil and India and in numerous other cases. From this point of view, the adoption of the optional protocol to the International Covenant on Economic, Social and Cultural Rights enabling violations of these rights to be brought before international mechanisms would encourage governments to take more care over the implementation of such projects.

As necessary as cooperation between human rights organisations and development NGOs may be shown to be, it does not happen spontaneously. These organisations have different cultures and approaches and their communication is limited. Furthermore, the same thing can be seen among international organisations: the United Nations, which had been promoting human rights since the end of the 1940s, waited until the major conferences of the 1990s to effectively link the two dimensions in its reflections. And Mary Robinson, then High Commissioner for Human Rights, struggled to convince the heads of agencies and economic departments to include human rights in their concerns. It is one of the objectives of this week to encourage you, on returning to your countries, to approach development NGOs and cooperate with them in order to prevent the chain of events that leads to the violation of economic, social and cultural rights, ill-treatment and torture.

III. Setting the Context: Presentations by Seminar participants

This section offers a brief introduction to the seminar participants. In addition to written papers (see OMCT website), each participant offered an overview of some of the key human rights concerns in her or his country and, in particular, to the link between violence and the situation as regards the enjoyment of economic, social and cultural rights. Participants were also invited to introduce their organisation and indicate whether it focuses predominantly on human rights or development issues.

Privatisation and economic liberalisation

Privatisation and economic liberalisation are often linked to violations of economic, social and cultural rights. Informal settlements and economically poor areas may be violently cleared in order to free land for development purposes. Failed attempts to implement standardised IMF and World Bank models can exacerbate already poor economic conditions. Moreover, without policies to ensure economic and social inclusion, even apparently successful economic policies can negatively impact the rights of the poor and other vulnerable groups.

Egypt, Ms. Shaima Rezk, Land Centre for Human Rights

The Land Centre for Human Rights is an NGO committed to supporting groups affected by land reform.

The geo-political position of Egypt greatly influences the economic and social conditions in the country and hence the prevalence of violence and torture. A large part of the territory is desert and productive land is scarce. Water is also a highly valuable resource. Meanwhile cotton production, one of the country's most important economic activities, is being undermined by trade tariffs and the policies of the WTO and other international financial institutions. Agrarian reform policies began in 1987 and saw the liberalization of prices for crops such as wheat and peanuts. Through the 1990s, this liberalization was applied to other crops. The Government also ended subsidies for seeds, pesticides and fertilizers. Furthermore, laws have been changed to favour large-scale agricultural producers, and there is severe pressure on small-scale farmers to leave their land. Land reform introduced in the 1990s saw large increases in the level of rent for agricultural land. The implementation of the agrarian reform law (1992) was accompanied by violence on the part of the State (murders, injuries and arrests) throughout the 1990s, and into the early years of this century. Tourism is also important to the economy, and access to tourist locations and resorts for Egyptians is tightly controlled (road blocks, police check points etc). In all, the poor are becoming both economically marginalised and spatially controlled.

Discrimination and use of 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.

Children

Brazil, Ms. Eulange de Sousa, Movimento Nacional de Meninos de Rua (MNMR)

MNMR works on both legal and development issues and, in particular, focuses on sustainable solutions.

There are now four generations of street children in Brazil, and there is a lack of consistent measures to reduce these numbers because successive governments change approach. The situation is exacerbated by the fact that NGO activities are generally not coordinated and do not necessarily work in a complementary fashion. Ms. de Sousa indicated that this situation calls for a new and coordinated strategy for addressing the issue of street children and pointed out that recently the number of street children has been decreasing thanks to long-term (10 to 15 years) efforts supported by UNICEF and other UN agencies. Education lies at the heart of an effective response and, indeed, education for children is the key to building a society of informed citizens. The issue of street children is closely linked with institutional issues in Brazil. The children possess a culture of survival and learn to play off various actors, including the Church, politicians and the police. Drug dealing also has a strong impact on their life, and many children are forced to distribute narcotics. They thus live in an extremely violent social context. In 2006, for example, the state of São Paulo, one of the most populated and economically important states in Brazil, experienced violent attacks by criminal organizations that resulted in the death of some 70 police officers. In response, a number of poor black youths in the outskirts of the City of São Paulo were killed in acts of execution consistent with those carried out by groups inside Brazil's security system. In the context of the discussion on street children with other participants, it was noted that in Egypt children may be deliberately mutilated to "enhance" their capacity to beg on the street. Children are also trafficked for begging. In Burundi, street children come from all three ethnic groups in the country. Their situation is closely linked to poverty and HIV/AIDS.

Women and Indigenous Groups

Bangladesh, Ms. Rosaline Costa, Hotline Human Rights

Hotline Human Rights has a strong focus on human rights. It works closely with tribal and indigenous peoples.

Ms Costa underlined that there are significant links between religious fundamentalism, widespread gender discrimination and repression in Bangladesh. Phenomena such as kidnapping, acid attacks, honour killings, child labour and sexual abuse all have social and economic root causes and, to the extent that these phenomena become internalised, also have

a cultural dimension. Marginalisation of tribal groups in Bangladesh is a serious concern, as the government seeks to occupy their lands. Arbitrary arrests of journalists, NGO workers, HR defenders and other activists have also taken place in the country. Trafficking of women and children is common and is often carried out with police cooperation. Since 2001 in particular, there have been killings carried out by special Islamic forces and government troops, with no accountability. The causes of violence in Bangladesh include corruption (the gap between rich and poor is widening) and the misuse of political power. The government is unaccountable to the electorate. There is a lack of transparency, especially as regards budgetary issues and law enforcement. Funding for education is being misappropriated and youth are being ideologically primed, in particular to target “un-Islamic” locations. Low levels of literacy exacerbate these phenomena. Although the Convention Against Torture has been ratified, it is not implemented.

Racial Minorities

Colombia, Father Emigdio Cuesta Pino, Conferencia Nacional de Organizaciones Afrocolombianas (CNOA)

CNOA pursues an integrated approach to human rights for Afrocolombians and indigenous peoples.

Colombia faces war, drug trafficking, natural disasters, political corruption and paramilitary oppression. Inequality and poverty are widespread, and there are 22 million poor. Social and political violence is commonplace, as is racial discrimination. The Colombian State estimates that Afro-Colombian people make up 10.5 per cent of the population, while NGOs estimate between 25 and 26 per cent. They live mostly on the Pacific coast, along with many of Colombia’s indigenous peoples (who constitute approximately 5 per cent of the country’s population). Colombia is engaged in a concerted drive toward economic development, resulting in severe pressure on the resource-rich Pacific Coast (largely in the form of extraction and infrastructure projects). State attempts to crush guerrillas groups and destroy drug crops by spraying (with *glifosato*) also have a negative impact of the entire population of the region. Father Pino emphasised the importance of the special mechanisms giving consideration to the situation of Afro-Colombians and indigenous peoples, as well as to that of women and children in Colombia.

Prisoners

Zambia, Mr. Muziula Kamanga, Women in Law and Development in Africa

Focusing on both law and development issues, Zambia’s Women in Law and Development in Africa forms part of a 24-member group of women’s NGOs in the continent.

Mr. Kamanga explained that Zambia is enthusiastic in ratifying international instruments, but less good at implementing them. Furthermore, successive administrations have argued against the promotion of economic, social and cultural rights. Women constitute a particularly vulnerable group: they appear to be most affected by the erosion of the formal sector and by unemployment, their participation in political and public life is limited, and they are underrepresented at all levels of decision-making. The Constitution of Zambia provides that no one shall be subjected to torture or any inhuman or degrading punishment, but this provision does not define torture, nor does it provide for an act of torture as a crime. Impunity of the perpetrators of torture is a major challenge in Zambia. Furthermore, courts will accept exhibits as evidence in a trial even if these exhibits were obtained by the police using torture. There is no limit to the length of pre-trial detention, and detainees may remain under remand for over four years. These long periods of pre-trial detentions increase the vulnerability of

detainees to torture. Furthermore, Zambia's prisons are extremely overcrowded and conditions are very poor. In Zambia, a growing number of girls are living on the street, increasing their vulnerability to violence. They sniff glue to reduce hunger.

Poverty and inequality

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.

Argentina, Mr. Gustavo Federico Palmieri, Centro de Estudios Legales y Sociales (CELS)

CELS was a "traditional" NGO founded during the dictatorship. It now addresses human rights violations under democracy and focuses largely on legal issues.

The problems faced in Argentina today are closely related to the economic crisis of the 1990s. In the early 1990s, 5 per cent of the population of Buenos Aires was unemployed, while 10 per cent lived in poverty. By 2001, these figures had risen to 25 per cent and 65 per cent respectively. The emphasis of government economic policy is shifting from ensuring employment to attracting investment and promoting industry. There is extreme social stratification. Shanty towns for the poor and "private" towns for the rich are expanding and the crime rate is rising. Due to its political and historical heritage, the police force is geared for control and is poorly structured to address organised crime. The rising crime rate also contributes to prison overcrowding, as does the recent increase in maximum sentences. The independence of the judiciary on the federal level has been improving in recent years, but lower levels of the justice system still demonstrate high levels of corruption. Regarding the UN special procedures, Argentine NGOs are not accustomed to dealing with this system, and would more often use the Inter-American system. Mr Palmieri stressed the importance of building alliances between human rights NGOs and NGOs representing victims of the dictatorship.

The Gambia, Mr. Sheikh E.T. Lewis, International Society for Human Rights (ISHR), Gambia Section

ISHR is one of the biggest human rights centres in the Gambia. It uses both law and development as tools to promote human rights.

The Gambia is a small country with a population of some 1.8 million. It is among the group of Heavily Indebted Poor Countries (HIPC), has no natural resources, and some 60 per cent of the population is very poor. The human rights situation is serious, and in many ways comparable to that of Nigeria. The current president came to power in a military coup in 1994 that banned political activity. A new constitution was drawn up in 1996, and presidential elections took place in the same year. The president exerts a disproportionate amount of influence over public life. Unemployment levels in Gambia are particularly high, especially among the country's youth, and this contributes significantly to violence and insecurity. According to the Constitution, education is free and compulsory, but in practice, the Government lacks the funds to realise this.

India, Mr. Henri Tiphagne, People's Watch - Tamil Nadu

People's Watch was founded in 1975, with a strong focus on human rights. It has now expanded to some 20 or 30 states in the country. It recognises the need to reach out to civil society organisations engaged in development.

Mr. Tiphagne indicated that India, like many big democracies, is good at making the record appear straight even when it is not. For example, there are many institutions in place with the task of protecting and promoting human rights (including the National Institution on Human Rights and an institution to address Dalit issues). These are well able to respond to any rights-related issues that are raised, but effectively they make no difference on the ground. The judiciary can appear to be liberal and progressive when it wants, but is fundamentally anti-poor. Similarly, the Indian Government expresses its belief in the rule of law and claims to protect fundamental freedoms. Paradoxically, despite these principles and in contradiction to government insistence that it no longer exists, the caste system continues to permeate the whole country. India also trains neighbouring countries in tactics for oppression, a reflection of its "big brother" attitude toward the region. Mr. Tiphagne explained that globalisation is having a profound impact on the country, not least in the establishment of Special Economic Zones, which involve taking land away from small-scale owners and suppressing any opposition. Situations such as these clearly illustrate the importance of human rights NGOs working together with development NGOs.

Denial of access to health and social services

Poverty, violence and violations of the right to health are mutually reinforcing. The poor are at higher risk of disease, disability and violence. Without access to adequate and affordable health care, those with health problems are more likely to suffer from poverty because of medical costs and lost income due to illness. In addition, the mental and physical effects of violence generate costs that contribute to poverty.

Georgia, Ms. Nino Abashidze, Human Rights Information and Documentation Centre (HRIDC)

HRIDC provides economic, social and above all legal information and consultation to the public.

Challenges associated with ESC rights in Georgia include health and access to health services – there is a two-tier hospital system consisting of a number of high-technology facilities for the rich, and run-down facilities for the rest of the population. Furthermore, the poor have no health insurance, which effectively means that they receive no care. Illness thus becomes a potential source of violence since members of the population will go to extreme lengths to obtain the money they require for treatment. Similarly, the majority of schools are in very poor condition, and there is no free education. Many children live on the street, and this too can lead to violence – some will rob to be able to pay for school. Conditions in prisons are also poor and, as is the case with medical care, there is a two-tier system with regard to these facilities. Ms. Abashidze explained that legislation to protect the individual is problematic and, for example, under the law someone who dies in prison is assumed guilty. Georgia

depends to a large extent on Russia for trade, and there is significant illegal immigration to Russia.

Emerging democracies

Countries that have recently transitioned to a democratic form of government face particular economic, political and social constraints to advancing economic, social and cultural liberties. Corruption, high expectations, poor policy implementation, and outmoded legal systems can all impede progress toward more equitable development, even where human rights institutions are strong.

South Africa, Ms. Amanda Dissel, Centre for the Study of Violence and Reconciliation (CSV)

CSV develops and implements human security interventions based on social justice and fundamental rights for people who are vulnerable or excluded.

Since 1994 South Africa has had a Constitution strongly oriented toward respect for human rights – but delivery is slow. Gross domestic product is growing, but so too is wealth disparity and unemployment. Neo-liberal economic policies, together with race equity targets, have led to the development of huge economic discrepancies and the formation of a very small black elite. The issue of criminal violence is particularly serious and the murder rate is extremely high (18000 murders per year in a population of 45 million). There is also much violent crime, including interpersonal crime (55000 cases of rape are reported to the police every year, but this is perhaps only 10 per cent of the real figure). Property crime was seen as a means of redistributing wealth under Apartheid, and is still considered justified by many. High rates of alcohol and substance abuse are also linked to violence. There is a large number of firearms, some of which are imported from other countries in the region. Regarding the criminal justice system, police and prosecution have difficulty with the evidence-based approach and are over-reliant on confessions. There is a large prison population, and challenges to reintegrating offenders. Community protests regarding housing and other issues, as well as trade union actions, have at times ended in violence and the police have opened fire. The Government has budgetary resources, but lacks the ability to spend them effectively. Corruption is widespread, and government officials are seen to be involved in accepting bribes. Ms. Dissel noted that national human rights institutions are powerful and that South African NGOs are committed and work well with government. Internationally, there is little engagement with the structures of the UN and the special procedures, and interaction is more often with regional structures.

Uzbekistan

The collapse of the Soviet Union had both negative and positive repercussions as regards ESC rights in Uzbekistan. On the one hand, the Soviet regime left a legacy of high literacy and a strong school system (there is 99 per cent adult literacy in Uzbekistan), and certain aspects of women's rights were respected (domestic violence was, however, a serious issue). Today Uzbekistan promotes democratic slogans, but in effect the economy remains a planned one and the political structure is unchanged and unresponsive. The country produces large quantities of cotton, and is rich in resources, including gold, copper and uranium, but a large proportion of the wealth leaves the country (directed toward fiscal paradises) and the

minimum monthly salary is \$14 US. Corruption is widespread [citing Mr. Peter Eigen, chair of Transparency International: “Corruption is a major cause of poverty as well as a barrier to overcoming it. The two scourges feed off each other, locking their populations in a cycle of misery”]. The Government exercises a high degree of control over the economy, and inequality of income distribution has increased since independence in 1991. The abandonment of children is a significant problem, and many minors are exploited or engaged in forced labour. Torture is reported to be systematic and widespread.

Post-conflict challenges

Countries that have recently experienced civil war or other conflicts face special challenges related to violence and torture. Inadequate post-conflict demilitarisation, especially a lack of adequate reintegration programs for former combatants, can lead to high unemployment and economic insecurity, which in turn leads to uprisings, protests, and the emergence of armed groups. Continuing regional instability and inequality can undermine post-conflict efforts to address violence and inequality internally.

Burundi, Mr. Didace Kanyugu, Action by Christians for the Abolition of Torture (ACAT)

ACAT activities emphasise advocacy – especially advocacy for the establishment of an institution to address crimes of the past. ACAT also provides assistance to victims of violence.

Burundi is emerging from a decade of civil war and is now enjoying political stability, however Mr. Kanyugu pointed out that there are real threats to the progress made to date. The evictions and killings that took place during the war left many orphans, a large number of whom took to living on the street, where their rights were often violated. This group represents a potential source of violence, especially since political groups can easily manipulate these young people for their own goals. Furthermore, decommissioning of weapons has not been carried out effectively, and demobilization took place without disarmament. (South Africa is also faced with an ongoing problem of demobilisation of ex-combatants, as well as the arrival of others from Zimbabwe and Mozambique). Those involved in crimes related to the war enjoy impunity, and this creates frustration among victims and potentially leads to violence. Cultural discrimination is apparent with respect to the Batwa minority, which experiences particular economic hardship. There is a pressing need to improve the efficiency of the justice system and ensure the independence of the judiciary. To date torture has not been criminalised under Burundi’s law, although there is now a draft law to this end.

Liberia, Mrs. Ellen Z. Whyte, Independent National Commission on Human Rights (INCHR)

INCHR works on both legal and economic issues.

In Liberia, the human rights situation has progressively improved since the Peace Agreement of 2003. However, a culture of impunity has seriously affected the development of democracy and little progress has been made in addressing war crimes in the domestic courts. There are serious implications for the respect of ESC rights in the post-conflict context. Areas of

concern include security reform and inadequate demobilisation procedures (including for child soldiers), the downsizing of the civil service (where corruption and impunity are commonplace), and relocation/clearance of markets and traders in urban areas. All these factors contribute to insecurity and violence. In 2005, for example, former fighters who should have been demobilized engaged in violent protest when benefits were not paid. Ms. Whyte also explained that the judicial system is weak, detention without trial is a major human rights abuse in the country, and prison conditions are extremely poor.

Nepal, Dr. Sarba Raj Khadka, Rural Reconstruction Nepal (RRN)

RRN was established in 1988 to deal with rural reconstruction. It now works to challenge the current development paradigm in the region, promoting ESC rights and linking these to other rights.

The People's War in Nepal (waged from 1996) found great support among the rural population in particular. This was partly to do with ideological sympathy, but also very much due to long-term problems that had been inadequately addressed, including access to health services, water, infrastructure and a strong emphasis on urban-focused development at the expense of rural areas. In 2005 the King dissolved parliament and declared a state of emergency, imprisoned party leaders, and assumed power. He retained absolute power until April 2006 when, in the light of mass protests by the opposition and Maoists, he allowed the parliament to reconvene. Following the November 2006 peace accord between the government and the Maoists, an interim constitution was promulgated and the Maoists were allowed to enter parliament in mid-January 2007. Nepal continues to experience extreme poverty and there have been localised mass uprisings. Violence, insecurity and lack of respect for human rights can largely be attributed to the urban-centred development model and the political system. Dr. Khadka noted that Nepalese society demonstrates high levels of prejudice, including caste and gender discrimination.

IV. Conclusion: The Way Ahead

The participants in this seminar agreed that in order to reduce violence it is crucial for NGOs to identify and address its economic, social and cultural root causes. The UN special procedures mandate holders who attended the OMCT seminar were also clear in their conviction that violence and torture are linked to the denial of economic, social and cultural rights.

Reducing violence associated with the denial of economic, social and cultural rights not only involves examining how violence is generated in specific national contexts, but also understanding how global dynamics and the policies of international financial institutions are played out in local situations. Closer links between human rights NGOs and development organisations can enhance this understanding. It can also increase the capacity of these organisations not only to identify areas in which the denial of economic, social or cultural rights lead to, or risk leading to violence, but also to develop effective responses to these situations.

This interaction between development and human rights NGOs is particularly important given the specific challenges associated with the progressive realisation of economic, social and cultural rights. The capacity to identify the socio-economic roots of torture and other forms of violence can help to influence where and how governments assign their limited resources. This same capacity also offers a means to exert pressure on governments to sustain their commitment to realising the economic, social and cultural rights of their country's citizens. Where the analysis of NGOs coincides with or is supported by that of the UN special procedures, the potential to influence government strategies becomes greater still.

The relationship between NGOs and the special procedures of the UN is a symbiotic one. In other words, the special procedures mechanism is reinforced when mandate holders receive support and reliable and well-targeted information from NGOs that have national expertise. This can include input for the preparation of country visits. At the same time, these same NGOs can benefit from the exposure that the special procedures system can give to specific issues in the forum of the UN and beyond. The challenge in reinforcing this mutually beneficial arrangement lies to a large extent in the issue of follow-up. NGOs are not always clear what happens to an issue once it has been submitted to the special procedures, while special rapporteurs, representatives, special representatives, independent experts and working group members do not always receive information on the repercussions of their reports on the people most affected. International NGOs such as OMCT have a role in working to narrow this communications gap.

An important strategy in moving ahead on the issue of the economic, social and cultural roots of torture and other forms of violence – and one on which all participants agreed – is to promote the explicit inclusion of this theme in research and reports. This includes reports produced by NGOs and by the UN special procedures system. Such documents are not only valuable in their own right, but also provide the foundation for international, regional and national network that focus on these issues.