



Economic, Social and Cultural Rights

Preventing torture and other forms of violence by acting on their economic, social and cultural root causes

Information on OMCT's activities: 2007 – 2008

The World Organisation Against Torture (OMCT) is implementing a project designed to prevent torture and other forms of violence by acting on their economic, social and cultural root causes.

The project seeks to strengthen the capacity of national NGOs to address the root causes of torture and other forms of violence directly with their own national authorities and internationally through alternative reports to United Nations Treaty Bodies. In the context of the project OMCT works with national partners to prepare appeals in urgent cases and more detailed complaints addressed to the United Nations, governments, development institutions, the private sector and the institutions of the European Union. OMCT also organises seminars and training courses to help build NGO capacity and invites NGO representatives to take part in UN meetings.

In the first two years of the implementation of this project, OMCT has learned that addressing the economic, social and cultural root causes of violence through the appropriate channels has a real potential to reduce human rights abuses, and that this in turn increases the space for economic, social and cultural development. While the project aims to ensure respect for all human rights, and in particular economic, social and cultural rights in government economic, development and other policies, it does not seek to determine what those policies should be.

OMCT has also found that demonstrating that violations of economic, social and cultural rights can lead to torture and other serious forms of violence strengthens the pressure for action not only on States, which do not want to see their economic and social policies explicitly linked to violence, but also, for example, on the corporate sector, banks and development agencies.



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.

This bulletin contains an overview of the activities undertaken by this project in 2007 and 2008 in the following five areas of action:

- Working with NGOs to reinforce their capacity for action;
- Bringing about change through action files and other forms of interventions;
- Using the UN Treaty Bodies and other mechanisms to bring about change;
- Working with the European Union;
- Building a framework of understanding through advocacy.

How to prevent or reduce violence, including torture, by acting on its root causes often found in violations of economic, social and cultural rights, ...goes to the very heart of human rights protection.

*Ms. Louise Arbour, United Nations High Commissioner for Human Rights*¹

Establishing a link among us has enabled us to better deal with each case starting with the causes, so that we are then better able to combat the resulting human rights violations [...]. And even if we have before us a case of torture and/or other form of violence, it is easy for us to find a solution to this problem starting from an analysis of its causes. *From a participant in the African Regional Seminar*

Today our organisation very much takes into consideration the dimension of the economic, social or cultural causes with respect to torture and other forms of violence. For example, in RADDHO's appeal regarding the Kédougou demonstrations, emphasis was put on the causes linked to social and economic concerns as much as political or civil issues. *From a participant in the African Regional Seminar*

Thanks for the good work that you are doing for taking the plight of the Ogiek and other indigenous minorities to such a high level, indeed we feel honoured that at last our name is mentioned at the United Nations. We lack words to explain our gratitude. *From the Ogiek community in Kenya relating to the Alternative Report to the Committee on Economic, Social and Cultural Rights*

OMCT alternative reports are "very useful in the preparation of the questions I intended to put to the delegation of each State party", and the particular emphasis on the links between the denial or economic, social and cultural rights and the incidence of various forms of violence is "[e]xtremely relevant", and "the incidence of various forms of violence results in the restriction or even the total negation of most ESCR[economic, social and cultural rights]." *From a member of the Committee on Economic, Social and Cultural Rights*

¹ OMCT, *Attacking the Root Causes of Torture: Poverty, Inequality and Violence – An Interdisciplinary Study*, Geneva, 2006, www.omct.org, p.9

1. Working with NGOs to reinforce their capacity for action

Enabling national NGOs to prepare targeted submissions calling for specific action on the economic, social and cultural root causes of violence for transmission to the United Nations, governments, international development and financial institutions and private sector actors is one of the principal objectives of OMCT's UN Special Procedures and regional economic, social and cultural rights seminars.

Special Procedures Seminar 2007

The 2007 Special Procedures Seminar took place in Geneva from 18 to 23 June in parallel with the annual meeting of UN Special Procedures Mandate Holders in order to consider how to address the economic, social and cultural root causes of violence through the UN Special Procedures System. Representatives of national human rights NGOs from 14 countries took part. Participants held in-depth discussions with leading special procedures mandate holders responsible for issues relating to; torture, indigenous peoples, the right to health, arbitrary detention, the protection of human rights defenders and violations of human rights by private security forces. The participants explored how those mandates and the others in the special procedures system could help them attack the root causes of torture and violence in their countries and what national NGOs needed to do to help make the special procedures effective.

Special Procedures Seminar 2008

The second OMCT Special Procedures Seminar involved fourteen NGO representatives from Africa, Asia, Europe, Latin America and the Middle East, and took place in Geneva at the Graduate Institute of International and Development Studies from 23 to 27 June 2008. The participants met and discussed with mandate holders responsible for human rights defenders, adequate housing, minority issues, indigenous people, the right to food and the human rights of migrants.

During the seminar participants developed cases designed for submission to special procedures mandate holders, governments, international development and financial institutions and private sector actors calling for specific preventive action. Among the issues dealt with were violence against persons with mental disabilities and the violation of their economic, social and cultural rights in both institutional and non-institutional contexts; the forced eviction of indigenous people to make way for an agricultural institute and the need to take measures to ensure respect for their rights to land, housing and employment; the repercussions for economic migrants driven out of South Africa during the recent wave of xenophobic violence, and attacks on indigenous people by illegal armed groups in collusion with official armed forces to make way for extensive coca plantations. Other cases included violence against peasant farmers, human rights violations connected with the exploitation of petroleum resources, the denial of adequate health and support services to victims of torture, and arbitrary executions of poor and marginalised urban youth by police officers.

African Regional Seminar on addressing the economic, social and cultural root causes of violence

This seminar, which took place in Maputo, Mozambique from 7 to 11 May 2008, enabled representatives of 17 Human Rights NGOs from 16 African countries to examine the economic, social and cultural root causes of torture and other forms of violence in their countries, select particularly serious instances of violence linked directly to violations of those

rights, and design practical ways of addressing those root causes for presentation to national governments and international organisations.

Among the cases dealt with were the slavery-like conditions of indigenous hunter-gatherer forest communities who are subjected to forced labour and denied most economic, social and cultural rights; official violence inflicted on export zone workers calling for respect for their basic rights; violent repression of demonstrations calling for government action against rising food prices and deteriorating living conditions; and the violent evictions of indigenous communities who, as a result, are subjected to ever graver violations of their economic, social and cultural rights. Some of these action proposals were further refined by participants in their own countries for presentation, in cooperation with OMCT, to governments, international bodies and private sector actors.

Seminar participants also drafted and adopted the *Maputo Declaration Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment* in which they recognise that violations of economic, social and cultural rights are very often the root causes of the torture and other cruel, inhuman or degrading treatment or punishment their organisations fight against and that such violations can be effectively reduced and eliminated by action on those root causes. They called on African Governments to take action to make the continent “*free from such practices*”. To date, close to 50 NGOs and individuals from all over the world have signed the Declaration. NGOs and individuals in all parts of the world are invited to join the Declaration. See annex.

Measuring the impact of seminars is important for OMCT. Participants in the 2007 Special Procedures seminar were asked for their opinion and suggestions in written (anonymous) and oral evaluations at the end of the seminar and in post-session evaluations to measure the impact of the seminar after six months. In both, the participants found the seminar to have been useful and in the six month review the responses were positive and encouraging, showing that there had been an real impact on their work. Similar results were obtained in the end-of-session evaluations for the African Regional Seminar and the 2008 Special Procedures Seminar.

Regional seminars in *Latin America* and *Asia* are planned for 2009.

Building an NGO network

A constant demand of NGOs taking part in the activities of this project is to remain in contact both with each other and with OMCT and to continue sharing information, good examples and ideas. OMCT is thus building up a network of those NGOs it has worked for those purposes keeping them informed of the activities of the project, seeking their help in specific activities and assisting them as much as possible in the preparation of cases for submission to the appropriate organs and authorities. In addition, there are a number of other NGOs that have asked to be kept informed and all the NGOs of the OMCT SOS-Torture Network are also kept abreast of developments to the extent possible.

Results and evaluations

OMCT's practical approach to seminars – taking concrete examples based on national realities – has proven to be a highly effective means of underlining the relevance of addressing the economic, social and cultural root causes of violence among participants and has, moreover, proven to be an important source of material and case studies. Significantly, this approach has not only encouraged the engagement of seminar participants to look more

closely at the root causes of violence, it has also provided the OMCT secretariat with invaluable insights into local processes.

Material prepared by seminar participants has been found very useful in alternative reports to UN treaty bodies and as the basis for Action Files, press releases and letters to government. And, as the quotes on page 1 above show, seminars help participants to address the root causes of violence in their own countries and to create and reinforce contacts and communication among participants. Indeed, the African Regional seminar was also the nucleus of the informal network of organisations interested in reducing and eliminating torture and other forms of violence by acting upon their root causes, an initiative proposed by the participants themselves. The participants at the Special Procedures seminar in Geneva also joined this informal network of NGOs.

2. Bringing about change: Action files and other forms of interventions

Violations of economic, social and cultural rights that lead or risk leading to violence occur in many varied circumstances that require appropriate reactions. Some involve immediate violence that requires OMCT to react rapidly with, for example, an *urgent intervention* aimed at saving lives that can take the form of an urgent appeal, press release or letter to the government concerned calling for prompt action.

Other situations require more in-depth analysis of the various factors leading to violence, identification of those responsible and research into possible long-term remedies. These situations give rise to OMCT *Action Files* that provide a detailed analysis of the situation and propose specific remedial action.

Both urgent interventions and action files are sent to government agencies, UN officials and special procedures mandate holders, international development and financial organizations and private corporations. They are also circulated to OMCT's mailing list and NGO network with requests that they in turn intervene with governments and others calling for an end to the violations documented.

OMCT has issued a number of *Action Files* relating to the economic, social and cultural root causes of violence. The following were some of the issues dealt with:

- A village located on coastal backwaters in Tamil Nadu State, *India* in which the villagers, in attempting to speak out against the negative impacts of an illegally-located aquafarm on their health and economic status, have been subjected to police violence and harassment and have had false charges of a serious nature brought against them by the owner of this farm. October 2007 (IND041007.ESCR)
- The peaceful opposition by local communities and indigenous people to mining that violates their rights and endangers their way of life on Island of Sibuyan in the *Philippines*. Their objections have been met with violence resulting in the killing of some 17 persons, including the shooting of the leader of a protest movement by a mining company security guard. November 2007 (PHL301107.ESCR)
- The construction of two large-scale hydropower dams in the Northern Nile Valley in *Sudan* that has led to repeated violent clashes between local communities and security forces and resulted in a number of civilian deaths. November 2007 (SDN301107.ESCR)

- A proposed open-pit coal mine at Phulbari in **Bangladesh** that risks seriously affecting the lives of between 50,000 and 500,000 people, including a number of indigenous communities. Many of these affected will be forced to leave their homes and land. The mine has been planned without those directly concerned having been fully informed or adequately consulted and public protests have been met with violence. November 2007 (BGD211207.ESCR). The multinational coal company responsible, banks financing the project, including the Asian development Bank (ADB) were seized with the file. Subsequently, OMCT met with the international coal company at the company's request to discuss the problems involved and OMCT has learned of bank disinvestment in the project and the denial of a large loan to the project by the ADB.
- Counter-insurgency operations in Surigao del Sur in which 500 **Philippine** military personnel were reportedly stationed in and around the homes of members of Lumad indigenous communities. The civilians were used as shields, schools and other buildings appropriated as military barracks, children questioned by soldiers, community members denied access to their fields, families forced to seek shelter in makeshift evacuation centres and individuals forcibly enrolled as military guides. December 2007 (PHL031207.ESCR)
- A forced eviction in Kolkata, **India**, carried out violently and in breach of international standards. The victims, including children, women and elderly persons, were physically ill-treated and subjected to violence, and homes and belongings were destroyed by the police. The evictees were not properly informed and were offered neither compensation nor alternative housing. December 2007 (IND141207.ESCR)
- Severe violations of human rights, including torture and extrajudicial killings by the **Kenyan** Army and Police in the Mount Elgon District in the Western Province of the country. At the root of this conflict lies the question of land ownership and competing claims over land title, particularly in the Chebyuk settlement area of Mount Elgon. June 2008 (KEN060608.ESCR).
- An Arson attack on indigenous Jumma community in Sajek Union, the Chittagong Hill Tracts in **Bangladesh** in which Bengali settlers, with military support, set fire at night to the homes of the indigenous community in at least 7 villages with some 76 homes destroyed. August 2008 (BGD 290808.ESCR)
- The denial of the economic, social and cultural rights of the tribal peoples of Wayanad District, Kerala, **India** that risks generating further violence. OMCT reported on ongoing tensions and police harassment of members of local adivasi community following the breach by the Agricultural University of Kerala of conditions attached to a transfer of land from that community to the University for the construction of a veterinary college. These conditions were intended to compensate the indigenous community for the appropriation of their land by re-housing them and by providing employment. As a result, the affected adivasi families have been left homeless and have lost their livelihood and their protests are met with police harassment, intimidation and ill-treatment of community members. August 2008. (IND 180808.ESCR)

Several of these files were prepared as a result of work at the above mentioned OMCT seminars.

Urgent appeals:

Tunisia In 2008, OMCT issued an urgent intervention in the form of a press release on the shooting of a protester during a demonstration against the rising cost of living in **Tunisia** referring to reports of the excessive use of force by Tunisian police in acting against

demonstrations against the rising cost of living and for the right to work that killed one person and wounded 11 others. OMCT called on the Government of Tunisia to prevent future violence, respect the right of peaceful demonstrations and to investigate and punish those responsible for the excessive use of force. (11 June 2008)

Relating to *Mexico*, OMCT appealed in July 2008 to the Government to halt the attacks, torture and threats against members of “La Comunidad Tabiquera Loma de Uruapilla” in the State of Michoacan, who were objecting to being expelled from their land in order to make way for residential construction. (11 July 2008) MEX 110708/ MEX 110708.DESC

In an urgent appeal regarding *India*, OMCT called for an end to the violence against Dalits and Adivasis and to the blockade preventing access to food and medical attention at the Chengara estate in Pathananhitta District of Kerala, India. OMCT referred to reports of escalating violence against those two communities in connection with their occupation of land to which they claim historic rights. Several thousand landless people were subjected to a blockade cutting them off from the outside world and from civil society supporters. (22 August 2008)

In view of the examination of Kenya’s national reports by the UN Committee Against Torture and the UN Committee on Economic, Social and Cultural Rights in November 2008, and in light of the extreme violence that followed Kenya’s elections in December 2007, OMCT joined with the Centre for Minority Rights Development (CEMIRIDE) in Kenya to prepare a letter to the Permanent Secretary of the Kenyan Ministry of Justice, National Cohesion and Constitutional Affairs drawing attention to the fact that *socio-economic hardship and the iniquitous allocation of resources in Kenya contribute to inter-community competition over scarce resources and that this, in turn, is easily transformed into violent conflict*. On behalf of 14 other NGO signatories (all of whom belong to OMCT’s informal network developed in the context of this project) CEMIRIDE and OMCT urged the Government to take into consideration and systematically address the causal links between the failure to respect economic, social and cultural rights and the incidence of violence, and presented a series of concrete recommendations to this end.

On 3 December 2008, the International Day for Persons with Disabilities, OMCT, together with the Bulgarian Helsinki Committee and the Mental Disability Advocacy Centre, wrote a series of letters to members of the Bulgarian Parliament and Government, officials and elected representatives in the EU, and the UN Special Procedures mandate holders to underline that *persons with mental disabilities in Bulgaria, “frequently face social exclusion and severe human rights violations, including violence and ill-treatment”* and to express their concern that, “inadequate legislation together with entrenched institutional policies and practices also compromise their socio-economic well-being, as well as that of their families”. The three organisations called on the Bulgarian authorities to ensure that Bulgarian law effectively protects the rights of persons with mental disabilities, including protection against violence, in accordance with the UN Convention on the Rights of Persons with Disabilities, and additionally issued a press release to this end. Again, the foundations for this initiative were laid during the 2008 Special Procedures Seminar.

Results

The impact of urgent interventions and action files varies from case to case, according to factors such as the responsiveness of the government in question and the degree to which other actors involved, including private companies and corporations, are sensitive to

international pressure. Given the complexity of the cases addressed, OMCT's contribution, based on its specific expertise, is at times part of a broader civil society response to situations of human rights violations.

The impact of the above mentioned Action file relating to *the project for an open-pit coalmine in Phulbari, Bangladesh* with the suspension in April 2008 by the Asian Development Bank of financial support for the project together with the selling of shares in the coal company responsible by international banks Shows that international pressure can have a beneficial impact. Concrete results can also be seen in the case of the fatal shooting by a private security guard of an indigenous activist protesting against *illegal mining operations on Sibuyan Island in the Philippines* the subject of another Action file. OMCT sources indicate that the security guard was subsequently charged with murder and that his case is pending before the regional trial court. OMCT has also learned that a Filipino Senator urged the Department of Environment and Natural Resources to suspend all mining permits and applications in Sibuyan,² and that this request has been upheld by the Government.³

3. Using the UN Treaty Bodies and other mechanisms to bring about change

Alternative reports to UN Treaty Bodies help them better understand national human rights situations and thus make better targeted recommendations to the state.

Pre-sessional analytical lists of issues

The UN Treaty Body system has evolved so that the consideration of a state party's respect for human rights by UN committees is strongly conditioned by the preliminary list of issues and questions raised by committee members. These questions and issues are raised during pre-sessional discussions many months before the actual consideration of the state party's report. OMCT, working with national partners, prepares detailed substantive submissions for consideration by the respective committees during the pre-sessional discussion of the state party report. OMCT has seen the impact of its list of issues on the questions asked by the committees to the governments.

In 2007 OMCT prepared detailed annotated lists of issues for the Committee on Economic, Social and Cultural Rights to help guide their consideration of State Party reports from the *Philippines* and *Kenya* scheduled for 2008 (see below). OMCT took part in NGO briefings of the Committee on these two countries in late November 2007. In May 2008 OMCT, with contributions from two national partners, submitted a list of issues to the Committee on Economic, Social and Cultural Rights in preparation for the Committee's consideration of the report of *Brazil*.

The Committee Against Torture, in December 2008, adopted its list of issues relating to its consideration of the Philippines in May 2009. That document contained two paragraphs reflecting specific problems that had been raised before the Committee on Economic, Social and Cultural Rights by OMCT in 2008 in its alternative report to that Committee on the Philippines. That report had been made available to members of the CAT.

² www.senate.gov.ph/press_release/2007/1005_legarda2.asp;

www.senate.gov.ph/press_release/2007/1012_legarda1.asp

³ www.minesandcommunities.org/article.php?a=8998

Alternative reports 2007 – 2008

Working closely with national NGOs, OMCT submitted in 2007 an alternative report on Uzbekistan to the Committee Against Torture and during 2008 three alternative reports to UN treaty bodies. Regarding Kenya, one report was submitted to the Committee on Economic, Social and Cultural Rights and another report to the Committee on Torture. Each responded to the mandate of the respective committee and they were designed to be complementary and to encourage mutually reinforcing recommendations aimed at the economic, social and cultural root causes of violence. A third report was submitted to the Committee on Economic, Social and Cultural Rights relating to the Philippines. In connection with the respective Committee's consideration of each report, OMCT invited representative of two national NGOs co-sponsoring the report to meet with Committee members, present the report and answer questions. They also observed relevant Committee meetings.

Mission to Kenya

In order to collect material for the alternative reports on Kenya to the Committee on Economic, Social and Cultural Rights and the Committee Against Torture two members of OMCT staff conducted a mission to Kenya from 12 to 18 April 2008. Working closely with national NGO partners the staff members held meetings with representatives of Kenyan government and civil society and conducted *community fora* discussions in both urban Nairobi and rural districts of the Rift Valley in order to capture grassroots concerns among marginalised communities and provide them with more direct access to members of the Committee.

Key themes identified in the course of the preparatory mission included the role of land disputes as a trigger for violence in both urban and rural areas, the severe discrimination experienced by indigenous and minority communities, and high levels of violence directed at women and girls.

On the basis of the information gathered by the mission, on other submissions and on OMCT research, the two alternative reports on Kenya were prepared by OMCT in cooperation with national partners. The report to the Committee on Economic, Social and Cultural Rights was co-sponsored by the Centre For Minority Rights Development (CEMIRIDE) and the International Commission of Jurists (ICJ) – Kenya. The report to the Committee Against Torture was co-sponsored by the Independent Medico-Legal Unit (IMLU) and the International Commission of Jurists-Kenya.

Mission to the Philippines

The positive reaction to the list of issues submitted to the pre-sessional meeting of the Committee on Economic, Social and Cultural Rights relating to the Philippines encouraged OMCT to submit a full report on that country to the Committee. Based on submissions from national NGO partners and on OMCT research, OMCT prepared an initial draft. During a mission to the Philippines by a representative of OMCT in September 2008 consultations were carried out with the following national partners: Karapatan (Alliance for the Advancement of People's Rights), Philippines Alliance of Human Rights Advocates (PAHRA), Task Force Detainees, Philippines (TFDP), Bayan (Bagong Alyansang Makabayan) and the IBON Foundation. The draft was then revised and submitted.

Presentation of the report to the Committees

The reports were submitted in advance to the respective committee secretariats. Statement by OMCT and a national partner were made to the Committee on Economic, Social and Cultural Rights relating to Kenya and Philippines during the first day of its 41st session (3 November 2008) and during more detailed briefings for Committee members later in the session. The report on Kenya to the Committee Against Torture was also presented to the Committee by representatives of national partners during the Committee's briefing on that country.

Follow-up missions

OMCT foresees sending follow-up missions to selected countries several months after the adoption of recommendations by a committee in order to work with national partners and government agencies to monitor and support the implementation of the recommendations.

The Universal Periodic Review of the United Nations Human Rights Council

The Universal Periodic Review is a new procedure under which the Human Rights Council periodically reviews the respect for human rights of states based, in part, on NGO submissions. In November 2007, OMCT submitted a list of issues to the UN Secretariat in order to help prepare for the Council's consideration of the Philippines scheduled for April 2008. OMCT drew attention to the serious situation as regards torture and other cruel, inhuman or degrading treatment or punishment in the Philippines and, in particular, emphasised that the *root cause of torture and other forms of serious violence was frequently found in the violation of the economic, social and cultural rights of Filipino citizens*. A number of specific points were developed and recommendations made.

In April 2008, when the Council took up in plenary session its consideration of the Philippines, the traditional practice of allowing NGOs to hold a public parallel event within UN premises to enable civil society organisations to provide information and express their views met with strong resistance from some governments. OMCT together with a number of other NGOs, advocated strongly with the members of the Council, representatives of the Government of the Philippines and the OHCHR secretariat for permission to hold such an event which was finally authorised for the purpose of discussing the preparations of civil society input into the UPR process.

OMCT took part in that parallel event on 11 April 2008 and reviewed the process of preparing its list of issues and the recommendations contained therein. OMCT also called attention to the Action File (PHL301107.ESCR)(see above) relating to the violence inflicted on local communities and indigenous people in relation to a mining project that violated their rights and endangers their way of life on the Filipino Island of Sibuyan and for which no adequate government response had been received.

Results

UN Treaty Bodies have begun to take up in their dialogues with governments many of the issues relating to the economic, social and cultural root causes of violence presented to them by OMCT. This is also true of UN Special Procedures mandate holders who act on OMCT complaints, request follow-up information, and dialogue with national NGO activists during OMCT's annual Special Procedures Seminars organised under this project.

For example, the Committee Against Torture specifically acknowledged the links between violence and denials of economic, social and cultural rights in its concluding observations and

recommendations regarding Kenya,⁴ and the Committee on Economic, Social and Cultural Rights on Kenya also reflect many of the concerns on these issues and measures proposed by OMCT and its partners.⁵ Regarding the Philippines, the Committee on Economic, Social and Cultural Rights in its concluding observations and recommendations reflected a number of concerns raised by OMCT in its Alternative Report.⁶

4. Working with the European Union

OMCT has given importance to working with the institutions of the European Union (EU) in order to raise their awareness of the need to fight violence by acting on the economic, social and cultural root causes. This enables the voice of the EU to be added to that of human rights and development NGOs in urging effective action against those root causes of violence.

Submissions to the EU

Action files and other complaints are transmitted to the relevant bodies of the EU, in particular interested parliamentary committees. In October 2007, OMCT submitted information to the **European Parliament** in connection with the Parliament's consideration of EU relations with Uzbekistan. In January 2008 OMCT submitted information on Egypt to that Sub-committee in connection with its discussion of the relations between the EU and Egypt. After having transmitted the Action File on Phulbari, Bangladesh (see above) to the Parliament, the Chair of the Committee on Development asked OMCT to provide additional information and to keep the Committee informed of future developments.

In January 2008, OMCT submitted information on **Egypt** to the Human Rights Sub-committee in connection with its discussion of the relations between the EU and Egypt.

An OMCT Action File on serious human rights violations in connection with two major hydro-electric projects in **Northern Sudan** (SDN301107.ESCR) was submitted to the Parliament's Rapporteur on human rights violations deriving from China's investments in Africa, and a number of Action Files were transmitted to the Parliament in support of the seminar on "*Tackling Grand Corruption, National Resources and Poverty: Can the EU take the global initiative?*" held in May 2008. In addition, several Action Files and appeals were transmitted to members of the European Parliament in connection with the preparation of written parliamentary questions.

EU Parliament Annual Human Rights Report

OMCT submitted a set of amendments for inclusion in the EU Parliament's **Annual Report on Human Rights in the World for 2007 and EU Policy in that Matter**, in order to support the development of EU policy on human rights and to help EU Institutions focus more attention on the links between human rights violations and poverty, inequality and discrimination.

⁴ U.N. Doc. CAT/C/KEN/CO/1 paras. 21 & 12

⁵ U.N. Doc. E/CN.12/KEN/CO/1 para.12

⁶ U.N. Doc. E/CN.12/PHL/CO/4 paras. 15 & 16

Most of OMCT's suggestions were included in the final text as adopted by the Parliament in Plenary. In particular, OMCT is pleased that the European Parliament has explicitly mentioned the principle of indivisibility of human rights and has reaffirmed the importance of the principle of interdependence of human rights by recognising the need for a human rights assessment accompanying each impact analysis carried out by the Directorate General for Trade.⁷

The Parliament also adopted OMCT's amendment calling on the European Commission to ensure that the economic activities of EU private companies in third countries - in particular as regards the exploitation of natural resources - abide by international human rights standards, including the obligation to obtain the prior and informed consent of local communities and indigenous peoples affected.

The Report also incorporated OMCT's proposal to include a clear reference to the special situation of human rights defenders in the new EU Common Code on Visas, as well as an explicit mention of economic, social and cultural rights defenders within this category. Furthermore, the European Parliament also endorsed the position that the Council and the Commission should enhance the cooperation with the Council of Europe in order to create a *"Europe-wide zone free from torture and other forms of ill-treatment, as a clear signal that European countries are firmly committed to eradicating these practices also within their borders."*⁸

Finally, the Committee on Civil Liberties, in its opinion submitted in relation to the Report, endorsed the paragraph suggested by OMCT calling on the EU to adopt a more holistic approach in addressing torture that takes into consideration a wide spectrum of possible measures aimed at eradicating torture, including prevention, assistance to victims and the fight against impunity.⁹

EU Fundamental Rights Agency

The European Parliament, in late 2007 and in early 2008, reviewed and amended the mandate and work programme of the new EU Fundamental Rights Agency. The original draft contained no reference to economic, social and cultural rights either as a basic human right or as a right the violation of which could lead to the violation of other rights, such as violence. Consequently, OMCT wrote to key Parliamentarians and suggested that the terms of reference of the agency be modified to include, *"In its work the Agency shall seek to identify the economic, social and cultural factors that contribute to respect for the human rights [...] or which may constitute root causes of violations of those rights."* OMCT's amendment was accepted by the Civil Liberties Committee of the Parliament in December and by the Parliament as a whole in January 2008.¹⁰

⁷ European Parliament resolution of 8 May 2008 on the Annual Report on Human Rights in the World 2007 and the European Union's policy on the matter (2007/2274(INI))- Thursday, 8 May 2008 - Brussels 128.

⁸ European Parliament resolution of 8 May 2008 on the Annual Report on Human Rights in the World 2007 and the European Union's policy on the matter (2007/2274(INI))- Thursday, 8 May 2008 - Brussels 50.

⁹ OPINION of the Committee on Civil Liberties, Justice and Home Affairs for the Committee on Foreign Affairs on the Annual Report on Human Rights in the World 2007 and the European Union's policy on the matter (2007/2274(INI))

¹⁰ Multiannual Framework for the Fundamental Rights Agency for 2007-2012 - adopted on Thursday, 17 January 2008 – Strasbourg, Article 2, introductory part:

Unfortunately, the European Commission and EU Council failed to accept the Parliament's recommendations thus leaving economic, social and cultural rights outside the mandate of the agency. OMCT thus wrote to the Commission and Council urging them to reconsider the Parliament's recommendations both to ensure the protection of all the human rights of the citizens of Europe and to the strengthen EU's efforts to promote respect for human rights at the international level, particularly in the United Nations system.

5. Building a framework of understanding through advocacy

The effectiveness of action against the economic, social and cultural root causes of violence is greatly enhanced by a framework of understanding of the links between violations of those rights and violence and the types of action that can be taken to address these links. While progress is being made, much still needs to be done to help ensure that policy makers and institutions are aware of these issues and are ready to take action. Thus, to the extent possible, OMCT seeks to contribute to building this framework of understanding with UN bodies and other institutions such as the European Union. OMCT's expertise in this area is recognised.

For example, OMCT took part in the University of Geneva Graduate Institute of International and Development Studies' Annual Meeting on Global Issues and NGO Programme dedicated to Corporate Social Responsibility and the concept of corporate complicity in human rights violations (28 October 2008). In September 2008, OMCT presented the link between economic, social and cultural rights at the 5th Annual Intensive Workshop on Human Rights and Torture on "Medical and Legal Strategies for Addressing Torture, Ill-treatment, Extra-judicial Killings, Summary and Arbitrary Executions in Zimbabwe", in Harare, Zimbabwe. Further, OHCHR invited OMCT to participate and make a presentation to the "Expert Seminar on the Impact of Terrorism and Counter-terrorism Measures on the Enjoyment of Economic, Social and Cultural Rights" Geneva, 5 – 7 November 2008.

In addition, OMCT's advocacy aims to encourage NGOs to work with OMCT on these issues. OMCT also discusses these issues with visiting delegations of NGOs as well as making presentations to groups on study trips to Geneva. In 2008, OMCT has hosted students from both the London School of Economics and the University of Exeter, UK.

Written statements to the Human Rights Council

OMCT submitted a written statement on the economic, social and cultural root causes of torture and other forms of violence to the 7th session of the Human Rights Council in connection with Item 3, Promotion and protection of all human rights, civil, political, social and cultural rights, including the right to development. Specifically, OMCT recommended that members of the Human Rights Council:

- ensure that policies and programmes by governments, private actors, development institutions and financial institutions are founded on a human rights-based approach and do not exacerbate poverty and inequalities that lead to increased levels of official, criminal or domestic violence;
- request that the UN Special Procedures mandate holders continue to take into account the link between the denial of economic, social and cultural rights and violence in their reports wherever relevant;
- ensure that the Universal Periodic Review process takes into account the economic, social and cultural root causes of torture and other forms of violence.

In connection with the 2008 session of the Social Forum of the Human Rights Council, OMCT submitted a written statement relating to the eradication of poverty in the context of human rights. OMCT also made an oral statement to 15th Annual Meeting of Special Rapporteurs, Representatives, Independent Experts and Chairpersons of Working Groups of the Human Rights Council in June 2008, urging the Special Procedures to further develop the examination of economic, social and cultural root causes of violence in their work.

UN Human Rights Council; discussion of the global food crisis

At the invitation of the newly-appointed UN Special Rapporteur on the Right to Food, OMCT submitted recommendation for matters to be discussed by the Human Rights Council during its special session on the global food crisis in 2008. OMCT suggested that the question of social unrest as a result of rising food prices and the potential violent suppression of protest by police and security services be considered by the Council as either a separate or a cross-cutting issue. OMCT referred in particular, to the concerns of the participants in the African Regional Seminar and the reports of excessive use of force by Tunisian police against demonstrators calling attention to high living costs and lack of work.

The African Commission on Human and Peoples' Rights

During the meeting of the African Commission in Swaziland and the NGO Pre-Sessional Forum in May 2008, OMCT reports and CD-ROMs on the economic, social and cultural root causes of torture were distributed, and preliminary contacts were made to facilitate OMCT's involvement in subsequent meetings of the Commission. In November 2008, OMCT was represented at the Forum on the Participation of NGOs in the 44th Ordinary Session of the African Commission on Human and Peoples' Rights in Nigeria and at the 44th Ordinary Session itself, which included in its work the issue of the economic, social and cultural root causes of violence.

International Day in Support of Victims of Torture: press release. On 26 June 2008, OMCT issued a press release in connection with the International Day in Support of Victims of Torture, drawing attention to the fact that, around the world, the majority of victims of torture and other forms of violence come from the most disadvantaged social groups and that members of marginalised communities are not only more vulnerable to such abuses but also least able to claim their rights and seek protection and redress.

OMCT called upon civil society to remain vigilant to the risk that incidents of torture and violence directed against the poorest and most marginalised elements of society become still more frequent over the coming months, in the context of growing public unrest provoked by rising global food prices and increasing food insecurity. OMCT also emphasised that, at the same time, it is imperative that governments recognise and respect the right of their citizens to peaceful demonstration.

Our *advocacy* work has included statements to meetings in Geneva and Brussels and OMCT took part in the ***9th NGO Human Rights Forum of the EU Presidency*** in Lisbon on 6 and 7 December 2007. The topic of the Forum was Economic, Social and Cultural Rights in European Union Policies, with one workshop focusing on Human Rights Defenders and the Promotion of Economic, Social and Cultural Rights.

Other advocacy activities

In its work to raise awareness of the need to address the economic, social and cultural root causes of torture and violence, OMCT has made presentations to the 5th Annual Intensive

Workshop on Human Rights and Torture on “Medical and Legal Strategies for Addressing Torture, Ill-treatment, Extra-judicial Killings, Summary and Arbitrary Executions in Zimbabwe”, in Harare, Zimbabwe, in September 2008, and to the “Expert Seminar on the Impact of Terrorism and Counter-terrorism Measures on the Enjoyment of Economic, Social and Cultural Rights” organised by OHCHR in Geneva in November 2008.

OMCT also raised the issue at the University of Geneva Graduate Institute of International and Development Studies’ Annual Meeting on Global Issues and its NGO Programme dedicated to Corporate Social Responsibility and the concept of corporate complicity in human rights violations (28 October 2008). During the preparatory mission to Kenya in April 2008, OMCT staff spoke about the economic, social and cultural root causes of violence on a Kenyan community radio programme. Further, OMCT contributed to an article by CEMIRIDE, published in *The Standard* newspaper, Kenya in October 2008 and entitled “The Reform Path that Kenya should take for a Stable and Better Future”.

OMCT was asked to chair the NGO Consultation on the Draft Guiding Principles on Human Rights and Extreme Poverty (December 2008) and present the results to the OHCHR consultation (January 2009) aimed at preparing recommendations for the Human Rights Council.

The documents and reports mentioned herein are available on our website www.omct.org.

Geneva, May 2009

Annex



HELP MAKE AFRICA A CONTINENT FREE FROM TORTURE
Add your support to the Maputo Declaration Against Torture and other
Cruel, Inhuman or Degrading Treatment or Punishment

On 11 May of this year, representatives of 18 African Human Rights NGOs meeting in Maputo, Mozambique, to participate in the World Organisation Against Torture's (OMCT) African regional seminar on the economic, social and cultural root causes of torture took the initiative to draft and adopt the Maputo Declaration Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment. In this document, the signatories - representing organizations from Benin, Burundi, Cameroon, Central African Republic, Congo Brazzaville, Democratic Republic of the Congo, Egypt, Ghana, Kenya, Liberia, Madagascar, Niger, Nigeria, Senegal, Togo, Zambia and Zimbabwe - express their deep concern at the erosion of the absolute prohibition against torture and urge concerted action at both national and international levels to bring an end to this practice.

In the Declaration, the signatories - all engaged in fighting torture and other cruel, inhuman or degrading treatment or punishment in Africa - "deplore the open practice and justification by certain States of torture and other cruel, inhuman or degrading treatment or punishment and the open or silent cooperation and complicity of other States in those practices that gravely undermine our daily work and provide justification to repressive regimes that practice torture". They also express their deepest concern at attempts by certain public figures, jurists, academics and others to undermine the absolute prohibition of such practices and the complicity of some media in justifying such unlawful treatment.

The signatories encourage the African Union, the European Union and the United Nations to take practical steps to reinforce their cooperation and activities against torture and other cruel, inhuman or degrading treatment or punishment and to strengthen their cooperation and support for civil society organisations engaged in the promotion and protection of human rights. They invite human rights NGOs from all over the world to join in the Declaration and ask for its widest circulation.

To date, a further 26 organisations and individuals from Africa and beyond have chosen to adhere to the message and principles of the Declaration. You too are warmly invited to join this growing group by adding your personal or institutional support. To do so, please contact Michael Miller at the OMCT secretariat in Geneva, mm@omct.org.



The Maputo Declaration Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

The undersigned African Human Rights Non-Governmental Organisations fighting torture and other cruel, inhuman or degrading treatment or punishment and the World Organisation Against Torture (OMCT), meeting at the African Regional Seminar on Addressing the Economic, Social and Cultural Root Causes of Torture and Other Forms of Violence, held in Maputo, Mozambique, from 7 to 11 May 2008;

Recognise that violations of economic, social and cultural rights are very often the root causes of the torture and other cruel, inhuman or degrading treatment or punishment that our organisations fight against and that such violations can be effectively reduced and eliminated by action on those root causes;

Call for concerted action on 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 or degrading treatment or punishment possible;

Strongly reaffirm that torture and other cruel, inhuman or degrading treatment or punishment are absolutely prohibited in all circumstances by international human rights law and international humanitarian law, and that torture and other inhuman acts constitute in certain circumstances crimes against humanity under the Statute of the International Criminal Court. No circumstances can ever justify torture and other cruel, inhuman or degrading treatment or punishment and such acts must be made criminal offences in national law. States are responsible before the international community for outlawing torture and other cruel, inhuman or degrading treatment or punishment, for preventing their occurrence, for prosecuting and punishing those guilty of such acts and for providing reparation to the victims;

Strongly deplore the open practice and justification by certain States of torture and other cruel, inhuman or degrading treatment or punishment and the open or silent cooperation and complicity of other States in those practices that gravely undermine our daily work and provide justification to repressive regimes that practice torture and other cruel, inhuman or degrading treatment or punishment;

Further, express our deepest concern at attempts by certain public figures, jurists, academics and others to undermine the absolute prohibition of torture and other cruel, inhuman or degrading treatment or punishment and the complicity of some media in justifying such unlawful treatment;

Emphasising that in our daily work of defending human rights and human dignity, we are witness to the devastating physical and psychological consequences that torture and other cruel, inhuman or degrading treatment or punishment inflict on the victims, such as women, men, children, youth, the poor and marginalised, indigenous peoples, minorities and others, on their family members and on society as a whole, in addition to the dehumanising effects upon those who practice torture and other forms of ill-treatment;

Welcome the conclusions of 29 April 2008 of the Council of the European Union in which it recalled "the EU's firm position to fully comply with obligations in respect of torture and other cruel, inhuman or degrading treatment or punishment, in the fight against terrorism, in particular the absolute prohibition of torture and cruel, inhuman and degrading treatment";

Call on all States to make similar statements categorically rejecting torture and other cruel, inhuman or degrading treatment or punishment;

Call, in particular, on African Governments to end torture and other cruel, inhuman or degrading treatment or punishment and to make Africa a continent free from such practices, to end impunity by identifying, prosecuting and punishing those guilty, directly or indirectly, of torture and other cruel, inhuman or degrading treatment or punishment, and to ensure justice, reparation, assistance and rehabilitation to victims of torture and other cruel, inhuman or degrading treatment or punishment;

Recognise the essential role of civil society organizations in effectively ending torture and other cruel, inhuman or degrading treatment or punishment and in efforts to ensure justice, reparation, assistance and rehabilitation for the victims;

Call for strengthening of the civil society organizations fighting torture and other forms of ill-treatment and increased cooperation with them on the part of national authorities in the fight against torture and other cruel, inhuman or degrading treatment or punishment;

Encourage the African Union, the European Union and the United Nations to take practical steps to strengthen their cooperation and activities against torture and other cruel, inhuman or degrading treatment or punishment, in particular within the framework of the Guidelines to EU policy towards third countries on torture and other cruel, inhuman or degrading treatment or punishment and to strengthen their cooperation and support for civil society organisations engaged in the promotion and protection of human rights;

Request all interested organisations to join with the World Organisation Against Torture in adhering to this Declaration and in circulating it widely, and invite organisations and individuals to transmit this Declaration to all African Governments, the African Union, the European Union, the United Nations and other relevant institutions.

- Action by Christians for the Abolition of Torture (ACAT), Burundi
- Action by Christians for the Abolition of Torture (ACAT), Central African Republic
- Action by Christians for the Abolition of Torture (ACAT), Togo
- Association pour les Droits de l'Homme et l'Univers Carcéral (ADHUC), Republic of the Congo
- Centre for Security and Development Studies (CSDS), Liberia
- CLEEN Foundation, Nigeria

- Comité des Observateurs des Droits de l'Homme (CODHO), Democratic Republic of the Congo
- Comité de Réflexion et d'Orientation Indépendant pour la Sauvegarde des Acquis Démocratiques (CROISADE), Niger
- Defence for Children International (DCI), Ghana
- Enfants Solidaires d'Afrique et du Monde (ESAM), Benin
- Independent Medico-Legal Unit (IMLU), Kenya
- International Commission of Jurists (ICJ), Kenya
- Land Centre for Human Rights (LCHR), Egypt
- Mouvement pour la Défense des Droits de l'Homme et des Libertés (MDDHL), Cameroon
- Rencontre Africaine pour la Défense des Droits de l'Homme (RADDHO), Senegal
- Women in Law and Development in Africa (WiLDAF), Zambia
- World Organisation Against Torture (OMCT), Switzerland
- Zimbabwe Lawyers for Human Rights (ZLHR), Zimbabwe

Maputo, Mozambique

11 May 2008

In addition, the following organisations and individuals adhere to and express their support for the message and principles contained in the Maputo Declaration:

- Action pour la protection des personnes vulnérables en Afrique, Democratic Republic of Congo
- African Centre for Treatment and Rehabilitation of Torture Victims (ACTV), Uganda
- Les Amis de Martin Luther King, Democratic Republic of Congo
- Amis des Victimes des Violations des Droits Humains (AVVDH), Democratic Republic of Congo
- Antenna International, Switzerland
- Association d'aide et de protection des groupes vulnérables du Centre Nord (APVCN), Burkina Faso
- L'Association de Défense des Droits de l'Homme au Maroc (ASDHOM), France
- Bulgarian Helsinki Committee, Bulgaria
- Centre Action Social Réhabilitation et Réadaptation pour la Victime de la Torture (SOHRAM-CASRA), Turkey
- Centre for Human Rights, Democracy and Transitional Justice Studies, Democratic Republic of Congo
- Centre for Minority Rights Development (CEMIRIDE), Kenya
- Centro de Atención Psicosocial (CAPS), Peru
- European Association for the Defence of Human Rights (AEPADO), Romania
- Groupe Justice et Libération (GJL), Democratic Republic of Congo
- Khulumani Support Group, South Africa
- Jananeethi Institute, India
- Justiça Global, Brazil
- Justice and Peace Commission, Mexico
- La Ligue Camerounaise des Droits Humains, Cameroon
- Movement for the Survival of the Ogoni People (MOSOP), Nigeria
- Nora Wilson, Toronto, Canada

- Organização de Dereitos Humanos – Projeto Legal, Brazil
- Philippine Alliance of Human Rights Advocates (PAHRA), Philippines
- Programme d'appui pour le développement de la femme et de l'enfant du Congo (PADEFECO), Democratic Republic of Congo
- Rencontre pour la Paix et les Droits de l'Homme (RPDH), Republic of Congo - Brazzaville
