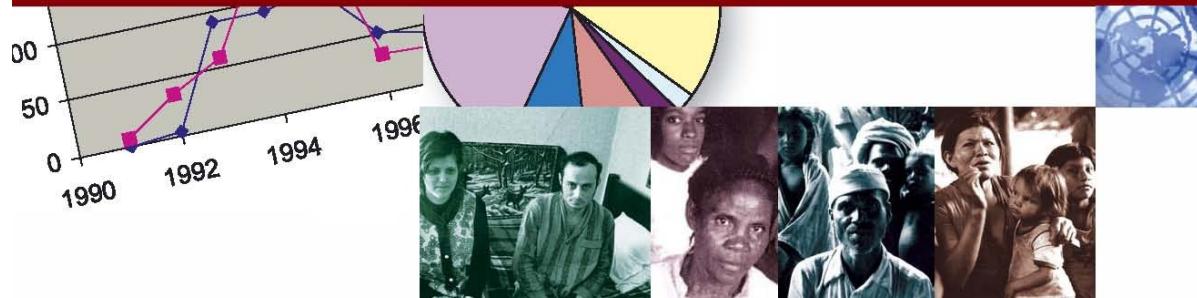




# Attacking the Root Causes of Torture

## Poverty, Inequality and Violence

### An Interdisciplinary Study



#### Preface by Ms. Louise Arbour

UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS

### Salient points of the Study

The OMCT publication "*Attacking the Root Causes of Torture, Poverty, Inequality and Violence: An interdisciplinary Study*" contains academic correlation analyses of socio-economic inequalities and violence (Part I), country evaluations and case studies from five countries (Part II) and a survey of the approaches adopted by selected international organizations (Part III).<sup>1</sup> It was carried out by OMCT from 2003 to 2005, was part of the programme of the Geneva International Academic Network (GIAN) and was made possible through the financial support of the GIAN, the Dutch Foundation ICCO (Interchurch Organisation for Development Cooperation), the *Fondation des Droits de l'Homme au Travail* and the Swiss Agency for Development and Cooperation.

<sup>1</sup> This publication may be ordered in printed form or on CD-ROM from The World Organisation Against Torture (OMCT) at the postal address indicated below, by e-mail [omct@omct.org](mailto:omct@omct.org) and may also be downloaded from the OMCT website [www.omct.org](http://www.omct.org).

## FROM THE PREFACE BY LOUISE ARBOUR

*« It is my pleasure to make some introductory remarks on the challenging question addressed in the present study: how to prevent or reduce violence, including torture, by acting on its root causes, often found in violations of economic, social and cultural rights? The question goes to the very heart of human rights protection. In considering violence and torture in the context of socio-economic inequality and poverty, the study forcefully shows that human rights cannot be addressed separately or in categories of civil and political or economic, social and cultural rights. The empirical research contained in the study provides examples of the type of analysis needed to illustrate the very real way in which the enjoyment of one right depends on the fulfilment of other rights, showing how different forms of rights deprivation combine and reinforce each other, making persons who are socially and economically marginalized particularly vulnerable to violence. » [...]*

*« I hope the present study will encourage further efforts to promote integrated strategies for the promotion and protection of human rights, moving away from rigid categorizations of rights to a comprehensive understanding that can better achieve improvements in the enjoyment of all human rights by all. »*

## FROM A STATEMENT BY MS. HEIDEMARIE WIECZOREK-ZEUL, German Federal Minister for Economic Cooperation and Development:

*"In September 2006, the World Organisation Against Torture published a study on the root causes of torture. It provided more than ample evidence of the close link between discrimination of the poor and violations of human dignity such as torture : the causes of torture do not only include violence and war but also poverty and social inequality - and addressing these causes is at the core of what we do in our development cooperation."<sup>2</sup>*

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<sup>2</sup> To the IX International Symposium on Torture: Providing Reparation and Treatment, Preventing Impunity, in Berlin, 9 December 2006

## **Salient points of the study**

### **Part I            Social-economic inequality and violence: Empirical studies**

Chapter 1 contains an extensive academic analysis of the correlations between statistics on socio-economic inequalities and violence based on unique survey data on 63 countries from the ILO's People's Security Survey and on data from OMCT's national partners in Argentina and South Africa.

Correlations were established between homicides and measures of income inequality and levels of health of the population and between unemployment and assaults. Other correlations concerned the relationships between income insecurity, GDP per capita, national poverty rates, gender development and empowerment, and indexes of democracy and economic freedom, on the one hand, and scales measuring political terror, torture, violations of civil and political rights, corruption and the rule of law, on the other.

Chapter 2 analyses data on how women's property ownership and access to resources affected domestic violence in South Africa and chapter 3 examines the relationship between the increase in socio-economic hardship and violence during a recent recession in the developed economy of Sweden.

Despite their diversity, the conclusions of the analyses converge:

- “*Economic inequality variables (predominantly inequality in income, economic development and gender empowerment) are explanatory in analysing variations in the level and type of violence at both micro and macro levels. ...Inequality lies at the root of violence.*” (Chapter 1 Wood)
- “*...There is a link or correlation between women's home/property ownership and the levels of domestic abuse they will suffer in their everyday lives.*” (Chapter 2 Loots)
- “*All of the welfare problems examined in the study – ill-health, limited education, unemployment, poor financial resources and a lack of social relations – involve substantial increases in the risk for exposure to violence.*” (Chapter 3 Nilsson & Estrada)

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

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

## **Part II            *Country profiles and case studies***

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

The five countries examined are very different in their economic and social conditions and in relation to violence, but again, a number of conclusions converge. First, there is a causal connection between poverty, inequality, failures to protect economic and social rights and violence by the State, in the community and in the family. Second, inequality and poor economic and social conditions can fuel extremist elements and promote violence. Third, governmental decisions or failure to take decisions can be an underlining cause of deteriorating economic and social situations that are thus, in some measure, preventable.

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

### **A.      Argentina**

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

The Argentine case study examines the violence inflicted on residents of a shantytown near Buenos Aires. It is interesting to note that it provides examples of the ways used by victims of institutional violence to defend themselves against abuses, to confront State authorities with their demands, to insist on the respect of their rights, and to eventually reduce State and non-State violence and improve their living conditions.

### **B.      Egypt**

In recent years, Egypt has undergone significant economic and social changes. More specifically, the privatization of public enterprises has caused significant growth in unemployment, and agricultural reforms have led to the violent eviction of thousands of

tenant peasants and small landholders. The country evaluation directly links these changes to violence by State and non-State actors both in the community and in the family. It addresses the link between poverty and extremism and concludes that: "In a nutshell, there are social and economic dimensions for the growth of religious extremism in Egypt and public protests."

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

### **C. Nepal**

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

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

### **D. South Africa**

The last ten years in South Africa have been characterized by the transition to democracy and the challenge of moving away from the system of disparity and racial inequality inherited from Apartheid. The evaluation argues that one of the most devastating legacies of Apartheid has been the formation of a "culture of violence" within South African society, which is characterised today by unacceptably high levels of violent crime that increases vigilante and mob justice. This provides the background for the analysis of women's property ownership and domestic violence in South Africa in chapter 2.

## E. Uzbekistan

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

The causal connection between government policies that fail to provide protection for economic and social rights and increasing violence was identified with clarity in a 2003 United Nations Development Group report<sup>3</sup>:

- *"The wealthier sectors of the population appear to have benefited disproportionately from the economic growth while other parts, notably the more vulnerable, have not benefited from growth and are burdened with most of the hardships resulting from the transition."*
- *"The national authorities, international development practitioners and the economists have so far paid little attention to the social implications of the transition and have instead prioritized economic and institutional development, thus exacerbating existing political, institutional, and economic problems."*
- *"...When social disparities become more pronounced, opportunities potentially exist for extremist groups to capitalize on the perception of growing inequality, as resentment about perceived social injustice blinds some to the shortcomings of alternatives. For example, Namangan province is often cited for its high number of sympathizers for radical Islamic movements, but support in this region may be rather the result of disappointment over socio-economic disenfranchisement than true passion for radical Islam."*
- *"Sympathy for militants seems to be linked to the lack of possibilities to express discontent within the current institutional framework."*

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

## ***Part III Human rights mechanisms and international organisations***

<sup>3</sup> United Nations Development Group (UNDG), "Common Country Assessment Uzbekistan 2003", [http://www.undg.org/documents/5479-Uzbekistan\\_CCA.pdf](http://www.undg.org/documents/5479-Uzbekistan_CCA.pdf), p. 19, pp. 43-45.

Part III provides an analysis of how United Nations special procedures, treaty bodies, the ILO, the World Bank, the International Monetary Fund and the World Trade Organisation approach the issue of poverty, inequality and violence, and how they have or could have an impact on that link.

## A. Special procedures of the United Nations Commission on Human Rights

Chapter 9 of the Study assesses to what extent the special procedures of the UN Commission on Human Rights have integrated socio-economic factors and denial of economic, social and cultural rights (ESCR) as causes of violence. The analysis is based on an examination of the reports of 11 special mandate holders (referred to here as experts) from 1999 to 2005, including their country visits during this period, and their communications to governments in 2005.<sup>4</sup>

Many experts have highlighted the existence of a link between poverty and violence. Those with mandates mainly focused on economic, social and cultural rights (ESCR) - like the Special Rapporteur (SR) on adequate housing and the SR on the right to health - reported cases of violence in connection with both the failure to respect the rights under their mandates and with poverty. Some of the experts with mandates which are not specifically focused on ESCR - such as the SR on extrajudicial executions and the SR on torture - emphasised socio-economic factors when reporting on human rights violations. Experts who focus on the human rights of a specific group – such as the SR on indigenous peoples and the SR on violence against women - have systematically observed the interplay between denial of ESCR and enjoyment of civil and political rights.

The approaches of a given SR also change as the mandate holder changes. For instance, the former SR on torture, Sir Nigel Rodley, has recognised that “the question of poverty is all too relevant to issues falling within his mandate”,<sup>5</sup> and has emphasised the socio-economic dimension of violence in many of his country visits. His successor, Theo van Boven, while acknowledging the link between poverty and violence, focused on the political causes of torture knowing that other parties already take care of the social and economic aspects.<sup>6</sup>

Although all the experts have highlighted the poverty-violence link in some situations, few have done so systematically. It is principally the SRs on adequate housing, on the right to health, on indigenous people and the former SR on torture, who conceptually connect poverty to violence and systematically attach violations of civil and political rights to socio-economic factors. Other experts established the poverty-violence link only in specific situations.

Several experts were limited in the attention they paid to the socio-economic dimension of violence for practical reasons of time or lack of information.

<sup>4</sup> The experts functioning under the special procedures are: Special Rapporteur on adequate housing; Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous peoples; Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; Special Rapporteur on the sale of children, child prostitution and child pornography; Special Rapporteur on extrajudicial, summary or arbitrary executions; Special Rapporteur on violence against women; Special Rapporteur on the right to food; Special Rapporteur on torture; Working group on arbitrary detention; Special Representative of the Secretary General on human rights defenders; and the Independent expert on the question of human rights and extreme poverty.

<sup>5</sup> U.N. Doc. A/55/290, para.34. Interim report to the General Assembly of the Special Rapporteur on the question of torture and other cruel, inhuman or degrading treatment or punishment, 11 August 2000.

<sup>6</sup> Interview by OMCT with Theo van Boven, the then SR on torture, 30<sup>th</sup> March 2004.

### ***Observations by the experts on the poverty/violence link***

The following quotations reveal that the experts recognise the link between poverty and violence, and often present the poor as the principal victims of violence.

[E]xtreme poverty often brings people into conflict with the forces of law and order and with the justice system", and "[V]ery often, an extremely poor person's only interlocutor will be a police officer (begging, theft, etc.). Few police officers have been trained to deal with extreme poverty in a non-repressive way.<sup>7</sup>

...the overwhelming majority of those subjected to torture and ill-treatment are ordinary common criminals... often members of the lowest level of an underclass that is disconnected from all opportunity of leading decent lives as productive economic citizens.<sup>8</sup>

the victims of arbitrary detention and those unable to extricate themselves from that kind of situation come from the most vulnerable population group.<sup>9</sup>

it is urgent to challenge the misconception that the poor, especially those living in slums and other marginal areas, are responsible for social violence and environmental degradation. Indeed, they are the primary victims of such phenomena<sup>10</sup>

[S]tates' international obligations to respect, protect and fulfil the right to health can have an important bearing on violence prevention efforts. The obligation to protect, for example, includes an obligation to take measures to protect vulnerable or marginalised groups, in particular women, children, adolescents and older persons, in the light of gender-based expressions of violence.<sup>11</sup>

[D]efenders seeking to protect the political, civil, economic, social or cultural rights of marginalized groups and persons face stronger resistance to their work, are more vulnerable and, therefore, more threatened.<sup>12</sup>

...in many countries, indigenous peoples are the victims of extrajudicial executions, arbitrary detention, torture, forced evictions and many forms of discrimination, in particular in the administration of justice. In too many places, they also lack access to basic social rights, such as the right to health, food, culturally appropriate education and adequate housing.<sup>13</sup>

Violence against women generally derives from the perceived inferiority of women and the unequal status granted by laws and societal norms.<sup>14</sup>

[T]o die of hunger is equivalent to being murdered, while chronic and serious under nourishment and persistent hunger are a violation of the fundamental right to life<sup>15</sup>

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<sup>7</sup> U.N. Doc. E/CN.4/2000/52, para.107. Report to the Commission on Human Rights of the Independent expert on the Question of human rights and extreme poverty, 25 February 2000.

<sup>8</sup> U.N. Doc. A/55/290, para.35. Interim report to the General Assembly of the Special Rapporteur on torture, 11 August 2000.

<sup>9</sup> U.N. Doc. E/CN.4/2003/8/Add.3, page 2. Report to the Commission on Human Rights of the Working group on arbitrary detention on its visit to Mexico, 17 December 2002.

<sup>10</sup> U.N. Doc. E/CN.4/2001/51, para.64. Report to the Commission on Human Rights of the Special Rapporteur on adequate housing, 25 January 2001.

<sup>11</sup> Idem, para.85.

<sup>12</sup> U.N. Doc. E/CN.4/2002/106, para.115. Report to the Commission on Human Rights of the Special Representative of the Secretary General on Human Rights Defenders, 27 February 2002.

<sup>13</sup> U.N. Doc. E/CN.4/2005/88/Add.1, para.4. Report to the Commission on Human Rights of the Special Rapporteur on indigenous peoples, analysis of country situations and other activities of the Special Rapporteur, 16 February 2005.

<sup>14</sup> U.N. Doc. E/CN.4/2000/68/Add.5. para.2. Report to the Commission on Human Rights of the Special Rapporteur on violence against women, 24 February 2000.

<sup>15</sup> U.N. Doc. E/CN.4/2001/53, page.2. Report to the Commission on Human Rights of the Special Rapporteur on food, 7 February 2001.

[I]n order to find sustainable solutions to addressing the plight of street children, it is important that their situation is not considered as primarily a law enforcement or criminal justice issue. Policies and action are required to identify and address the underlying causes of this problem, which include a wide range of social and economic issues, in particular the marginalization and lack of opportunities available to the most disadvantaged segments of society.<sup>16</sup>

[I]n the contexts of poverty and social exclusion, organised crime takes advantage of the needy situation of poor families by offering what seems to be a quick way to make money.<sup>17</sup>

...addressing the root causes of sexual exploitation is essential to fighting this problem. He recommends that the Government strengthen social programmes aimed at the reduction of poverty and social inequalities and assess their impact with indicators related to children's rights".<sup>18</sup>

This last recommendation is one of the few recommendations requesting state action on economic and social conditions in order to prevent violence. Experts' recommendations concern primarily changes in the legislative framework and institutional reforms; recommendations regarding economic or social policies are the exception.

## B. United Nations Treaty Bodies

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

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

- “...Children who, because of serious situations of extreme poverty as well as of situations of abandonment or violence within the family, are forced to live in and/or work on the streets ... are therefore vulnerable to different forms of exploitation and abuse, including sale, trafficking and abduction.”<sup>19</sup>
- “The State party (should) adopt comprehensive strategies which are not limited to penal measures but also address the root causes of violence and crime among adolescents, in gangs and outside gangs, including policies for social inclusion of marginalized adolescents; measures to improve access to education, employment and recreational and sports facilities; and reintegration programmes for juvenile offenders.”<sup>20</sup>

The Committee on Economic, Social and Cultural Rights has stated: “(T)he extreme inequalities and the social injustice prevailing in Colombia, as well as drug trafficking, ...

<sup>16</sup> U.N. Doc. E/CN.4/2001/9, para.67. Report to the Commission on Human Rights of the Special Rapporteur on extrajudicial, summary or arbitrary executions, 11 January 2001.

<sup>17</sup> Idem. para.30.

<sup>18</sup> Idem. para.123.

<sup>19</sup> UN Doc. CRC/C/15/Add.105, para. 33 (Honduras)

<sup>20</sup> UN Doc. CRC/C/15/Add.232 para. 68 (El Salvador)

*have led to serious and widespread increase in violence in the country. This violence has seriously affected the implementation of the rights protected under the Covenant." The government should therefore "seek appropriate means to reduce the extreme social inequalities and increase its efforts to put an end to the armed conflict by political negotiation, which is the only way effectively to guarantee the economic, social and cultural rights of all citizens.*"<sup>21</sup>

The Committee on the Elimination of Discrimination against Women has described how aboriginal women in Canada are "*overly-concentrated in lower-skill and lower-paying occupations, they constitute a high percentage of those women who have not completed secondary education, they constitute a high percentage of women serving prison sentences and they suffer high rates of domestic violence.*"<sup>22</sup>

### **C. The International Labour Organisation**

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

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

### **D. The World Bank and the International Monetary Fund**

The study identifies two areas of the activities of the World Bank and the International Monetary Fund (IMF) that have a potential impact on violence: project and project related activities, and macro-economic policies. It provides an example of the negative human rights impact of a Bank-financed project and Bank-promoted macro-economic policies, and also refers to studies linking such policies to violence. The study also addresses the issue of how the Bank and the IMF's projects could actually reduce violence instead of increasing it. In this context, it surveys recent Bank-sponsored studies, such as the "Voices of the Poor" series that describe clearly, from the point of view of the poor, the connection between poverty and violence. Another important Bank study reviews the implications of gender-based violence for development.

Finally, the study considers what International Financial Institutions could do to diminish violence that might be caused by their activities, and proposes three areas for future action:

<sup>21</sup> UN Doc. E/C.12/1/Add.74 paras. 8 and 30 (Colombia)

<sup>22</sup> Concluding Observations relating to Canada, 2003. A/58/38, para. 361

(1) enhancing internal processes that aim to ensure respect for human rights; (2) taking steps to avoid or reduce violence in target countries; and (3) creating effective control mechanisms for projects (before, during and after implementation).

## **E. The World Trade Organisation**

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

The study also describes two instances in which trade liberalization rules have been modified for social purposes or to promote peace, namely the granting of access to essential medicines and the restriction of trade in conflict diamonds. These processes could be examined to see if there are other pressing social or human rights issues that would warrant such trade restrictions.

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

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

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