



**THE MANILA DECLARATION
ON
ADDRESSING THE ECONOMIC, SOCIAL AND CULTURAL ROOT
CAUSES OF
TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING
TREATMENT OR PUNISHMENT**

(Manila, 30 October 2009)

WE, the undersigned participants from several non-governmental organizations and national human rights institutions based in the Asian Region attending the Asian Regional Seminar on Addressing the Economic, Social and Cultural Root Causes of Torture and Other Forms of Violence, organized by the World Organization Against Torture (OMCT) and the Philippines Alliance of Human Rights Advocates (PAHRA) in co-operation with the Commission on Human Rights of the Philippines (CHRP) in Manila, the Philippines, from 26 to 30 October 2009,

- (i) Acknowledge fully the interconnectedness that exists between violations of economic, social and cultural rights and the persistence of torture and other forms of violence in all countries of the Asian region based on our first-hand investigations and analysis of prevailing situations, including their origins, manifestations and impact and taking into account, in particular, national policies related to economic development and natural resources management and their environmental consequences,
- (ii) Recognize that torture and other forms of violence inflicted on people –including women, men, children, youth, indigenous peoples, Dalits and all categories of minorities, migrant workers, the disabled and the aged, and their family members and communities as a whole – as they seek the full enjoyment of their economic, social and cultural rights, have serious physical, psychological and other consequences, including the destruction of their living and livelihood,



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- (iii) Call for concerted action at all levels in active collaboration with other non-governmental organizations and partners, to identify and act upon the root causes of torture, cruel, inhuman or degrading treatment and punishment, and to remain focused on urgently needed remedies,
- (iv) Strongly affirm the urgency of various forms of coherent and collective action at the local, national, sub-regional, regional and international levels by all concerned actors, rooted in established human rights norms and standards, with appropriate political, diplomatic, legislative, administrative and judicial measures throughout the region,
- (v) Strongly emphasize that torture and other cruel, inhuman or degrading treatment or punishment is absolutely prohibited in all circumstances by international law and that respect for this prohibition is fundamental to the full enjoyment of all human rights by all,
- (vi) Condemn the current practices of certain States in the Asian region and elsewhere that seek to legitimize the use of torture and other forms of violence on various grounds and that seriously undermine our continued commitment to the full realization of all rights, and in particular economic, social and cultural rights,
- (vii) Strongly urge all States in the Asian region to immediately stop all such unacceptable practices, namely torture and other forms of violence including the use of disproportionate force against those individuals and groups who demand the promotion and protection of their economic, social and cultural rights,
- (viii) Call upon all States in the Asian region to ratify the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol if they have not done so yet, and to give due effect to that Convention and its Optional Protocol in the domestic legal order without selective application, thereby enhancing its effectiveness in combating impunity,
- (ix) Commend those States in the Asian region that have ratified the Convention Against Torture and its Optional Protocol, and encourage them to undertake relevant measures, including institutional arrangements, to identify, prosecute and punish those guilty, either directly or indirectly, of torture and other forms of violence, while fulfilling their obligations towards victims' rights to reparation, restitution and compensation,
- (x) Appeal to all States to establish effective preventive measures to ensure that torture and other forms of violence do not occur,
- (xi) Call upon national human rights institutions and non-governmental organizations to create early warning systems towards the active prevention of torture and other forms of violence,

- (xii) Remind all international financial institutions and multilateral institutions of their shared responsibility towards the promotion and protection of all human rights through human rights impact assessments, while providing both financial and other forms of assistance to the States and their partners in the Asian region,
- (xiii) Call upon all donor States and their agencies, in relation to States in the Asian region seeking financial or other forms of assistance, to take into consideration any clear evidence of severe and widespread practices of torture and other cruel, inhuman or degrading treatment or punishment,
- (xiv) Recognize the pivotal role of national institutions, including national human rights institutions, in taking steps towards ending torture and other forms of violence, including handling complaints concerning torture and other forms of violence, and taking steps to ensure remedial justice for victims,
- (xv) Appreciate the timely initiatives of the Asia-Pacific Forum of National Human Rights Institutions as a unique form of regional human rights mechanism that brings together all existing national human rights institutions (NHRIs) within the Asia-Pacific region, and in particular the Terms of Reference on Torture (2005) of its Advisory Council of Jurists (ACJ), and request all NHRIs in the Asia-Pacific region to urgently implement the recommendations of the ACJ under this reference,
- (xvi) Welcome the recent establishment of the ASEAN Intergovernmental Commission on Human Rights (AICHR) under the ASEAN Charter, and encourage the AICHR to fulfill its mandate in partnership with national institutions, including NHRIs, non-governmental organizations and other related entities focusing on standard setting, procedural and institutional arrangements,
- (xvii) Strongly emphasize the key role of non-governmental organizations in combating torture and other forms of violence and in ensuring justice for victims through reparation, assistance and rehabilitation,
- (xviii) Strongly appeal to all States in the Asian region, as well as third parties, to provide timely and consistent protection for human rights defenders (HRDs) and their organizations, as they continue to involve themselves regularly in the full implementation of economic, social and cultural rights, both within their respective countries as well as across the region and internationally, and urge them not to stand in the way of non-governmental organizations soliciting, receiving and utilizing resources to carry on their work on issues related to torture prevention and rehabilitation,
- (xix) Strongly wish to note, with deep concern, that among the HRDs who are under threat and various forms of attack in the Asian Region, it has been found over the past few years that it is largely those HRDs engaged in addressing economic,

social and cultural rights issues, and related violence, who are being targeted. Therefore, the States in the region are reminded of, and urgently requested to fulfill, their commitments under the United Nations (UN) Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms (1998),

- (xx) Emphasize the urgent need for all actors – non-governmental organizations, NHRIs and other civil society organizations – to undertake a regional level campaign against torture and all forms of violence that continue unabated in the region, and the need for close collaboration between the aforementioned actors in ensuring that different sectors of society – including lawyers, activists, medical professionals (including psychologists), media professionals and academics – join together in such a regional campaign,
- (xxi) Fully endorse the strategic plan of action and the strategic management plan of the Office of the High Commissioner for Human Rights in combating torture and other forms of violence linked to the full realization of economic, social and cultural rights,
- (xxii) Encourage the activities of the UN High Commissioner and her personnel in combating torture and other forms of violence prevalent within the Asian region, including her country visits and the operations of the sub-regional and field offices within the region,
- (xxiii) Recognize the valuable contribution of the independent experts of all human rights treaty bodies, particularly the Committee on Economic Social and Cultural Rights and the Committee Against Torture, in addressing the root causes of torture and other forms of violence due to specific violations of their respective treaty law provisions, and encourage those treaty monitoring bodies to work closely together,
- (xxiv) Acknowledge the indispensable role of all the Special Procedures of the UN Human Rights Council and their mandate holders, acknowledging in particular the importance of their commitment, integrity and independence, their country missions and their rigorous attention to the communications received concerning specific human rights violations,
- (xxv) Take note of the initiatives undertaken by the UN Human Rights Council in establishing the Universal Periodic Review and its further review, looking forward to its effectiveness in enhancing the promotion and protection of all human rights for all,
- (xxvi) Urge all the participants present and their respective constituencies to design, implement and follow-up on relevant solidarity campaigns at all levels within and across the region in combating torture and all other forms of violation of

economic, social and cultural rights, working together with other like-minded organizations. This includes mobilizing public opinion, engaging with individuals and groups at the grass-roots level, monitoring State's compliance, and participating in policy formulation and in the development of follow-up action plans at the national, sub-regional and regional levels, with due attention to the international level,

- (xxvii) Strongly appeal to all States in the Asian region to sign and ratify the recently adopted Optional Protocol to the Convention on Economic, Social and Cultural Rights.

Manila, the Philippines, 30 October 2009