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**Seminar Report**

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

Geneva, 29 June – 3 July 2009

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**Seminar participants and members of the OMCT secretariat, 2 July 2009.**

# Contents

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<b>I.</b>	<b>Introduction</b>	<b>1</b>
<b>II.</b>	<b>The Case Studies</b>	<b>3</b>
<b>III.</b>	<b>The Special Procedures Mandate Holders</b>	<b>10</b>
<b>IV.</b>	<b>The Expert Contributions</b>	<b>13</b>
<b>V.</b>	<b>Conclusions</b>	<b>16</b>
	<b>Appendix I:</b> Programme of Work, 29 June – 3 July 2009	
	<b>Appendix II:</b> Special procedures of the Commission on Human Rights Individual complaints	
	<b>Appendix III:</b> The Economic Roots of Relativism: An analysis on the basis of OMCT experience	
	<b>Appendix IV:</b> Summary of seminar evaluations	

## **I. Introduction**

OMCT's third international seminar on "Addressing the economic, social and cultural root causes of violence through the UN Special Procedures System" took place from 29 June to 3 July 2009 in Geneva. Fourteen representatives of national human rights NGOs from Afghanistan, Brazil, Cambodia, the Gambia, Georgia, India, Nigeria, Peru, the Philippines, Sierra Leone, Syria, Uganda, Uruguay and Zimbabwe discussed and prepared complaints for submission to UN Special Procedures mechanisms. The seminar is an important component of OMCT's project on "Preventing Torture and Other Forms of Violence by acting on their Economic, Social and Cultural Root Causes," now in its third year.

The project seeks to address torture and other forms of violence by building the capacity of NGOs to impact the economic, social and cultural root causes of that violence through both national and international instruments. The UN Special Procedures mechanisms are a valuable resource in this regard, and it is important that national NGOs can effectively utilize them.

The Special Procedures Seminar built on the knowledge gained from the previous two seminars. The first Special Procedures Seminar, held in 2007, focused on analyzing and understanding the links between the violation of economic, social and cultural rights and violence. The second seminar, in 2008, focused on developing concrete recommendations to address the root causes of violence in specific cases. The 2009 seminar continued this emphasis on developing concrete responses to specific issues by identifying practical steps to aid NGO participants in developing interventions and/or alternative reports for submission to UN Special Procedures mandate holders.

To achieve these objectives, prior to the Seminar participants each submitted a five to ten page paper detailing the economic, social and cultural rights issues and the link to violence in their respective countries, with a focus on specific case studies. During the Seminar, participants first came together in a plenary session to introduce themselves and their cases studies, and to understand the various ways violations of economic, social and cultural rights are linked to violence and how acting on those root causes can reduce violence. In smaller working groups of four or five, participants then discussed their individual case studies in depth and worked to identify how action on the root causes of violence could relate to the specific circumstances of the participants' countries. Each then drafted an outline of an Action File, press release or other intervention, and a plan for dissemination to government bodies, international organisations and relevant mandate holders.

To facilitate interaction with UN Special Procedures mandate holders, the Seminar was held in parallel with their 15<sup>th</sup> annual meeting. National NGO representatives attended a session of the annual mandate holders meeting, and met with mandate holders responsible for issues related to Water and Sanitation, Violence Against Women, Poverty, Human Rights Defenders and Violence Against Children, as well as the Special Representative of the Secretary General in the Democratic Republic of the Congo and former Chair of the Working Group on Arbitrary Detention.

Mr. Yves Berthelot, former Executive Secretary, United Nations Economic Commission for Europe, and Mr. François Beaujolin, President of the Foundation for Human Rights at Work, provided a theoretical framework for the discussion. Mr. Berthelot drew attention to practical hurdles, such as impunity, misinformation and lack of accessible information among the public, that NGOs face in addressing violations of economic, social and cultural rights and

torture. Mr. Beaujolin provided an analysis of the economic link between corruption, demographic growth, and discriminatory cultural practices and violations of civil and political rights, including torture. Ms. Anna-Lena Svensson-McCarthy, OMCT Director of Operations, discussed the EU Guidelines on torture and other cruel, inhuman or degrading punishment or treatment, and how NGOs might use the guidelines to address rights violations in their countries. Finally, a paper by Dr. Michael Miller, OMCT Director of Research and Development, addressed the issue of economic relativism as an obstacle to addressing human rights violations.

Two Seminar participants also gave presentations regarding their work. Mr. Luis Emmanuel Barbosa Cunha presented information on the Human Rights Monitoring Project, a collaboration between national NGOs to monitor and facilitate implementation of Special Procedures and UN treaty body recommendations for Brazil. Mr. Kirity Roy screened a short film produced by his organisation regarding inadequate forensic practices and the difficulty in determining a reliable cause of death for victims of violence in West Bengal, India.

In the final session, participants discussed the cross-cutting issues that were common to many of their cases. Access to land and forced evictions, violence against women, children and other vulnerable groups, corruption and impunity, poor implementation of existing legislation and international obligations, an ineffective judiciary, and flawed criminal justice practices were an issue for a majority of the participants. The NGO representatives also discussed the support they would need in the future, and agreed on the next steps to continue the work begun at the Seminar.

Overall, as the results of the final evaluation summarised in Appendix IV show, 85% of participants found the content and organisation of the Seminar to be good. In addition, they made a number of valuable comments and suggestions that OMCT will take into account in its future work.

The project is funded by the European Union, the Karl Popper Foundation, the Interchurch Organisation for Development Cooperation (ICCO), and the Foundation for Human Rights at Work.

OMCT wishes to thank the participants and presenters for their contributions, and Ms. Lisa Knox for the preparation of this position paper.

## II. Case Studies – Main Points

The case studies submitted by Seminar participants provide specific, concrete examples of the way in which the most vulnerable members of society are also the most likely victims of violence. Street children, the poor, prisoners and other marginalised groups that experience violations of their economic, social and cultural rights are in turn more vulnerable to torture and other forms of violence.

These papers also highlight a lack of government initiative to ensure the enjoyment of economic, social and cultural rights through implementing legislation, even where States have signed and ratified the relevant international conventions. Additionally, states are unwilling to take action against non-state actors that violate these rights, and indeed are often are complicit in such violations.

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### Indigenous Communities

*Due to their marginalisation and social exclusion, indigenous groups are often subject to the worst violations of economic, social and cultural rights. Land grabbing in particular is an issue, with private companies taking advantage of this marginalisation to exploit resource-rich indigenous territories. In many instances, dispossession is accomplished through intimidation, threats and outright violence. Even where the State has recognised indigenous land rights, it may not act to protect these rights, and may even be complicit in dispossession.*

#### Brazil

**Mr Luis Emmanuel Barbosa Cunha, *Legal Advisory Office for Popular Organisations (GAJOP)***

The Xukuru people are the biggest indigenous group in Northeastern Brazil. For more than 100 years, they have waited for the Brazilian State to recognize their land rights and protect their land from trespassers. This has still not happened, and outsiders have killed and threatened the Xukuru over their land. Besides this, there is a movement towards criminalization of the political activism of the Xukuru people, with legal cases directed against those who have defended indigenous human rights. Non-indigenous economic interests are supported at the expense of Xukuru interests. This situation is making it increasingly difficult for the Xukuru to maintain their culture and way of life.

#### Peru

**Mr Tomás Alarcón, *Comisión Jurídica para el Autodesarrollo de los Pueblos Originarios Andinos***

In 1994, Peru adopted ILO Convention 169 concerning Indigenous and Tribal Peoples in Independent Countries, and in 2007 the United Nations Declaration of the Rights of Indigenous Peoples. Yet the country does not respect these international instruments of human rights. The Peruvian government has ignored the right of indigenous groups to free, prior and informed consent over development projects in indigenous territories, and their right to be involved in any decision making processes that would impact on indigenous peoples' lands,

resources or rights. When indigenous people have protested this violation of their economic, social and cultural rights, the Peruvian government has responded with violence.

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## **Economic reform and labour rights**

*In many countries, the poor and minority groups are excluded from economic and social development. The failure of economic policies to address income inequality means that even successful economic development strategies do not include these marginalised populations, and may even drive them further down the economic ladder. High unemployment and lack of basic social services lead to increased reliance on the informal sector, where workers have few protections. This vulnerability and instability can often lead to violence.*

### **India**

#### **Mr Kurity Roy, *Banglar Manabadhikar Suraksha Mancha (MASUM)***

The erosion of the embankment of the river Padma which has been going on for the last decades has resulted in the displacement of people on a large scale and reports by the locals put it as 60 000 people residing and cultivating lands in proportion to nearly 1 000 acres around the villages of villages Parashpur, Taltali, Dayarampur, Udaynagar, Jalangi and Dakhhin Goshpara. This erosion or partial erosion forces the populace to live a life of penury. A large section, more than 20 000 people, migrated to different places for livelihood and fending for their families by every menial job on alien lands. This part of the land before the erosion was prosperous, with a distinction as model village for Dayarampur. The victims who had their own land and who used to hire workers are now themselves working as agricultural labourers in the absence of any other means of living.

The government has done little to improve the situation. The situation only reflects human misery expressed in tears and a sense of absolute despair on the face of every one. Because of non-deliverance to the marginalized, a huge number of people do not possess the Below Poverty Line (BPL) Card and have never been enlisted to it. The very distribution of BPL cards are maligned with partisan approach and not reaching actual persons which in result depriving destitute and hapless people from all sorts of deliverance meant for them, like Annapurna, Antyodya, Integrated Child Development Scheme (ICDS) for lactating mothers and neonatal care. Last but not the least people were deprived off from National Rural Employment Guarantee Act (NREGA). All of these schemes and policies are enacted by the government (ref. Article 2.1 of ICESCR).

To add fuel to the tragedy and plight of these people, they have to face the atrocity and torture of the Border Security Forces (BSF) who are stationed in the borders of Indo- Bangladesh border including at Jalangi and adjoining areas. There is no trace of privacy; women have to attend nature's call under open sky and in view of the BSF personnel. The extrajudicial killings of innocents or people engaged with illegal cross border smugglings due to abject poverty is routine.

### **The Philippines**

#### **Ms Resurreccion Lao Manalo, *Economic, Social and Cultural Rights – Asia***

The Philippine labour force is estimated to be 30 million (National Statistics Office, 2006) of an estimated country population of almost 90 million. Of this, the informal economy, which is

increasing, is estimated to be 20 million. Composed of more than seven subsectors – street vendors, small transport drivers, home-based workers, marginalized fisher folk, small farmers, and non-corporate construction workers- this sector has suffered specific cases of harassment and of violations of the rights of its members, as was reported to ESCR-Asia as early as 2003.

In its 2008 Alternative Report, ESCR-Asia noted that a few NGOs directly report cases of arbitrary deprivation of wares/goods and their small transport units in their conduct of livelihood. Goods or wares of street vendors including those of their members often were seized, burned, thrown into the garbage, and not returned; if returned these were lacking in quantity. With minimal income, these vendors are often subject to “kotongs” (bribes) for them to be able to continue selling in the streets. Members of security forces hit the street vendors with their hard wooden batons, thus prompting the latter to fight back.

Due to the enormity of the country’s standing financial obligation, the Philippine Government has continued to prioritize debt servicing over allocations for basic needs. Most of the Philippine budget, around 40%, goes to the payment of the national debt, thereby decreasing the funds that should have been allocated for food, education, medicine and other essentials that ensure adequate living standards.

The inability of the Philippine government to sufficiently provide for its people has driven hungry and discontented citizens to search for greener pastures in other countries. According to the National Statistics Office, the number of Overseas Filipino Workers (OFWs) has reached 1.75 million as of the 2007 survey. This number continues to rise as more and more Filipinos have sadly abandoned all hope for success in their motherland in favor of the opportunity to work abroad, sometimes enduring inhuman and unsafe working conditions.

### **Sierra Leone**

The demolition of "illegal" or "temporary" structures has been an issue with authorities since the end of the war. These structures are perceived as an "eye sore" destroying the beauty of the city, and their demolition is aimed at giving a face-lift to the city. In the past, demolitions have mainly been done on structures built on the hills or situated on precarious sites around the city, with a few regular structures allegedly built on state land demolished. However, there are some political connotations surrounding the issue because in election years, political parties use it to woo voters by promising not to demolish temporary structures or remove street traders from the streets.

The current ongoing demolition has raised some consternation, with allegations to the effect that the demolition is politically selective. Regardless of whether this is true, it still does not respect the rights of the dispossessed persons, nor the social, economic and cultural rights of the poor.

In a fragile society with a propensity for violence, the planned continuation of the demolition exercise has a high probability of resulting in violence. This is linked to the fact that the ‘Operation Sweep Clean’ is also intended to clear the main streets of street vendors/traders. Trading in the streets of Freetown and other cities in the provinces is prevalent. This has been attributed to the fact that there are not enough markets to accommodate traders, and because the existing ones lack enough space or proper sanitation. Some market structures are unfit for the purpose of selling goods, especially foodstuffs, due to leaking roofs, cracked walls and open sewages. These markets are overpopulated and clogged, and the result is sellers peddling their wares on the street.

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## **Vulnerable populations and minority groups**

*Women, children and other vulnerable groups are extremely vulnerable to social and economic exclusion. They are in turn more likely to experience poverty, unemployment, and other factors that put them at a greater risk of violence. Due to discrimination and the inequality in dignity, values and respect afforded to these marginalised populations, they may effectively have no protections or recourse to legal avenues for redress against perpetrators of violence.*

### **Romania**

**Laurentia Mariana Mereuta, European Association for the Defense of Human Rights – AEPADO**

The government addressed some human rights problems during the last years since the accession to the European Union, but some abuses continue to occur.

Rape, including spousal rape, is illegal. The prosecution of rape cases is difficult because it requires a medical certificate and a witness, and a rapist could avoid punishment if the victim withdrew the complaint. The successful prosecution of spousal rape cases is more difficult because the law requires the victim to personally file a criminal complaint against the abusive spouse and does not permit other parties, such as relatives or support organizations, to file a complaint on the victim's behalf. Violence against women, including spousal abuse, continued to be a serious problem, and the government did not effectively address it.

Discrimination against Roma continued to be a major concern, both by public officials and in society at large. The Romanian authorities failed to take adequate measures to combat discrimination and stop violence against Roma.

Roma groups complained that police brutality, including beatings and harassment, was routine. They continued to be denied equal access to education, housing, health, access to social services, care and employment.

In its report to the UN Human Rights Council, Romania acknowledged that Roma communities faced economic insecurity and were at particular risk of various forms of discrimination. The report also noted that Roma were subjected to policies which could in effect result in segregation, especially in the field of education.

Despite amendments in 1996 to the criminal code provisions relating to homosexual conduct, gays and lesbians continue to be arrested and convicted for such relations if they become public knowledge. Moreover, they face frequent physical abuse and harassment by law enforcement officials, as well as systematic discrimination in many walks of life.

### **Zimbabwe**

The Chiadzwa Diamond Fields are located in Marange in Mutare West Constituency, Manicaland Province in the east of Zimbabwe. In December 2006, while the African Consolidates Resources company was readying trial mining operations, the Government of Zimbabwe took over the rights via the Zimbabwe Mining Development Corporation – a state

owned company. This happened despite African Consolidated Resources having won a court case allowing them to continue mining.

A diamond rush started in September 2006, and it accelerated following the government take-over. By mid- December 2006, an estimated 15,000-20,000 illegal miners were working very small plots at Marange. Many of those rushing to Chiadzwa are unemployed and some homeless. Some were internally displaced and lost their livelihoods during Operation Murambatsvina in 2005. When the diamond rush began in late 2006, they saw Chiadzwa as a way out of their hunger and poverty.

In April 2008 a special task force raided the Chiadzwa area and arrested over one thousand suspected illegal miners, including women and children. In the process, it is alleged some individuals were bitten by dogs and assaulted by police officers, while others sustained injuries from falling whilst attempting to flee the unleashed dogs.<sup>1</sup> The arrests were reportedly indiscriminate, with suspects complaining to lawyers that they had been arrested from the main road, their homes, the grazing fields, shopping centres and homesteads in and around the Chiadzwa area. Some of the accused persons have also alleged that their homes were forcefully opened and their money, possessions and groceries confiscated without lawful cause and without being recorded.

Accused persons were taken to various police holding cells where they were kept in crowded and filthy conditions for as long as 4 to 5 days before an initial court appearance. The holding cells' toilets, bathing facilities and food provisions ranged from inadequate to non-existent. Among the detainees were juveniles as young as 12 and 13 years of age, and elderly persons in their 60s.

When the individuals appeared in court, several had visible injuries and deep dog bites. No medical attention had been available to them for rabies or tetanus. A number required assistance to enter and leave the court.

In January 2009 the Government announced plans to relocate approximately 5000 families from the Chiadzwa area. No concrete plans have been made for adequate housing, water and sanitation in the area to which the families are to be relocated. While the community living near the diamond field may need to be relocated, they also have the right to adequate compensation for any losses incurred by the relocation, and to be provided with basic infrastructure in the area to which they are to be relocated.

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## **Criminal justice practices**

*State criminal justice policies can have a direct impact upon the enjoyment of economic, social and cultural rights. Poverty and marginalisation put individuals at greater risk for arrest and detention, which in turn puts them at greater risk of violence, including torture and other ill treatment. Harsh criminal justice policies that focus on punitive measures, rather than addressing these underlying economic and social inequalities, perpetuate this mutually reinforcing relationship between poverty and violence.*

### **Uruguay**

**Mr Diego Camaño, Instituto de Estudios Legales y Sociales del Uruguay**

Although Uruguay has a strong welfare and democratic tradition, over the past two decades criminal justice practices have become *themselves* a factor in discrimination and violence.

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<sup>1</sup> 'Diamonds in Chiadzwa' Zimbabwe Lawyers for Human Rights press release, 20 May 2008

Torture and other forms of ill treatment are suffered most by socially disadvantaged groups. As a consequence of the new role of the liberal State, by abandoning the 'old fashioned' concept of welfare, an important part of the population has become not only economically disadvantaged but also socially marginalized. Nowadays, criminal justice practices do not seem to be dealing with the situation of social exclusion. The response is not social but punitive measures.

In the past, Uruguay typically had a prison population of 2.000-2.500 people. Today we have more than 8.200 prisoners. In the past two decades the prison population has multiplied four times. This does not reflect a corresponding increase in crime rates but rather a preference for a punitive response. Harder legislation on crimes against property –mainly 'street crimes', the absence of effective alternatives to imprisonment, high rates of pre-trial detention, prison overcrowding and providing inhumane treatment, more violent action from the police, a harder response from judges – especially against crimes related to the use or trafficking of 'pasta base' - are some of the structural problems that have to be faced urgently. Our reality is showing that the use of torture and other forms of ill treatment is closely linked with a socially disadvantaged condition. Criminal justice practices themselves have come to be a fact of discrimination and a source of institutional violence and inequity.

## **Nigeria**

### **Mr Joseph Izibili, *Media Rights Agenda***

A large number of youths in the country have been driven to crime by extreme poverty and desperation. Incidences of armed robbery and kidnapping are now rampant around the country, especially in the Niger Delta region, resulting in dispossession, maiming, killing, assaults, rape and other forms of brutality.

The prisons and police detention centres are veritable theatres of torture and violence. Some of the reasons for this are the lack of strict observance of the rule of law, ignorance on the part of victims and security personnel, abuse of fire arms by security personnel, the lack of proper education or orientation for members of the police force, etc.

Nigerian prisons are not only over-populated, they are largely unfit for human dwelling. Rather than being reformative centres, they have become torture centres. Dilapidated prison structures, filthy environment and, most sadly, abuse of female inmates are common occurrences.

At the Kirikiri Prison in Lagos there are no less than 14 children and about seven pregnant inmates. According to recent media reports, some of these inmates are infected with the HIV/AIDS virus.

What is not clear is whether these female inmates were impregnated in police cells before they were taken to the prisons or while in prison custody. A prison official, who pleaded anonymity, claimed that the pregnant female inmates were brought into the prison already pregnant. A female inmate confirmed this, claiming that in some police stations, policemen harass and sexually assault female detainees in the police cell.

There are many cases of inmates awaiting trial who have been in prison custody for between 10 and 15 years.

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## **Ineffective State institutions**

*The absence of mechanisms addressing inequality, and of programmes to promote the enjoyment of economic, social and cultural rights, can in itself be a cause of violence. Even where the State has incorporated protections for economic, social and cultural rights into national law, a lack of enforcement mechanisms can mean that vulnerable populations are not ensured full enjoyment of these rights. Corruption and an ineffective judiciary often can result in violence and intimidation being used against those who speak out for economic, social and cultural rights with impunity.*

### **The Gambia**

#### ***African Centre for Democracy and Human Rights Studies***

Most of the fundamental human rights contained in the major international human rights documents are provided for by the 1997 Constitution of the Republic of The Gambia and some like the CRC and CEDAW have been domesticated into national laws or are in the process of being so. However, in areas where international laws have been ratified by The Gambia, reservations have been made on fundamental provisions making them subject to personal law. For example the right to non discrimination, when made subject to Islamic law which discriminates against women and children on aspects such as inheritance, has the effect of denying these vulnerable groups the rights which are sought to be protected by the instrument in the first place and which they are in so much need of protection.

Furthermore, there are several outdated laws and Decrees from the former military regime which still exist in the statute books and which are in violation of the constitution - like sedition, false publication, the death penalty, corporal punishment, and economic crimes - which have been successfully utilized against suspects time and time again despite their unconstitutionality.

There is widespread persecution and prosecution of certain professions and groups which speak out against the government and which advocate for socioeconomic and cultural rights. Journalists in particular have been targeted. There have been several laws passed in order to curb and regulate their activities through government agencies. They are now obliged to reveal their sources and have been prosecuted under laws that contravene the right to freedom of speech. They are constantly being arrested and detained arbitrarily without charge. There have been some disappearances and one murder of a journalist.

The Gambia being a Commonwealth country, international treaties do not have direct effect or applicability locally once signed and ratified. National legislation must be passed in order to make them enforceable in national courts. They do have limited persuasive authority, which progressive judges may utilize in the interpretation of national laws to give effect to international obligations, but this is rare. Especially when the independence of the judiciary is being gradually eroded by continued government interference in judicial decisions, lack of security of tenure for judges, internal corruption due to insufficient remuneration, incentives and many others unsatisfactory conditions of service.

### III. Special Procedures Mandate Holders

#### **An introduction to the special procedures by the UN Office of the High Commissioner for Human Rights<sup>2</sup>**

"Special procedures" is the general name given to the mechanisms established by the Commission on Human Rights and assumed by the Human Rights Council to address either specific country situations or thematic issues in all parts of the world. The Office of the High Commissioner for Human Rights provides these mechanisms with personnel, logistical and research assistance to support them in the discharge of their mandates.

Special procedures' mandates usually call on mandate holders to examine, monitor, advise, and publicly report on human rights situations in specific countries or territories, known as country mandates, or on major phenomena of human rights violations worldwide, known as thematic mandates. Various activities can be undertaken by special procedures, including responding to individual complaints, conducting studies, providing advice on technical cooperation at the country level, and engaging in general promotional activities.

Special procedures are either an individual (called "Special Rapporteur", "Special Representative of the Secretary-General", "Representative of the Secretary-General", "Representative of the Commission on Human Rights" or "Independent Expert") or a working group usually composed of five members (one from each region). The mandates of the special procedures are established and defined by the resolution creating them. Mandate-holders of the special procedures serve in their personal capacity, and do not receive salaries or any other financial retribution for their work. The independent status of the mandate-holders is crucial in order to be able to fulfil their functions in all impartiality.

This section provides a brief overview of the key issues addressed by each of the mandate holders, particularly as regards the link between the violation of economic, social and cultural rights and violence, including torture, and other cruel, inhuman or degrading treatment

**Ms. Catarina de Albuquerque, Independent Expert on the issue of Human Rights Obligations Related to Access to Safe Drinking Water and Sanitation**, emphasised that the lack of sanitation is not only an issue of health and human dignity, but is also linked to violence and violations of other economic, social and cultural rights. In places without sex-segregated toilet facilities, menstruating women and girls will avoid schools and hospitals, thereby missing out on health services and education. In villages and settlements without sewage and sanitation systems, women and children are vulnerable to attack and sexual violence when they leave the village to defecate. Ms. de Albuquerque acknowledged that practically all States, in particular developing countries, face many challenges in providing adequate water and sanitation services, and that even where governments have increased services population growth can outpace that expansion. However, some state obligations regarding sanitation and water, such as non-discrimination and the obligation to respect and protect access, are of an immediate nature. Hence, many of the human rights obligations related to access to safe drinking water and sanitation, can be implemented without significant expenditures by states. Even where expenditure is required, this proves to be an excellent investment, since for each USD invested for example in sanitation, on average there is a return of 9 USD in costs averted and productivity gained.

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<sup>2</sup> See "Special Procedures Assumed by the Human Rights Council", <http://www.ohchr.org/english/bodies/chr/special/index.htm>

**Dr. Yakin Ertürk, Special Rapporteur on violence against women, its causes and consequences,** stressed that states should not look only at violence against women in terms of victimisation, but must also empower women by addressing the conditions that keep women subordinate and dependent. Guaranteeing the social and economic rights of women is essential to prevent violence. Recent studies have shown a positive correlation between access to land (in subsistence societies) and jobs (in market economies) for women, and human rights: where women have some economic independence, they are better able to avoid or escape situations of domestic violence. Dr. Ertürk also stressed that violence against women is not about individual attitudes or actions, but a system of patriarchy that cuts across cultural, social and class lines. States must therefore address the legal and institutional factors that perpetuate gender inequality. She also drew attention to the situation of women in conflict and post-conflict societies. As legal and institutional protections degenerate for all during wartime, women are especially vulnerable to systemic victimisation, which is often an assumed and accepted part of war.

**Ms. Marta Santos Pais, Special Representative on Violence Against Children,** noted that violence and ill treatment towards children is linked to poverty and marginalisation. Lack of access to basic, quality social services for families in need is a global problem. In developed countries, approximately one-fifth of children are at heightened risk because of poverty, migrant or ethnic minority status. States often provide little or no support to these families despite the economic and social pressures they face. This lack of social services also means that young people do not feel empowered, and are labelled or made to feel more vulnerable if they do speak out against violence.

Ms. Santos Pais urges states to take a multidimensional approach to addressing violence against children. First and foremost, states should ensure that all economic and social actors, especially children themselves, are involved in planning and policy implementation. Accurate and reliable data collection systems should also be a priority. Registration at birth or soon thereafter of all children is important to ensure their legal status, and to simply have a record that the child was born and exists – an essential first step in accurate reporting of violence against children. In the area of health, education on both physical and psychological child health can prevent many abuses – Ms. Santos Pais cited female genital mutilation, Shaken Baby Syndrome, and banning married girls from schools as harmful practices that have been addressed through education. It is also crucial that protection centres for abused youth be carefully monitored to ensure that youth are not deprived of liberty nor subjected to further abuse.

**Ms. Leila Zerrougui, United Nations Deputy Special Representative of the Secretary-General for the Democratic Republic of Congo,** spoke of the link between armed conflict and economic, social and cultural rights. When government cannot deliver basic services, it is unable to prevent violence by armed groups. Corruption and nonpayment of salaries mean that police and government officials are helpless in the face of organised violence, and are often participants. Corruption can also lead not just to a lack of capacity, but to a lack of political will to address violence. Impunity is also an issue, as the government does not have the judicial and penal capacity to hold perpetrators of violence accountable. Human rights violations, particularly rape as a weapon of war, become widespread and systematic as it becomes clear that these crimes will go unpunished.

According to Ms. Zerrougui, strengthening Civil Society Organisations is the first step toward addressing these root causes. CSO can provide the government with valuable information on

conditions on the ground, as well as local and regional concerns within a country. International organisations also must focus on building up the justice system in conflict countries through trainings and technical assistance.

**Ms. Maria Magdalena Sepúlveda Carmona, Independent Expert on the Question of Human Rights and Extreme Poverty**, discussed her work on the relation between the enjoyment of human rights and poverty. As a result of their economic marginalisation, the poor also experience exclusion from the political system, putting them at risk for violations of their economic as well as civil and political rights. States must address this exclusion and find ways to include the impoverished in the political process. Likewise, in addressing poverty, special attention must be paid to the situation of women, children and the disabled in this context – these groups are not only at heightened risk of poverty, but also face additional discrimination and marginalisation.

States must also move away from a charity approach to poverty reduction, towards one based on rights and obligations under international law. Poverty is not an inevitable tragedy, but the consequence of acts or omissions by states and other actors. Cash transfer programs alone are often not sufficient to address the root causes of poverty. Ms. Sepúlveda cited the case of cash transfers in Ecuador. Even though a large number of the beneficiaries were Indigenous people, no attempt was made to provide them with information in their native languages. Additionally, the injection of cash through payments to individuals was seen as a threat to Indigenous ideals of collective labour and ownership. Rather than empowering beneficiaries, the program actually had a negative impact on the socio-cultural fabric of these indigenous communities.

Ms. Sepúlveda emphasised the importance of NGOs and grassroots organisations in guiding the work of Independent Experts and Special Procedures mandate holders: NGOs must orient and guide their work, while Mandate holders and Experts must in turn collaborate with NGOs and be open to their ideas and suggestions.

**Ms. Margaret Sekaggya, Special Rapporteur on the situation of human rights defenders**, noted that defenders working on economic, social and cultural rights are increasingly targeted, especially those that focus on issues related to trade unions, mining and oil. These rights defenders are intimidated, refused access to information, threatened, and killed, in many instances by their own governments or by non-State actors. The poor, indigenous communities and small landholders are particularly vulnerable to repression, and their voices all too often do not reach the international community.

The Mandate seeks to protect human rights defenders by increasing their visibility and drawing national and international attention to their repression. Ms. Sekaggya stressed the important role of local and regional NGOs in this process: while the Special Procedures system is able to disseminate information to an international network of journalists and organisations, local NGOs are relied upon for dissemination on the national and local level.

## IV. The Expert Contributions

**Mr. Yves Berthelot, President of OMCT and Former Executive Secretary of the Economic Commission for Europe**, spoke of the need to sensitise UN agencies and NGOs to the relationship between economic, social and cultural rights, and violations of civil and political rights, including torture. While the human rights community and UN human rights agencies are starting to see the link between the violation of economic, social and cultural rights and torture - through the repressive measures taken against those who defend these rights - agencies and NGOs working on development and civil and political rights often don't perceive a relationship.

There is also a global problem of acceptance of torture among the public. Because the victims of torture are mainly poor and marginalised members of society, middle and upper class members *de facto* accept such violence. Furthermore, many have accepted the argument that torture is necessary to prevent terrorism, keep order, or overcome resistance to development.

In addition, NGOs should focus on implementation of Human Rights Conventions and related national laws. Governments are more incline to create new laws in order to address rights violations than to implement those already in existence. Priority should be given to implementation and, in doing so, to the trial of those responsible for torture. Impunity delays progress in the fight against torture.

Finally, many people are simply not aware of their economic, social and cultural rights under international law. UN texts are dense, technical and hard to read. Mr. Berthelot recommended that the United Nations Non-Governmental Liaison Service takes the initiative with concerned UN Agencies or entities to have the key UN documents translated into correct and understandable, everyday language and to make them available to NGOs for dissemination.

**Mr. François Beaujolin, President of the Foundation for Human Rights at Work**, used participants' papers, and attempted to link the information into a global model.

### **The economic roots of political violence: proposition for a global model**

#### **1 – Victims of violence = some vulnerable groups**

Victims are:

- Women: high maternal mortality rates for young mothers / early forced childbearing (India), widowhood practices (Nigeria), domestic violence (Romania), mutilation (Egypt)
- Children: street children (Gambia), trafficking (Gambia, Romania), diseases (India), child labour (25% in most countries)
- But also: indigenous people (Peru, Brazil), homosexuals (Romania), Roma (Romania), internal migrants (China), the disabled (Afghanistan, China, Philippines), poor prisoners (Uruguay), the unemployed
- And – of course – journalists, activists, Human Rights activists (everywhere)

There are two main types of reasons for this focused violence: cultural and economic.

## ***2 – Cultural reasons***

In every country, it is possible to explain part of the violence towards these victims through cultural traditions:

- **Dominant male culture:** patriarchal society (Sierra Leone), widowhood practices (Nigeria), early marriage, circumcision;
- **Discrimination:** in all the countries.

These cultural factors are autonomous reasons explaining violence supported / organised / promoted by local political systems.

## ***3 – Economic reasons***

All participants presented economic reasons for violations of civil and political rights in their countries. These economic roots (B in chart) were clearly linked to violence, torture and impunity (1-civil rights in chart). Most of these economic roots deal with the control of major resources:

- Oil and minerals: Philippines, Zimbabwe, Peru, Sierra Leone, Nigeria, Gambia, Uganda
- Access to water: Peru, India,
- Access to land: Brazil, Cambodia, China, Uganda

The perpetrators of violence were easily identified: police, army, paramilitary, justice, civil warriors- all state actors.

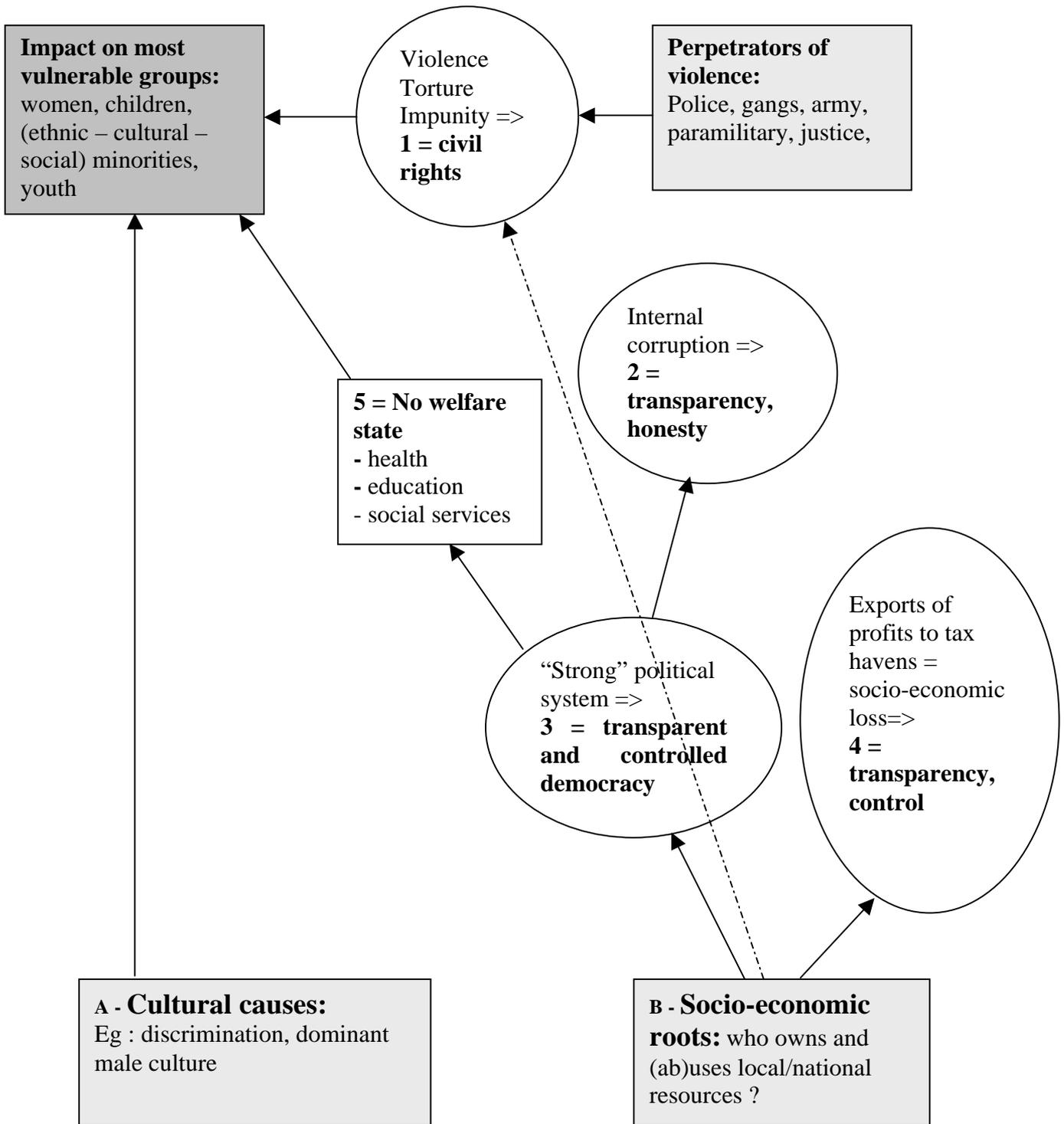
## ***4 – Towards a global model of explanation of the links between “economical reasons” and “violence towards vulnerable groups”***

The main features of this model could be:

- **Corruption (2 in chart):** all participants focused on local corruption by the State (police, administration, justice, etc.)
- **Strong political system (3 in chart):** links between the State – property owners – multinationals tend to be strong and resources are concentrated in the hands of a few. Government – parliament – justice – media are in the same hands and democratic separation of powers is rarely respected.
- **Diversion of capital (4 of chart):** an important part of GNP flows to tax havens.
  - The funds stolen by the political elites are not subject to taxation in the home country, nor are they reinvested in the country in which they were produced
  - In addition, capital leaves the country through external corruption.

This diversion represents at least 5% of GNP every year, compared to a typical annual growth rate of 5% to 8% in most countries. The money lost every year by these countries is 20 times more than the international aid they receive from the industrialised countries. 50 per cent of money earned around the world is held in tax havens. In spite of economic growth, “the poor are poorer” in developing countries, because most of the profit goes out of the country for the benefit of elites.

- **No welfare state (5 of chart):** the main impact of this outward flow is the absence of any welfare state: the victims are mainly the “most vulnerable groups”; and there is a need of political violence to unarm these groups to react to this “global system” of economical root causes of violence.



## IV. Conclusions

### Cross-cutting issues

Through presentation and discussion of their case studies, participants identified several cross-cutting issues. **Access to land and forced evictions** were major issues in nearly every country. In many instances, states were directly involved in land dispossession, and in all cases had failed in its obligations under international covenants to protect and respect land rights. Likewise, governments have failed to address **poverty, inequality and discrimination**.

Participants also drew attention to the heightened risk of violence against **women, children, the poor and other vulnerable groups**. In addition to their increased vulnerability, special attention must be paid to the specific effects of torture and violence on these populations, so that support can be tailored to their specific needs.

The primary obstacle to addressing violence and its economic, social and cultural root causes for participants was **poor implementation of existing legislation and obligations**. This often resulted from **corruption and impunity**, both among legislators and the judiciary. Even where domestic laws exist in addition to international obligations, an **ineffective judiciary** does not utilise or enforce them. Similarly, the **criminal justice system**, rather than serving a rehabilitative function, instead exacerbates economic and social inequalities and perpetuates the mutually reinforcing relationship between poverty and violence.

### Needs of NGOs in addressing the root causes

Participants discussed the support they needed to continue addressing the economic, social and cultural root causes of violence in their countries. Many expressed a desire for technical assistance. OMCT was called upon to provide manuals, trainings and practical advice to NGOs, as well as knowledge of and access to UN mechanisms and other international bodies. Funding was important and a major concern of all NGO representatives. While OMCT cannot provide financial assistance, in some instances it could recommend funders and donors, and serve as a liaison between NGOs and possible funders where it has an existing relationship.

The participants also stressed that the presentations from academics and the opportunity to dialogue with experts on the Special Procedures system were very helpful. OMCT can continue to provide such opportunities for cross-fertilisation between local and regional NGOs and international academics and experts.

In addition, OMCT can consolidate and disseminate the information and ideas collected during the Seminar. OMCT is well placed to inform UN agencies and committees on the link between economic, social and cultural rights and violence. It can also push for greater inclusion of grassroots organisations and local NGOs in the UN system.

### Next steps for NGOs

Having established a framework and concrete next steps for action files, complaints, and other interventions for submission to UN Special Procedures mandate holders, participants

recognised the need for follow-up and finalisation. With technical assistance from OMCT where needed, NGOs will gather additional information and refine the documents drafted at the Seminar. Where cases do not involve an urgent and discrete issue, participants will decide what format (press release, alternative report to treaty body) is most appropriate, and also choose a specific date or anniversary of significance to issue on which to issue the document.

Participants also recognised the need to utilise the media. By publicising issues and disseminating information to the general public, media coverage can put additional pressure on the government to act, and provide cover for human rights defenders and victims. NGOs should also prioritise follow-up with national and international authorities, and utilise the media to publicise government inaction.

NGOs can utilise the EU Guidelines on torture and other cruel, inhuman or degrading treatment to generate international interest and draw the attention of the EU and its member states to rights violations. Regarding the issue of land rights, the Special Rapporteur Guidelines on Evictions can be a useful tool in pressuring states to address land dispossession and forced evictions.

Protection of victims should also be a priority. NGOs must manage expectations of victims, and be realistic about the goals and likely results of interventions. They must also ensure victims receive support (psychological, social, etc.), not only to deal with the trauma of violence itself but also the additional trauma involved in sharing and publicising their stories.

It is also important that, in addition to submitting complaints, NGOs support the work of the Special Procedures mandate holders. The mandate holders all emphasised that they rely on local organisations for information and guidance when conducting country visits. NGOs therefore have an important role in connecting mandate holders with grassroots organisations and those affected. Where mandate holders are unable to arrange an official visit, NGOs can invite them to visit the country in an informal capacity.

## Appendix I: Programme of Work, 29 June – 3 July 2009

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### Monday 29 June

#### *Morning Session*

- Plenary: Welcome, introduction, participant introduction and setting objectives
- Plenary: Preparation for meetings with Special Procedures mandate holders and OHCHR staff
- Plenary: Setting the context: how disrespect for economic, social and cultural rights can lead to violence - Dr. Michael Miller, Director, Research and Development, OMCT

#### *Afternoon Session*

- Opening Ceremony – Ms. Anne-Laurence Lacroix, Deputy Secretary General, OMCT  
Ms. Mara Bustelo, Office of the High Commissioner for Human Rights
- Plenary: Influencing the UN system – Dr. Michael Miller
- Plenary: Presentation and discussion of participants' case studies
- Plenary: Introduction to the work of OMCT and meeting the staff

#### *Reception*

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### Tuesday 30 June

#### *Morning Session*

- Ms. Caterina de Albuquerque, Independent Expert on the issue of human rights obligations related to access to safe drinking water and sanitation
- Violations of economic, social and cultural rights: Necessity of a dialogue between development and human rights NGOs – Mr. Yves Berthelot, OMCT President and former Executive Secretary, Economic Commission for Europe
- Plenary: Presentation and discussion of participants' case studies

#### *Afternoon Session*

- Ms. Yakin Ertürk, Special Rapporteur on violence against women, its causes and consequences
  - Attendance at the 16<sup>th</sup> Annual Meeting of Special Procedures Mandate Holders, Palais Wilson
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### Wednesday 1 July

#### *Morning Session*

- Ms. Marta Santos Pais, Special Representative of the Secretary-General on violence against children
- Plenary: Presentation and discussion of participants' case studies

### *Afternoon Session*

- Ms. Leila Zerrougui, Deputy Special Representative of the Secretary-General in the Democratic Republic of the Congo and former Chairperson of the Working Group on Arbitrary Detention
  - Working Groups: Case studies – analysing the root causes
  - Midpoint evaluation
- 

## **Thursday 2 July**

### *Morning Session*

- Ms. Maria Magdalena Sepulveda, Independent Expert on human rights and extreme poverty
- Working groups: Case studies- developing recommendations and identifying addressees

### *Afternoon Session*

- Ms. Margaret Sekaggya, Special Rapporteur on the situation of human rights defenders
  - Plenary: reporting back on case studies
  - Individual work: preparing action files
  - Mr. François Beaujolin, President of the Foundation for Human Rights at Work
- 

## **Friday 3 July**

### *Morning Session*

- Individual work: Preparing action files
- Plenary: Reporting back on case studies
- Using the EU Guidelines on torture and other cruel, inhuman or degrading treatment – Ms. Anna-Lena Svensson-McCarthy, Director of Operations, OMCT

### *Afternoon Session*

- Plenary: Strengthening NGO work on the root causes – building a network support group
- Plenary: other key issues arising from the seminar
- Final evaluation, delivery of certificates and closure

## **Appendix II: Special procedures of the Commission on Human Rights - individual complaints**

*The following text comes from the website of the Office of the High Commissioner for Human Rights, [www.unhchr.ch/html/menu2/2/special-complaints.htm](http://www.unhchr.ch/html/menu2/2/special-complaints.htm)*

Some special procedures mechanisms intervene directly with Governments on specific allegations of violations of human rights that come within their mandates. The intervention can relate to a human rights violation that has already occurred, is ongoing, or which has a high risk of occurring. The process, in general, involves the sending of a letter to the concerned Government requesting information and comments on the allegation and that preventive or investigatory action to be taken.

The decision to intervene is at the discretion of the special procedure mandate holder and will depend on the various criteria established by him or her. The criteria will generally relate to: the reliability of the source and the credibility of information received; the detail provided; and the scope of the mandate itself. However, it must be emphasized that the criteria and the procedure involved in responding to an individual complaint vary, so it is necessary to submit a complaint in accordance with the specific requirements established by each special procedure.

The following minimum information must be provided for all special procedures in order for the complaint to be assessed:

- Identification of the alleged victim(s);
- Identification of the alleged perpetrators of the violation;
- Identification of the person(s) or organization(s) submitting the communication (this information will be kept confidential);
- Date and place of incident;
- A detailed description of the circumstances of the incident in which the alleged violation occurred.

Other details pertaining to the specific alleged violation may be required by the relevant thematic mandates (e.g. past and present places of detention of the victim; any medical certificate issued to the victim; identification of witnesses to the alleged violation; any measures undertaken to seek redress locally, etc.).

As a general rule, communications that contain abusive language or that are obviously politically motivated are not considered. Communications should describe the facts of the incident and the relevant details referred to above clearly and concisely.

To facilitate the examination of reported violations, questionnaires relating to several mandates are available to persons wishing to report cases of alleged violations. It should, however, be noted that communications are considered even when they are not submitted in the form of a questionnaire.

For specific information concerning the individual complaint procedures of each special procedure mandate please consult the thematic mandates or country mandates lists.

After consulting the requirements established by each mandate for the submission of individual complaints, a complaint can be submitted by fax to +41 22 917 90 06, by e-mail to [urgent-action@ohchr.org](mailto:urgent-action@ohchr.org), or by postal mail to:

**OHCHR-UNOG**  
**8-14 Avenue de la Paix**  
**1211 Geneva 10**  
**Switzerland**

Please specify which special procedure mechanism the complaint is addressed to in the subject line of the e-mail or fax, or on the cover of the envelope.

Guidelines and pre-prepared questionnaires are available for a number of mandates at the following web addresses:

**[Extrajudicial, summary or arbitrary executions](#)**

[www.unhchr.ch/html/menu2/7/b/execut/exe\\_info.htm](http://www.unhchr.ch/html/menu2/7/b/execut/exe_info.htm)

**[Violence against women](#)**

[www2.ohchr.org/english/issues/women/rapporteur/form.htm](http://www2.ohchr.org/english/issues/women/rapporteur/form.htm)

**[Arbitrary detention](#)**

[www.unhchr.ch/html/menu2/7/b/arb\\_det/ardintro.htm#question](http://www.unhchr.ch/html/menu2/7/b/arb_det/ardintro.htm#question)

**[Enforced or involuntary disappearances of persons](#)**

[www.unhchr.ch/html/menu2/7/b/disappea/explanote.htm](http://www.unhchr.ch/html/menu2/7/b/disappea/explanote.htm)

**[Promotion and protection of the right to freedom of opinion and expression](#)**

[www2.unhchr.org/english/issues/opinion/complaints.htm](http://www2.unhchr.org/english/issues/opinion/complaints.htm)

**[Sale of children, child prostitution and child pornography](#)**

[www.unhchr.ch/children/contact.htm](http://www.unhchr.ch/children/contact.htm)

**[Torture](#)**

[www.unhchr.ch/html/menu2/7/b/torture/torquest.htm](http://www.unhchr.ch/html/menu2/7/b/torture/torquest.htm)

**[Human rights defenders](#)**

[www.unhchr.ch/html/menu2/7/b/mdefguide.htm](http://www.unhchr.ch/html/menu2/7/b/mdefguide.htm)

## **Appendix III: The Economic Roots of Relativism: An analysis on the basis of OMCT experience**

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*A three-year project, funded by the European Union<sup>3</sup> and aimed at addressing the economic, social and cultural root causes of violence, is permitting OMCT to focus on the link between economic interests and the incidence of various forms of violence, including torture. A number of cases addressed by OMCT offer a striking illustration of the extent to which states are prepared to violate human rights - or stand by as others violate these rights – in order to promote or facilitate economic development. OMCT's aim in addressing these cases is not to challenge the right of states to pursue development goals or make use of the resources within their territory, but rather to ensure that this is done in the full respect of human rights.*

*All cases referred to in this paper are available on OMCT's website: [www.omct.org](http://www.omct.org)*

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Economic development is all too often regarded by states as an imperative that may involve, or even require, the abuse of human rights, including the use of torture and other forms of cruel, inhuman or degrading treatment or punishment. In many cases, the target of these abuses are individuals or communities who express their opposition to development projects because such projects compromise their way of life or their standard of living. Often the issue at stake is access to the land on which they rely for their livelihoods or, in the case of indigenous communities, from which they also draw their identity. Protests may also arise as a result of concerns over the health implications of certain industrial activities or their environmental impact, or because communities have been excluded from meaningful consultation or denied adequate compensation for the use of their land and resources. And violence is not only directed against those who seek to oppose certain economic projects or influence their form. It is also frequently employed as a means to protect economic interests from industrial unrest provoked by low wages, poor working conditions or restrictions on labour rights.

In some situations the state is the direct perpetrator of human rights abuses, as in the case of the suppression of opposition to the Merowe and Kajbar Dams in Sudan (SDN 301107.ESCR: Ongoing violence against communities resisting dam construction in the Northern Nile Valley, Sudan). In others, like the shooting of the anti-mine activists in front of the offices of a mine jointly owned by Pelican Resources and Sibuyan Nickel Properties Development Corporation in the Philippines (PHL 121207.ESCR: Mining activity on Sibuyan Island, Romblon Province, the Philippines, must be halted to prevent further killings and violence), the direct perpetrator is a non-state actor. In such cases, the state's responsibility lies in its omission to adequately protect its citizens, punish the perpetrator and sanction the companies involved.

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<sup>3</sup> The European Commission, within the framework of the European Initiative for Democracy and Human Rights (EIDHR) provides substantial funding for the core activities of the project for the period 2007-2009. OMCT also receives support from the Karl Popper Foundation, the Interchurch Organisation for Development Cooperation and the Fondation pour les droits de l'homme au travail.

These two cases also illustrate that while the ideology fuelling the drive toward development may be different, the result in terms of human rights abuses is often the same. The incident in the Philippines took place in an economic and political context characterised by an unqualified commitment to trade liberalisation intended to attract foreign capital and accelerate domestic economic development. This approach has seen the establishment of export economic zones, where workers' rights are pared down to a minimum (in the Philippines, as elsewhere, such zones are perhaps one of the most explicit expressions of a state's conviction that human rights present an obstacle to effective development). At the same time, around the country, trade union leaders, labour activists and others who seek to defend economic, social and cultural rights become the targets of harassment, intimidation, abduction, torture and assassination by both state and non-state actors.

In Sudan, the impetus for economic development is more closely tied to bilateral geopolitical interests and, specifically, to trade links with China based on a mutually advantageous exchange of oil and arms. Indeed, China is responsible for providing the majority of the financial backing, as well as the technical expertise for Sudan's hydroelectric developments (although a number of European companies are also involved in supplying parts).

The victims of torture or other forms of violence that result from the primacy of economic interests are frequently those who have least means to express their opposition to development projects, and whose capacity to reach a negotiated resolution is most limited. This is clearly illustrated by the case of a *dalit* village in India's Tamil Nadu State (IND 041007.ESCR: Violence against and harassment of *dalit* villagers involved in peaceful protest, Tamil Nadu State, India). Here, the failure of the owner of a nearby aquaculture business to respect clearly established industry norms has had direct consequences for the health and livelihood of the villagers. When these villagers sought to protest against the harmful impact of the aquaculture farm, they were subjected to police violence and harassment and had false charges of a serious nature brought against them by the owner of this farm. Sadly, the elements of this case from Tamil Nadu are replicated around the world, among marginalised communities that lack the economic and political influence to shape development policies or to avoid their damaging effects.

Strong as economic imperatives may be, they do not always prevail, as illustrated by the case of the project for an open-pit coal mine in Phulbari, in the Dinajpur District of Bangladesh (BGD 211207.ESCR: Risk of violent suppression of public opposition to the Phulbari coal mine project, Dinajpur District, Bangladesh). The development rights for this ambitious project are owned by GCM Resources, a British mining company. Until recently, this project has also enjoyed the financial support of the Asian Development Bank (ADB) and several commercial banks (including UBS, Credit Suisse and Barclays). At the same time, however, the Phulbari project has generated widespread opposition due to its environmental impact and its potential negative effects on the socio-economic wellbeing of the population affected (estimates range from 50,000 to 500,000 persons). A public demonstration against the mine in 2006 saw at least five persons killed and fifty others injured by the police and personnel of the Bangladesh Rifles. OMCT contacted the Government of Bangladesh, GCM Resources, the Asian Development Bank, the financial institutions involved, UN special procedures mandate holders and the European Parliament to express its deep concern at the risk of further violence associated with the project, and insisting that a decision on the future of the Phulbari mine should only be taken once a thorough, transparent and independent investigation into its human and environmental impact has been carried out, with the full and informed participation of all local communities.

In February 2008, at the invitation of GCM Resources, OMCT staff met with the company's Sustainable Development Manager in Geneva to discuss the issues of concern. In early April 2008, OMCT learned that the Asian Development Bank had decided to suspend its support for the project. In a statement, the Bank said,

*We think it is premature to continue dialogue with the private sector under current circumstances. So, at this stage we are open to suggestions of the government of Bangladesh, civil society and other stakeholders and prepared to review our engagement in this project to ensure that all sensitivities, including concerns relating to safeguard issues, are fully considered.*<sup>4</sup>

In June 2008 it was announced that Barclays Bank had sold its shares in GCM Resources. The Royal Bank of Scotland followed suit in October.

These decisions bear testament to the potential of concerted civil society action to influence an issue with serious human rights implications and, ultimately, they suggest that the primacy of economic interests, while not easily challenged, is not necessarily absolute.

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<sup>4</sup> See <http://www.guardian.co.uk/business/2008/apr/06/mining.bangladesh>

## Appendix IV: Summary of seminar evaluations

### I. Summary of written evaluations

#### Content and organisation of seminar

	Good	Average	Poor
Adequacy of substantive material and information provided prior to seminar	77%	23%	
Clarity of seminar aims and objectives	92%	8%	
Quality and pertinence of presentations by invited speakers	77%	23%	
Quality of background documentation provided during seminar	83%	17%	
Organisation of time	77%	33%	
Management of discussions	77%	33%	
Overall length of meeting	77%	15%	8%
Benefit of collective reflection and experience sharing	92%	8%	
Achievement of personal aims and objectives	92%	8%	
Achievement of seminar aims and objectives	92%	8%	
Clarity regarding next steps	92%	8%	
Overall usefulness of seminar	92%	8%	
<b>SUMMARY</b>	<b>85%</b>	<b>14%</b>	<b>1%</b>

#### Administration and logistics

Provision of practical information (hotels, flights etc)	100%		
Administrative support	100%		
Suitability of venue	85%	15%	
<b>SUMMARY</b>	<b>95%</b>	<b>5%</b>	

### II. Comments

- Need to provide electric fan.
- Consolidate the body of knowledge/experience in ESCR and Violence by lobbying for a) General Comment on ESCR & Violence for UNCESCR, and b) UN Resolution.
- Scale up the "culture of social dialogue" at the UN, regional and national levels
- Employment of the "bottom up" approach in all endeavours
- The seminar has been empowering with practical tools to use to engage with the UN treaty bodies mechanism and special rapporteurs/independent experts. Developing case studies to be used in the complaints mechanisms is a very effective tool in capacity building to use these mechanisms. However, it will be more prudent for the

proposed case studies to be distributed before participants arrive if that's possible to allow a better digestion of the issues being raised in the various cases.

- Thank you for the great job! The staff is great and they are very good experts, the organisation was excellent.
- The workshop was fully aligned with the expectations we expressed at the start of the program. I would like to thank OMCT's facilitator team for their efforts and hard work to make the workshop a success.
- Wonderful event. It was very inspiring.
- Send the participants' papers prior to the seminar
- Each day, have five minutes for each participant for free speech
- Great seminar. Gained a lot of knowledge of the UN Special Procedures and how to use them.
- It is time well spent and crucial for my organisational strengthening. Emphatically appreciated the collegiality of OMCT team.
- Should have institutional visit, like international NGOs, related to the topic
- Presentation of cases should begin in group work as this is more beneficial than plenary presentation.
- The seminar was highly effective in examining the link between ESC rights and violence and torture. The experiences shared and knowledge gained will be beneficial to my work.
- It was so interesting. All of those involved had a friendly time. Working hard was at the same time so nice. The challenge to you is to not lose this experience.