

**Poverty, Inequality and Torture:
Addressing the economic, social and cultural root causes of violence
through the UN Special Procedures System**

Invitation to nominate participants
for the 2007 Special Procedures Seminar

OMCT's research and publications have demonstrated the causal link between policies, programmes and project that violate economic, social and cultural rights and torture, cruel, inhuman and degrading treatment, criminal violence and domestic violence (see annex for examples and the OMCT publication, "Attacking the Root Causes of Torture Poverty, Inequality and Violence An Interdisciplinary Study" www.omct.org).

What are the policies, programmes and project in your country that are causing or risk causing the poverty and inequality that leads to violence?

How can the mandates of the UN Special Procedures System help address the economic, social and cultural root causes of torture and other forms of violence in your country? (<http://www.ohchr.org/english/bodies/chr/special/index.htm>)

What do you need to do on the national level to effectively address those root causes and what can the Special Procedures Mandate Holders do to improve their impact on those root causes?

These are some of the questions that will be addressed by the 15 NGO representatives and experts at the 2007 Special Procedures Seminar to take place in Geneva from 18 to 22 June, 2007 in parallel with the annual meeting of Special Procedures Mandate Holders.

The seminar, which will take place in English, is part of the project "Preventing Torture and other forms of violence by acting on their economic, social and cultural root causes" being carried out by OMCT with the support of the European Union.

Participants will be selected from the NGO nominations received by OMCT on the basis of the relevance their input would have to addressing the questions above. Participants selected will be asked to prepare and submit in advance a paper of from 5 to 10 pages analysing the situation in their country with regard to the three questions above. OMCT will cover travel costs and living expenses in accordance with OMCT established practice.

If your organisation would like to nominate a participant, please submit the nomination to OMCT prior to Monday, 7 May 2007 and include a short explanation of the relevance of participation in the seminar to your organisation's work. Organisations that have or are establishing a working relationship with NGOs active in the fields of economic, social and cultural rights and development are encouraged to apply. Participants who have been selected will be informed by 11 May 2007.

Nominations should be sent to Tom McCarthy tmc@omct.org or by fax to +41 22 809 49 29

Geneva, 17 April 2007

Annex

How torture and other forms of violence are related to disrespect for economic, social and cultural rights

There are many ways in which torture and cruel, inhuman and degrading treatment or punishment and other forms of violence are related to economic, social and cultural rights and through which action can be taken to reduce or eliminate violence. Some major ways can be listed as follows:

The poor, excluded and other vulnerable groups are often the first and most numerous victims of violence, including torture and cruel, inhuman and degrading treatment, as well as violence against women and children, because of their vulnerability and because their poverty does not allow them to defend themselves and demand their rights

Effective prevention of violence in this context will require that the vulnerable groups and situations of vulnerability be identified, for example, poor slum communities, minorities or other marginalized groups. In these situations affirmative preventive action will have to be taken, for example, through special police training or education, monitoring by the authorities of the conduct of police and others, and special attention by the authorities to ensure that vulnerable communities are legally recognized, protected and receive basic public services.¹

Violence is inflicted on persons because they demand respect for economic, social or cultural rights.

Trade unionists, workers, human rights defenders and citizens in general in the exercise of their legitimate human right to demonstrate, strike or otherwise claim respect for basic economic, social or cultural human rights often are subject to violent attacks by official and private forces. Arrested, they also risk being subjected to cruel, inhuman and degrading treatment and even torture.²

Denials of economic, social and cultural rights carried out so violently as to be considered ill-treatment under international treaties

Economic, social and cultural rights can be denied in such a brutal fashion as to amount to cruel, inhuman and degrading treatment. The Committee against Torture in 2002 found that the violent way in which Roma were evicted from their homes, and their dwellings destroyed and burned in the former Yugoslavia constituted acts of cruel, inhuman or degrading treatment in violation of the Convention Against Torture. Although the destruction was carried out by private individuals, because the authorities acquiesced in the destruction, the Committee found that the State Party was responsible for the violations of the Convention.³ Similar conclusions were reached by the European Court of Human Rights in the Selcuk and Asker case.⁴

¹ See for example the Argentine case study “The Village” in the OMCT study “Attacking the Root Causes of Torture: Poverty, Inequality and Violence – An Interdisciplinary Study”. www.omct.org

² For a more detailed description see the Paper OMCT Presented to the United Nations Committee against Torture “Torture and violations of Economic, Social and Cultural Rights : Appraisal of the Link and Relevance to the Work of the United Nations Committee Against Torture”, OMCT Geneva (November 2001), in particular sections 2 & 3.

³ United Nations Committee Against Torture, Communication No 161/2000: Yugoslavia, submitted by Hajrizi Dzemajl. Document CAT/C/29/D/161/2000

⁴ For a description of this case as well as other jurisprudence in this area and a discussion of the justiciability of economic, social and cultural rights, see chapter 14 of the manual of the United Nations Office of the High Commissioner for Human Rights and the International Bar Association, *Professional Training Series No. 9, Human Rights in the Administration of Justice, a Manual on Human Rights for Judges, Prosecutors and Lawyers*.

Violations of economic, social or cultural rights which can be characterized as cruel, inhuman and degrading treatment, or a denial of the right to life

The European Court of Human Rights has recognized that a State's failure to ensure safe housing can, in certain circumstances, render it responsible for a violation to the right to life. While the decision did not deal with an issue of torture or other ill-treatment directly, it does illustrate an important way States can be made responsible for failure to respect economic, social and cultural rights.⁵

Policies and programmes by governments, private actors or development and financial institutions can increase poverty and inequalities that can lead to increased official violence, criminal violence and domestic violence

The OMCT study "Attacking the Root Causes of Torture: Poverty, Inequality and Violence – An Interdisciplinary Study"⁶ contains examples of public policies in the economic and social fields that directly increased poverty and inequality in large sectors of the society which, in turn, resulted in a very significant increase in violence, including ill-treatment and torture.⁷ Similar links have been reported by other sources, including the United Nations Special Rapporteur on the question of Torture.⁸ NGOs have, on occasion, acted successfully to modify or stop projects which threatened a broad range of human rights.

State responsibility

Economic, social and cultural rights are "real" human rights, that is, in many cases they are subject to enforcement by courts, they are justiciable. Courts on the national level are increasingly enforcing economic, social and cultural rights in ways similar to civil and political rights as are international monitoring organs, as the cases mentioned above illustrate.⁹ There are a number of issues which international and national monitoring or enforcement organs take into account in establishing state responsibility for violence which results from failure to respect economic, social and cultural rights.¹⁰

NGOs can make a difference

Participants in the international conference reported a growing realization that NGO, through complaints, advocacy, lobbying and information campaigns can be effective in changing policies and programmes which pose a threat to economic and social rights and thus reduce the risks of torture, ill-treatment and other forms of violence including violence against women and children.

Geneva, www.ohchr.org

⁵ Eur.Court HR, *Case of Öneriyildiz v. Turkey*, judgement of 18 June 2002

⁶ www.omct.org

⁷ See in particular, the chapters and case studies relating to Argentina, Egypt, Nepal and Uzbekistan.

⁸ See section 3 of the OMCT Paper Presented to the United Nations Committee Against Torture "Torture and violations of Economic, Social and Cultural Rights : Appraisal of the Link and Relevance to the Work of the United Nations Committee Against Torture", OMCT Geneva (November 2001)

⁹ For a discussion of the justiciability issue, see Chapter 14 of the above-mentioned *Manual on Human Rights for Judges, Prosecutors and Lawyers*. For national and international jurisprudence on the right to housing, see the case law database at www.cohre.org

¹⁰ See the above-mentioned *Manual on Human Rights for Judges, Prosecutors and Lawyers*.