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PROMOTION AND PROTECTION OF ALL HUMAN RIGHTS, CIVIL, POLITICAL, ECONOMIC, SOCIAL AND CULTURAL RIGHTS, INCLUDING THE RIGHT TO DEVELOPMENT

**Written statement* submitted by the World Organization Against Torture,
a non-governmental organization in special consultative status**

The Secretary-General has received the following written statement which is
circulated in accordance with Economic and Social Council resolution 1996/31.

[20 February 2008]

* This written statement is issued, unedited, in the language(s) received from the
submitting non-governmental organization(s).

The economic, social and cultural root causes of torture and other forms of violence

The World Organisation Against Torture (OMCT) wishes to recall that torture and cruel, inhuman and degrading treatment or punishment and other forms of violence are related in many ways to disrespect for economic, social and cultural rights.¹ If, therefore, these phenomena are to be effectively eliminated, then their economic, social and cultural root causes must be, first, understood and, secondly, effectively addressed.²

The converse equally applies: acting to reduce levels of violence in a given society is a fundamental step toward ensuring the widespread enjoyment of economic, social and cultural rights. Conflict and lack of security expose citizens to situations that severely impede their possibility of escaping from poverty, of working in just and favourable conditions, of providing care and education to their children and enjoying an adequate standard of living and the highest attainable standard of health.

OMCT believes that the Human Rights Council has a key role in promoting an understanding of the ways in which torture and other forms of violence are related to the denial of economic, social and cultural rights, and that this, in turn, is a crucial first step in identifying the areas in which strategic action can be undertaken to reduce or eliminate this violence.

OMCT wishes to recall some of the specific ways in which torture and other forms of violence are linked to the denial of economic, social and cultural rights:

- 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;
- levels of violence in a given community or society can be such that individuals or groups are unable to enjoy their economic, social and cultural rights;
- violence is inflicted on persons because they demand respect for economic, social or cultural rights – their own or those of others;
- denials of economic, social and cultural rights are carried out so violently as to be considered ill-treatment under international treaties;
- certain violations of economic, social or cultural rights can be characterized as cruel, inhuman and degrading treatment, or in some cases as a denial of the right to life;
- policies and programmes by governments, private actors or development and financial institutions can exacerbate poverty and inequalities and lead to increased levels of official, criminal and domestic violence.

Mainstreaming the analysis of the economic, social and cultural root causes of torture and other forms of violence in the work of the UN Special Mechanisms

OMCT draws attention to the explicit recognition of the link between violence and the denial of economic, social and cultural rights made in a number of the reports submitted to the seventh session of the Council by the Special Representatives, Special Rapporteurs, Independent Experts and Working Groups under Item 3.

In particular, OMCT draws attention to the recommendation of the Working Group on Enforced or Involuntary Disappearances in connection with the prevention of disappearances: *“The Working Group is convinced that well-thought out policies and actions directed at breaking the vicious cycle of increasing poverty that gives rise to conflict are among the essential preventive measures to consider in this regard.”*

(A/HRC/7/2 §429). Likewise, the Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of people to self-determination makes an explicit observation regarding the macro-economic root causes of the privatization of violence: “*The globalization of the world economy and the shifting from centralised government to diffused ‘governance’ or ‘ungovernance’, together with the downsizing of regular armed forces of States, which have had important reductions in the public sector in developed and developing countries are some of the causes behind the rapid development of the privatization of violence.*” (A/HRC/7/7 §24). The same Working Group also notes that, “[t]he majority of third-country nationals have accepted jobs as ‘private security guards’ for socio-economic reasons such as unemployment, debts or to provide a better education to their children, and other opportunities.” (A/HRC/7/7 §41).

The Special Rapporteur on the right to food provides specific examples of violence generated around issues of access to land and the development of agro-industry in both Brazil and Colombia. In the latter, military and paramilitary groups are also reported to restrict transport of food and other goods in and out of “humanitarian zones” declared by displaced communities (A/HRC/7/5 §14 & 57).

In his report, the Special Rapporteur on torture and other cruel, inhuman and degrading treatment or punishment (who, on International Human Rights Day 2007, joined other special procedures mandate holders to call upon States to address poverty with the utmost urgency) observes that a victim of rape may be rejected or formally banished from her community or family, an act that “*often condemns her to destitution or extreme poverty.*” (A/HRC/7/3 §36). The Special Rapporteur also draws attention in his report to the importance of promoting special temporary measures to ensure effective access to justice for women with respect to all forms of violence, “*including through the enjoyment of fundamental economic and social rights, without which women are less likely to seek justice.*” (A/HRC/7/3 §61). Also with respect to women, the Special Rapporteur on violence against women, its causes and consequences recalls in her report “[...] *how violence narrows women’s and girls’ enjoyment of fundamental rights and freedoms in public and private life, including with respect to social inclusion and livelihoods.*” (A/HRC/7/6 §48).

As regards sexual abuse and violence in detention, the Working Group on arbitrary detention underlines that, “*certain vulnerable groups of detainees and prisoners are specifically susceptible to sexual violence by co-inmates and prison staff, including young women, minors, non-citizens, the poor, mentally disabled, indigenous people, and vulnerable men.*” (A/HRC/7/4 §55).

Finally, the Special Representative of the Secretary-General on human rights defenders, calls attention to the fact that those who seek to defend economic, social and cultural rights, together with those who work on the rights of indigenous peoples and minorities and those defending the rights of LGBT persons, “[...] *enjoy less protection, are more at risk of violations, or both.*” (A/HRC/7/28 §65).

OMCT welcomes the growing importance given to the economic, social and cultural root causes of torture and other forms of violence by mandate holders of the UN Special Mechanisms and encourages these mandate holders to continue to explore this theme. OMCT also expresses its thanks for the important contribution of several mandate holders

to the organisation's 2007 seminar on "Poverty, Inequality and Torture: Addressing the Economic, Social and Cultural Root Causes of Violence through the UN Special Procedures" which brought together NGOs from 14 countries around the world..

Recommendations

Without addressing the specificities of the situation of those who experience extreme poverty and marginalisation, progress on the elimination of torture and other forms of violence will remain limited. OMCT therefore urges the Human Rights Council to incorporate such a perspective in its consideration of all relevant issues, be they thematic or country-related.

Specifically, OMCT recommends that members of the Human Rights Council:

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

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¹ See OMCT, *Attacking the Root Causes of Torture: Poverty, Inequality and Violence – An Interdisciplinary Study*, Geneva, 2006, www.omct.org. In his role as UN Special Rapporteur on the Question of Torture, Sir Nigel Rodley noted, "As long as national societies and indeed the international community fail to address the problems of the poor, the marginalized and the vulnerable, they are indirectly and, as far as the risk of torture is concerned, directly contributing to the vicious circle of brutalisation that is a blot on and a threat to our aspirations for a life of dignity and respect for all", UN Doc.A/55/290, Report of the Secretary-General transmitting the Report of the Special Rapporteur of the Commission on Human Rights on the question of torture and other cruel, inhuman or degrading treatment or punishment, 11 August 2000, §37.

² Of course, many other measures must be taken to eliminate torture in addition to addressing its economic, social and cultural root causes. These are dealt with in OMCT-sponsored alternative reports to the Human Rights Committee, the Committee Against Torture, the Committee on the Rights of the Child and the Committee on the Elimination of Discrimination Against Women.