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OMCT Presentation

to the

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Introduction

1. OMCT welcomes the opportunity to contribute to the Expert Seminar: Extreme Poverty and Human Rights and especially to the objective of the Independent Expert to have the international community accept that the eradication of extreme poverty is a human rights obligation. This realization will add force to the ethical arguments of all those throughout the world who fight daily against poverty. It will also permit a clearer understanding of how failures to respect human rights define the very nature of extreme poverty and in turn how respect for all human rights must be at the heart of project and programmes aimed at the eradication of extreme poverty.
2. The Independent Expert has made many very important contributions to our understanding of extreme poverty through his two reports and the reports on his country visits. Building on the work carried out within the United Nations Human Rights Programme since 1987 he has developed precise suggestions for action which aim at taking the issue forward through concrete step.
3. For its part, OMCT, almost since its inception in the mid 1980s has focussed attention on the economic, social and cultural root causes of torture and cruel, inhuman and degrading treatment and issues relating to the rights to development. This has been a constant theme in OMCT's work and most recently from 2003 to 2006 OMCT carried out an interdisciplinary research project aimed at identifying the economic, social and cultural root causes of torture. This gave rise to the publication "*Attacking the Root Causes of Torture: Poverty, Inequality and Violence, An interdisciplinary Study*" which is a revised and edited version of the study presented to the International Conference "Poverty, Inequality and Violence: Is there a human rights response?" which took place from 4 to 6 October 2005 in Geneva.
4. The study includes a number of case studies prepared on the basis of research carried out by OMCT national partner NGOs in the country concerned. The case studies permit us to see clearly the human rights components of poverty and extreme poverty and provide ideas for human rights responses to extreme poverty. They join the information and examples in the Independent Experts reports.
5. The **Argentine** case study examines the violence inflicted on residents of a shantytown near Buenos Aires. It is interesting to note that it provides examples of the ways used by victims of institutional violence to defend themselves against abuses, to confront State authorities with their demands, to insist on the respect of their rights, and to eventually reduce State and non-State violence and improve their living conditions.
6. The **Egyptian** case studies offer a detailed examination of the impact of agrarian reform on two villages from the point of view of human rights and violence. The violent implementation of land reform legislation is described, as is its negative impact on the living conditions of farmers. The study reveals that many peasants were injured or killed in attempts by the police to uproot them from their land. Protests by those affected were met with official and private violence

including murders (revenge, beating to death, suicides), torture, ill-treatment, killings and executions, collective punishment, destruction of crops, repeated or almost continuous detention, enforced disappearances, armed robbery, as well as violence against children (at home, at work and in schools), women (at home, at work and in public) and various other social groups.

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

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

9. The full text of these case studies is annexed to this document. The study also contains a chapter analysing data on how women's property ownership and access to resources affected domestic violence in South Africa. The ownership of the home and control by women of bank accounts and other resources reduces the risk of domestic violence. Another chapter examines the relationship between the increase in socio-economic hardship and violence during a recent recession in the developed economy of Sweden. That study shows, inter alia, that when access to resources of poor single mothers is limited and that is combined with isolation, no friends etc, their risk of violence is greater than for single mothers who have only problems of access to resources.

Some conclusions from the case studies

10. The poverty and extreme poverty in which the persons described in the case studies lived was clearly conditioned both over the long term and immediately by lack of access to resources-education, health, housing, work, etc. However, one controlling element in all the case studies was the lack of existence of these people in the legal, political and social system; they were excluded by not being considered human. Their inherent dignity was systematically denied by the police and in the judicial and political system and in their relations with other people. The key role of this in poverty and extreme poverty is shown in the Argentina case study; when the people in "The Village", with the help of persons from outside, achieved recognition of their existence by the political authorities, and thus police, the situation began to change. In the case of Nepal also, change began to be possible when the political system began to recognize the Kamaiya bonded labourers as human beings.

11. The case studies also describe the great efforts the poor and excluded make each day to survive and the fact that their exclusion and the non-recognition of their existence robs them of

much of the fruits of their work. In addition, as the Kamaiya and Argentine cases show, the way forward involves the crucial knowledge that the poor have of their situation and what must be done and their involvement in what is to be done, although this presents certain challenges.

What is extreme poverty?

12. The interdisciplinary study *“Attacking the Root Causes of Torture: Poverty, Inequality and Violence*, as a whole and the case studies in particular confirm the definition of the poor and extremely poor developed in the Independent Expert’s 2005 and 2006 reports and in earlier OHCHR studies. In 1996 the Special Rapporteur, Leandro Despouy, basing himself on the information he had collected on what it is like to live in extreme poverty found that “... extreme poverty involves the denial, not of a single or a given category of rights, but of human rights as a whole.” He thus defined extreme poverty as;

“...an accumulation of mutually reinforcing misfortunes: poor living conditions, insalubrious housing, unemployment, ill health, lack of education, marginalization, etc., a veritable “horizontal vicious circle” of poverty, to use the words of those concerned.”¹.

In this definition as in the Independent Expert’s we have a boundary across which we move from poverty to extreme poverty, the latter having multiple dimensions, a persistent nature with those living in extreme poverty having difficulties exercising their rights and assuming their responsibilities independently of others.

Extreme poverty; implications for action

13. As we explore the ways in which the international community and all member States could take up the obligations for removing extreme poverty as part of their human rights obligations, the human rights elements inherent in extreme poverty require specific responses on the part of those involved in the abolition of poverty. Some elements are as follows.

The extremely poor are invisible and are not reached

14. The UN report “Extreme poverty and human rights” described the reasons that the extremely poor do not enter into official data collection, among them that they are not contacted, the parameters used are inappropriate and lack of interest in the extremely poor ². UNICEF, for its part, recognized the difficulty of reaching the poorest: “the challenge of reaching the very poorest is the greatest challenge in social development” and that: “when efforts are in fact made to reach them, these efforts are on a very small scale and “have often failed to reach substantial numbers among the very poorest groups”.³ For the World Bank,

“The poorest are in such a state of deprivation that traditional policies which may be effective for the poor may not work for the poorest. Helping the poorest emerge from extreme poverty requires extra public resources and time. At the grass roots level,

¹ Final report on human rights and extreme poverty, submitted by the Special rapporteur Mr. Leandro Despouy, E/CN.4/Sub. 2/ 1996/13 paras. 175-177

² Despouy report, supra paras. 63-70

³ Supra, Reaching the Poorest, page 6

standing by the poorest for sufficiently long periods of time also requires special commitment and faith in their ability to build a better life for themselves.”⁴

See also Annex B.

Extreme poverty and exclusion exist in developed and developing countries

15. The Committee on Economic, Social and Cultural Rights in its statement on poverty recognized that:

“Poverty is not confined to developing countries and societies in transition, it is a global phenomenon experienced in varying degrees by all States. Many developed States have impoverished groups, such as minorities or indigenous peoples, within their jurisdictions. Also, within many rich countries there are rural and urban areas where people live in appalling conditions - pockets of poverty amid wealth.”⁵

Many examples are available of extreme poverty and exclusion in developed countries.⁶

Success depends upon including the poor

16. Recognizing the role of the poor as “knowledge producers” is essential. The Committee on Economic, Social and Cultural Rights stated: “in the Committee’s experience, a policy or programme that is formulated without the active and informed participation of those affected is most unlikely to be effective.”⁷ Numerous examples exist of projects that have not been successful because they did not take into consideration the reality lived by the poor. Moreover, certain projects aimed at reducing poverty actually increase extreme poverty for that very reason. (See Annex B).

17. Creating dialogue and partnerships with the poorest in achieving sustainable development is necessary for the following three reasons. First, very poor stakeholders possess a knowledge that is crucial to the efficacy of sustainable development programs. Secondly, such partnerships/dialogues offer an opportunity to encourage mutual understanding and dispel misconceptions between different stakeholders – misconceptions that may lead to opposing goals and initiatives. Finally, in bringing the voices of very poor individuals, families and communities to the decision-making table, the poorest themselves are empowered and encouraged to aid in the sustainable development effort.

The poor; partners in solving their own problems

18. As knowledge producers, when the poor, including the extremely poor, are involved in projects they are often able to find effective ways of advancing. The poor are essential partners with persons from every walk of life at the local neighbourhood level and on up to political decision makers. The poor have part of the solutions for long-term change in their hands as partners and guides, but, of course, they do not have access to all the tools and resources necessary for success. Partnerships with the poor must be seen as long-term investments. Annex B contains summaries of experiences in this regard.

Respect for culture and cultural actions are important in fighting extreme poverty

19. The World Bank Report on “Attacking Extreme Poverty...” recognizes that

⁴ Attacking Extreme Poverty; Learning from the Experience of the International Movement ATD Fourth World; Edited by Quentin Wodon, 2001, World Bank, Washington, page7 (Attacking Extreme Poverty)

⁵ Committee statement, supra, para. 5

⁶ Changing the Outlook; Eradication of Poverty in Urban Areas; Report of the UNESCO - NGO Joint Programme Commission on Poverty; UNESCO, Paris 2001 and Proceedings of the 7th European Conference of the Fourth World People’s Universities; 18 June 2001; ATD Fourth World; Brussels 2001

⁷ Committee statement, supra, para 12.

“Human beings require beauty and creative expression as much as they require food, clothing and shelter. Artistic and cultural projects emphasize each person’s natural creativity. Through them, the poorest may be able to discover their capabilities and potential. They may gain the confidence necessary to dare speaking up and contributing to the well-being of their communities and to broader society.”⁸

The experience of ATD Fourth World shows that when people lose their culture or their relationships with their communities they often fall into extreme poverty. It is necessary to invest in long-term relationships that enable the poor to believe in themselves. *Combating poverty requires respect for the whole range of human rights and cannot be reduced to a few minimum survival rights.* In this regard, it is important to note the 1997 UNESCO/NGO Standing Committee publication entitled “Culture: a way to fight extreme poverty; ten practical experiments in escaping from situations of exclusion.”

Gaining access to the knowledge of the poor; partnerships

20. The knowledge and understanding of the poor, including the extremely poor, will be essential to the elimination of poverty. Gaining access to that knowledge across the wide gap that separates knowledge workers and the poor requires that steps be taken on both sides so the gap can be closed. One example is the commemoration of 17 October as International Day for the Eradication of Poverty. Persons living in poverty and extreme poverty take the floor and are heard in association with others.

21. Other successful efforts have been undertaken and some parameters are being developed to guide efforts to reach the knowledge of the poor. One example is the “Seminar on extreme poverty and the denial of human rights” organized by the United Nations in October 1994 with the participation of academics, experts, NGOs and persons living in extreme poverty and persons accompanying them (E/CN.4/1995/101). Another example is the series of European Conferences of the Fourth World People’s Universities. The report of the most recent session of the Conference (June 2001) contained five points that could guide partnerships with the poor in the area of knowledge development. See Annex B.

22. Bringing together university professors and researchers with persons living in extreme poverty and those accompanying them presents its own challenges. For a two year period, 1996-1998, ATD Fourth World conducted such an experiment on the European level and the results have been published “Le croisement des savoirs; quand le Quart Monde et l’Université pensent ensemble”. A follow up experiment bringing people from the professional world of education, justice, health, housing, social work, training, culture together with the poor to exchange knowledge was carried out and the results published in “Le croisement des pratiques; Quand le Quart Monde et les professionnels se forment ensemble”. See Annex A.

Building the ethical and moral foundations

23. The objective set for us by the Independent Expert, that the international community and all member States take up the obligations for removing extreme poverty as part of their human rights obligations is based, on the one hand, on the practicality of achieving results (achieved by a limited and focussed approach) and on the other, on building the ethical and moral consensus on which such a human rights obligation must rest. It may well be that we have underestimated the difficulty of this latter task. Not that there is not a wide abhorrence of

⁸ Attacking Extreme Poverty, supra page 7

poverty and a willingness to contribute to its reduction. However, and except for a few closely associated with those living in poverty, poverty is generally understood as an economic or access to resources phenomena and not the exclusion from the enjoyment of a wide range of human rights. Further, the issue of the responsibility of the poor for their situation, if not expressed, may be just under the surface. It thus may be important to begin to build the moral and ethical consensus by explaining carefully and with sensitivity what extreme poverty is about. This would lay the foundation for an understanding that it is a human rights problem necessitating a human rights response.

24. Thus, in addition to the central issue of addressing the concerns of governments when faced with new human rights obligations, we may wish to consider in what way we can begin sensitizing decision makers, NGOs and the public to the reality of extreme poverty.⁹

⁹ An attempt to do this was included in a Conference Working Paper submitted by the coordinator of the ad hoc working group of experts on extreme poverty to the 2004 session of the Sub-Commission on the Promotion and Protection of Human Rights (E/CN.4/Sub-2/2004/25/Add. 1)