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**Report on the activities in 2007
of the OMCT Project**

**Preventing torture and other forms of violence
by acting on their
economic, social and cultural root causes**



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Report on activities 2007

Contents

I Project overview

II Implementation of the Project 2007

- Activity 1 Strengthening national NGOs and expanding the NGO network
- Activity 2 Alternative reports to United Nations treaty bodies
- Activity 3 Urgent interventions and complaints
- Activity 4 Advocacy, lobbying and awareness raising
- Activity 5 Engaging the European Parliament

Preventing torture and other forms of violence by acting on their economic, social and cultural root causes

Report on activities 2007

I Project Overview

Purpose

The purpose of OMCT's Project *Preventing torture and other forms of violence by acting on their economic, social and cultural root causes* is to protect individuals and groups from torture, arbitrary detentions, summary executions, enforced disappearances and other forms of cruel, inhuman and degrading treatment or punishment by identifying and acting on their economic, social and cultural root causes. OMCT does this by supporting national NGOs in addressing the economic, social and cultural root causes of violence directly on the national level and on the international level through the procedures of the United Nations (UN), those of other international organisations and the institutions of the European Union (EU). This project is crosscutting and interactive with OMCT's other activities.

This project was developed to give effect to the recommendations of the international conference "Poverty, Inequality and Violence: Is there a human rights response?" (Geneva, October 2005) and the Interdisciplinary Study "Attacking the Root Causes of Torture: Poverty, Inequality and Violence" and sets out OMCT's strategies and activities for the period 2007–2009. The European Commission, within the framework of the European Initiative for Democracy and Human Rights (EIDHR), approved substantial funding for the core activities of the project for the period 2007-2009 and OMCT received further support from the Swiss Ministry of Foreign Affairs, the Karl Popper Foundation and the Foundation pour les droits de l'homme au travail.

Activities

The project has five specific areas of activities:

- Strengthening national NGOs and expanding the NGO network. (Activity 1)
- Submitting alternative reports to UN Treaty Bodies. (Activity 2)
- Making urgent interventions and complaints to UN Special Procedures mandates, governments and others. (Activity 3)
- Supporting advocacy, lobbying and awareness raising. (Activity 4)
- Engaging the European Parliament. (Activity 5)

The project requires OMCT to adopt a more operational approach to its activities on the link between economic, social and cultural rights and violence. This means undertaking activities that present new and specific challenges. Importance was thus given at the beginning to assembling a team able to deal with the relevant issues and to setting the strategic overall objectives of the three year project. A strategic planning document was then agreed that, *inter alia*, describes the project's objectives as "promoting change in the way the economic, social and cultural root causes of torture and violence are perceived and acted upon by national and international NGOs, governments, national human rights commissions, UN bodies and European Institutions."

At its term in 2009, the indicators of the project's success as set out in the strategic planning document are:

- the incorporation of the poverty-violence link as an established part of anti-torture/violence action by NGOs and international organs;
- the existence of an NGO network with economic and development NGOs taking an important part;
- the identification of clear examples of the positive impact of interventions and alternative reports dealing with the link showing to NGOs that working on the link is a good investment of resources;
- the existence of other specific actions taken by NGOs and international organs in cooperation with OMCT with identifiable positive results;
- the recognition of OMCT's competence and expertise in this field with OMCT being called upon to provide support/leadership to NGOs and assist/advise international organisations on the ESC Rights – violence link; and
- the incorporation of that link as cross-cutting in all areas of OMCT work.

These considerations have enable OMCT to shape the project's individual activities so that each contributes to the overall goals of the project.

Becoming more operational has meant that OMCT has been obliged to adjust the implementation of the project's activities to respond to the changing needs, opportunities and circumstances of the world human rights situation including the demands of NGOs and international human rights organisations and emerging opportunities for new initiatives.

Methodology

OMCT has maintained its participatory approach involving relevant actors operating in the human rights field, including human rights NGOs, academics, experts and international organisations. OMCT continues cooperation with the networks in the economic, social and cultural rights field to which it belongs, such as the International Network on Economic, Social and Cultural Rights (ESCR-Net), and is exploring working together with the FoodFirst Information and Action Network (FIAN).

Overall challenges and impact

Building our knowledge base

It became apparent at the beginning of the implementation of the project that an important initial challenge, not specifically described in the initial Project, was to begin to build OMCT's knowledge base as work was carried out on the individual outputs. The amount of information available on the subject is considerable and turning that into useful knowledge is very labour intensive. Progress has been made enabling good substantive content to be prepared for the specific activities.

In this context, and among other initiatives, the concluding observations of the UN Treaty Bodies have been reviewed in order to update the information in the relevant chapters of the Interdisciplinary Study. This allows OMCT to follow the evolution of the issue in the Committees and to identify where alternative reports or interventions have lead to recommendations and action. Further, an ongoing inventory of sources of information that are related to the project's issues, including from academic and research institutions, international organisations and NGOs is being carried and ways of making that information widely available and easily accessible will be examined. Work on building OMCT's knowledge base is an important priority for the future.

Carrying out effectively and in a substantively meaningful manner the activities foreseen in the Project during 2007 required an investment of efforts and a production of outputs that exceeded those initially envisioned. It has become clear that the most effective and meaningful implementation of the project in the wider context of the overall objectives will require reinforcing research capacity of OMCT on a long term basis. For example, in preparing alternative reports, a significant research effort is required to prepare annotated lists of issues for advance submission as guidance to the relevant committee. This is a first and indispensable step in shaping the committee's discussions with the State parties and in preparing the alternative reports. Similarly, the preparation of interventions dealing with economic and social factors requires an important research effort. Further, we have learned of the importance of providing support to national non-governmental organisations to help them to carry out essential information gathering, educational activities and coalition building at the country level.

Another important challenge is in building the NGO network and strengthening the capacity of national NGOs to enable them to take action on the ESCR – violence link. This includes encouraging them to forge links between NGOs fighting torture and those promoting economic, social and cultural rights and encouraging NGOs to seek OMCT support in interventions and in preparing alternative reports. We thus seek to prepare a range of appropriate and effective educational and training material for NGOs and others reflecting the various levels of interest, knowledge and needs. This begins with a survey of existing materials and how they respond to the needs expressed by our partners in connection with the various activities of the project. We must also develop the OMCT website so that it provides easy access to the ESCR and Violence resources.

During 2007, people from the following countries were direct beneficiaries of the projects activities through participation in the Special Procedures Seminar (Activity 4) and through alternative reports to UN Treaty Bodies and interventions (Activities 2 & 3); Argentina, Bangladesh, Brazil, Burundi, Cameroon, Chile, Colombia, Ecuador, Egypt, Gambia, Georgia, India, Kenya, Liberia, Mexico, Nepal, the Philippines, South Africa, Sudan, Uzbekistan and Zambia

The competence of OMCT in matters relating to the economic, social and cultural root causes of violence is widely recognised and OMCT is asked to contribute to the work of international bodies and to take part in international conferences as is reflected in the various sections of this report.

The Office of the UN High Commissioner for Human Rights continues to express support for OMCT's approach to these issues and its relevance to the work of that Office work¹, most recently in the Office's opening statement to the 2007 Special Procedures Seminar². The UN Secretary-General in his 2007 report on Economic, Social and Cultural Rights to the Human Rights Council cited OMCT's Interdisciplinary Study to conclude that "a comprehensive strategy to fight torture or prevent violence should therefore address the socio-economic root

¹ This is reflected in the High Commissioner's address to the International Conference "Poverty, Inequality and Violence: Is there a human rights response?", Geneva October 2005, her preface to the Interdisciplinary Study "Attacking the Root Causes of Torture, Poverty, Inequality and Violence" Geneva 2006

² See the opening statement of the Chief of the Special Procedures Branch (Ms. Soussan Raadi) to the OMCT's special procedures seminar in June 2007 in the Seminar report.

causes of conflict and promote the respect of economic, social and cultural rights in addition to civil and political rights."³

II Implementation of the Project 2007

Activity 1 Strengthening national NGOs and expanding the NGO network

Dealing effectively with the economic, social and cultural root causes of torture and other forms of violence requires strong, knowledgeable and committed national level NGOs. A key objective of the project is to support national NGOs by providing information, education and training and facilitating the exchange of information and experiences between them. Two kinds of NGOs are targeted; those traditionally dealing with torture, usually from a legal perspective; and those working in the economic, social, cultural and development fields. In addition, this project mainstreams the rights of women and children by cooperating with NGOs having the promotion and protection of those rights as part of their mandate. A network of these NGOs is being progressively built up on the regional and international levels.

Building the *NGO network* has become an integral part of the other activities of the project. Thus, in connection with the preparations of the 2007 Special Procedures Seminar (see below Activity 4) and the African Regional Seminar, contacts with a wide range of national NGOs that showed interest in working on these issues was established. In addition, work on alternative reports and interventions has enabled OMCT to build links with a wide range of NGOs working on various aspects of the subject. Further, in Geneva, OMCT briefs NGOs visiting OMCT or taking part in meetings of other organisations relating to OMCT's work on economic, social and cultural rights, is active in the ESCR-Network and works with other networks on these issues. OMCT also conducted a workshop on the economic, social and cultural root causes of torture in the context of the Geneva Training Course on Treaty Monitoring Bodies organised for experienced human rights activists and organisations by the International Service for Human Rights (November 2007).

Information notes

Encouraging NGOs to work with OMCT on the economic, social and cultural root causes of violence has been given importance. Thus, and in response to requests from network partners, a set of practical guidelines on submitting alternative reports to the Committee on Economic, Social and Cultural Rights focussing on those root causes was prepared. In that connection, a review was made of the concluding observations of the Committee on Economic, Social and Cultural Rights and Committee on the Elimination of Discrimination Against Women over the last 8 -9 years to identify their evolving approaches to the ESCR-violence link and identify instances in which alternative reports influenced committee observations in this regard. The results were annexed to the guidelines. OMCT also monitors the work of the other UN Treaty Bodies and relevant Special Procedures Mandates.

In addition, an information note (English, French and Spanish) inviting NGOs to work with OMCT to address the poverty and discrimination that are the root causes of torture through the preparation of interventions (see Activity 3 below) was prepared and circulated to the SOS-Torture network. It summarised how violations of economic, social and cultural rights can be at the root of torture and other forms of violence, described recent OMCT interventions as examples and invited NGOs to contact the Secretariat.

³ A/HRC/4/62, para. 31

These two information notes do not replace the more developed and detailed guides for network members on submitting requests for interventions/complaints and the preparation and submission of alternative reports to UN Treaty Bodies as foreseen. Unfortunately, lack of funding made it necessary to postpone the preparation of these guides to 2008.

Core network support group and Scientific Council

On the basis of discussions with the NGO participants in the Special Procedures Seminar and their interest in working on these subjects, the initial elements of the ***core network support group*** are being put into place through regular contact and exchanges of information. OMCT has kept close contact with the Scientific Council⁴ which met in June 2007 to review and provide guidance on the initial elements of the projects implementation. A full report with a request for guidance was submitted to the members at the end of 2007. For practical reasons, the two other meetings of the Council were postponed to 2008.

Regional Seminar

The organisation of regional seminars is an important element in building NGO capacity and Africa was selected as the region for the first seminar in 2007. The African Regional Seminar was planned to follow OMCT's General Assembly (November 2007) in order to reinforce contact with the wider OMCT network and benefit from the Assembly's logistical support but, unfortunately, the General Assembly had to be postponed to 2008. For the regional seminar, the postponement of the General Assembly raised a number of problems relating, for example, to the availability of participants and logistical support, and thus, in order to ensure a meaningful seminar, it was decided, in turn, to postpone the African Seminar to the first half of 2008. The seminar took place in Maputo, Mozambique from 7 to 11 May 2008.

Considerable work has already been done preparing the African seminar. A concept paper (English and French) was prepared and an invitation to submit nominations was sent to the African members of OMCT's Network (SOS-Torture Network) and to other selected African NGOs not members of the network. An encouraging number of African NGOs have expressed interest in taking part. The postponement means that 2 regional seminars will be organised in 2008, the African and the Latin American, which is planned to be hosted by the Brazilian Center for the Studies of Violence headed by Paulo Sergio Pinheiro, the UN Secretary-General's Independent Expert on Violence Against Children.

In planning seminars, OMCT encourages traditional anti-torture NGOs and those working in development and economic, social and cultural rights to present projects and applications jointly.

⁴ Members of the Scientific Council; Mr. François Beaujolin, President, Fondation pour les droits de l'homme au travail; Mr. Yves Berthelot, Former Executive Secretary United Nations Economic Commission for Europe and Deputy Secretary-General of UNCTAD; Mr. Théo van Boven, Professor Emeritus, University of Maastricht; Mr. José B. de Figueiredo, Former Senior Economist, InFocus Programme on Socio-Economic Security, International Labour Office; Ms. Sigma Huda, United Nations Special Rapporteur on Trafficking in Persons; Mr. Miloon Kothari, United Nations Special Rapporteur on the Right to Adequate Housing; Ms. Florizelle A. O'Connor, Human Rights Consultant, Member of the UN Sub-Commission on the Promotion and Protection of Human Rights; Ms. Marta Santos Pais, Director, UNICEF Innocenti Research Center, Florence, Italy; Mr. Pierre de Senarclens, Professor of International Relations, University of Lausanne; Mr. Eric Sottas, Director of OMCT; Mr. Rodolfo Stavenhagen, United Nations Special Rapporteur on Indigenous Peoples; Mr. Michael Windfuhr, DIAKONIE, Social Welfare Service of the Protestant Church in Germany; Ms. Leila Zerrougui, Chair, UN Working Group on Arbitrary Detentions

Establishment of an electronic database

The establishment of an *electronic database* designed to facilitate research by national NGOs and communication between them, others concerned (academic institutions, for example) and OMCT is an important objective of the project. The purpose is to help develop and implement actions to address the economic, social and cultural root causes of violence via international action. Establishing this database will include collecting and sharing with network members and national partners learning experiences, examples and other resource materials to assist them in identifying the economic, social and cultural root causes of violence and in exploring new forms of action addressing those root causes. Links will be made to existing websites and databases to avoid duplication. Making available basic documentation and facilitating communication through an electronic database was a request of the national NGOs participating in the Conference.

Preparation of the database is closely connected with OMCT's work on building the project's knowledge base as described above. Initial preparations for the planned database were made in 2007. This included an ongoing inventory of sources of information that are related to the project's issues from academic and research institutions, international organisations and NGOs.

The challenge of meeting the requirements of the database of, for example, breadth of information, up to date nature of the information and the need to further develop and evaluate the plans for the database has made it important to take a progressive approach to the database. It is clear that the database's characteristics will be influenced heavily by the lessons learned from other project activities. Work on building the database is an important priority and further work will be carried out in 2008.

Impact

In carrying out the project's specific activities in 2007, OMCT learned of the strong interest of non-governmental organisations on the country level in receiving assistance in identifying and acting on the economic, social and cultural root causes of violence and the important need for OMCT to provide research and analysis to back them up in identifying and acting on those root causes. OMCT also learned of the interest of members of UN human rights organs, Special Procedures mandate holders and experts of Treaty Bodies for well prepared and action oriented inputs on these issues. Further, OMCT realised the importance of providing well documented information and recommendations to the institutions of the European Union.

NGOs have contacted OMCT to welcome OMCT's activities in this field, to describe their own activities and to ask to be kept informed of future developments. There is a growing dialogue on these issues with NGOs that have taken part in OMCT activities and been involved in interventions or alternative reports.

Challenges and Remedies

OMCT has good contacts with traditional anti-torture NGOs through the SOS-Torture Network. However, it is necessary to encourage them to take into account the economic, social and cultural root causes of the violence with which they are dealing. This requires OMCT to assist them in the analytical aspects of the subject, to provide well targeted information and to demonstrate the relevance of that approach by showing success in the

particular activities of the programme. This is an important element in OMCT information activities.

OMCT must also reach out to NGOs dealing with development and the promotion of economic, social and cultural rights and similarly convince them of the benefits of examining the consequences in terms of violence of failures to respect those rights. For this OMCT is working with such networks as FIAN and the ESCR-Net. In addition, in planning seminars, OMCT encourages traditional anti-torture NGOs and those working in development and economic, social and cultural rights to present projects and applications jointly. For both types of organisations, a real challenge is to help them initiate activities connected with the root causes issues within the limits of their own budgets. Here, OMCT will have to seek ways of providing limited help.

Regional seminars

An important challenge in organising seminars, both the regional and the Special Procedures Seminars (Activity 4), is to ensure that they produce concrete and practical results. While each meeting necessarily involves a certain sharing of information and an exploration of analytical issues, it is important that the participants leave with concrete products. Thus, OMCT's approach to regional seminars has a number of objectives: to help NGOs understand the various ways violations of economic, social and cultural rights are linked to violence; to help NGOs to develop their own capacity to address the economic, social and cultural root causes of violence; to review OMCT's urgent interventions and alternative reports on economic, social and cultural rights and examine how they relate to the specific circumstances of the participants' countries; to present and review proposals for interventions, and identify new and emerging issues for attention; to develop proposals for incorporating the link between the denial of economic, social and cultural rights and torture in alternative reports to UN Treaty Bodies and in submissions to other institutions.

The participants selected to take part in regional seminars are asked to prepare and submit in advance of the seminar a 5 to 10 page paper addressing the economic, social and cultural root causes of torture and other forms of violence in their country. That paper should include the elements for an intervention on this theme and/or for the preparation of an alternative report (preferably on the basis of a joint approach by human rights and development NGOs). The seminar's work is built around a discussion and refinement of the potential interventions or alternative report elements so that the participants can leave the seminar with practical action to take on returning home. Particular emphasis will be placed on the potential for human rights organisations and development NGOs to bring about change through collaborative projects.

Activity 2 Alternative reports to United Nations treaty bodies

The preparation of alternative reports for submission to UN Treaty Bodies in connection with a committee's review of state party respect for human rights has been shown to be a powerful tool in helping the committee better understand the situation in the country and in formulating well targeted recommendations. In order to provide guidance on dealing with the specific requirements of alternative reports on the economic, social and cultural root causes of torture and other forms of violence, a mission statement was prepared setting out criteria for the selection of the countries to be reported on, the content and recommendations of the reports, the objectives to be sought, how OMCT's relations with national NGO partners could be structured and how those reports could be linked with other project activities.

Over the project's three year period, 6 alternative reports will be prepared and a number of challenges have to be met in the selection of the countries for attention from among those scheduled to report. Elements such as the availability of adequate information and local partners interested in preparing a report, the possibility of making an impact, whether there are issues to be raised that might help the committee to move forward and the geographical region involved must be taken into account.

For 2007, and because OMCT had access to reliable information, Uzbekistan was selected for a report to the Committee Against Torture. That was circulated to the Committee at its November 2007 session. Because of the need to have significant advance preparation in order to ensure the sought after impact, a second report scheduled for 2007 was postponed to 2008 and thus, the project will prepare three reports in 2008.

Kenya has been selected for a report to the Committee on Economic, Social and Cultural Rights in May 2008 and for a report to the Committee against Torture in November 2008. These will be separate and distinct reports since each committee has its own treaty mandate, list of issues and information needs. By addressing the situation in one country from the perspective of two international conventions, OMCT's objective will be to bring the committees to make recommendations that are mutually reinforcing. The Philippines has been selected for an alternative report to Committee on Economic, Social and Cultural Rights in December '08.

Pre-sessional analytical lists of issues

The UN Treaty Body system has evolved so that the consideration of a state party's respect for human rights by the relevant committee is strongly conditioned by the preliminary list of issues and questions raised by committee members during pre-sessional discussions many months before the actual consideration of the state party's report. It became apparent that for emerging issues such as the link between respect for economic, social and cultural rights and torture and other forms of violence, it was necessary to raise them in relatively detailed substantive submissions during the pre-sessional consideration of the state party report.

OMCT thus decided to prepare analytical lists of issues for the pre-sessional considerations of the Kenya and Philippines state party reports to the CESCR. The analytical list of issues summarises the available information relating to the economic, social and cultural root causes of violence and places it in the context of the relevant sections of the state party's report to facilitate comparison. To prepare these analytical lists of issues, OMCT carried out research and consulted local NGOs and the analytical lists of issues were submitted to the Committee in early November 2007 and presented in an oral briefing to the Committee later that month. Subsequently, and in response to a request by a Committee member, OMCT submitted additional information concerning specific cases of violence caused by failure to respect economic, social and cultural rights in the Philippines based on interventions submitted to the Government.

During 2007 in connection with the preparation of alternative reports OMCT;

- Presented the alternative report on Uzbekistan to the Committee Against Torture at its 39th session (5-23 November)
- Met on four occasions (September, October and November) with delegations from the Philippines and Kenya to prepare the analytical list of issues and the alternative reports

- Presented to the Committee on Economic, Social and Cultural Rights on 22 November the analytical list of issues relating to the Philippines and Kenya.

The postponement of one alternative report, the need to focus resources on preparing the analytical lists of issues and limited time available meant that missions foreseen for 2007 will be carried out in 2008.

OMCT is now working closely with local NGOs to prepare the reports themselves. This includes preparatory missions and supporting, if possible, our partners in organising forums during which those directly affected by the violence generated by violations of economic, social and cultural rights can express themselves for transmission to the committees. OMCT has also been refining the focus to be given to the reports so as to concentrate on establishing in concrete situations the link between economic, social and cultural rights violations and violence and to propose specific feasible recommendations. Other NGOs can be expected to deal with the wider range of issues.

Impact

Working with national NGOs in preparing alternative reports and the analytical lists of issues has raised considerably their awareness of the possibilities to attack the root causes nationally and internationally. The Kenyan Civil Society Coalition on Economic, Social and Cultural Rights included in its draft outline of its alternative report the issues on economic, social and cultural root causes contained in OMCT's analytical list of issues that had been submitted previously to the Committee. In addition, Committee members have also welcomed the information provided by OMCT as giving them a solid basis for moving the issue forward with other members and in considering possible recommendations.

Committee Against Torture

The Committee Against Torture, in its Concluding Observations on Uzbekistan, echoed many of the points contained in the Alternative Report regarding widespread violence during arrest and detention, access to justice, violence against women and trafficking in women. For example, OMCT underlined the failures of the Uzbek justice system that "...influences the access of citizens to justice, diminishing their confidence in the institutions and limits the provision of effective legal aid to the poor." The Committee, for its part, recommended that the State party ensure in practice that each detainee can implement the right to access a lawyer, independent doctor and family member and other legal guarantees to ensure protection from torture.

With regard to domestic violence, OMCT reported that the Uzbek authorities had failed to address the problem of family violence and often refused to carry out any active measures against domestic violence. OMCT recommended a number of specific measures to address the problem, several of which were taken up by the Committee. For example, the Committee recommended that the State party ensure the protection of women in places of detention and elsewhere, and the establishment of clear procedures for complaints as well as mechanisms for monitoring and oversight. It should also ensure protection of women by adopting specific legislative and other measures to prevent in practice domestic violence in accordance with the UN Declaration on Violence against Women and provide for protection of victims, access to medical, social and legal services and temporary accommodation and it recommended that perpetrators be held accountable.

The Committee Against Torture does not usually make the link between violence and poverty and inequality as explicitly as other committees, such as the Committee on Economic, Social and Cultural Rights, although several members of the Committee Against Torture are well aware of the link and helping that Committee move forward on this is a matter of importance for OMCT.

Committee on Economic, Social and Cultural Rights

The Committee on Economic, Social and Cultural Rights, in its List of issues to be taken up with the Government of Kenya that it adopted at its pre-sessional working group, reflected in its questions to the government many of the issues OMCT had identified as root causes of violence. These included violent forced evictions, conditions in export processing zones, respect for the economic and social rights of women, including girls (economic empowerment of women, expulsion of women from marital lands, child labour, street children and violence, poverty reduction especially for female-headed households) and ensuring affordable social housing in slum upgrading projects.

Similarly, the Committee, in its List of issues relating to the Philippines, dealt with many of the root causes of violence identified by OMCT. This included the Government's failure, in its implementation of the 1995 Mining Act, to respect the provisions of the 1997 Indigenous People's Rights Act, the protection of trade unionists from violence, respect for the rights of children, especially street children and working children (and preventing violence against them), respect for the right to housing for disadvantaged and marginalised groups, large scale forced evictions and issues related to migration and violence.

Human Rights Council's Universal Periodic Review (UPR)

It should also be noted that information developed in preparing alternative reports and interventions can serve to inform other UN bodies. Thus, in connection with the preparations for the Human Rights Council's Universal Periodic Review (UPR) of the Philippines scheduled for 2008, OMCT prepared and submitted to the OHCHR Secretariat in late 2007 a document containing, inter alia, information on the ESCR-Violence link developed in connection with the preparation of the analytical list of issues. Further, a contribution on the issue was also made to an OMCT submission in connection with the UPR of India based on work on an intervention.

Challenges and remedies

While many national NGOs are well aware of link between economic, social and cultural rights and violence, presenting information on the link that demonstrates the causal relationship and that can lead to recommendations that are sufficiently precise and feasible so as to be adopted by committees is in many cases a new challenge. Here, OMCT experience is very helpful in building the capacity of local NGOs. Through continued dialogue with the national partners, OMCT is able to help them prepare appropriate submissions. Because of the wide amount of information often available to committees, OMCT must work with national partners to focus attention on specific aspects that are sufficiently precise and clear to lead to focussed recommendations the implementation of which can be monitored.

UN Committees are at different stages in their understanding of the links between failures to respect economic, social and cultural rights and violence. Consequently, OMCT and national partners must adjust their presentations to respond to the specific needs and level of awareness of each committee. For this reason, OMCT carefully follows the concluding observations of the committees and maintains informal dialogues with members.

Activity 3 Urgent interventions and complaints

The objective of interventions and complaints is to halt or prevent actions or the implementation of policies or projects involving violations of economic, social and cultural rights that result in torture or other violence within OMCT's mandate or that present a real and substantial risk of leading to such violence. These interventions may also call on governments or others to take protective action in relation to vulnerable groups or situations.

Interventions, which include recommendations for specific action, are sent to the competent UN Special Procedures mandate holders, government authorities with direct responsibility, international financial and development institutions, trans-national corporations and banks. Interventions are also sent to the 280 members of the SOS-Torture Network and other NGOs in OMCT's database along with requests for action on their part. Interventions are prepared in cooperation with reliable national NGOs including members of the OMCT Network. OMCT also follows-up interventions to monitor action or renew its appeals.

In 2007, OMCT issued 12 interventions involving the economic, social and cultural root causes of violence (3 were made jointly with other OMCT Urgent action programmes). The appeals dealt with situations in Bangladesh, Brazil, Cameroon (follow-up), Chile, Ecuador, India (3 interventions), Mexico, the Philippines (2 interventions) and Sudan.

The selection of the cases dealt with was based on a number of criteria including the severity of the threat, the quality of information submitted or the possibility of developing good information in cooperation with the national partner, the existence of a UN mandate or mandates that would be willing to act on the information, the potential for bringing about change (sensitivity to pressure of the government, international development/financial institutions or private actors) and the importance of the appeal as a test case and example for others. In addition, in these interventions, OMCT seeks to give voice on the international level to marginalised and vulnerable communities and groups that might otherwise remain voiceless. Other elements such as geographic balance are taken into account, but are not decisive. A number of potential cases have to be reviewed before selecting those for further action.

Dealing effectively with a number of the situations addressed required extended analysis of the factual, technical, legal and other aspects and detailed presentation of the recommended action. Because of the more extensive nature of the information, analysis and recommendations of a number of these cases, in comparison to the usually shorter OMCT appeals, they were prepared in the form of an **OMCT Action File** (of up to 11 pages). The principal interventions in 2007 can be summarised as follows:

- A village located on coastal backwaters in Tamil Nadu State, India in which the villagers, in attempting to speak out against the negative impacts of an illegally-located aquafarm on their health and economic status, have been subjected to police violence and harassment and have had false charges of a serious nature brought against them by the owner of this farm. (IND041007.ESCR)
- The peaceful opposition by local communities and indigenous people to mining that violates their rights and endangers their way of life on the Filipino Island of Sibuyan. Their objections have been met with violence resulting in the killing of some 17 persons, the most recent the shooting of the leader of a protest movement by a mining company security guard. (PHL301107.ESCR)

- The construction of two large-scale hydropower dams in the Northern Nile Valley in Sudan that has led to repeated violent clashes between local communities and security forces and resulted in a number of civilian deaths. (SDN301107.ESCR)
- A forced eviction in Kolkata, India, carried out violently and in breach of international standards. The victims, including children, women and elderly persons, were physically ill-treated and subjected to violence, and homes and belongings were destroyed by the police. The evictees were not properly informed and were offered neither compensation nor alternative housing. (IND141207.ESCR)
- A proposed open-pit coal mine at Phulbari in Bangladesh that risks seriously affecting the lives of between 50,000 and 500,000 people, including a number of indigenous communities. Many of these affected will be forced to leave their homes and land. The mine has been planned without those directly concerned having been fully informed or adequately consulted and public protests have been met with violence. (BGD211207.ESCR)
- The arbitrary arrest, detention and ill-treatment of 46 male and 25 female prison guards in Yaoundé, Cameroon, who had taken strike action to protest against their living and working conditions. They were released ten days later. (CMRO40107.DESC)
- Military activity seriously affecting the safety and well being of rural indigenous communities (children used as military shields, denial of access to fields, forced evacuation, interruption of education of children) in Surigao del Sur, the Philippines (PHL031207.ESCR)

These interventions are available on the OMCT website (www.omct.org). Selected appeals are translated into Arabic, French and Spanish.

Impact

The focused character of these interventions identified very clearly the responsibilities of governments, development institutions and private companies and banks in situations that involve or risk serious violence and provided precise recommendations for action that can be monitored. They have also provided UN Special Procedures mandate holders with precise information on which to act. OMCT follow-up will focus on insisting on the responsibilities and the implementation of recommendations. The specific characteristics of the situations addressed require both short and long term action and the full impact will become evident over time. A matrix has been prepared for monitoring interventions that includes a timetable for follow-up.

OMCT has received positive feedback from NGOs and has received requests to help with specific situations. One local NGO, on learning of the Phulbari mine appeal wrote, "I am thankful for the appeal on Fulbari Coal Mine issue." ... "Last month (we) went to the spot and have observed that huge people would be affected if this project would start. People are concerned that especially the indigenous peoples' properties would be affected very badly."

In response to the Action File, OMCT received a number of responses from the Banks financing the project and responded to a request of the European Parliament's Committee on Development to provide information on the Phulbari case. In addition, and at their request, OMCT met with the Sustainable Development Manager of GCM Resources, the company responsible for the project, in order to discuss the various issues raised in the Action File.

Finally, OMCT has been informed that the Asian Development Bank decided not to go forward with providing loans and risk guarantees for the project.

In relation to another intervention, OMCT was asked by the United Nations to provide further information.

As was mentioned above, information developed in connection with interventions and alternative reports can serve to assist the UN Human Rights Council in its Universal Periodic Review of states. OMCT was able to do this in connection with the UPR of India and the Philippines.

Challenges and remedies

Interventions on the economic, social and cultural root causes of violence address complex situations requiring substantial research and analysis. For example, technical matters relating to mining, dam construction or industrial farming techniques must be reviewed, issues related to national legislation and its application and the situation of the populations directly affected studied. There is a particular challenge in relation to major development projects. On the one hand, economic advances are promised while on the other those directly concerned report that the very nature of the projects and/or their means of implementation involve serious violations of human rights.

In addition, the type of responsibilities of the various actors involved must be clarified. The foreign ownership of local companies, which is not always clear, must be examined as well as the corporate social responsibility engagements of the foreign owners (UN Global Compact, for example). In addition, the recommendations must be specific and feasible if the intervention is to be seen as credible. As mentioned above, a number of potential cases are subjected to a preliminary review before one is chosen as appropriate for an intervention. Dealing with these types of interventions, requires OMCT to develop its own research capacity and to dialogue intensely with national partners.

Activity 4 Advocacy, lobbying and awareness raising

Special Procedures Seminar

The UN Special Procedures system is a powerful tool to address the economic, social and cultural root causes of torture and other forms of violence because of the wide range of issues dealt with, the ability of mandate holders to act rapidly and to make joint interventions and their continuing openness to working with NGOs. In order to strengthen the links between NGOs and Special Procedures Mandate Holders, OMCT organises an annual seminar between NGO representatives and mandate holders during the mandate holders' annual meeting in Geneva.

The first seminar took place from 18 to 22 June 2007 at the Graduate Institute of Development Studies (Institut Universitaire d'Etudes du Développement) in Geneva. NGO representatives from fourteen countries (among them, Argentina, Bangladesh, Brazil, Burundi, Colombia, Egypt, Gambia, Georgia, India, Liberia, Nepal, South Africa, and Zambia) held in depth discussions with leading special procedures mandate holders responsible for issues relating to torture, indigenous peoples, the right to health, arbitrary

detention, protection of human rights defenders and violations of human rights by private security forces.⁵

The seminar was opened by a representative of the UN High Commissioner for Human Rights (OHCHR) and an overall substantive framework was provided by a former Executive Secretary, United Nations Economic Commission for Europe. In addition, an expert discussed the issue of the macro-economic and political policies that need to be addressed to reduce inequality and the resulting violence and a representative of the organisation FIAN (FoodFirst Information and Action Network) examined ways that national NGOs, with international collaboration, can effectively act against government policies that risk increasing poverty and violence.

The participants explored how those mandates and the others in the Special Procedures system could help them attack the root causes of torture and violence in their countries and what national NGOs needed to do to help make the Special Procedures more effective. Participants also attended two public meetings of the 14th annual session of United Nations Special Procedures mandate holders and held discussions with staff of the OHCHR.

During the seminar, participants presented and discussed papers examining the economic, social and cultural root causes of violence in their countries, identifying the types of action taken to address those root causes and evaluating their effectiveness. Videos were presented illustrating some of these issues.

Participants considered carefully the potential of the Special Procedures mandates to assist them and discussed how they could best interface with those mandates and how OMCT, through its network of national NGOs, could be of assistance. They concluded that in order to fight violence it is crucial for NGOs to identify and address its economic, social and cultural root causes, that NGO action can be effective, that the UN procedures can be of significant assistance if NGOs provide reliable and targeted information and that it is important for OMCT to continue to develop its capacity to support national NGOs in this area.

Report/position paper

The preparation of an annual report/position paper for Special Procedures mandate holders on the substantial and procedural aspects of attacking the root causes of violence is aimed at increasing their awareness and action on those root causes. In preparing the first Special Procedures seminar, it became apparent that the best source for the planned report/position paper was the information that the participants were bringing from the field, in particular in the papers on the situation and needs of their countries that they had been asked to prepare in advance of the seminar. In addition, the in-depth exchanges between the participants and mandate holders reinforced their mutual understanding.

The country papers prepared by the participants provided the mandate holders with detailed information on the situations in the various countries. In addition, and on the basis of the

⁵ Special Procedures Mandate Holders that took part in the Special Procedures seminar: Mr. Rodolfo Stavenhagen, UN Special Rapporteur on Human Rights and Fundamental Freedoms of Indigenous Peoples, Mr. Paul Hunt, UN Special Rapporteur on the Right of Everyone to the Enjoyment of the Highest Attainable Standard of Physical and Mental Health, Ms. Leila Zerrougui, Chairperson-Rapporteur, UN Working Group on Arbitrary Detention, Mr. Manfred Nowak, UN Special Rapporteur on the Question of Torture, Ms. Hina Jilani, UN Special Representative on Human Rights Defenders, Mr. José Luis Gómez del Prado, Chairperson-Rapporteur of the UN Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the rights of peoples to self-determination

papers and the discussions, a list of the urgent matters, in particular those not receiving sufficient emphasis in the UN, was prepared and transmitted to the High Commissioner for Human Rights to help guide the action of her office (see below, Impact). Taken together, the country papers, the report of the seminar, based in part on the participants' papers and the discussions and the list of urgent matters constitute the report/position paper initially foreseen. The seminar report was circulated widely and placed on OMCT's website.

Other advocacy initiatives

The adoption of an optional protocol to the International Covenant on Economic, Social and Cultural Rights will be an important step forward in ensuring the judicial enforceability of those rights and OMCT has long advocated for the drafting of such a document. During 2007, OMCT, along with many other NGOs, advocated before the working group examining whether a protocol should be prepared and the Human Rights Council in favour of beginning the actual drafting process. Those efforts were successful and, subsequent to the adoption of a text by the working group, OMCT is now advocating that the Human Rights Council adopts and transmits the agreed text to the General Assembly. OMCT advocated for the Optional Protocol at the 9th NGO Human Rights Forum of the EU Presidency in December 2007 in Lisbon, Portugal.

For the success of the overall project, it is important to inform and sensitise as wide an audience as possible to the links between failures to respect economic, social and cultural rights and violence and the need and possibilities for effective action on those root causes. Thus, during 2007, OMCT took advantage of a number of opportunities to explain its approach to addressing the economic, social and cultural root causes of torture. OMCT took part in and submitted a document to the UN Expert Seminar on Extreme Poverty and Human Rights (February 2007), made a statement at the OHCHR seminar on the UN draft guidelines on extreme poverty and human rights (October 2007) and contributed to the online NGO consultation on those guidelines. A contribution was also made to the OHCHR request for the guidelines for article 2 of the CAT. OMCT also took part in the OHCHR ceremony on the International Day for the Elimination of Extreme Poverty (17 October) and the international conference organised in Brussels on development and economic, social and cultural human rights defenders. In November 2007 OMCT made a presentation to the FIAN consultation on implementing and monitoring the Food and Agricultural Organization's guidelines on the right to food. OMCT also issued a number of press releases relating to the activities of this project.

Impact

Special Procedures Seminar

One important impact of the seminar was to enable the NGO participants to better understand how to structure information for action by Special Procedures mandates and it in turn enabled the mandate holders to better understand the expectations and needs of NGOs. Participants asked mandate holders for action on a number of neglected issues including:

- the oppression of tribal and indigenous groups and government occupation of their lands;
- the issue of impunity for those who committed human rights abuses during the transition phase to a republican state;
- the difficulty of working to protect and promote human rights in the context of long-term imposition of emergency law;

- the de facto continuation of the caste system and its impact on the enjoyment of ESC rights (the caste system generates social violence within society);
- the situation of Afro-Colombian groups in the Pacific Coast region of Colombia and their vulnerability to violence due to strong pressure to develop this region and exploit its resources;
- the inefficiency of the justice system and lack of judicial independence (can the Special Rapporteurs encourage improvement?);
- the inadequate demobilisation procedures and ineffective decommissioning of weapons leading to unemployment and insecurity in Liberia and South Africa (lack of alternatives for ex-combatants);
- the direct link between the denial of the right to the highest attainable standard of health and violence (the poor unable to pay for health insurance or medical treatment turn to crime and violence);
- the link between globalisation, poverty and state violence (what are the possibilities for influencing the international financial institutions through the reports of the Special Procedures Mechanisms?)

The mandate holders, in turn, asked the participants to help them in their work by providing reliable information, assisting in the preparation of country visits and following up on their recommendations. A very rich exchange took place as is reflected in the seminar report. As mentioned above, the seminar was also an occasion to begin to build the core network support group.

Evaluations

In written (anonymous) and oral evaluations at the end of the seminar, participants expressed particular satisfaction at the fact of having met and discussed with such a large number of special procedures mandate holders, and also at having been able to exchange and compare national experiences. Many indicated that they had been unaware of the severity of human rights violations in other countries. In the written evaluation, participants were asked to grade the overall usefulness of the seminar as “good”, “average” or “poor”; 70% responded “good”, 30% responded “average”.

Post-session evaluations

Six months after the close of the seminar, OMCT contacted the participants and asked for their evaluation of the impact of the seminar on their work. They were asked whether the seminar had proved worthwhile for the individual and the organization, had the issues of poverty and violence dealt with in the seminar had an impact on their work, had their organisation made any appeals or taken any other action based on addressing the root causes of torture and violence, and had their organization undertaken with other organisations, or within its own structure, joint activities related to the link?

Eight participants replied and the answers were positive and encouraging. The importance of the seminar to the individual participant and the organisation was recognised by respondents;

“It indeed helped a lot to improve my knowledge and skill, experience and sharing of life with the participants which enabled me to understand that human rights violations everywhere occurs and only in different forms sometimes. The way OMCT had organised bringing people from all “hotpot” countries where the human rights defenders have to work in the burning fire.”

“I think sharing of our situation with like-minded and similar situations, we are encouraged and energized with solidarity and mutual support.”

“Yes, the workshop was very worthwhile for me and for my organisation as well. Indeed, before attending the seminar, I didn't have enough knowledge of the relationship between Economic disparities and Torture or other kind of violence. My organisation didn't have any holistic approach in its work in order to think of root causes of torture that it is engaged to fight.”

The seminar also helped orient the work of the organisations;

“When we applied your approach to different findings we have concerning violations practised by authorities, the link was clear and the relation between torture to farmers in land disputes in particular and violation to socio economic rights was evident.”

“Although I and our organisation are working in the fields of protecting and promoting human rights, we were not very much aware of the special procedures systems of the UNHCHR. The said seminar helped us to understand the complaints mechanisms other than the treaty bodies. After the seminar, I have been able to present discussions on the special procedures systems that I learnt. Some other individuals of our organisation and the networks that we represent were also coached by me, using the resource materials provided during the seminar, in this regard, so they also can work as the facilitators for the same. Looked upon from this, I consider that my participation was worthwhile both individually and institutionally.”

“We started linking the death penalty to economic, social and cultural rights. Our analysis showed that out of 38 persons 37 lived below poverty line. This information will be used in further lobbying for cancellation of death penalty verdicts.”

Similarly positive replies were given to the other questions.

Other advocacy activities

OMCT's advocacy as well as its information activities (see above) has resulted in a significant increase in awareness and willingness to act on the economic, social and cultural root causes of violence by non-governmental organisations, international human rights experts and staff on international organisations. OMCT also helped the move to the actual drafting of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.

As mentioned above, the competence of OMCT in matters relating to the economic, social and cultural root causes of violence is widely recognised and OMCT is asked to contribute to the work of international bodies and to take part in international conferences as is reflected in the various sections of this report.

Challenges and Remedies

As with OMCT's planning for the African regional Seminar (above Activity 1), in preparing for the Special Procedures Seminar an important challenge was to ensure that seminar produce concrete and practical results. Seminar participants were thus asked to prepare and submit in advance a paper of 5 to 10 pages analysing the situation in their country from the perspective on the links between economic, social and cultural rights and developing suggestions on how they could provide Special Procedures mandate holders with information

enabling them to take action with regard to those links. One of the objectives of the seminar was to design a strategy and timetable for action to increase the focus by NGOs and special procedures mandate holders on the poverty – violence link.

The seminar also served as a learning experience for OMCT upon which to build and make improvements as necessary. One of the key challenges is how to optimise the use of time, especially with participants who are very committed and knowledgeable and wish to share as fully as possible their ideas and experience.

Activity 5 Engaging the European Parliament

The institutions of the European Union (EU) are potentially important allies in reducing violence by promoting respect for economic, social and cultural rights, both within the 27 members themselves and in relation to third countries. OMCT works with the members of the European Parliament and EU Secretariat to help develop EU action on the link poverty – violence across the Union's spectrum of activities through, inter alia, official recognition by the EU institutions, including the European Parliament, of the need to address the economic, social and cultural root causes of violence; inclusion of that objective in the European Union's cooperation and association agreements; and the monitoring and evaluation of those agreements in that regard.

Action by the European Union will reinforce the impact of OMCT's alternative reports to UN Treaty Bodies and interventions/complaints as well as actions by national NGOs. This will happen as governments find that a key international economic partner raises issues similar to those of human rights organs. In order to be able to take advantage of the opportunities offered by the institutions of the European Union to focus attention on the links between economic, social and cultural rights and violence, a detailed policy guidance paper was prepared.

OMCT maintains close contacts through its Brussels Office with the institutions of the European Union and receives regularly requests for inputs to various areas. OMCT was asked for substantive guidance by the Commission secretariat in connection with the preparation of the *9th NGO Human Rights Forum of the EU Presidency* which took place in Lisbon on 6 and 7 December 2007. The forum focussed on the economic, social and cultural rights policy of the EU and economic, social and cultural rights human rights defenders. OMCT's Director made a presentation to the Forum and the Presidency invited three additional OMCT staff to take part and contribute to the discussion of the various issues of interest to OMCT. OMCT also took part in an NGO-sponsored conference in Brussels on the implementation of the EU Guidelines on Human Rights Defenders in relation to economic, social and cultural rights defenders.

Report to the European Parliament

In September 2007, OMCT, on the basis on information from a national NGO, submitted a report to the European Parliament on the economic, social and cultural root causes of torture in Uzbekistan in connection with the EU's review of sanctions and human rights in Uzbekistan. In that report, OMCT emphasised that the clear warnings that the rise in poverty and inequality in that country could lead to violence had gone unheeded and had given rise to a serious situation of violence. OMCT's report described a situation of increasing poverty and inequality (as compared to the Soviet era) that, combined with a blocked political system, offered little hope for change. That had caused growing social tension to which the

government had responded with increasingly repressive measures that pushed some people to violence. The causal connection between government policies that failed to provide protection for economic and social rights and increased violence had been identified with clarity in a 2003 United Nations Development Group report

EU Fundamental Rights Agency

Late in 2007 and in early 2008, the European Parliament reviewed and amended the mandate and work programme of the new EU Fundamental Rights Agency. Economic, social and cultural rights aspects, both in the positive sense and as possible root causes of violations of other rights, were absent from the original draft and OMCT wrote to key Parliamentarians and suggested that the terms of reference of the agency be modified to include *“In its work in these thematic areas, the Agency shall seek to identify the economic, social and cultural factors that contribute to respect for the human rights in the thematic areas or which may constitute root causes of violations of those rights.”* OMCT’s amendment was accepted by the Civil Liberties Committee of the Parliament in December and by the Parliament as a whole in January 2008. Another suggested amendment relating to the relations between the Agency and UN Human Rights organs was not accepted.

Impact

The information submitted by OMCT to the institutions of the European Union in relation to the economic, social and cultural root causes of violence has clearly raised the profile of the issue within the EU. OMCT has also become a reliable source of guidance for the Commission Secretariat and the members of the Parliament. Issues relating to the root causes of violence have been introduced into the consideration of EU relations with Uzbekistan.

With regard to the 27 members of the Union, the issue of economic, social and cultural rights and the potential consequences in terms of violence of failure to respect those rights is now, subject to the final decision of the EU Council, part of the terms of reference of the Fundamental Rights Agency.

Challenges and remedies

The mandates and procedures of the Union and its Parliament are relatively complex with different interactions between the Council, Commission and Parliament depending on the issue. In addition, there are different entry points and in many cases the deadlines for reacting to opportunities are very short. On the other hand, the EU presents enormous possibilities to influence conduct of governments and others that often can be based on the information developed in connection with other activities. OMCT has thus prepared a detailed policy paper to guide action and OMCT, to the extent possible, follows developments.
