

How disrespect for economic, social and cultural rights can lead to torture and other forms of violence

There are a number of ways in which violations of economic, social and cultural rights can lead to torture and cruel, inhuman and degrading treatment or punishment and other forms of violence. These linkages also indicate the areas in which strategic action can be undertaken to reduce or eliminate violence:

- **The poor, excluded and other vulnerable groups - including women and children - are often the first and most numerous victims of violence, including torture and cruel, inhuman and degrading treatment. This is because of the marginalization they experience in society, and because their poverty does not allow them to defend themselves and demand their rights.**

Effective prevention of violence in this context requires that vulnerable groups and situations of vulnerability be identified (for example, poor informal settlements, ethnic minorities or communities affected by large-scale infrastructure projects). In these situations, affirmative preventive action should be undertaken by, for example; targeted programmes for economic, social and cultural development (employment creation, housing, education, nutrition and health initiatives, activities aimed at respecting and promoting culture etc); special police training or education; the monitoring by the authorities of the conduct of police and others. Special attention should be given by the authorities to ensure that vulnerable communities are legally recognized, protected and receive basic public services^[1]. Recommendations in this sense can be found in the alternative reports on the economic, social and cultural root causes of violence submitted to UN Committees.

- **Violence is inflicted on persons because they demand respect for economic, social or cultural rights - their own or those of others.**

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

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

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

Similar conclusions were reached by the European Court of Human Rights in the Selcuk and Asker case. [4]

- **Certain violations of economic, social or cultural rights can be characterized as a denial of the right to life.**

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

- **Policies and programmes by governments, private actors or development and financial institutions can exacerbate poverty and inequalities and lead to increased levels of official, criminal and domestic violence.**

The OMCT study *Attacking the Root Causes of Torture: Poverty, Inequality and Violence - An Interdisciplinary Study* contains examples of public policies in the economic and social fields that directly increased poverty and inequality in large sectors of society and, in turn, resulted in a very significant increase in violence, including ill-treatment and torture[6]. Similar links have been reported by other sources, including the United Nations Special Rapporteur on the Question of Torture[7]. Other examples are to be found in the alternative reports, action files and appeals contained in this library. Action by NGOs and others have successfully modified or stopped projects which threatened a broad range of human rights.

- **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.**

The Committee on Economic, Social and Cultural Rights has, for example, noted that the efforts of the Government of Nepal to comply with its obligations under the Covenant on Economic, Social and Cultural Rights have been impeded by the consequences of the violent conflict in the country[8]. The Committee has also drawn attention to the situation of children in Albania who are prevented from going to school - and hence from enjoying their right to education - by the threat of violence as a result of "vendettas"[9]. In Darfur, the widespread violence has created a climate of fear and intimidation that has severely limited the ability of displaced populations to seek assistance, including medical and health care.[10]

References

1. See for example the Argentine case study "The Village" in the OMCT Interdisciplinary Study - *Attacking the Root Causes of Torture: Poverty, Inequality and Violence*
2. For a more detailed description see the Paper OMCT Presented to the United Nations Committee against Torture "Torture and violations of Economic, Social and Cultural Rights: Appraisal of the Link and Relevance to the Work of the United Nations Committee Against Torture", OMCT Geneva (November 2001), in particular sections 2 & 3. See Torture and violations of ESCR
3. United Nations Committee Against Torture, Communication No 161/2000: Yugoslavia, submitted by Hajrizi Dzemajl. Document CAT/C/29/D/161/2000
4. For a description of this case as well as other jurisprudence in this area and a discussion of the justiciability of economic, social and cultural rights, see chapter 14 of the manual of the United Nations Office of the High Commissioner for Human Rights and the International Bar Association, Professional Training Series No. 9, *Human Rights in the Administration of Justice, a Manual on*

Human Rights for Judges, Prosecutors and Lawyers. Geneva, www.ohchr.org. See also The role of the courts in protecting Economic, Social and Cultural Rights

5. European Court HR, Case of Oneryildiz v. Turkey, judgement of 18 June 2002

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

7. See section 3 of the OMCT paper presented to the United Nations Committee Against Torture "Torture and violations of Economic, Social and Cultural Rights: Appraisal of the Link and Relevance to the Work of the United Nations Committee Against Torture", OMCT Geneva (November 2001). See also Torture and violations of ESCR

8. E/C.12/NPL/CO/2, 30 April-18 May 2007, §10

9. E/C.12/ALB/CO/1, 24 November 2006

10. See, for example, Medecins sans Frontiers, "Humanitarian situation in Darfur, Sudan - MSF statement to the United Nations Security Council", 24 May 2004, www.msf.org