

# RESEARCH BRIEF:

## Documenting Torture and Ill treatment Amongst the Poor

This briefing highlights research that identifies potential deficiencies in the reporting of instances of torture and ill-treatment amongst the poorest members of society, and suggests actions that might be progressed to address these.



### KEY MESSAGES

- + The documentation of torture and ill-treatment raises particular challenges, especially amongst the poor, who are highly vulnerable to state violence.
- + Research carried out in Kenya, Nepal and Bangladesh shows that current human rights practices systematically under perceive the levels and forms of torture amongst the poor.
- + Effective documentation must be tailored to local contexts and aims, and as such does not always require vast amounts of resource intensive detailed and forensic information.
- + Providing protection of survivors and witnesses is of central importance for effective human rights documentation among the poor.
- + Building alliances between community based organizations will create higher levels of trust amongst the poor towards human rights documentation.

### INTRODUCTION

There is a potential ‘documentation gap’ when it comes to torture and ill-treatment amongst the poorest populations. The documentation of human rights abuses acts as the eyes and ears of the human rights movement. Yet, documentation is far from straight forward, and the documentation of torture and ill-treatment is particularly difficult. These problems become acute when it comes to populations living in poverty in Low-Income Countries. The poor are often the most vulnerable to torture and other forms of ill-treatment. They are also the least able to access forms of accountability, thereby perpetuating the structural inequalities that lie at the heart of poverty. Additionally, the instruments and methods used by human rights organisations for the documentation of torture and ill-treatment, assume a resource levels that are often not available. This research therefore examined the challenges and potential of documenting torture and ill-treatment amongst the poor.



## METHODS

This research examined the documentation of torture and ill-treatment in Kenya, Nepal and Bangladesh. It was carried out by Dignity and the University of Edinburgh, funded by the ESRC and DfID.<sup>1</sup> The overall aim was to explore the challenges of documenting torture amongst the poor in Low-Income Countries.<sup>2</sup> We began by mapping the organisations involved in torture documentation. Qualitative interviews were then carried out with staff in these organizations, focusing on how they identified survivors, the procedures used for documentation, and the purposes to which documentation was put. We carried out eighty interviews in total. The next stage of the research involved a quantitative survey in low-income neighborhoods in Nairobi, Kathmandu and Dhaka. The surveys covered exposure to torture and ill-treatment, perceptions of risk of torture and ill-treatment, and justice seeking behavior. In each survey we conducted between 500 and 900 interviews, depending on the specific context of each case study. The combination of research techniques allowed us to compare and contrast with the information produced through human rights documentation.

## FINDINGS

Current human rights documentation techniques can systematically under perceive the extent of torture and ill-treatment among the poor. The international human rights movement has had many notable achievements. However, there remain a number of key blind spots in the ways in which human rights organizations document torture and ill-treatment. The assumptions and institutional capacities of human rights organizations have resulted in at least five linked conceptual and institutional predispositions. Taken together these predispositions can limit the capacity of human rights organizations to react to forms of torture and ill-treatment experienced by the poorest in society.

These five predispositions are as follows:

- Limitations in institutional capacities mean that the organizations that carry out the documentation of torture and ill-treatment are often geographically and socially distant from low-income neighborhoods. The result is that human rights organizations can find it hard to reach the poorest survivors.
- Documentation focuses on places of detention rather than the 'street', missing other forms of violence and coercion that mark the everyday interaction between the poor and public officials.
- It is often assumed the goal of documentation should be legal accountability. However, in their everyday practice, if not aspiration, the poor widely prioritize protection above accountability. There is therefore a danger that survivors who do not seek legal accountability will be missed.
- Torture survivors are easiest to document if they fit into a series of basic assumptions about what it means to be a 'good victim' - one seen as innocent, heroic or sympathetic by the wider public. Widespread prejudices against the poor can mean they do not often meet such expectations.
- Torture is treated as an extraordinary event, fundamentally different from more everyday encounters with public officials. This can ignore the 'mundane' and 'everyday' nature of much of the torture and ill-treatment experienced by the poor.

The predispositions outlined above are not present in the same intensity at all times and in all places. Crucially, these tendencies become increasingly intense as you move from the street, to national human rights organizations, and on to regional and international mechanisms. At an individual level many human rights practitioners are also both implicitly and explicitly aware of the gaps outlined in this brief.



## POLICY IMPLICATIONS

Human rights organizations – both local and international – might be relatively content to work within the predispositions we have outlined. They cannot cover everything and everywhere, and there are perfectly good reasons to focus on places of detention, on virtuous victims, and on legal accountability, amongst others things. However, it is also important to recognize that such decisions will mean that the incidence of torture and ill-treatment amongst the poor will remain significantly under perceived. This has direct implication for access to justice amongst the poor. There are four main policy implications of the research findings, which are outlined below:

- We do not need new legal definitions of torture, as existing definitions can be more fully applied in a greater range of places and incidents. Many of the forms of violence experienced by the poor on a daily can be said to fit within the definition of torture and ill-treatment as set out in Article 1 of the UN Convention Against Torture.
- In order for survivors and witnesses to have confidence in the human rights system they must feel safe and secure when reporting their experiences. The poor lack the social, political and economic relationships that can make them feel secure. Protecting survivors and witnesses is therefore key.
- Less documentation rather than more can be the most effective and appropriate human rights response to torture. The poor do not always want more attention paid to themselves. Human rights shaming strategies, which call on wider publics to respond, are most effective in relationship to ‘good victims’.
- Making connections with grass roots community based organisations will help human rights groups strengthen their responses to the forms of torture and ill-treatment experienced by the poor.

## REFERENCES

1. ESRC/DFID ES/L005395/1, May 1 2014 - April 30 2016.
2. As defined by the OECD. Available at: <http://bit.ly/2a2e9Ks>, last accessed May 24 2015.

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*The views expressed in this report are those of the authors and do not represent the official positions of Dignity or the University of Edinburgh.*

## FURTHER INFORMATION

For more details, including further publications:  
[www.torturedocumentationproject.wordpress.com](http://www.torturedocumentationproject.wordpress.com)

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