

Impact case study (REF3)

Institution: University of Edinburgh		
Unit of Assessment: 22 – Anthropology and Development Studies		
Title of case study: Documenting and Protecting Survivors of Torture and Ill-Treatment Living in Poor Communities		
Period when the underpinning research was undertaken: 2014 - 2020		
Details of staff conducting the underpinning research from the submitting unit:		
Name(s):	Role(s) (e.g. job title):	Period(s) employed by submitting HEI:
Tobias Kelly Jeevan Sharma	Professor Senior Lecturer	2005 – present 2011 – present
Period when the claimed impact occurred: 2016 - 2020		
Is this case study continued from a case study submitted in 2014? N		
1. Summary of the impact		
<p>Research by Kelly and Sharma investigated the challenges in documenting torture and ill-treatment of people living in poor communities in Low-Income Countries. This research informed debate, policy and practice at local, national and international levels:</p> <ol style="list-style-type: none"> (1) Based upon a participatory research approach and long-term partnerships, it influenced and worked with grassroots organisations in Kenya, Nepal and Bangladesh to increase capacities to identify and respond to the needs of torture survivors. (2) It influenced policy and practice amongst international human rights organisations in creating new torture documentation practices. (3) It stimulated and influenced debate and policy in the UN human rights system about the particular needs of survivors living in poor communities. 		
2. Underpinning research		
<p>People living in poor communities can be particularly vulnerable to torture and ill-treatment. The UN Special Rapporteur Against Torture has routinely noted that the vast majority of victims of torture are living in poverty. Yet human rights organisations find such populations difficult to reach and work with. A 2017 report to the UN General Assembly, for example, noted that human rights work can fail to address the “distinctive ways in which people living in poverty are affected by [...] brutality”. Kelly’s and Sharma’s research was the first to, systematically, examine the problems involved in effectively documenting torture and ill-treatment against people living in poverty in Low-Income Countries. It builds on over 15 years of researcher engagement, and came together in an ESRC/DfID Poverty Alleviation grant, involving 3 years of fieldwork in East Africa and South Asia. Tobias Kelly was PI on the project and Jeevan Sharma Co-I, and it included other researchers in Bangladesh, Denmark, Kenya and Nepal. This has been followed up by a 2019-2021 BA Sustainable Development Programme grant on protecting survivors of torture in Low-Income countries, working with practitioners in Kenya and Sri Lanka.</p> <p>The research investigates the ways in which human rights organisations in Low-Income Countries identify, document and respond to torture and ill-treatment amongst the residents of poor communities, the reasons they do so, and the challenges they face. In Kenya, Nepal and Bangladesh, the fieldwork included over 150 interviews with human rights practitioners, household surveys on the prevalence of torture and justice seeking behaviour in informal settlements in Nairobi, Kathmandu and Dhaka, and comprehensive analysis of the documentation of particular incidents of torture in all 3 cities.</p> <p>The main findings from this research include:</p>		

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- For people living in poor communities, torture and ill-treatment is often the product of police harassment, intimidation and corruption, rather than linked to the formal criminal justice and detention process (3.1, 3.2).
- Formal human rights documentation techniques are often unable to reach these torture survivors amongst the poor, and internationally recognised techniques for the documentation of torture are often too resource intensive to be used consistently and effectively in Low-Income Countries (3.1, 3.3). As a result, human rights documentation techniques miss large numbers of survivors and many forms of torture experienced by people living in poor communities (3.4, 3.1).
- Protecting survivors of such torture and ill-treatment is a major challenge for human rights documentation, as without feeling safe and secure survivors will not come forward to have cases documented, and this issue is not directly or adequately addressed by most human rights organisations (3.1, 3.2, 3.5, 3.6).
- On the ground, human rights groups use multiple informal techniques in order to provide protection and document torture. However, these are often not recognised by formal human rights institutions (3.1, 3.2).

Impact was built into the research from the outset, through a long-term strategic partnership with the international NGO Dignity – one of the largest anti-torture organisations in the world – as well as working with national and grass roots organisations such as the Kenya based Independent Medico-Legal Unit.

3. References to the research

3.1 Jensen, S, Kelly, T, Koch Andersen, M, Christiansen, C & Sharma, J 2017, 'Torture and ill-treatment under perceived human rights documentation and the poor' *Human Rights Quarterly*, vol. 39, no. 2, pp. 393-415. DOI: [10.1353/hrq.2017.0023](https://doi.org/10.1353/hrq.2017.0023)

3.2 Kelly, T 2019, 'The Struggle Against Torture: Challenges, Assumptions and New Directions', *Journal of Human Rights Practice* vol. 11, no. 2, pp. 324-333. DOI: [10.1093/jhuman/huz019](https://doi.org/10.1093/jhuman/huz019)

3.3 Kelly, T, Sharma, J, Jensen, S, Koch Andersen, M & Christiansen, C 2016, 'A comparative study of the use of the Istanbul Protocol amongst civil society organisations in low-income countries,' *TORTURE - Journal on Rehabilitation of Torture Victims and Prevention of Torture*, vol. 26, no. 3, 6, pp. 60-73. DOI: <https://doi.org/10.7146/torture.v26i3.109501>

3.4 Choudhury, ZU, Jensen, S & Kelly, T 2018, 'Counting Torture: Towards the translation of robust, useful and inclusive human rights indicators,' *Nordic Journal of Human Rights* vol. 36, no. 2, pp. 132-150. DOI: [10.1080/18918131.2018.1507871](https://doi.org/10.1080/18918131.2018.1507871)

3.5 Sharma, J & Kelly, T 2018, 'Monetary compensation for survivors of torture: Some lessons from Nepal,' *Journal of Human Rights Practice* vol. 10, no. 2, pp. 307-326. DOI: [10.1093/jhuman/huy021](https://doi.org/10.1093/jhuman/huy021)

3.6 Sharma, J & Koch Andersen, M 2017, 'Torture Redress Mechanism in Nepal and Bangladesh: a comparative perspective,' *Economic and Political Weekly*, vol. 52, no. 17, pp. 1-8. Link: <https://edin.ac/2KqIXbA>

4. Details of the impact

The impact of Kelly's and Sharma's research has been to influence practice; stimulate debate and awareness at a domestic level; and to develop policy among international human rights organisations.

Impact on human rights documentation practice

The research has led to new forms of human rights documentation, particularly in relation to the ways in which human rights groups identify and respond to the needs of torture survivors living in poor communities. The limits in standard documentation techniques and new possible approaches identified by Kelly and Sharma led directly to new practices in several countries across Africa and Asia:

- In Kenya, the country's largest anti-torture NGO, the Independent Medico-Legal Unit (IMLU) confirmed that, as a result of the research, "the issue of security as the main priority for victims is gaining prominence" (5.1). Further, "the research experience led to IMLU adopting violence and non-discrimination in its vision and mission [...] and continues to inform IMLU interventions in the new 2017-2021 Strategic Plan" (5.1). Responding to the research findings, IMLU also co-developed a mobile phone app for torture documentation in 2016, working closely with Dignity and the University of Edinburgh (supported by an ESRC Impact Accelerator grant). This app allows a wider group of individuals to become involved in torture documentation, including community medical workers, teachers and youth leaders, thus going well beyond the usual reach of human rights documentation. Within the first month of its launch, 70 notifications (panic alerts, pictures and videos) were sent via the app, and 10 genuine cases had been identified and actions taken (5.1; p.5, p.9). Overall, between September 2016 and October 2020 IMLU received 203 panic alerts and 234 incident notifications (figures include a small number of test usages) (5.1).
- Using similar principles to those behind the app, Dignity launched a new project with human rights NGOs in Tunisia and Morocco in 2017, focusing on the development of what they call 'front line' documentation. As outlined by Dignity, Kelly's research "directly influenced and fed into our work with human rights organisations in the Middle East and North Africa. It has done so by highlighting and producing practical recommendation in relation to the vital importance of more inclusive forms of identification of survivors of torture for successful prevention and rehabilitation. The work has helped us develop guidelines (2019) on how diverse frontline practitioners can best identify the victims of torture and hereby bridge the gap in the justice chain" (5.2).
- This work has also influenced a wider group of NGOs in producing more inclusive documentation practices that are sensitive to the needs of people living in poor communities. As summarised by a Director of the Center for Victims of Torture (CVT), an international NGO dedicated to healing survivors of torture and violent conflict, and which has provided services to torture survivors in Africa and the Middle East for over thirty years: "Professor Kelly's work on effective approaches to the necessary documentation of torture in the Global South is an essential contribution both to our work and that of our partners" (5.3). Research findings have been directly taken up, for example in the implementation of Dignity projects that worked in collaboration with NGOs in Manila, Johannesburg and Monrovia (Balay Rehabilitation Centre, Centre for the Study of Violence and Reconciliation and Liberian Association of Psychosocial Service); and from 2017 (ongoing) in new community-led approaches to addressing state violence in poor urban neighbourhoods, focusing in particular on extra-custodial violence and protection work (5.2).

Impact on public awareness and debate at a domestic level

The research was covered by the national press in Bangladesh, Kenya and Nepal, resulting in further invitations to write opinion pieces in leading news outlets (5.4). The app, for example, was reported on by the Kenyan media in 2016, including the highest circulation newspaper in the country (Daily Nation, 67% market share; average daily readership 4.4 million), helping to spread awareness of torture amongst poor populations and contributing to an increased awareness of torture reporting mechanisms (5.5). Research findings had also been used in the report produced by IMLU for the UN Committee Against Torture (2015), focusing on the needs of survivors from informal settlements. This report fed into questions posed by the UN to the Kenyan government (session delayed until 2021 due to Covid-19) (5.6).

Impact on policy and debate amongst international human rights organisations

The research team were invited in 2016 to facilitate a dialogue session on the website of US based international human rights NGO, New Tactics (5.7). The forum focused on the identification and protection of torture survivors in Low-Income Countries. 612 human rights practitioners from 81 different countries participated in the forum. The research team's work on using documentation techniques in Low-Income countries was also chosen to feature in a 2017 debate section of *Torture*, the journal of the International Rehabilitation Council for Torture Victims, which is the global umbrella organisation for anti-torture organisations with over 160 centres in over 70 countries (5.3, 5.8).

The research team facilitated 2 human rights practitioner workshops in Geneva in 2016 and 2017 bringing together over 20 local, national and international anti-torture organisations (including Amnesty International, World Organisation Against Torture and the UN Sub-Committee Against Torture). As a result of these workshops, Kelly, in conjunction with Dignity and the British anti-torture NGO Redress, were invited to brief the UN Committee Against Torture on the protection needs of survivors from poor communities (5.2). The Committee requested further research, and a longer briefing paper was presented by Dignity, and co-written by Kelly, to the Committee in late 2017. In his 2017 report to the UN General Assembly, the UN's Special Rapporteur on Human Rights and Extreme Poverty described the research as "important" for understanding the relationship between poverty and civil and political rights (5.9, referencing 3.1).

Dignity also used the research to brief the UN Special Rapporteur on Extra-Custodial Torture in 2018, highlighting the ways in which people from poor communities are particularly vulnerable to extra-custodial torture. Further, they were invited to brief a diplomatic delegation in 2018 to the UN Human Rights Council (HRC) in Geneva, and the research was used in preparation for a resolution on the relationships between torture and corruption, which particularly affects people living in poverty (5.2). The research findings that torture amongst people living in poor communities is often linked to everyday police harassment, demands for bribes and wider forms of corruption provided a key part of the impetus behind the briefing and its content. The HRC adopted a resolution in 2018 that was based upon the wording from this briefing (5.2, 5.10), and the contents of the HRC resolution were later picked up by the UN Special Rapporteur on Torture in his report to the UN General Assembly (5.11). As a result, a focus on corruption is now firmly on the UN anti-torture agenda.

5. Sources to corroborate the impact

5.1 IMLU affidavit:

- Email testimonial on the role of underpinning research on IMLU's activities and strategy.
- Overall app use data (2016-2020)
- IMLU progress report after app launch (2016); p.5, p.9

5.2 Dignity affidavit on the impact of the research on their documentation work with human rights NGOs and influencing the UN human rights system.

5.3 Affidavit from the Centre for Victims of torture (CVT) on the impact of the research on torture documentation, and impact on debate in 'Torture' (Journal on Rehabilitation of Torture Victims and Prevention of Torture).

5.4 For Nepali and Kenyan press coverage on research

- Kathmandu Post, 03/08/2016
<http://web.archive.org/web/20201005110309/https://kathmandupost.com/valley/2016/08/03/squatters-in-valley-hate-police-but-cant-do-without-report>
- Daily Nation, 23/02/2016
<http://web.archive.org/web/20201005110958/https://nation.africa/counties/nairobi/Most-dangerous-gangs-in-Nairobi-named/1954174-3092012-6coene/index.html>

5.5 For Kenyan press coverage on the App

- Capital FM
https://web.archive.org/web/20201210103729/https://www.capitalfm.co.ke/news/2016/09/mobile-app-developed-real-time-reporting-torture-cases/?doing_wp_cron=1601894783.2052280902862548828125
- The Star News paper: <https://web.archive.org/web/20201005104810/https://www.the-star.co.ke/news/2016-09-05-implu-to-launch-mobile-app-to-aid-in-reporting-torture-cases/>

5.6 IMLU shadow report to UN Committee Against Torture on Kenya (drawing on and using the research, and feeding into UN session for CAT –Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment).

5.7 New Tactics Conversation on protection issues

- <https://web.archive.org/web/20201005102154/https://www.newtactics.org/conversation/protecting-survivors-and-witnesses>
- Email confirming participant numbers

5.8 International Rehabilitation Council for Torture Victims debate on the research

- <https://web.archive.org/web/20201210103451/https://irct.org/publications/torture-journal/125>
- <https://web.archive.org/web/20210125111124/https://irct.org/who-we-are/about-the-irct> (reach of IRCT network)

5.9 Report by the UN Special Rapporteur on Extreme Poverty and Human Rights, submitted to the UN General Assembly, October 4 2017, A/72/502 (p14/22, point 40, referencing Jensen, Kelly et al. 2017), praising the research as important.

<https://web.archive.org/web/20190310015155/http://undocs.org/A/72/502>

5.10 Human Rights Council Resolution A/HRC/37/L.32: The negative impact of corruption on the right to be free from torture and other cruel, inhuman or degrading treatment or punishment. <https://web.archive.org/web/20201005104144/https://undocs.org/A/HRC/37/L.32>. For the adoption of the wording in this Resolution see Dignity affidavit (5.2).

5.11 Interim report of the UN Special Rapporteur on Torture to the UN General Assembly (A/73/207) where the HRC resolution is referenced (p11/23, point 39.)

<https://web.archive.org/web/20201005104447/https://undocs.org/A/73/207>