



HUMAN RIGHTS
EDUCATION
IN ASIA-PACIFIC
VOLUME SIX

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Human Rights Education in Asia-Pacific—Volume Six

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Foreword

SUPPORT for the continuing growth of human rights education initiatives in the Asia-Pacific region can be in the form of regional documentation of their experiences. There is no better way of giving tribute to these initiatives, despite their weaknesses, than to make them known to educators in the region who are also likely in continuing search for ideas and materials on how to pursue their own human rights education programs.

The collection of articles in this volume provides an important reminder of what is in store in the region as far as human rights education is concerned. What else can we find in our search for human rights education experiences? The strong indication is that there are many more unrecognized and incompletely documented experiences waiting to be disseminated to educators in the region and beyond.

Our center, HURIGHTS OSAKA, has been emphasizing through the years its commitment to gathering, processing and disseminating information on human rights education experiences in the region in line with its role as a human rights information center. This publication is one example of such effort. We hope that this humble contribution to promoting human rights in the region reaches those who may need it most.

KAZUO YAMAWAKI
Vice-Chairperson

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Introduction

THE NEED to continue searching for human rights education experiences is validated by the collection of articles in this volume. There seems to be no end to the possibility of finding groups that implement human rights education programs and projects.

Two articles provide snapshots of the different types of groups that “empower” people or facilitate their action on their human rights issues. Different access to justice/legal assistance/sectoral groups in Thailand and Bangladesh and the human rights centers in different countries in Asia and the Pacific have education programs that cater directly to the local communities and groups. Their experiences show the diverse educational interventions, including the use of new information and communication technology, that are effective in reaching people in the communities or groups in society.

Several articles speak of the right of the children to participate in matters affecting them. They all discuss the value of supporting students/young people in forming their own “parliament” through which they can discuss important issues in their school and/or community. The “Children Parliament” in Niseko town in Japan discusses issues affecting the town, the “School Parliaments” in schools run by the United Nations Relief and Works Agency for Palestine Refugees (UNRWA) provide the venue for elected student-members to raise their voice on school matters and even to mediate conflict among students, and the “Student Parliaments” in Yemen allow the students to visit communities and learn about the problems of the people there. These student parliaments facilitate learning about the child’s right to participation by experiencing how these mini-institutions work in addressing real issues.

Three articles discuss human rights education focusing on economic issues. The displacement and other problems brought by corporate projects highlight the need to understand how such development-related problems should be addressed from a human rights perspective. The need to eliminate child labor requires a good understanding of the ways by which the relevant business firms can change their systems of production based on human rights principles. A good understanding of the United Nations (UN) principles on human rights corporate responsibility constitutes an

important element of human rights education in this regard. A third article discusses a project on “trust-building and cooperation among local governments, nongovernmental organizations (NGOs) and extractive industries by strengthening the capacity and credibility of NGOs as partners in corporate social responsibility (CSR) programs.”

There are also articles that discuss international human rights standards in relation to enforced disappearances and educational policies for indigenous peoples. Human rights defenders need to undergo training on how the International Convention for the Protection of All Persons from Enforced Disappearance can be applied in their work, while government educational policies for indigenous peoples should adhere to the United Nations Declaration on the Rights of Indigenous Peoples as well as international declarations on education and the Millennium Development Goals.

This volume has a special section on evaluation of human rights education projects. Three articles present the results of evaluation of projects funded by the United Nations for Democracy Fund (UNDEF). These articles provide examples of ways by which human rights education projects can be evaluated on their relevance, effectiveness and impact. The three articles cite the challenges that have either been considered or failed to be recognized that subsequently affected the projects. They also have recommendations on how the project holders can improve their project implementation system. The articles remind educators of the difficulties faced in working to achieve the objectives of human rights education.

As shown by the UNRWA article, there are many elements that comprise a human right education program or project. And these elements have to be given appropriate attention in the planning and implementation phases of the program or project. But there should be proper consideration of the reality that many other institutions do not have the resources (human, financial, material, etc.) to keep the program going for a significant amount of time – or such length of time that allows the educational intervention to have a proper impact on the people to whom the program or project is aimed at. This is seen in the experiences of the human rights centers in implementing projects that last only over a short period of time. Nevertheless, these short-term projects are important and should be provided continuing support.

Finally, the Appendix has the human rights declaration of a university, the Osaka City University. The declaration is an example of the policy com-

mitment of academic institutions in applying human rights in the academic system and environment. This is in itself a very good human rights education material that the students in the university should study.

JEFFERSON R. PLANTILLA

Editor

Japanese Movements on Children's Participation and Child-friendly City

Isami Kinoshita

JAPAN CELEBRATED the 20th anniversary of its ratification of the United Nations Convention on the Rights of the Child (CRC) in 2014. However, the rights of children are still not secured enough in Japanese society. There are still old-fashioned ideas of conservative people that hinder the implementation of the CRC in the society. One reason might be the image of the word “right” that is translated into Japanese language as “kenri,” and misunderstood as promoting a claim to private right. It is also translated as “jinken,” which literally means human rights. Thus, the children’s right to participation in CRC articles 12 and 13 has not been appreciated much in Japanese society, except in several municipalities. The Child Friendly Cities (CFC) program of UNICEF requires children’s participation as its first building block. Therefore, it may be worth to promote CFC without using the words “kenri,” with the children themselves participating by showing their abilities and subjectivities to adults in their real living world. There may be various approaches to promoting children’s participation, but an appropriate way suited to Japanese culture and society is needed.

Movements for Child-friendly City

The establishment of child-friendly cities in Japan took place through the initiatives of the local governments. These local government initiatives fall generally under three streams; a fourth stream involves the citizens.

The first is the movement to establish the legal framework mainly in the form of child rights ordinance. The number of local governments deliberating on the enactment of child rights ordinance increased during the 2000s. As of December 2014, forty local governments in Japan have enacted ordinances on the rights of the child. See Annex A for the list of cities with child rights ordinances. These ordinances are named either as “Child Rights Ordinance” or “Child Ordinance,” with the latter avoiding the word “Rights” due to the problem of acceptance of the idea of claiming “rights.” Regardless

of name, however, the contents of these ordinances do not differ much from each other. Aside from these basic ordinances, many local governments enacted ordinances focusing on specific issues such as prevention of child abuse, child rearing, sound development of children, etc.

These ordinances correspond to the second building block, the legal framework block, of the nine building blocks of the Child-friendly City (CFC).¹ Therefore, those municipalities have likely satisfied one of the nine conditions of CFC.

The General Research Institute of the Convention on the Rights of the Child (CRC Institute) in Japan, established by law professors Akito Kita, Shigeto Aramaki, etc., led and supported the advocacy for these legal framework enactments. Kawasaki city enacted such ordinance in 2000, the first local government in Japan to do so. This development was reported to UNICEF Innocenti Center in Florence, Italy and introduced on the website of the CFC.

The second stream is the movement of local governments to promote the participation of children in local governance and community development. This movement is in line with the national policy on decentralization to support rural development and local self-governance. This policy led to the promotion of local autonomy and community development. The local governments included in their decentralization efforts the idea of participation of youth and children in programs related to sustainable development. They promoted the basic idea that children have the right to participate in matters that affect their future. This is likewise based on citizenship education that supports proactive participation of children in local governance and in the management of their immediate environment.

The third stream is the movement to promote the active participation of children at the latter stage of the Action Plan for the Support for Raising the Next Generation under the “Act on Advancement of Measures to Support Raising the Next-Generation of Children.” This act was originally conceived as a measure to address the falling birthrate. But this original plan was criticized for considering only the viewpoints of adults in terms of parental leave from work and childcare, and not the voice of the children themselves. Several movements of local governments worked to incorporate the participation of children in the latter stage of implementation of the Action Plan.²

The different backgrounds of these local government efforts determined the streams of local government movements supporting CFC.

But there is another stream at the local level that can be categorized as the fourth type: the citizens' movement. It can be said that this movement developed from the movement of parents on children's play and cultural activities. This is especially the case of the children's theater or family theater movements that started in 1960s. The movements spread all over the country and were subsequently organized as a network. This network is known as *Kodomo Gekijo* (Theater) or *Oyako* (Parents and Children) *Gekijo* Network at prefectural and national levels. The underlying idea of the movements was to enrich the creative expression of children and to increase their sensitivity while promoting children's theater. These movements were concerned with the Convention on the Rights of the Child (CRC) and the promotion of the children's right to participation. Also, these movements played a great role in the rapid rise of the civic movement that campaigned for the enactment of child rights ordinances. This fourth stream should be appreciated as playing a part in different dimensions across the three other streams of local government movements.

Advanced Cases

Aside from the case of Kawasaki city, the following two cases illustrate how the second and third streams took place.

1) Niseko Town, Hokkaido prefecture

The Niseko town experience is a typical model of the second stream. Niseko town is the pioneer municipality in enacting an ordinance on local autonomy among the municipalities in Japan. The Niseko Town *Machizukuri* [District Enhancement] Basic Ordinance was enacted in 2000. Its Article 11 states:³

The rights for citizens under the age of twenty years to participate in *Machizukuri*.

The Town Council gives the right to participation in suitable *Machizukuri* projects to Minors and children under 20 years of age.

In 2002, two years after the enactment of this ordinance, Niseko town set up *Machizukuri* (town planning) committees for primary school and lower secondary school students respectively. The students, ten students in each committee, came from schools that were willing to participate in the work

of the committees. The students talked about town issues including the situation surrounding them, drafted proposals, and took the challenge of realizing some of their proposals. Besides the Children's *Machizukuri* Committee, a "Children's Parliament" was established composed of ten children selected through a public selection process. The "Children's Parliament" is like an ordinary town council. The "Children's Parliament" discussed and agreed to request the town officials in a dialogue to support the implementation of the proposals presented by the "Children's *Machizukuri* Committee." Any problem raised at the "Children's Parliament" on the children's proposals is discussed at the "Children's *Machizukuri* Committee" to resolve the problem and study proposals. The children worked on many kinds of projects, such as wall painting at the bridge of railway station, making billboard to stop illegal dumping of waste, setting up view spots of a beautiful scenery to preserve the landscape, etc. A former staff of the Niseko local government for children's participation, Mr. Tohru Saito, recalled the participation of children in the committee as follows:

Those children who took part in the *Machizukuri* Committee acted by themselves in self-driven manner, and enjoyed different experiences. Thanks to activities that demonstrated their expertise as "children," it looked like our town is becoming a better town. In addition, by engaging in public relations, the sight of the children increased the awareness of the town folks on child rights. Their [children] hard work on *Machizukuri* Committee has become a stimulus to the adults [the general public and local government officials].

The Town Mayor, Mr. Ken Katayama, is very active in supporting the CFC program. Based on the achievement of the decade-long children's participation program, Niseko town should satisfy the condition of the first CFC building block. The provision on children's participation in the *Machizukuri* basic ordinance relates to the legal framework requirement. While there has not been any real monitoring system or Ombudsman for child rights, people in the town say that the mayor has been taking a lead in this role, and the town is considering such an external monitoring system in the near future.

2) Chiba City

The second case is the Chiba city in Chiba prefecture, near Tokyo. This is a typical case of the third stream. Chiba city is the place where the



Children in Niseko Town study renewable energy and make a micro-hydraulic power model using plastic bottles⁴



View spot selected by children in Niseko town. (Photo by Isami Kinoshita)

first Asian Pacific Regional Conference of Child Friendly Cities was held in 2009.⁵ To prepare for this conference, Chiba city collaborated with this author and the Association for Children's Environments (ACE) to promote children's participation. At that time, the city was drafting the action plan for the latter period for implementing the "Act on Advancement of Measures to Support Raising Next-Generation of Children." The local officials, therefore, advocated the inclusion of a statement on children's participation in the action plan. The Asian Pacific regional conference was held in a venue the city built as the center for children to gather. The place named QiBall (Children's, Science and Business Center) has studio, meeting rooms, sports hall, library and day care center together with a science museum. QiBall has a management committee composed of children. The children who were using music studio composed the theme song of the CFC and ACE based on regional conference theme "Children's Power – Power to the Children" and sung the song at the conference. Ms Karen Malone, the chairperson of the Child Friendly Asia Pacific Network, and Mr Ray Lorenzo, the director of ABCitta and the urban planner facilitating children's participation in urban design mainly in Italy, attended the conference.



Children singing their theme song "Power to the Children" in Chiba City (Photo by Isami Kinoshita)

After the conference, Chiba city was very eager to promote children's participation and started various participatory programs such as "Children's Power Workshop," "Children's Power Forum," "Exploring City Official Works," "Lunch Meeting with the Mayor," "Mini City CBT-Children's Play Town," "Children's University," "Children's Café," etc.



Children's Forum with Japan's youngest mayor talking with the kids. (Photo by Ryuichi Matsushima)

Issues regarding children such as child abuse, street safety, child-friendly hospital, etc., are discussed and selected as research agendas in the workshops, with five to six sessions being held per topic. After the discussions, the children give a report at the Children's Power Forum and talk with the mayor and local government officials in charge of the issues. "Exploring the Work of City Official" provides children the opportunity to visit the city officials' working place and know how the city is managing different projects. And after the tour, they have a lunch meeting with the mayor and the responsible officials. By frankly talking with the mayor, the children express their impressions, questions and ideas. Through this process, some ideas are realized such as adoption of a character mascot in the image of a microorganism drawn by children when they explored sewage disposal plant.



Children's Exploring City Public Work Projects and Lunch Meeting with the Mayor in Chiba City. (Photo by Ryuichi Matsushima)

“Children's Play Town” is the big role-play of a mini city managed only by children, based on the experience of Mini Munich. Children in Munich would assume roles as city officials and mayor. Sometimes the child mayor of the mini city would attend some city events together with the real city mayor.⁶

“Children's Parliament” was previously too much of a type of tokenism, but from this movement it was improved to become a real children's participatory process to express their opinion to the real government of Chiba city.



Children's Parliament in session. (Photo by Ryuichi Matsushima)

“Children's Café” supports children who have no place to go after school and on weekends. Chiba city started the trial opening of the “Children's Café” at an empty room at a community center. The café opens every weekend at a site that have many social issues such as the mixed area of foreign immigrants, social housing area for the lower class, and the condominium of rich families that has no management body in charge. This experiment made it clear that there were many children who needed this kind of place where they could stay and talk with staff members because there was no place for them to have human contact in case they have any communication problem at school and at home. Chiba city is now thinking of extending the children's café program to other areas in collaboration with non-profit organizations for children.

Chiba city has not yet adopted a legal framework on child rights under the CFC building blocks system. But it pursues the idea of experiencing collaboration with children first and then enacting legal framework later based on what is really needed according to experience. This may be a unique approach and its legal framework may turn out to be an original one, very different from those in the other municipal ordinances on the rights of the child.

Education on Child Rights

Human rights are taught from primary school level in Japan. They are introduced in relation to issues of bullying, abuse, and physical punishment. The human rights being taught are, however, limited to preventing bullying, abuse and physical punishment. The students are neither taught about the right to participation (articles 12 and 13 of the CRC) nor the right to play. There are not so many schools that have been introducing CRC in their school education program. Compared with other countries that support child rights education in the school curriculums by providing educational tool kits, the Japanese schools are not so active in teaching the CRC. Even the reports of the Ministry of Education, Culture, Sports, Science and Technology (MEXT) and the Ministry of Foreign Affairs state that they publicize the CRC by just introducing it in their websites.⁷

However, there are some advanced local governments that teach CRC in schools. In Shimane prefecture, the prefectural Board of Education made a handbook on CRC for primary and secondary (lower and upper) levels.⁸ Some schools in Tokachi region in Hokkaido prefecture promote children's participation in their schools based on articles 12 and 13 of the CRC.⁹

General Observations

There is still a kind of allergy among conservative people in Japan to the word "kenri" as a translation of the word "right," and thus they react negatively against it and causes them to misunderstand child rights as giving children the freedom to claim an egoistic idea. But the word "jinken" as a direct translation of human rights is commonly accepted in school education. The education on CRC in the school system and society has actually been delayed by this linguistic issue. As a social background on its history,

the Japanese society exists as a group society, not as a society consisting of individuals. Therefore, the misunderstanding brought by the negative reaction to the word “kenri” has not been solved. This means that there is still not enough understanding of human rights. It also means that the Japanese society is not yet a mature civil society. Nowadays, there is a growing tendency toward a high consumption society that causes people to live a closed, individual life with no concern for social matters. This in turn breeds bureaucracy, on one hand, and an inhuman economic system that controls people's life, on the other hand. To find another direction to create a more humane society and a sustainable democratic society, human rights education should be introduced more in the education system as a base for developing a democratic and peaceful society.

The Child Friendly Cities Program, which promotes children's participation as shown in the case studies in some municipalities, is a very important and useful program that creates such an ideal civil society with citizens as subjects expressing their sovereign power. The children's participation program has been changing the mind of adults who met the active children. Adults tend to act more authentically when facing children, which might bring the society to the direction of an ideal future, hopefully a sustainable future. Being child-friendly means being friendly to all.

Endnotes

1. According to *Building a Child Friendly Cities - A Framework for Action*, the process of building a Child Friendly City “is synonymous with implementation of the Convention on the Rights of the Child in a local governance setting. The nine elements include:

a. Children's participation: promoting children's active involvement in issues that affect them; listening to their views and taking them into consideration in decision-making processes;

b. A child friendly legal framework: ensuring legislation, regulatory frameworks and procedures which consistently promote and protect the rights of all children;

c. A city-wide Children's Rights Strategy: developing a detailed, comprehensive strategy or agenda for building a Child Friendly City, based on the Convention;

d. A Children's Rights Unit or coordinating mechanism: developing permanent structures in local government to ensure priority consideration of children's perspective;

e. Child impact assessment and evaluation: ensuring that there is a systematic process to assess the impact of law, policy and practice on children - in advance, during and after implementation;

- f. A children's budget: ensuring adequate resource commitment and budget analysis for children;
- g. A regular State of the City's Children Report: ensuring sufficient monitoring and data collection on the state of children and their rights;
- h. Making children's rights known: ensuring awareness of children's rights among adults and children;
- i. Independent advocacy for children: supporting non-governmental organisations and developing independent human rights institutions - children's ombudspersons or commissioners for children - to promote children's rights."

UNICEF Innocenti Research Centre and International Secretariat for Child Friendly Cities, *Building a Child Friendly Cities - A Framework for Action* (Florence: 2004), page 4.

2. Additional information about this is as follows: "The Act on Raising the Next Generation had a limited term and was to expire in 2015, but the 2014 amendment extended the term for ten years. (Act on Raising the Next Generation, Act No. 120 of 2003, Supplemental Provisions, art. 2, amended by Act No. 28 of 2014.) The original Act obliges employers with 101 or more employees to formulate action plans to achieve employees' work-family (child-rearing) balance. Business owners must notify the Equal Employment Office of the Labor Bureau of the Ministry of Health, Labour, and Welfare (MHLW) about these measures and make them publicly available. (Id., Article 12.) The 2014 amendment of the Act adds a provision related to publicizing model companies that have implemented good measures. When a company is approved as a model company, the company releases information on its action plan and statistics, but will be exempted from the requirement to notify the MHLW. (Id., art. 15-2.) The MHLW has a website [www.ryouritsu.jp/bno2.html - in Japanese language] that introduces action plans for the achievement of a work-family balance (last visited June 23, 2014)."

Source: Law Library of Congress, 24 June 2014, www.loc.gov/lawweb/servlet/lloc_news?disp3_l205404042_text.

3. For the full text of the ordinance, see www.town.niseko.lg.jp/machitsukuri/jyourei/images/kihon19.pdf.

4. Photos by Niseko town government, www.town.niseko.lg.jp/machitsukuri/jyourei/kodomo.html#anco7.

5. For more information about the conference, please visit the website of the Child-friendly Asia-Pacific, www.childfriendlyasiapacific.net/.

6. For more information on Mini Munich, please visit www.mini-muenchen.info.

7. Ministry of Foreign Affairs & MEXT, *The White Report about Human Right Education and Publicity* 2014, www.moj.go.jp/content/000124193.pdf.

8. For primary schools: www.pref.shimane.lg.jp/kyoikusido/index.data/25kenri-shou.pdf. For secondary (lower and upper) schools: www.pref.shimane.lg.jp/kyoikusido/index.data/25kenri-chu.pdf.

9. Haruo Sawada, Akito Kita, Shinnya Wada and Arato Shigemaki, *Creating School with Children – The Wind of CRC from Tokachi, Hokkaido* (Tokyo: Nihon Hyoron Publishing Company, 2006) (in Japanese).

Annex A**Cities with Child Rights Ordinances in Japan**

City	Ordinance
1. Kawasaki city, Kanagawa prefecture	Child Rights Ordinance - December 2000
2. Naie-cho, Hokkaido prefecture	Child Rights Ordinance - March 2002
3. Tajimi city, Gifu prefecture	Child Rights Ordinance - September 2003
4. Meguro-ku, Tokyo	Child Ordinance - November 2005
5. Memuro-cho, Hokkaido prefecture	Child Rights Ordinance - 2006
6. Uozu city, Toyama prefecture	Child Rights Ordinance - March 2006
7. Toshima-ku, Tokyo	Child Rights Ordinance - March 2006
8. Gifu city, Gifu prefecture	Child Rights Ordinance - March 2006
9. Nabari city, Mie prefecture	Child Ordinance - March 2006
10. Hakusan, Ishikawa prefecture	Child Rights Ordinance - December 2006
11. Shime-cho, Fukuoka prefecture	Child Rights Ordinance - December 2006
12. Imizu, Toyama prefecture	Child Ordinance - June 2007
13. Toyota city, Aichi prefecture	Child Ordinance - October 2007
14. Joetsu city, Niigata prefecture	Child Rights Ordinance - March 2008
15. Nagoya-shi, Aichi prefecture	Child Ordinance - March 2008
16. Hino city, Tokyo	Child Ordinance – June 2008
17. Sapporo city, Hokkaido prefecture	Child Rights Ordinance - November 2008
18. Chikuzen-cho, Fukuoka prefecture	Child Rights Ordinance – December 2008
19. Iwakura city, Aichi prefecture	Child Rights Ordinance – December 2008
20. Koganei city, Tokyo	Child Rights Ordinance - March 2009
21. Ishinomaki city, Miyagi prefecture	Child Rights Ordinance - March 2009
22. Tono city, Iwate prefecture	Child Ordinance - March 2009
23. Nisshin city, Aichi prefecture	Children Creating Future Ordinance - March 2009

24. Chikushino city, Fukuoka prefecture	Child Ordinance - March 2010
25. Makubetsu town, Hokkaido	Child Rights Ordinance - April 2010
26. Kota town, Aichi prefecture	Child Rights Ordinance - December 2010
27. Uchinada town, Ishikawa prefecture	Child Rights Ordinance - December 2011
28. Oushu city, Iwate prefecture	Child Rights Ordinance - January 2012
29. Munakata city, Fukuoka prefecture	Child Ordinance - March 2013
30. Kitahiroshima city, Hokkaido prefecture	Child Rights Ordinance - June 2012
31. Chiryu city, Aichi prefecture	Child Ordinance - September 2012
32. Sennan city, Osaka prefecture	Child Rights Ordinance - October 2012
33. Setagaya ward, Tokyo	Amendment of Child Ordinance - December 2012
34. Aomori city, Aomori prefecture	Child Rights Ordinance - December 2012
35. Shibetsu city, Hokkaido prefecture	Child Rights Ordinance - February 2013
36. Nikko city, Tochigi prefecture	Child Rights Ordinance - March 2013
37. Matsumoto city, Nagano prefecture	Child Rights Ordinance - March 2013
38. Chita city, Aichi prefecture	Child Ordinance - March 2013
39. Nagano prefecture	Child Support for the Future Ordinance - July 2014
40. Nara city, Nara prefecture	Child Friendly City Ordinance - December 2014

**Source: General Research Institute on the Convention on the Rights of the Child;
List of Local Governments with Child Rights Ordinances**
http://homepage2.nifty.com/npo_crc/siryou/siryou_jyorei.htm

Capacity Building for Human Rights Defenders on Enforced Disappearance

Odhikar

BANGLADESH returned to democracy following the fall of an autocratic regime through a popular upsurge in 1990. Since then, three credible elections were held successfully. However the growth of constitutional liberties still faces some challenges.

Democracy or free and fair elections alone are not enough to protect the rights of the disadvantaged and vulnerable groups. Continued occurrences of election violence, arbitrary arrests, custodial death, and torture by state and non-state actors hamper the enjoyment of civil and political rights, often with ominous consequences. The need for an independent and objective human rights organization in safeguarding basic human rights, particularly civil and political rights of the people of Bangladesh was strongly felt.

In 1994, a group of human rights activists underscored in a meeting the need to uphold the civil and political rights of the people of Bangladesh along with social, cultural and economic rights. Eventually, a decision was arrived at to form an organization in order to advance such rights. On 10 October 1994, Odhikar (a Bangla word that means rights) came into being with the aim of creating a wide monitoring and awareness raising system on the abuse of civil and political rights.

Odhikar adopted the following principal objectives: to raise the awareness of human rights and its various abuses, on the one hand, and to create a vibrant democratic system through election monitoring on the other. The organization also performs policy advocacy to address the current human rights situation. By not establishing field or branch offices, Odhikar instead trained more than five hundred people all over the country to become human rights defenders, who are relied upon for information outside Dhaka. As a result, Odhikar has a country-wide network of human rights defenders, who work as human rights volunteers and monitors in their localities.

These activities help contribute to the eventual positive steps toward the creation of transparency and accountability in the responsible sectors of the government with an aim to improve its human rights record and to

facilitate an active democracy with the participation of people from all sections of society.

In Bangladesh, women, children, religious and ethnic minorities are among the groups that are most vulnerable to human rights abuses. Furthermore, poor people's inability to access the justice system is blatantly obvious. Keeping this in mind, Odhikar's fact-finding missions in rural Bangladesh also play a role in awareness-raising among the vulnerable groups. Odhikar always emphasizes the active participation of the grass-roots community. It realizes that empowerment is the precondition to the realization of human rights, which is based on a recognition and faith in people's own power and resources. With this in mind, Odhikar is working with the vision of "society where full enjoyment of human rights by every human being will be ensured."

Odhikar has been able to establish itself as one of the leading human rights organizations of the country. It has developed a strong network of partners and human rights defenders not only all over Bangladesh, but also in the region.

Training Program

Since 2000, Odhikar has trained more than five hundred human rights defenders from various districts of Bangladesh with the support of different donors/partners, including the American Centre, Forum-Asia, Relief International, European Union and Embassy of the Kingdom of the Netherlands, German Embassy, Swiss Embassy and the Finnish NGO Foundation for Human Rights. The aims of the training programs were to create a grassroots and local human rights defenders network and to help the families of the victims of human rights violations mobilize people in order to strengthen the social movement against human rights violations. Apart from training on human rights issues, fact-finding, documentation, report-writing and advocacy, Odhikar human rights defenders are also given training on election monitoring focusing on election-related violence prior to every national and local government elections.

Enforced disappearance is a particularly heinous human rights violation, and is also considered a crime against humanity under the Rome Statute of the International Criminal Court (ICC). The crime of enforced disappearance is deeply rooted in an exploitative and oppressive system that breeds

poverty and violates basic human rights. It is an instrument of repression resorted to by a government whose policies are opposed or assailed by critical members of society. It is often committed on the pretext of maintaining peace and order and protecting national security from those conveniently labeled as “enemies of the State.”

In order to prevent this crime, Odhikar, being a member of the Asian Federation Against Involuntary Disappearances (AFAD), has been working against enforced disappearance and consistently campaigning for the ratification by Bangladesh of the International Convention for the Protection of All Persons from Enforced Disappearance. As part of this campaign Odhikar, in collaboration with AFAD, organized a two-day capacity-building training course for human rights defenders on enforced disappearance. The training program was held in the CARITAS Development Institute in Dhaka on 20-21 December 2014. Twenty participants, mainly human rights defenders from different districts of Bangladesh; and members of the victim-families attended the training. The training course aimed to equip human rights defenders on the methods and techniques necessary in working on this issue.

Training Aims and Objectives

The training on the International Convention for the Protection of All Persons from Enforced Disappearance (ICED) aimed at enabling local human rights defenders to work against enforced disappearances; and to familiarize the members of the families of the disappeared victims on these international standards. It aimed at empowering the local human rights defenders and the families of the disappeared by enhancing their skills and by recognizing their important contribution to human rights. The specific objectives of the training were:

- To empower human rights defenders on the tools and techniques required to work against enforced disappearance;
- To educate them on the International Convention for the Protection of All Persons from Enforced Disappearance (ICED); and
- To enhance their documentation and fact finding skills regarding cases of enforced disappearances.

Proceedings

On 20 December 2014, Odhikar's Secretary Adilur Rahman Khan presided over the inaugural session of the training. Mahmudur Rahman Manna, Convener of the Citizen Platform Nagarik Oikya; Faiezul Hakim, secretary of the Jatiya Mukti Council; and Odhikar Director, ASM Nasiruddin Elan, also spoke during the opening session. Furthermore, among the families of the disappeared, Ruhul Amin Chowdhury, the father of SM Adnan Chowdhury and Sanjida Islam, the sister of Mohammad Sajedul Islam Sumon, also spoke at the session.

The families of the disappeared held the state agencies responsible for the abduction and enforced disappearance of victims involved with the pro-opposition movement led by Bangladesh Nationalist Party (BNP) and demanded that the government identify the persons involved in the crime and bring them to justice.

The speakers urged the government to find the whereabouts of forty persons picked up in the run-up to the controversial 5 January 2014 elections. "The government knows everything...if it fails to find out our dear ones, then what type of duty is the government discharging," said Ruhul Amin Chowdhury, the father of SM Adnan Chowdhury, who was picked up allegedly by Rapid Action Battalion on 4 December 2013.

Nagarik Oikya convener Mahmudur Rahman Manna said that we do not need to seek justice or remedy from such a government which did not acknowledge incidents of enforced disappearances. He also said that we have to build resistance against enforced disappearance. He was critical of the ruling Awami League for continuing in power through a "farcical election" held on 5 January 2014. He stated that the present government proved through the controversial elections that it was not dependent on the people, but continued in power because of the security forces.

Manna alleged that he was barred from attending television talk-shows for expressing critical views on human rights issues, especially on enforced disappearances and that some selected persons were seen "propagating" in those talk-shows.

Adilur Rahman Khan, expressing solidarity with the disappearance of Laotian developmental worker Sombath Somphone, said that all persons including political activists and professionals who were disappeared in Bangladesh would have to be returned to their families. He said that mass

prevention efforts needed to be created through a democratic movement in order to stop gross human rights violations like enforced disappearance. He said that this required mass awareness on the issue.

He also alleged that the Prime Minister's Office-controlled Non-governmental Organization Affairs Bureau had kept suspended all the foreign funds of Odhikar, resulting in its employees being left without salaries from April 2014.

Odhikar has documented the cases of one hundred sixty-six people, mostly political activists, as victims of enforced disappearance during the Awami League rule between January 2009 and December 2014.

Jatiya Mukti Council secretary, Faiezul Hakim, said that persons who are responsible for enforced disappearance and killing were not arrested. Rather, the state was making its citizens disappear without bringing anyone to justice, by violating the due process of law. He said that there was neither security nor justice in place in the country. He recalled that many members and leaders of Jatiya Samajtantrik Dal were victims of such enforced disappearance in 1972. On behalf of the Jatiya Mukti Council, he condemned such violation of human rights and urged all citizens to continue their fight against enforced disappearance.

In the morning of 20 December 2014, before the start of the inaugural session of the training program, human rights defenders who were associated with Odhikar and the families of the disappeared made a human chain in front of the CARITAS Building and expressed their solidarity for the return of Ramon Magsaysay Award laureate and Laotian development worker, Sombath Samphone, who was disappeared on 15 December 2012.

The facilitator and resource persons of the training course were:

- Sazzad Hussain, Program Coordinator, Odhikar ;
- Adilur Rahman Khan, Secretary, Odhikar;
- David Bergman, Journalist, *New Age*;
- ASM Nasiruddin Elan, Director, Odhikar;
- Samia Islam, Documentation and Research Officer, Odhikar; and
- Taskin Fahmina, Consultant, Odhikar.

The training covered the following topics:

- Fundamentals of Human Rights;
- The International Convention for the Protection of All Persons from Enforced Disappearance (ICED);

- Fundamentals of Fact Finding and Research;
- Interviewing Techniques;
- Documentation and Reporting ;
- Urgent Action Alerts;
- Advocacy strategies and networking;
- Strategies for fighting against enforced disappearances; and
- Communication and lobby at the United Nations Working Group on Enforced or Involuntary Disappearance.

Documentation and Research Officer Samia Islam shared the expectations about the training gathered from the participants. Most of the participants expressed the intention to know more about ICED and how to prevent enforced disappearance.

In the first working session, facilitators highlighted the concept of enforced disappearance. Background and salient features of ICED were also discussed. Among other topics, “enforced disappearance as a continuing crime” and “what is the significance of mandatory universal jurisdiction” were also discussed in the session.

In the second working session, facilitators focused on why we need to ratify ICED, the global context of enforced disappearance; current updates on enforced disappearance; acts of the Commission on Enforced Disappearance; mechanisms aimed to ensure compliance with ICED; and domestic enforcement of international mechanisms.

In the third working session, the facilitators highlighted the issues relating to fact finding and research, and discussed the process of investigation, interview, data collection and verification of information. Participants also shared their experiences and thoughts regarding fact finding.

The facilitators highlighted in the fourth working session the issues relating to documentation and report writing, including gathering and documenting information on enforced disappearance, methodology of information gathering and structure of report writing.

On the second day of the training (the fifth working session), participants reviewed the previous day’s work. They were divided into four groups and presented their reports. After the debriefing session, each group of participants reviewed one case of enforced disappearance, prepared a fact finding report based on the information given, and made a group presentation.

In the seventh working session, a video-documentary on enforced disappearance titled “**UNSILENCED**” prepared by the Asian Federation Against Involuntary Disappearances (AFAD) and the Families of Victims of Involuntary Disappearance (FIND), was shown to the participants to understand the consequences of such crime and how it affected the families of the disappeared and the society as a whole.

The facilitators focused on issues relating to advocacy and media campaigns in the eighth working session, including different advocacy tools and mechanisms, the active role that media can play to obtain justice, the role of human rights defenders in the ratification of the ICED, and lobby at the United Nations Working Group on Enforced or Involuntary Disappearance (UNWGEID).

The participants gave the following feedback on the role of human rights defenders for the ratification of the ICED:

- Raise public awareness through poster campaigns in public places like educational institutions, press clubs, police stations, government and non-governmental organizations, etc.;
- To learn and teach the definition, nature, kinds of enforced disappearances and the involvement of law enforcement agencies;
- Share information and knowledge on enforced disappearance to nearest groups – first the family then friends, neighbors, colleagues and others, to create awareness;
- Organize advocacy meetings and press conferences;
- Lobby with local politicians, members of parliament and community leaders;
- Encourage the politicians to speak in public meetings against enforced disappearance;
- Create a database on enforced disappearance cases to mobilize the families of the disappeared from each locality;
- Network the families of victims to organize a movement against enforced disappearance;
- Hold monthly meeting among the human rights defenders and others to update on acts of enforced disappearance in each locality;
- Disseminate information through the print, electronic and social media;
- Publish a series of stories of enforced disappearances in the local newspapers;

- Publish articles on the consequences of enforced disappearance;
- Circulate the contents of ICED to grassroots-level activists and community leaders. The contents of ICED can be disseminated through the internet if hard copies are not available;
- There is a need to work from the grassroots and local government levels and to mobilize people from all spectrums against enforced disappearance, through organizing rallies, human chains and releasing press briefings and submitting memorandums to the authorities.

The outcome of the training was very productive with regard to the campaign against enforced disappearance at the field level. The participants received a clear conception about the issues covered that would enable them to exercise their knowledge and skills at the field level successfully. The training course has enhanced the capacity of the human rights defenders in working on issues relating to enforced disappearances and in creating awareness at the community level. The most significant outcome of the training was that the victim families formed a network alongside the network of HRDs, where they could unite to make the authority accountable and to take effective measures on the issue.

Empowerment through Economic Literacy Training: The ALTSEAN Experience

ALTSEAN-Burma

IN 1996, Burma's impending membership into the Association of Southeast Asian Nations (ASEAN) caused concern among members of the human rights community. The combination of the military-ruled country's notorious human rights record and the poor performance of ASEAN member-states in the human rights and democracy field was a recipe for disaster. It justified the fear that Burma's entry into ASEAN would lower the bar of human rights accountability within the organization rather than promote the country's democratization.

The Birth of ALTSEAN-Burma

Southeast Asian human rights organizations held an alternative ASEAN meeting on Burma at the Chulalongkorn University in October 1996 in solidarity with and support for the people of Burma in their struggle for human rights and democracy. This meeting sought to develop alternatives to the official policy and practice adopted by ASEAN member-governments, seen by majority of the Burmese citizens as promoting anti-human rights sentiments.

This meeting concluded with the establishment of the Alternative ASEAN Network on Burma, or ALTSEAN-Burma. The network members consisted of human rights and social justice non-governmental organizations (NGOs), political parties, think tanks, academics, journalists, and student activists from ASEAN member-states. It adopted the primary objective of forming a solidarity movement that would hold ASEAN accountable for accepting Burma into the organization despite the Burmese government's well-documented human rights abuses.

ALTSEAN-Burma has the following goals:

- To contribute to efforts to achieve a democratic transition in Burma;

- To advance ASEAN reforms that will uphold democracy and human rights among member-states, particularly Burma;
- To contribute to a more effective Southeast Asian Burma movement;
- To support meaningful participation of women and youth from Burma in the movement;
- To enhance capacity-building programs to address the human resources and strategic needs of Burmese organizations; and
- To promote mutually reinforcing advocacy messages and strategies by the Burma movement.

ALTSEAN-Burma seeks to meet these goals through a variety of programs and activities. It is engaged in advocacy, campaigns, and capacity-building to support the human rights and democracy movements in Burma. This is done by building and strengthening strategic relationships among the key networks and organizations from Burma, ASEAN and the international community. It seeks to implement innovative strategies that are responsive to the emerging needs and urgent developments, both in Burma and within ASEAN. It undertakes activities to empower local Burmese activists from all ethnic groups of Burma, particularly women and youth. In line with its purpose of building subregional solidarity, the network has also supported human rights causes in other countries within the subregion.

In the nineteen years of its existence, ALTSEAN-Burma has provided valuable information on matters relating to Burma and ASEAN, particularly the current human rights situation in Burma, to legislators, legislative aides, diplomats, NGO representatives, and other key decision-makers in the international community.

It maintains good relations with journalists, providing both on-the-record and off-the-record analysis on the developments in Burma and in the region. Its research team has produced a variety of publications and materials on Burma. As of February 2015, the research team has produced ninety-nine issues of ALTSEAN-Burma's main publication, the monthly *Burma Bulletin*, as well as over eighty thematic briefers on a variety of subjects such as elections, Rohingya violence, armed conflict, arrest of human rights activists, and land confiscations.

ALTSEAN-Burma regularly conducts the Women's Internship Program, which is the first women-specific training program for Burma. It began in 1997, and has greatly increased women's participation and leadership in

the Burmese human rights movement. As of December 2014, a total of one hundred thirty-nine women had completed ALTSEAN-Burma's intensive internship program. They came from thirty-seven women, youth, and environmental organizations from thirteen ethnic groups in Burma. Many have gone on to become leaders in their own communities and movements.

Filling in the Human Rights Advocacy Gap

In the course of its work, ALTSEAN-Burma began to recognize the gap in the human rights advocacy work being done in Burma. Specifically, the members of the organization saw the need to examine the impact that economic mismanagement of the government had in the democratization process in the country, as well as the linkages between human rights abuses and severe economic mismanagement.

There was also a growing awareness that in many post-conflict or post-authoritarian transitional situations, the focus of most human rights groups was on political reforms, while economic or human security concerns were not prioritized. But, as made plainly evident in the transition processes of countries emerging from post-conflict or post-authoritarian situations, without the implementation of relevant and people-centered economic policies during transition, the consequent economic policies can actually intensify rather than alleviate the inequities and injustices suffered under repressive regimes or conflict. As ALTSEAN-Burma's coordinator, Debbie Stothard, perfectly sums up, *"[y]ou can't eat democracy, but you should be able to eat better because of democracy; democracy involves public participation in the development of economic policy."*

To address this gap, ALTSEAN-Burma developed an Economic Literacy Training (ELT) Program for Burmese activists and advocates. The ELT program aims to help Burmese activists and advocates gain a general understanding of key economic issues in the context of Burma. It also seeks to develop their skills in using economic data and economic arguments in promoting human rights and democracy in Burma. In this way, the program allows Burmese activists and advocates to increase their ability to actively participate in economic policy development debates during Burma's transition.

In the short term, the ELT program aims to build the capacity of local activists and advocates to recognize the links between economics and human rights. Thus they learn economic terms and concepts that would enable

them to use economic arguments in their human rights advocacy. This approach strengthens the impact of their advocacies, particularly among states and stakeholders that prioritize economic interests over human rights and democracy.

In the medium term, the ELT program aims to build the capacities of Burmese activists to participate in the formulation of Burma's economic policies. Given their experiences on the ground, they are well-placed to propose policy solutions that address the economic injustices in their communities, as well as throughout the country. The ELT program also aims to develop the skills and capabilities of Burmese activists in protecting and ensuring sustainability of economic development at the local level.

The ELT Workshops

The ELT program is implemented through a series of workshops. The first ELT workshop was held in January 2005. Since then, the contents of the workshop have expanded and were tailored to address the particular challenges currently facing Burma as it opened up to foreign direct investment and to multinational corporations interested in its vast natural resources. The ELT workshop at present covers the following main topics:

- Political economy and the meaning of development;
- Agriculture;
- Natural resources;
- Industry and services;
- Human resources and human capital development;
- Financing development; and
- International trade and finance.

Each topic is presented in a module that includes the following basic components: a) identification of sectors in the country affected by issues related to the topic; b) discussion of the common challenges that these sectors face; and c) analysis of examples of solutions to challenges adopted in other countries. Participants undertake the exercise of developing policy proposals to address particular challenges faced by the different sectors.

An additional module, the "Making Policies Come Alive" module, is implemented whenever time allows. This module identifies stakeholders in

policy discussions and how they (stakeholders) should interact with the government in policy formulation and implementation. The participants consider key questions in policy formulation and implementation under this module:

What are the pros and cons of a policy in terms of people who may benefit and those who may lose out from it? (Cost-Benefit Analysis, Opportunity Costs & Risk Assessment)

How will communities, businesses and other stakeholders be involved in the design, implementation and evaluation of this policy? Is the government playing a significant role in its implementation or is it simply providing incentives to stakeholders and regulatory framework for implementation?

Who exactly is in charge of the implementation of each aspect of the policy? Who will have the final say in case of conflict among stakeholders?

How will this policy be communicated to the public and key stakeholders to ensure optimal public support?

This module also gives participants a glimpse of the process of translating national goals and policies into local initiatives at the community level. It looks at how the people in the communities themselves can come up with their implementing initiatives at the local level, within the general framework and guidelines of the national policy.

After discussing these topics, the participants are given the opportunity to put their knowledge to the test. In the final group exercise, participants role play as ministers of government, tasked with developing a key economic policy based on the demands of their constituencies. Each minister presents the draft policy before the other ministers of government. After these presentations, the ministers engage in parliamentary debate; they negotiate and argue in defense of their policies in case of conflict with those from the other ministers. In this way, participants get a glimpse of the challenges that government ministers face in coming up with policies that address the needs of their constituencies, and are not in conflict with the priorities of other ministries at the same time.

Nexus Between Economics and Human rights

The ELT workshops take a political economy approach to the study of economics, focusing on the interplay between the economy, society, and politi-

cal institutions. In particular, the emphasis is on defining the different kinds of development and examining who benefits from certain types of development. Prominent in these discussions are economic, social, and cultural rights and how these rights are affected in the country's quest for economic development.

One of the most problematic consequences of the current government's economic development model and the numerous large-scale development projects it has embarked on in the past several years is the widespread increase in the number of land confiscation cases. These land confiscations, seen as necessary adjuncts to pave the way for the country's economic growth, violate the right to food security, right to livelihood, and right to adequate standards of living of those in the affected areas. These violations have resulted in a resurgence of social conflict in affected areas, with discontent growing among the displaced communities.

This, in turn, has given rise to militarization, with troops being stationed to protect large-scale development projects. The presence of military battalions around or near villages has resulted in increasing instances of human rights violations in the form of forced labor, illegal taxation/extortion, and sexual violence.

Other pressing issues covered during the workshop include the problems that arise in the transition from subsistence agriculture to agro-business economy. The problems take the form of forced growing of crops and forced sale of harvests. The social and environmental costs of natural resource exploitation, particularly the adverse impact of projects that fundamentally affect the social development of communities, are also essential subject matters included in the workshop.

The Experience So Far

ALTSEAN-Burma has provided more than fifty ELT workshops to over seven hundred participants (more than half of them were women) at the end of 2014. The responses from participants and partner organizations have been overwhelmingly positive, with ALTSEAN-Burma getting regular requests for ELT workshops.

The ELT workshops provide a common focus for the participants who are affected by ethnic, religious, gender, linguistic, social and geographical differences. Since the economic problems of the country and the effects of

economic mismanagement are felt across all communities, regardless of ethnic identity, the participants more easily recognize the similarities of their experiences rather than focus on their differences. And at the end of the workshop, the participants have the opportunity to identify possible solutions by consensus.

The workshops have also helped participants to appreciate the need to strike a balance in the country's economic policy between the needs of specific communities, environmental protection and the need for national development. This is particularly true with regards to the policies pertaining to the use of the country's vast natural resources. Given the potential of natural resources fueling economic and social development, and the danger of environmental devastation as consequence, finding an economic policy that ensures sustainable natural resource management is a key matter.

Additionally, the workshops enabled the participants to understand the connection between the government's economic policies and their effects on the lives of ordinary citizens. The Saffron Revolution is an example. In 2005, when the ELT program began, fuel subsidies were greatly reduced and the price of gas went up by several hundred percent. Despite this, there was minimal mobilization or protest in the country. But in 2007, the increase in gas prices caused by the further removal of fuel subsidies was enough to spark massive protests that spread throughout the country.

The demands made during the Saffron Revolution had the same economic arguments as those employed in rallying people to join the protests in 2007. What happened between 2005 and 2007?

Debbie Stothard believes that ALTSEAN-Burma's implementation of the ELT program contributed greatly to the surge in discussions about the economic misrule of the country, with citizens becoming aware of economic justice and their right to demand for access to food and to adequate standards of living. Activists were more confident to use these arguments to rally and mobilize an already aggrieved population in nationwide protests that surprised the international community.

In 2008, a forum of organizations from different ethnic communities called the Ethnic Community Development Forum (ECDFF)¹ embarked on a project implemented throughout Burma to come up with an alternative development policy. The ELT program was an integral part of this process. Prior to the formulation of this alternative development policy, ALTSEAN-Burma was called upon to deliver two ELT workshops with different groups

of Burmese youth. Armed with the knowledge gained from these workshops, these youth returned to the different states in Burma and organized their own ELT workshops with grassroots activists, farmers, and other youth, paying particular attention to the development, agriculture, and natural resources modules. The ECDF held approximately two hundred consultation meetings at the grassroots level, meeting with farmers to find out how the country's economic policies were affecting them and asking for their proposals on how to address the issues resulting from these policies.

These consultations resulted in the formulation of alternative local development policies for the agricultural and natural resources sectors, launched between the end of 2010 and early 2011. For the first time, local stakeholders were empowered with the voice to come up with solutions and recommendations to the economic problems of the country. Given the personal nature of the problems encountered by the local stakeholders as a result of the economic mismanagement occurring at the national level, the policy proposals coming from the ground were practical and sensible, taking into consideration a number of factors that were often overlooked by the politicians in the capital. Unfortunately, when ECDF first tried to present these alternative local development policies to the legislators, they were ignored. But the struggle continued.

This project illustrates the empowering effect that the ELT workshops have on the participants. They provide participants with a working knowledge of the basics of economics, and the impacts of the economic system on their everyday lives. At the same time, they value the capacity of these participants to come up with their own solutions by harnessing the knowledge they acquired from living with the realities of economic mismanagement.

Several partner organizations inside Burma have also begun incorporating economic analysis in their human rights reports, providing a more holistic presentation for their readers. These reports cover a variety of topics, ranging from human trafficking to drug production in Burma. The international human rights organizations have responded positively to the more nuanced presentations of the issues by the partner organizations inside Burma, and paid more attention to the fundamental linkages between human rights abuses and the dire economic situation in the country.

Interactions during these workshops have also contributed much to ALTSEAN-Burma's understanding of the extent of economic mismanagement, cronyism and corruption inside Burma. Some examples include the

prevailing fertilizer and seed monopolies that are among the challenges that most small farmers have to contend with. In the course of these workshops, the participants have been very candid in sharing information and the experiences of their communities. Participants' contributions in the form of personal narratives have brought the realities of conflict, militarization, and repression closer to home for ALTSEAN-Burma, giving abstract issues a human face and a human voice.

During one of the seminars, a Shan farmer disclosed how, because of the militarization in his area, the families of some members of the military took over land in the area and built a small dam on the river used by the community as their water source. This effectively reduced his harvest from two cycles in a year to only one. Because of his decreased income, he could no longer afford to buy pesticides for the next crop cycle. When a pest infestation hit the farms in the area, he lost half his harvest. In effect, he had reduced his agricultural output down to 25 percent of his original output in the space of two years. The farmer also explained how these conditions served as push factors for those in the area to seek work outside the country and become migrant workers.

This personal narrative demonstrated the very real economic impact that violent conflict in the region had on the surrounding areas. Apart from violence, forced labor, and the attendant displacement of communities, militarization and violent conflict also affect the political economy in the vicinity. In particular, the changed situation arose from the direct intervention of the state, via the increased military presence in the area, which resulted in violations of the rights of the local community to adequate standard of living, including the right to be free from hunger, as well as the opportunity to have continuous improvement of their living conditions.

The Future of the ELT Program

ALTSEAN-Burma continues to improve the ELT program. It is developing a Business and Human Rights module. The new module aims to make local communities and activists understand the interest of the international community, particularly foreign businesses, in Burma. This module will concentrate on the role of businesses in either the promotion or the obstruction of human rights protection in the country. It seeks to provide the local people with knowledge about measures that can help prevent the im-

punity perpetrated by the government, with the complicity and often for the benefit of big businesses. These measures include the corporate social responsibility programs, the Extractive Industries Transparency Initiative, the United Nations Guiding Principles for Business and Human Rights, the Organization for Economic Cooperation and Development (OECD) Guidelines for Multinational Enterprises, among others. Knowledge of these measures can help improve the capacity of the local people to negotiate with the government as well as with the large corporations that are coming to do business in Burma.

Another enhancement in the program is the addition of a module on economic policy reforms that play an important role in facilitating transitional justice in the country as it emerges from its repressive past. This module seeks to extend the coverage of transitional justice from the traditional focus on violations of civil and political rights to inclusion of economic justice and redress of socioeconomic grievances.

Conclusion

Burma is a country in flux. With the government's current stance of opening up to foreign investments and foreign companies lining up to do business inside Burma, economic development is on a precipice. The arrival of foreign companies into the country, particularly those interested in Burma's natural resources, increases the possibilities for more severe cases of economic mismanagement, with the corresponding human rights abuses.

In this regard, having a population aware of the nexus between economic policies and human rights becomes all the more important for the human rights and democratization movements in Burma. This is what ALTSEAN-Burma's ELT program endeavors to do – to equip local Burmese activists with the knowledge, skills, and vocabulary that they need to fight against human rights abuses arising from economic mismanagement. Ultimately, the goal is for ALTSEAN-Burma's ELT program to become redundant, with local Burmese activists having the capacity to conduct the ELT program themselves inside the country.

Endnote

1. For more information on ECDF, visit www.ecdfburma.org/.

Rights of Bonded Laborers at Brick Kilns: A Social Protection Perspective from Pakistan

Ayesha Aftab

THE brickmaking industry in Pakistan hosts a major concentration of grassroots and semi-urban population and provides a source of livelihood to some of the most vulnerable and poorest sections of society, many of them being migrant or seasonal workers. This industry contributes 1.5 percent¹ to the gross domestic product (GDP) and provides livelihood to about two million people² largely as informal sector.

This industry is a risk-prone, informal manufacturing sector in terms of accessibility, information and response relating to work situation, demographics and conditions of workers deployed there at work. As per information shared by the Department of Labour and Human Resource of the Provincial Government of Punjab, it is estimated that an average of thirty to thirty-five families are deployed at each brick kiln and with an average family size of seven (with at least three of the family members being children). Hence, two hundred ten people on the average are covered per brick kiln, or two thousand one hundred people for every ten brick kilns.

An inter-generational poverty cycle is a major characteristic of the families deployed at the brick kilns in Punjab and Sindh provinces. Children working at the brick kilns alongside their parents and other family members are exposed to safety and protection-related risks and have minimal access to health, hygiene, safe drinking water, and education facilities. Working conditions at the brick kilns are also hazardous to human health and the brickmaking process has many steps that are not suitable for children.

A pattern of unethical practices prevails at most brick kilns where children participate in brick making process, with minimal access to good nutrition, and recreational facilities. Parallel to that scenario is an increasing market for bricks with no procurement-related standards applied for reducing children's entry into work in the brick kilns.

In Pakistan, the lack of financial credit in the brick kiln sector along with the system of employment contract in the informal sector provides significant reason for bondage. Millions of workers are bonded to their

employers, forced to work for low or no wages because their earnings are retained by the employer (or a middle person) to repay an outstanding debt. Caused by multiple factors (economic, social, as well as cultural), debt bondage thus remains a complex phenomenon based on relationships of domination and alienation.

Brick kiln workers are confronted with the challenge of meeting basic sustenance needs. Due to this lack of investment in human capital, child workers do not acquire the necessary skills to break the cycle of poverty, and repeat the same cycle as they become adults. As a result, the cycle of illiteracy and lack of skills ties into the cycle of poverty, debt, vulnerability and dependence. In this way the cycle of poverty continues from one generation to another and so does the bonded child worker.

Eleven million bricks are produced in a month on the average. The total number of workers in one kiln averages around eighty male and female adults. Children who come to the workplace with their parents are not considered employed by the brick kiln owners.

Majority of the children at the brick kilns are prevented from going to school as they contribute a substantial amount to the family income by working. Most families are of the view that schools alongside the brick kilns are not sustainable and they do not add value to the children's development. Also, the income of these families would not be able to support the cost of education.

The World Vision Pakistan piloted a **research-based advocacy initiative** to determine the scope of ethical production and procurement of bricks and to delineate ethical production and procurement strategies that could contribute towards a decent work environment for the protection of worker's rights including children's protection and well-being at the brick kilns. The project provided the layout towards a long-term process of policy review and strategic interventions through stakeholders' dialogue, and advocacy towards decent working conditions and safeguarding of the rights and well-being of children and youth engaged as a supplementary workforce of their families.

Profile of Bonded Laborers (Households) at Brick Kilns

Households in debt bondage at brick kilns are generally those of uneducated, low skilled workers with an average of seven members. The entire household

is involved in brick making - with the head of household and the spouse making their children, both boys and girls, work in the various stages of the brick making process.³

Each household has an average of 2.2 children with age ranging from seven to seventeen years working at the brick kilns. Female child workers outnumber the male child workers (55 percent girls; 45 percent boys).

Poor families supply child labor to the brick making industry to enhance their weekly wages while they remain unaware and unable to invest in their children's education. They compromise on enhancing their future income by foregoing the education of their children and by choosing to maximize their present rather than future income, which involves higher opportunity cost of schooling and investment of time. As a result, the intergenerational patterns of illiteracy and debt bondage are inherently present.⁴

The Provincial Government of Punjab has found in an assessment the existence of a total of six thousand five hundred brick kilns in the twelve districts of the province, with six thousand to nine thousand children serving as child workers and engaged in the worst forms of child labor.⁵

Situational Analysis at Brick Kilns

Under the Punjab Prohibition of the Employment of Children Act of 2014, no child under fourteen years can be engaged to work.

The Provincial Government of Punjab has already declared in 2012 an Education Emergency in the province that required the enrolment of out-of-school children belonging to families engaged at brick kilns including child workers. This initiative implemented the 2010 constitutional amendment that added a right to education provision (Article 25A) in the Constitution of Pakistan.⁶

Though children are mostly involved in handling of mud and clay and making of raw bricks, their presence within the vicinity of the brick kiln and exposure to the baking process in several instances has high risks involved.

The field research of World Vision in Tehsil Chunian, District Kasur, Punjab province shows the following data:⁷

Table 1. Key Findings on Households

Workforce per household	5-6 persons
Bricks produced per day	Adults: 500 per day Family total: 1,900 bricks per day
Hours	Children & Adults: 10-12 hours/day, 6 days/week
Wages	Household wages per day (with 3.8 members) 1,140 Pakistani Rupees (around 11 US dollars) per day
In-kind payments	Shelter, electricity, water
Current debt	For 29 families: 3,009,000 Pakistani Rupees (almost 30,000 US dollars) Average per family: 103,759 Pakistani Rupees (a little over 1,000 US dollars)
Reasons for Debt	Most advances are taken to pay for basic necessities, medical expense, off season necessities and, to a lesser extent, weddings
School going children	Out of 109 children, 25 percent attend school, or 28 children
Micro finance credit	None of the thirty household respondents have been approached by micro finance companies
Future plans	66 percent of the parents want their children to stop working at the brick kilns in the next three years
Residence	83 percent live at brick factory site while 17 percent live in the village
Wives working at brick kilns	93 percent of the wives work at same brick kiln

The research also shows the following findings:⁸

1. At least 47 percent of the workers claimed that safe drinking water was available at the work place, while 53 percent thought otherwise;
2. 66 percent of the children saw themselves continuing the work in the brick kilns;
3. Over 50 percent of the children work for more than fifty-five hours per week;
4. At least 86 percent of the children have cited family restriction as major reason for not attending schools in the target area.

Education Facilities

The Provincial Government of Punjab established a total of two hundred non-formal educational centers near the brick kiln units. One hundred eight of which are in Kasur and sixty two in Lahore Districts. These schools were established by the provincial government under its Annual Development Scheme project: Elimination of Bonded Labour at Brick Kilns (EBLIK). Also, thirty non-formal schools were established with the assistance of International Labour Organization (ILO) and handed over to Pak Swedish Teachers Association, and another thirty schools were handed over to Bunyad Literacy Community Centers in 2010. A phase two of the EBLIK project has started since 2014.

Promoting Ethical Production at Brick Kilns

Producing ethically means making sure that decent working conditions and international labor standards are secured during the manufacturing of products including sourcing of materials. The decent work approach of the ILO is a tripartite and gender mainstreamed strategy integrating the concept of productive and freely chosen work, rights at the work place, social protection including access to health, education and other forms of insurance systems as well a process of social dialogue among the principal stakeholders and partners to achieve the above goals. It highlights implementation of the core labor standards including prevention of child labor and forced labor, abolition of bonded labor and setting up of minimum age for entry into work, equal opportunity and treatment at work, social security and social dialogue, etc.

Almost none of the brick kilns qualify under the parameters of ethical production: insufficient knowledge and awareness on decent working condition affects rights-based or ethical production parameters. Recurring gaps are evident in addressing the following issues: elimination of child labor, excessive working hours, hazardous working conditions coupled with minimal or non-existing facilities for education, health, sanitation, safe drinking water, provision of minimum wages, provision of occupational safety gear, and access to justice as their basic human rights.

Preventing children from working at the brick kilns is likely to ease the labor market as it will provide job opportunities for adult workers.

This would also help to decrease the unemployment rate and consequently reduce the poverty ratio.

The corporate governance parameter is a tool used for promoting ethical standards and practices at the work place and for promoting awareness of basic rights at the work place and community level. Corporate Social Responsibility (CSR) incorporates all forms of rights at the work place and aims at improving business ethics that need to be integrated with special emphasis on child protection through education and awareness raising, etc. The most significant issues addressed by CSR include the following:

- Health & Hygiene;
- Education;
- Advocacy of Human Rights and Human Rights Education at Work;
- Economic Protection and Infrastructure Development;
- Environment Protection;
- Community Development and Rehabilitation.

Promoting Child Rights through Sustainable Procurement Process

The research project reviewed over twenty models of procurement policies including the Public Procurement Regulatory Authority (PPRA) rules for procurement and the policies of corporate sector, donors and international agencies operating in Pakistan. The findings of the research project were validated by the public and private stakeholders at various high profile meetings.

One proposal was the strengthening of the ethical procurement measures through communication programs, capacity-building initiatives, and advocacy and awareness-raising sessions. Another proposal was the adoption of an advocacy plan for consensus-building on using the supply chain process as a measure to eliminate child labor in the brick kiln industry and promote sustainable procurement parameters.

Based on the proposed measures in the research report, advocacy sessions on the following topics were held to capacitate diverse stakeholders:

1. Advocacy on ethical procurement with international agencies and donors;
2. Development of minimum standards for procurement in the brick kiln industry; and

3. Advocacy on minimum standards for procurement with construction and insurance companies.

Since the business community and corporate sector largely follow traditional procurement policies, the concept of sustainable procurement started to be introduced to this sector. This new concept links social protection and environmental factors with that of economically-driven motives. Under this new concept, the benchmarks for minimum procurement standards would cover child-friendly environment, minimum wage, provision of occupational safety measures, access to health, education facilities, safe drinking water, sanitation facilities and social protection facilities for the workers.

Most of the procurement policies of multinational organizations and large public sector companies do not qualify under the benchmarks for sustainable procurement policies. They are therefore being encouraged to enhance their advocacy and communications strategies toward adoption of sustainable procurement policies as core disciplines that incorporate social protection measures besides economic benefits and environmental protection. Social protection measures are missing from the procurement policies of the corporate sector. The inclusion of these measures in the form of essential health care, insurance, educational benefits, workers' benefits (such as leaves, working hours and monthly wage rates etc.) would strengthen child protection and workers' well-being at the place of work.

The private (including the bricks market vendors and middle persons) and public sectors need to be appropriately educated on the significance of a coherent and consistent procurement policy and guidelines for their business and marketing communications during the implementation of development projects including those requiring construction of social infrastructures, schools, health care units, housing schemes, community centers, roads, bridges and even business complexes. A sustainable procurement policy can be used as a strategic tool for negotiations with other partners especially during the development of programs and facilitate the social inclusion of community needs and those of the workers involved. Human development and social protection needs of the community and workers including their educational needs are thus taken care of as a result of effective and sustainable procurement measures undertaken.

Campaign and Communication Strategy

A media-driven communication strategy was piloted to influence diverse stakeholders using a video documentary on rights at the workplace. The video documentary was used as a pilot approach to explore the links between the work done by the public and private sectors.

The video documentary, entitled “Promise for a Better Future,” was developed in 2014 as a strategic tool for developing a process of leadership dialogue on how to implement global labor standards at the brick kilns. The video documentary project was an evidence-based initiative to address basic education needs of all child workers at the brick kilns and provide vocational training to the youth. Moreover, it also promotes the critical importance of addressing social protection needs through social security cards for health safety benefits and other social benefits for workers and their families. The Departments of Education and Labour represented by their senior management provided ample documented evidence to build a case for educating the public on the fundamental human rights of workers and especially children deployed at the risk-prone brick kiln industry in Pakistan. The documentary was screened over different time intervals during the March-May 2014 period, first at a special advocacy session for senior representatives of government, donors, international agencies and the corporate sector including workers and employers organizations, and at separate sessions organized for national agencies engaged in child rights work, senior managers and regional heads of the institution that implements the project - World Vision Pakistan and its field staff including trainers, psychologists and school teachers involved in its child protection and education programs.

Another initiative involved the brick kiln owners that formed the ethical product market. They were invited to help strengthen occupational safety and protection standards for children and workers at their brick manufacturing units. This initiative was aimed at knowledge-building on the multi-dimensional integration of CSR (Corporate Social Responsibility) aspects with socio-economic empowerment opportunities for the workers in the production process.

A hall mark achievement of the initiative was the Child Well-being Campaign (CWB Campaign) organized in collaboration with Brick Kilns Owners Association, Pakistan to promote child-friendly brick kilns in Lahore, Punjab province. This advocacy-based educational campaign was a

unique model being accompanied by close coordination with the brick kiln owners and the Pakistan Workers Federation. It was also organized for children residing in the remote communities of small villages bordering India in the outskirts of Lahore. The CWB Campaign was undertaken during over a period of two and a half months (April - June 2014 period) including the mapping exercise.

This CWB Campaign was organized to strengthen the human rights education of workers and their children deployed at the brick kilns and to provide them access to basic tools for safety and care at the work place. A major dilemma prevailing in the implementation of core labor standards in Pakistan is that most of the campaigns and awareness-raising initiatives were organized as standalone initiatives and do not create a knowledge-building impact among the target group. Through the CWB Campaign, child and adult workers including those engaged in hazardous steps of the brick making process were educated regarding their rights to human dignity, work place safety measures and the benefits of adhering to a risk-free work environment. The CWB Campaign was both an advocacy and educational campaign, to bring increased coordination between the workers and employers' representatives in order to preserve the rights of the workers and their children.

The feasibility of the CWB Campaign was determined through a mapping exercise using field survey. The mapping exercise covered brick kilns that were selected based on a number of criteria: secure access, coordination with and consent of the brick kiln owners; and existence of basic administrative requirements including registration of the brick kilns with the provincial government authorities and the social security institute. The mapping exercise included the following information: dis-aggregated household data, and data on workers (working hours, task distribution, deployment of children of different age groups in brickmaking, hazardous features of brickmaking process, and wage distribution). In addition, the mapping exercise also took into account the extent of awareness of basic rights to education, health and other facilities of the workers and their families and children. This provided a basis for determining the need for human rights education for them.

The human rights education activities under the CWB Campaign took the form of community-based networking, awareness-raising sessions, and promotion of easy access of workers and their families to basic and essential

social amenities such as social protection benefits and equal remuneration for women workers, prevention of child and bonded labor, terms of contract, labor and wage differentials, and loans.

Occupational Safety Kits comprising of gloves and face masks were provided to one hundred representatives of the brick kiln workers. These kits were distributed among selected group of workers who were engaged in the process of stacking and baking of bricks and unloading bricks from the kilns. During the process, workers were informed of the risk of the hazardous steps in brickmaking and what measures and precautions were necessary in order to prevent themselves from work-related injuries and health risks such as skin and lung infections, breathing problems, burns, etc.

Special sessions were designed for knowledge-building and education of selected workers regarding the use of occupational safety gears. They were demonstrated when, where and how to use the gloves and masks in order to prevent any risks related to hazardous steps involved in baking and stacking of baked bricks. A large number of other workers at the brick kilns, who were involved in other less hazardous steps of brick-making also attended the sessions along with the employers in order to have an enhanced level of understanding of how workers' rights and basic safety needs were to be addressed.

Through this campaign, ten locations in Lahore were promoted as Child-Friendly Brick Kilns with the vision of improving the working conditions of children and older workers and of strengthening a support mechanism towards their protection and well-being through a multi-input collaborative model. The campaign accomplished the following:

1. Ten brick kiln units were identified and mapped for knowledge-building and awareness on child rights at brick kilns;
2. Ten awareness sessions for workers were organized on how to use occupation safety gears;
3. One hundred workers included those involved in stacking of bricks inside the kiln, baking of bricks and unloading of bricks from the kiln were provided with occupational safety gears consisting of masks and gloves;
4. Four hundred families at ten brick kilns (reaching two thousand eight hundred persons) participated in the distribution of materials and knowledge-building sessions;
5. Distribution of one first aid kit for each brick kiln location aimed at benefiting one thousand four hundred persons;

6. Distribution of recreational kits – one cricket kit per brick kiln to promote children’s right to play;
7. Strengthening of early childhood education by providing free early childhood education books and stationary.

Table 2. Beneficiaries Details– CWB Campaign to Promote Child Friendly Brick Kilns

Item	Boys	Girls	Youth	Adults	Families	Total
Dental kits	400	200	400	400	200	1,400
Occupational Safety (OS) Kits	-	-	20	80	100	100
First Aid Kits	400	200	400	400	200	1,400
Recreational Kits	400	200	400	-	10	1,000
Thematic Mugs	20	15	10	35	80	80
Awareness Raising session on Use of OS Kits	200	100	200		200	500

Child Well-being Campaign

The CWB Campaign links social dialogue to the corporate social responsibility concept and governance ethics at brick kilns.

The development perspective regarding the elimination of child labor and bonded labor at brick kilns is based on the principles of advocacy and rights-based education on safeguarding the rights of workers and effective liaison between the workers and employers. To support the same and accelerate the process, a human rights education and awareness-raising program is needed in addressing the continuing issues within the labor market especially in the brick kiln industry.

Strong sustainable institutional measures and action programs are needed for the effective protection of workers’ rights and the education on these rights of those working at the brick kilns. These measures and programs may also include the following:

1. Advocacy, through tripartite dialogue and consultations with government is deemed instrumental in putting forth a socially cohesive strategy for promoting ethical product market as well as



(Photos by Ayesha Aftab)

ethical procurement standards and the minimum benchmarks in the brickmaking supply chain;

2. Institutional priorities of stakeholders for promoting the well-being of children need to be advocated amicably through strategic engagements with government agencies such as the Departments of Labour, Education and Social Welfare and of Health, etc.;
3. Removal of child labor from the brick kilns is likely to ease the labor shortage as it will provide job opportunities for adult workers. This will help in decreasing the unemployment rate and also result in reducing poverty;
4. Strengthening of public-private partnerships especially with tripartite partners for future interventions and under the human rights/economic rights portfolio;
5. Advocacy must be supported with service provision to the targeted communities/stakeholders in order to fetch a stronger impact.

- Therefore, improving working conditions at brick kilns would add value to the programs;
6. Children and youth at the brick kilns do not have access to education, health or safe drinking water facilities that cause their vulnerability; they are also vulnerable to risks related to child abuse, protection, and have no means to improve their living conditions. Hence a child wellbeing program at brick kilns needs to be strengthened in the long term and also made sustainable;
 7. Child/bonded labor issues at brick kiln should be addressed through CSR-based models approach
 8. Short-, medium- and long-term goals should be defined to enhance the impact of advocacy on eliminating child labor;
 9. A collaborative model is recommended to influence tripartite stakeholders.

Concluding Note

The process of human rights institutional development is gaining momentum in Pakistan with both private and corporate sectors playing effective roles through their partnerships in implementing rights-based education and development programs for vulnerable communities such as brick kiln workers. It is now significant that the two governing features shaping the implementation of labor standards, i.e., human rights education and accessibility of development services, are well-aligned for greater and multilateral impact in the sector.

The achievement of decent work conditions in the brick kiln industry is dependent on how the stakeholders build bridges towards effective and consistent implementation of labor standards and facilitate sustainable marketing strategies for the same purpose. Parameters and modalities of human rights education toward promoting labor rights must be structured around the phenomenal concept of social protection and equitable employment conditions. The role of human rights education and institutional reforms would carry greater value with the integration of multi-input services becoming increasingly accessible. Public-private partnerships for providing access to such services like rehabilitation of non-functional school facilities located nearby brick kilns, provision of transportation facility, availability of school packages, food for education schemes, teacher training facility,

introducing human rights education curriculum, induction of a monitoring and quality assurance committee for education services would offer more impact leading to multi-input reforms. Therefore, a swiftly moving pattern of corporate governance would be significant for providing the essential model for rights-based development. Harmonized coordination among stakeholders implementing the community development model and engaged in providing improved services based on ethical benchmarks would inspire a well aligned pattern of corporate governance. Such measures would provide the basis for accelerated and qualitative corporate development program.

Endnotes

1. Bisharat Ali, "Brick Kilns & Bondage," *PILER Report on Labour Rights in Pakistan*, July 2010, page 91.
2. Ibid.
3. Ibid.
4. Saifullah Khairi, *Strengthening Child Protection through Ethical Production and Procurement of Bricks* (Islamabad: World Vision Report, 2014).
5. From the notes of the author on a meeting with Department of Labour, Punjab Province on the state of bonded labor in the brick kilns of the province.
6. Article: 25A Right to Education
The State shall provide free and compulsory education to all children of the age of five to sixteen years in such manner as may be determined by law.
7. Khairi, op. cit.
8. Ibid.

Human Rights, Conflict Resolution, and Tolerance Education: UNRWA Experience from the Field*

Ozlem Eskiocak Oguzertem and Paul McAdams

THE UNITED NATIONS RELIEF AND WORKS AGENCY FOR PALESTINE REFUGEES (UNRWA) is an organization that has been providing assistance and services to Palestine refugees since 1950. It is a unique United Nations (UN) agency as it directly runs schools, health centers, relief and social services, infrastructure improvement programs, micro-finance and emergency assistance to approximately five million Palestine refugees who have registered with UNRWA.

UNRWA operates in one of the most fragile regions in the world, with offices in the West Bank, the Gaza Strip, Lebanon, Syria and Jordan. The impact of conflict on children cannot be overstated across these five Fields of Operations (Fields). In Gaza, under blockade, six-year-old children have lived through three conflicts.¹ Almost 100 percent of UNRWA students in Gaza suffer from post-traumatic stress disorder.² In Syria, Palestine refugees have now been repeatedly displaced due to the on-going conflict there, their access to a range of basic services limited and children are in dire need of psychosocial support. In the West Bank, refugees and especially children face daily challenges as a result of living under occupation. In Lebanon, Palestine refugees' mobility and employment opportunities are restricted. In Jordan and Lebanon the influx of Palestine refugees from Syria has overwhelmed many of the existing camps.

While there are many challenges to ensuring that Palestine refugee children have access to education, UNRWA operates one of the largest school systems in the Middle East, with twenty-three thousand Education Staff reaching half a million Palestine refugee children through 685 schools, nine Vocational Training Centers, and two Educational Science Faculties. Further to long-standing arrangements with host authorities, and for practical educational reasons - in order to ensure that refugees can continue their

*The views and opinions presented in this article are solely those of the authors and do not necessarily represent those of the United Nations Relief and Works Agency (UNRWA).

education after leaving UNRWA schools - UNRWA uses the host curriculum and textbooks in its schools.

UNRWA is committed to providing free, quality and equitable education to all Palestine refugee children. To this end, the Agency continually seeks to improve its Education Program and is currently implementing its Education Reform Strategy (2011-2015). As described by UNRWA Director of Education, Dr. Caroline Pontefract, the “UNRWA Education Reform aims to improve the effectiveness, relevance, and efficiency of the education system. At its heart lies changing classroom practices and the dynamics of the learning process, towards ensuring they address the needs of all children and students.”³ Accordingly, UNRWA Education Program’s vision is “to develop the full potential of Palestine Refugees to enable them to be confident, innovative, questioning, thoughtful, tolerant and open-minded, upholding human values and religious tolerance, proud of their Palestinian identity and contributing positively to the development of their society and the global community.”⁴

To achieve this vision, a key component of the Education Program, the Human Rights, Conflict Resolution and Tolerance (HRCRT) Program, was updated and strengthened in line with the Reform and evolving international standards. The following discusses the HRCRT Program and the achievements emerging from this reform process.

Building upon the Existing Human Rights Education Program

Since 2000, UNRWA has been teaching human rights, conflict resolution and tolerance in its schools, reaching approximately half a million children from Grades 1-10. The Agency has focused its efforts on integrating human rights into existing curriculums, supporting human rights-oriented extra-curricular activities, and promoting concepts of tolerance and peaceful conflict resolution. Additionally, Gaza UNRWA has been offering a standalone human rights curriculum. In 2009, the findings of an Education Program Review highlighted the necessity of defining a unified approach to HRCRT across all five Fields. In response to this need, and in light of the Education Reform, with the continued financial support provided by the United States, UNRWA initiated a process to review its HRCRT education to further strengthen the Program and provide UNRWA-wide coherence.

Formulating a Human Rights Education Policy

In order to achieve coherence in the UNRWA's approach to human rights education in all Fields, it undertook efforts to develop an HRCRT Policy.⁵ The process of developing a policy was in line with other aspects of UNRWA Education Reform; including the development of the Inclusive Education Policy and Teacher Policy.

From the onset, the development of the new HRCRT Policy was a participatory process. As an initial step, a scoping mission was undertaken to the Fields in 2011 to conduct interviews with teachers, students, school administrators, Education Specialists, parents, community members, and representatives from non-governmental organizations (NGOs). These interviews reaffirmed that the knowledge and skills related to human rights education were limited and needed to be framed within a coherent approach to teaching and learning. The findings of the scoping mission also indicated that students were interested in learning more about human rights and that teachers were eager to learn more about teaching human rights in the classroom. These findings were particularly encouraging considering the difficult living conditions of many Palestine refugees.

The findings of the scoping mission led to the development of the HRCRT Policy, with the following strategic objectives:

- Build on the human rights principles embedded within the cultural context of Palestine refugees;
- Develop a human rights education environment in UNRWA education facilities that is conducive to promoting a culture of human rights;
- Equip UNRWA students and youths with human rights knowledge and skills in an attempt to influence their attitudes and behaviors in order to contribute positively to their society and the global community.

The Policy builds on UNRWA experience in human rights education but also reflects global developments and international commitments such as the World Programme for Human Rights Education (WPHRE, 2005 – ongoing), the Declaration on Human Rights Education and Training by the UN General Assembly (adopted in December 2011) and other international agreements such as the Convention on the Rights of the Child. UNRWA also

has a specific mandate from the General Assembly to incorporate the needs and rights of children in its operations in accordance with the Convention on the Rights of the Child.⁶ Article 29 (c) and (d) of the CRC was particularly relevant in framing the HRCRT Policy, and provides that the education of the child should be directed to:

(c) The development of respect for the child's parents, his or her own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate, and for civilizations different from his or her own;

(d) The preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin.

Because the Policy was formulated through a participatory process, it commands a high degree of ownership among staff in all Fields. The Policy also takes into account the challenges and different contexts under which the five Fields of UNRWA operate. With regards to operational contexts, there were a number of aspects to consider when developing the HRCRT Policy, namely the diversity of each Field, the use of each host country's curriculum, and different practices and supporting materials for human rights education in schools, either by integrating human rights education into specific subjects such as Arabic Language or Social Studies, or offering stand-alone human rights education classes as in Gaza.

The Policy was finalized in 2012, one year after the scoping mission to the Fields. Much of the Policy's structure is inspired by the WPHRE's framework for successfully integrating human rights education in the school system. The components of the framework are discussed in the next section.

With the new Policy in place, UNRWA staff in each Field conducted awareness-raising workshops for staff, communities, and NGOs on the structure of the new Policy. With the new Policy adopted, the implementation of the revised HRCRT Program was ready to take place.

HRCRT Program Good Practices

The new UNRWA HRCRT Policy enabled it to revise the HRCRT Program to ensure a consistent approach to human rights education in all five Fields.

The development of the Policy along with the key components of the HRCRT Program illustrates a range of good practices in human rights education. These good practices revolve around the importance of participation, the adoption of international standards and practices, concrete and practical teaching materials, an effective and decentralized training of trainers process, and the necessity of integrating monitoring and evaluation tools within existing structures.

For reference, the definition of a “good practice” in human rights education is adopted from *Human Rights Education in the School Systems of Europe, Central Asia and North America: A Compendium of Good Practice*.⁷ A good practice is a “strategy resulting in the successful teaching and learning of human rights values and competencies that could be demonstrated through a learning activity, a methodological tool, an audio-visual resource or a documented programme design intended for the formal education sector.”

Grounding the Policy in International Standards

As mentioned in the previous section, the HRCRT Policy was built on UNRWA experience in teaching human rights as well as global developments including the World Programme for Human Rights Education (WPHRE, 2005 – ongoing). In particular, the first phase of the WPHRE, which focused on human rights education in primary and secondary school systems, identified the following components as necessary in successfully implementing human rights education in schools: teaching and learning, teacher preparation and professional development, the learning environment, and monitoring and evaluation. These four components were adopted in the HRCRT Policy, and the next section presents the good practices UNRWA can offer under each component.

I. Teaching and Learning

With respect to teaching and learning, the HRCRT Program was strengthened with a consistent approach thanks to the adoption, as is, of the WPHRE definition of human rights education.

As defined by the WPHRE,⁸ human rights education is

education, training and information aiming at building a universal culture of human rights through the sharing of knowledge, imparting of skills and moulding of attitudes directed to:

- The strengthening of respect for human rights and fundamental freedoms;
- The full development of the human personality and the sense of its dignity;
- The promotion of understanding, tolerance, gender equality and friendship among all nations, indigenous peoples and minorities;
- The enabling of all persons to participate effectively in a free and democratic society governed by the rule of law;
- The building and maintenance of peace;
- The promotion of people-centered sustainable development and social justice.

Adopting this definition for the HRCRT Policy was a first step towards a coherent approach to teaching and learning. This was followed by reviewing existing human rights education materials, adopting a practical educational approach, promoting teaching methods that encourage student participation, and pre-testing teaching and learning materials.

a. Reviewing Existing Human Rights Education Materials

In order to improve teaching and learning, HRCRT teaching and learning materials needed to be consistent with the goal of human rights education defined above. This required an evaluation of existing human rights materials used in UNRWA schools. Furthermore, it meant the development or adaptation of existing human rights materials from international good practices.

The review of existing materials used to teach human rights in UNRWA schools was facilitated through a participatory process engaging UNRWA staff, students and parents to evaluate the relevance of existing teaching and learning materials, such as student booklets on human rights that had been used as “enrichment materials” in the classroom, as well as a standalone human rights curriculum in Gaza for Grades 1 to 6. Additionally, UNRWA examined a select number of international sources of human rights education manuals and toolkits for non-formal and formal education settings (see, for example, *Compassito*,⁹ *Compass*,¹⁰ and *Play It Fair!*¹¹

Three main conclusions emerged from the review. First, the existing “enrichment materials” were outdated and no longer reflected international practices. Second, the role of the standalone Gaza human rights curriculum in contributing towards teaching life skills and some aspects of human rights, but also in providing a general approach to teaching and learning

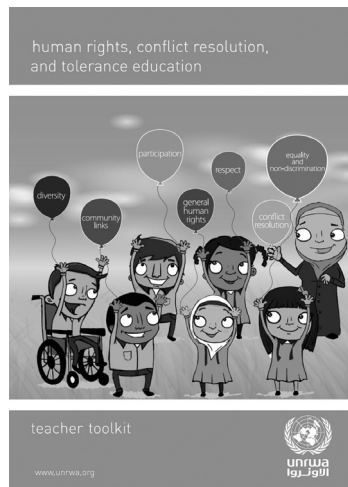
human rights that would apply to all Fields, was recognized. Third, UNRWA needed to develop a resource, in the form of a toolkit for all UNRWA teachers, with the following characteristics:

- Practical, concise and not overly theoretical;
- Provide consistent terminology;
- Easily integrated into the curriculum;
- Manageable for teachers with respect to their workload, also taking into consideration that, as part of the Education Reform, there were other school-based initiatives such as “school-based teacher development” which took time out of a teacher’s schedule;
- With a practical educational approach, promoting critical thinking rather than rote learning, respectful of children’s developmental capacities (content to be adapted for age-specific learning needs);

- Considerate of the culture of Palestine refugees;

- Contain useful tools and activities for integrating human rights education in schools, including planning tools for school management and teachers, and a range of classroom-based activities adapted from international practice.

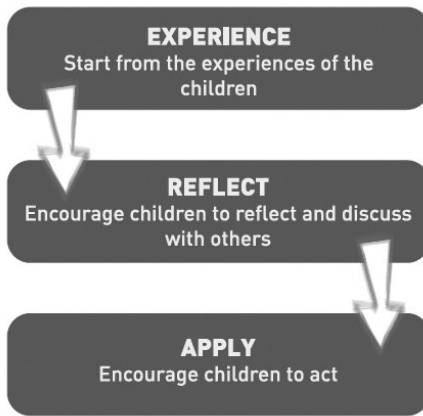
The results of this review led to the development of a teacher toolkit (the HRCRT Toolkit).¹³ The development of the Toolkit (discussed further in the following sections) took place through a participatory process, requiring input, feedback, and validation of its content several times until it was finalized and published.



b. A Practical Educational Approach, Learner Competencies and Human Rights Themes

As discussed in the previous section, the HRCRT Toolkit needed a practical educational approach basic enough for all teachers to integrate into their classroom practices.

The resulting approach, reinforced by international practice, relies on a three-step participatory approach. In the first step, *Experience*, students’



existing knowledge and experience are valued; they are exposed to practical activities, and are encouraged to actively participate in the class. In the second step, *Reflect*, students are encouraged to reflect on their learning experience in order to strengthen and foster links between their learning and their lived experiences. Finally, the third step, *Apply*, enables students to act in concrete ways within the school and their

communities to promote a culture of human rights.

The educational approach is reinforced and guided by learner competencies namely: the fostering of knowledge, development of skills, and molding of attitudes that contribute towards a culture of human rights. The Toolkit structured this around a set of learner competencies set out in the HRCRT Policy. These competencies were adapted from the *Guidelines for Human Rights Education (Secondary Education)*, OSCE and ODHIR (2012).¹⁴

The educational approach and learner competencies, along with the definition of human rights education mentioned at the start of this section, form the educational underpinnings of the HRCRT Toolkit. Additionally, in order to reinforce the specific learning environments of all Fields, a total of seven themes were identified. These themes were constructed based on results of the scoping mission and finalized as: General human rights, participation, diversity, respect, equality and non-discrimination, conflict resolution, and community links. These themes form the basis of the classroom-based activities included in the Toolkit (discussed in the following section).

c. Teaching Methods and Learning Activities to Encourage Student Participation

The educational approach of the Toolkit is supported by participatory teaching methods adapted from a range of international practices (see, for example, *Compass*¹⁵ and Richard Pierre Claude's *Methodologies for Human Rights Education*¹⁶). While the scoping mission revealed many teachers indicated a level of familiarity with these teaching methods, they highlighted the

importance of consolidating these teaching methods in one resource. Some of the methods described in the Toolkit include: group work, brainstorming, debates, role play, participatory theater, and art. Examples of using the method in the classroom are provided along with the description of each method.

These methods are also present in forty child-friendly classroom activities presented in the Toolkit. The activities were adapted in large part from a wide range of human rights education activities from international practices. The activities were all structured in the same manner: identifying a main theme, a suggested grade level and time, specific learning objectives, a sequence of steps, a means of evaluating the activity through large group discussion, and suggestions for follow-up actions. All activities reflected the educational approach (presented in the previous section) and were modified and revised mainly through pre-testing and a revision process as presented in the next section.

d. Pre-Testing and Revising New Educational Material

In order to strengthen the teaching and learning of HRCRT, the structure and contents of the HRCRT Toolkit underwent a series of testing and revisions in terms of content, language, structure, and design. A first draft

From the Classroom:

During the evaluation of the pre-testing phase, one teacher said this about a “classroom agreement” activity in which students identified their own classroom rules for working together:

“Before trying out this activity, I thought it would result in chaos. But then after I did it with my students, I saw they were more cooperative when they were setting the rules themselves and there was increased participation.”
Teacher from Nablus, West Bank

in English was translated into Arabic for pre-testing in schools in the West Bank and Gaza. These Fields were selected due to their representation of two distinct structures supporting human rights education in UNRWA schools.

In the West Bank, teachers were using enrichment materials, including specialized booklets and story-books, since the start of the HRCRT Program in 2000. In Gaza, some teachers had been using enrichment materials but also included stand-alone human rights curriculum in

place for Grades 1-6. The latter is delivered in a “human rights class”, one class period per week.

To take part in the pre-testing, teachers participated in a two-day initial training workshop introducing the Toolkit. Teachers who took part in the pre-testing were encouraged to practice a reasonable number of HRCRT Toolkit activities within a two-month time period. After their initial training, teachers from the same school discussed which activities they would practice and evaluate with their students. All teachers trained implemented these Toolkit activities in their classrooms for two months. After this period, the teachers met again for an evaluation workshop, during which they provided feedback and suggestions for improving the Toolkit. Suggestions were categorized according to structure, content, and language. Regarding structure, feedback called mainly for simpler planning tools and shorter activities. On content, feedback called for less theory, more teaching methods, and more guidance on integrating human rights education into different subjects. For language, some concepts required further simplification and some terminology in Arabic needed to be revised in order to take into consideration the language’s nuances.

These suggestions and others were identified through evaluation forms provided to teachers implementing the activities in class. Each school submitted a compilation of all evaluation forms which recorded the views of both teachers and students practicing HRCRT Toolkit activities. The feedback was then analyzed and contributed towards the finalization of the Toolkit. As the Toolkit was nearing completion, another workshop was organized with key UNRWA staff from all Fields in order to provide additional feedback on the Toolkit. During the workshop, participants were provided with a colored version of the Arabic Toolkit that contained illustrations. Their feedback identified the importance of reflecting diversity in the illustrations of children (for example, representing children with different skin tones as well as children with and without special needs). Equally important was to illustrate children in typical UNRWA uniforms and other characters (such as parents and teachers) in traditional Palestinian dress. Feedback was also provided on content, design, the actions and gestures represented by children in the illustrations, and language. Following the workshop, a committee was established within UNRWA to review the Arabic translation of the entire Toolkit. This was especially important as Arabic is a rich language

and there can be various terminologies with similar meanings which was highlighted during the pre-testing phase.

In the end, the Toolkit contained:

- Direct quotes from teachers who practiced some of the activities;
- A section on participatory teaching methods;
- Question and answer boxes throughout the first (theoretical)

part of the Toolkit that provided a quick reference;

- Four planning tools: Planning Tool 1 is for initial training on the Toolkit, Planning Tool 2 is a baseline of the human rights environment of the school, Planning Tool 3 is on planning for the HRCRT Program at the school level, and Planning Tool 4 is for teachers to integrate human rights into existing lessons, such as

The Toolkit Main Sections:

Part 1. A General Guide to Teaching Human Rights

1. A culture of human rights in UNRWA schools
2. Human rights
3. Human rights education

Part 2. HRCRT in Schools

1. Human rights themes in the Toolkit
 2. The educational approach of the Toolkit
 3. Planning for HRCRT in schools
 4. Realizing HRCRT in schools (includes Classroom Activities)
 5. Evaluating the HRCRT Program
- Appendices

a social science class;

- Tables structured by Grade and Term listing forty activities based on the Toolkit's seven themes;
- Simple language versions of the Universal Declaration of Human Rights and the Convention on the Rights of the Child.

At the time of publication, there was relatively little information and guidance for teachers on evaluating the HRCRT Toolkit. The main focus of evaluation is the end of each activity, during which the teacher asks students what they enjoyed (or did not) about the activity, how it relates to human rights, and how they can apply their learning in a practical way in the school and the community. Because the HRCRT Program is part of the education system within UNRWA, any evaluation of the program was best considered

by fitting within the Education Program's indicators as opposed to a stand-alone evaluation of HRCRT Program. The tools used to monitor and evaluate (M&E) the HRCRT Program were developed in line with this broader education system (see the section below on monitoring and evaluation tools for more information).

II. On-going Teacher Preparation and Professional Development

The second component of the HRCRT Policy is “on-going teacher preparation and professional development,” which complements the “teaching and learning component” described in the previous section. Once the HRCRT Toolkit was finalized, the next steps were to provide teachers with their own Toolkit and training on how to use it. Planning to train approximately twenty-three thousand Education Staff required input from all UNRWA Fields and education staff at the headquarters. The process for training teachers is described below, along with additional measures put in place for continuous capacity building.

a. Training of Trainers (ToT) Process

Based on the pre-testing of the Toolkit and additional consultations with UNRWA staff in all Fields, a training process was developed to enable all UNRWA teachers to receive training on the Toolkit within two years. The process involved the following steps:

- Training of Trainers (ToT) was provided to School Principals and Education Specialists in all Fields (in June 2013). Each training was two days long;
- In all, approximately two hundred School Principals and Education Specialists were trained as “HRCRT trainers;”
- As part of their training, the HRCRT trainers received a training guide that offered different training options: one-day training, half-day training, and four short training sessions. These options were offered to provide flexibility based on input from trainers indicating that the time to train teachers, School Principals, and Education Specialists was limited owing to their workloads. The training option used most often was the one-day training;
- Once the HRCRT trainers completed their training, each Field determined a process and timeline for training its staff. The HRCRT

trainers provided training to other School Principals and Education Specialists, who then went on to train teachers. The trainers were paired up as teams, to strengthen the delivery of the training.

All trainings of the HRCRT trainers—and later other Education Staff—were grounded with practical outcomes in mind. The training workshops:

- Emphasized the importance of understanding the educational approach, the learner competencies, and the Toolkit themes;
- Focused on practicing as many Toolkit activities as possible;
- Enabled all teachers in the schools to collaborate on planning for the integration of HRCRT;
- Demonstrated how teachers can use the Toolkit to develop HRCRT learner competencies.

b. Additional Capacity Building Support

While the ToT approach is practical and efficient, there is a risk in any ToT of losing the quality of the initial trainings by the time the training reaches the last group of trainees. In order to mitigate this risk the following additional steps were taken to supplement training workshops.

1. *Supplementary training video:* UNRWA produced a practical supplementary training video to mitigate the issue of ToT and allow teachers to see the educational approach of the Toolkit firsthand. The video demonstrates various teaching methods, planning tools to integrate HRCRT in any subject, and how to implement the HRCRT activities. It includes interviews with students, teachers, and School Principals who have implemented the Toolkit. As such, the video provides all Education Staff with an opportunity to see good practices and refresh their trainings at convenient times for them. To address the issue of poor or intermittent Internet access at homes and schools, each school was provided with training DVDs.

2. *HRCRT Bulletin:* The Bulletin supports teacher preparation by providing an update on the HRCRT Program and facilitating sharing of experiences and good practices across UNRWA's five Fields of Operation. It is distributed by email on a bi-monthly basis to all UNRWA Education staff, with the aim of sharing information, tools, reports, news and tips on human rights education.

The Bulletin supports the implementation of the HRCRT Policy by providing teachers with news and ideas, and offering a constant reminder re-

garding the necessary steps for the successful implementation of the Toolkit. For example, in one issue a “Trainer’s Checklist” was provided to support School Principals and Education Specialists in preparing for HRCRT training workshops. Ideas and reminders on how to carry out Toolkit activities in the classroom are shared with teachers. In every issue of the Bulletin a “Featured Toolkit Activity” is presented. For example, “Activity 33: Our Ideal Candidate” was presented in the August 2014 Issue, to be implemented at the beginning of the school year to support students in electing a candidate for the School Parliaments.

The Bulletin captures success stories from the teaching staff from all Fields; this sharing of experiences with other Fields motivates and engages teachers and increases ownership of the Program.

3. *Top-up trainings for HRCRT trainers:* In order to ensure regular professional development of HRCRT trainers, one-day “top-up” trainings were provided on a yearly basis. During these trainings, trainers had the opportunity to share their successes and challenges in undertaking their training and the implementation of the HRCRT Program in general. These trainings also enabled trainers to provide feedback and suggestions to improve the Program. The trainings were an opportunity to provide trainers with revised and additional tools to implement, monitor and evaluate the Program. The training of all education staff (around 23,000 people) by HRCRT trainers approximately took two and a half years.

4. *School based top-up training led by School Principals:* To date, most teachers have received the initial training on the use of the Toolkit, but as is the case with any program, regular in-service capacity building and sharing of experiences, successes and challenges are essential in ensuring sustainability. Guidelines were prepared for School Principals to lead top-up trainings for teachers, to take place approximately a year and a half after the initial trainings, in order to review the Toolkit’s educational approach, monitoring and evaluation tools to review outcomes at school level, and allow teachers to share experiences and challenges.

During the top-up training planned for 2015, teachers will be encouraged to adapt Toolkit activities, develop new activities that reflect the seven Toolkit themes, and provide examples of integrating human rights in different subjects. This enables greater ownership of the Toolkit and Program by teachers. Headquarters facilitates this process through the provision of guidelines for the top-up trainings which include templates for the development of new Toolkit activities.

5. Top-up training for Education Specialists: As part of the capacity building of teachers, the role of Education Specialists is to provide regular support and coaching to teachers through school visits. Therefore, UNRWA headquarters is in the process of developing top-up training in order to support the role of Education Specialists in supervision, quality assurance, and monitoring the Program through regular school visits. This includes, for example, an updated classroom observation tool to be used by Education Specialists.

III. Strengthening a Rights-Based Learning Environment

In addition to teaching about human rights in the classroom, UNRWA pays great attention to the learning environment as it affects all those involved in the teaching and learning process. To this end, UNRWA looks both at the school environment and the links with the community.

a. School Environment and School Parliament

UNRWA's human rights education approach considers not only what goes on in the classroom but also student participation in school life and the overall environment within the school. UNRWA acknowledges that teaching and learning needs to take place in an environment where students and teachers are respected, violence and bullying is not tolerated, and the school environment is healthy and provides safety for both the physical and psychosocial well-being of children. In order to have school practices respectful of human rights, UNRWA put a number of systems in place including strengthening the UNRWA regulatory framework's zero tolerance for violence against children, a number of activities and initiatives to reduce bullying in school, a school-level agreement or code of conduct to promote respect and dignity which is facilitated by the HRCRT Toolkit Planning Tools 2 and 3.¹⁷

One of the good practices UNRWA has adopted to improve school environment and to promote a culture of human rights is the School Parliaments. Many were formed at the start of the HRCRT Program in 2000, and all UNRWA schools now have one in place. School Parliaments consist of elected members from the student body who represent their peers so that children's voices are heard and they practice their right to participation.¹⁸

As such, School Parliaments have played a significant role in ensuring student participation in activities and decisions regarding the school en-

vironment. Members of School Parliament act as mediators between students if conflicts arise and act as the voice of students when interacting with school administration. They are also leading students in the creation of human rights themed activities, from raising awareness around human rights to doing projects that allow students to learn about their communities and help address problems both in their schools and communities. These activities allow all students to practically apply what they learn through human rights education. They become young leaders and active participants of their communities promoting a culture of human rights in their school environment and beyond.

With over seven hundred UNRWA schools, the diversity, quality, and amount of activities each School Parliament undertakes varied considerably. With the advent of the HRCRT Policy, UNRWA decided to ensure a consistent approach to focusing School Parliament activities. A first step was to suggest that each newly elected School Parliament develop and share with UNRWA headquarters its plans for the year. To guide School Parliaments in this process, a template for work plan and budget plan was developed and School Parliaments were asked to fill these out after meeting and discussing with the students. They were also provided with very brief guidelines and examples on how to frame their activities along the lines of the seven HRCRT Toolkit themes.

A second initiative towards ensuring a consistent agency-wide approach to School Parliaments was to develop a guide on “good practices.” All schools were invited to share their examples of good practices; the results of which are in the process of being compiled and will be presented in a School Parliament Good Practices Booklet. This encourages information sharing and learning as the Booklet will present different practices from schools and will provide further tips and guidance on how to conduct activities to promote a culture of human rights in UNRWA schools and communities.

b. Links with the Community

In addition to the school environment, UNRWA also acknowledges the important role of the community environment and making links between school and the community to promote a culture of human rights. Community and family life play a big role in molding the attitudes and values of children. When what is taught and practiced in schools about human rights is contrary to practices and behaviors at home, a “school-home

divide” occurs. The “right to participation” aptly illustrates this divide. In UNRWA schools children are taught about their right to participate and practice this right, particularly since the Education Reform started. When students go home and continue expressing their opinions, some parenting styles or traditional attitudes that value the opinion of elders more than of children, might cause tensions within the family. In order to address this school-home divide and to ensure parents and community are informed about and involved in their children’s education, it is important to conduct awareness-raising activities targeting the community. Awareness-raising activities with parents enable a respectful environment in which they appreciate their children’s ability to participate in school and at home as a positive means of enjoying their rights. HRCRT learner competencies, especially the attainment of human rights attitudes, values and skills, can only be fully realized if parents and communities are involved. To this end UNRWA put in place the following good practices:

"We parents were not fully aware of most of these rights. It was very informative and an important experience to learn about these rights. The celebration today was very special... We saw how our children were discussing their rights as mature and empowered people."

*Parent during Human Rights Day,
Ramallah, West Bank*

Open Day on International Human Rights Day: On December 10 2014, International Human Rights Day, parents and communities were invited to UNRWA schools to learn about human rights and UNRWA’s approach to teaching HRCRT. They experienced a sample collection of HRCRT Toolkit activities firsthand and participated in activities, each one facilitated by one student and one teacher. In order to facilitate this process, UNRWA headquarters provided the schools with guidelines that included the goal, suggested approach and activities for the Open Day.

This Open Day helped increase the understanding of HRCRT among the community and deconstructed a lot of misconceptions regarding human rights education. Human interest stories and a photo collage with quotes from students, parents and teachers on the impact of this day can be found on UNRWA website.¹⁹

Awareness raising animated video targeting the community: Awareness-raising animation videos are currently being produced to illus-

trate the practical application of human rights education in schools. Three episodes were developed, each demonstrating how students take action after participating in HRCRT Toolkit activities on issues such as bullying, women's rights, and supporting the community. These episodes will be screened on UNRWA satellite TV and YouTube channel to reach out to the community and communicate the HRCRT messages. This will allow the parents and the community to increase their understanding of the goals of human rights education, and attempt to address any disconnect between what their children learn at schools about HRCRT and actual practices at the community level.

Parent-Teacher Associations: All UNRWA schools have Parent-Teacher Associations (PTAs) that further support school's link with the community. In line with the HRCRT Policy and the Education Reform, PTAs are also currently being strengthened to lead on human rights education activities targeting the community. To this end the HRCRT Program staff in headquarters is currently developing guidelines for PTAs to conduct regular meetings and agree on a work plan on how they will contribute to HRCRT and human rights education in their communities.

IV. Monitoring and Evaluation

The impact of the HRCRT Program on changing students' and teachers' knowledge, attitudes, behaviors and skills is measured through a range of qualitative and quantitative instruments. In addition, a Perceptual Survey explores the perceptions of students, teachers, School Principals and UNRWA Field staff, on the prevalence of an HRCRT culture and practices at school level. This survey looks at perceptions with regards to school violence, bullying, respect, participation, School Parliament activities, discrimination and conflict resolution.

The Perceptual Survey was first conducted in 2013 (in all Fields except West Bank due to an industrial action) to identify the indicator baselines.

The first part of this section looks at the current tools to measure results with a focus on activity and output levels, the second part discusses the results of the Perceptual Survey which identified the indicator baselines and will be repeated after the implementation of the HRCRT Toolkit in all schools.

Quantitative and Qualitative Tools to Measure Results

At the output and activity levels, the following tools are used to monitor and assess the progress of program implementation:

1. A Monthly Activity Monitoring Tool

This tool was developed to monitor Education Reform activities on a monthly basis. For the HRCRT component, the tool is used to record:

a. The number of staff trained: 17,884 Education staff trained on HRCRT Toolkit from 2013 until the end of 2014.

b. The number of schools completing the HRCRT Toolkit Planning Tools: three hundred fifty-five schools completed the HRCRT Toolkit Planning Tools and moved on to implementation at school level by the end of 2013-2014 school year (the Planning Tools are described in this paper under the “Teaching and Learning” section). These Planning

“We may not be able to achieve living in a safe environment, but at least we will make the classroom and the school environment safe. At least we can achieve that through these activities.”

Teacher, Gaza

Tools are used by school management as well as UNRWA headquarters to assess where schools are and if they are on track with the agreed plan.

c. The number of School Parliaments that completed the School Parliament Activity Planning and Monitoring template: six hundred forty-eight School Parliaments completed their action plans on HRCRT activities during the 2013-2014 school year. UNRWA headquarters regularly collects and analyzes activity plans from School Parliaments to make sure the plans are in line with the goal of the HRCRT Policy and the guidelines developed.

d. Reflections from the Chiefs of the Education Programs²⁰ in each field: Under this section, the Chiefs report progress and challenges in implementing the Program, their most important observations from field/school-level implementation, and any external circumstances that affect the operationalization of the implementation plan. This narrative section also offers success stories as observed by Chiefs during their school visits.

The quantitative and qualitative information collected through the Activity Monitoring Tool is synthesized by the HRCRT staff at UNRWA headquarters and used to offer support to the Fields where needed.

2. Training evaluation surveys to assess HRCRT training

After each training, teachers fill out post-training surveys, which contain approximately fifteen statements related to the quality of the training by facilitators and their perceived ability to integrate HRCRT into their work. The surveys illustrate that overall the trainings equipped teachers with the knowledge and skills they need to implement the HRCRT Policy. In all, 78.82 percent of teachers responded positively to statements in post-training surveys.

93.75 percent of participants stated they strongly agree or agree with the statement: “I can better teach about human rights after this training.”

Teachers also expressed a strong understanding of the link between the subject they teach and HRCRT with a combined agreement (strongly agree or agree) level of 88.7 percent. This result is particularly important given the fact that not all subject teachers were previously involved in teaching HRCRT. This therefore suggests that the training is successful in transmitting the relevance of an integrated approach to human rights education, whereby it is integrated throughout the entire curriculum.

In the evaluation results, teachers’ motivation and commitment to teaching HRCRT also came out as very strong. 93 percent of teachers agreed with the statement “I am committed to create a rights-based environment in my classroom”. Similarly, 93.1 percent stated that “it is important for students to acquire human rights knowledge, skills and values.” The teachers’ commitment to HRCRT is commendable especially given the on-going conflicts in and surrounding the countries where UNRWA operates. While some teachers at the beginning of their training posed the question “how can I teach human rights when my own rights are not respected?,” after their training they appreciated the value of human rights education and how it can contribute towards positive change. To support this, concrete success stories such as students bringing clean water to their neighborhood or assisting NGOs in the community to help people with disabilities, illustrating their empowerment through HRCRT education were shared with teachers during their training.

While the overall training results are positive, there is room for improvement in two areas. First, 30.9 percent of teachers trained stated that they did not understand the educational approach of the Toolkit which starts from students’ experiences (as opposed to teachers imparting knowledge), allows students to reflect and participate, and finally apply what they

learn. Classroom observations also confirmed that some teachers were not yet able to adapt to the Toolkit's educational approach. Observations also revealed that this is related to holding on to the traditional approach to teaching where the teacher is perceived as the "expert" and students are passive recipients in the learning process. Moving towards transformative pedagogy where students are actively participating and the teacher is acting as a "facilitator" takes time. To address this, UNRWA provides continuous capacity building that is discussed earlier in this paper. The second area where the results were weaker was the ability of the facilitators to teach about HRCRT. 30.7 percent of trainees did not agree that "the facilitator was knowledgeable and well prepared". This is due to the use of Training of Trainers (ToT) approach which at times does not allow a consistent level of facilitators. This issue and how UNRWA addressed this through the provision of supplementary trainings and multi-media materials are discussed earlier in this article.

3. Focus group discussions and classroom observations

After more than a year of putting into practice the HRCRT Toolkit, a number of teachers, School Principals, and students were interviewed in focus group discussions in the West Bank and Gaza. The results indicated that, above all, teachers and students identified a marked increase in participation of the students, a greater respect towards each other and ease at resolving conflicts, a greater appreciation of what human rights mean to them, and a growing interest in sharing their learning with the community.²¹

Classroom observations were also conducted to provide insight into the progress that teachers have made in understanding, planning, and implementing Toolkit activities. It was observed that while teachers have made significant progress in using participatory techniques offered by the Toolkit, some teachers faced challenges in fully adopting the educational approach as discussed above.

Perceptual Survey

The Perceptual Survey is an evaluation tool that was developed to explore the perceptions of students, parents, teachers, School Principals and UNRWA Field staff, on the prevalence of an HRCRT culture in UNRWA schools.²² The "prevalence" is reflected through score values, which are expressed in numbers ranging from 0 to 3.

The Perceptual Survey reached all relevant stakeholders and was administered to a total of 27,126 people. The Perceptual Survey is a human-rights based methodology to evaluate the changes in the Program. By asking the very beneficiaries and stakeholders, it values their experiences and opinions. However it is costly and takes time.

The first survey was conducted before the implementation of the HRCRT Toolkit, therefore offering the baseline for evaluation. The Agency-

Response	Indicator
Strongly Disagree	0
Disagree	1
Agree	2
Strongly agree	3

Scoring system

wide baseline score for the HRCRT indicator represents the weighted average of Field specific scores, which are calculated as the average of twelve HRCRT related statements that correspond to HRCRT learner competencies. Each statement was given a score ranging from 0 to 3, the latter score being associated to

the most positive response in regards to the prevalence of HRCRT culture. These HRCRT statements included in the Perceptual Survey are shown below with the corresponding mean combined score for each statement (by all respondents). These twelve statements reflect the essential elements of an HRCRT culture and are in line with the seven themes of the Toolkit: equality and non-discrimination, diversity, respect, peaceful conflict resolution, participation, community links, and general human rights.

The baseline results of Perceptual Survey showed some strong indication of the presence of a culture of human rights in UNRWA schools. The responses to question 49 (Q49), which asked whether boys and girls should have equal rights, are particularly evocative with a mean of 2.48 among all respondents and 2.41 among students. The overall result actually represents the highest scoring single item of the entire survey which had a grand total of seventy-six items looking at different areas of the Education Reform. There was also a noticeable trend within the responses to Q49 showing that scoring got higher proportionally to the rise in grade levels. This may suggest that students' perception that boys and girls should have equal rights improves as they progress through the UNRWA education system.

The second question which had the highest score among students was related to conflict resolution. The indicator mean of 2.25 among students illustrates that the vast majority of students agreed that they talk rather than

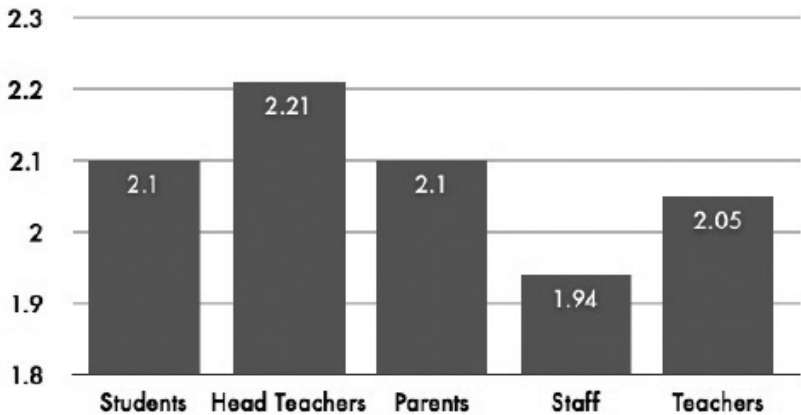
Question	Mean	SD
49	Girls and boys should have equal rights	2.48 .80
35	I vote in the school parliament elections	2.30 .87
46	To solve arguments, I talk rather than fight	2.25 .86
37	I am respected by my classmates	2.24 .84
47	I take part in activities to help the local community (e.g. keeping my community clean, helping elderly people)	2.20 .91
20	At school, I am involved in activities that celebrate the Palestinian heritage and culture	2.18 .90
39	My teachers discuss human rights in their lessons	2.16 .87
44A	Bullying is a problem in girls' schools (Staff only)	2.12 .61
48	I help decide upon our classroom agreement/ code of conduct	2.08 .89
44	At school, I am repeatedly hit or mocked (- data inverted)	2.07 1.02
41	I participate in activities organized by the school parliament	2.01 .94
43	At school, I am often left out of activities (- data inverted)	1.61 1.02
52	I avoid other children if they are different from me (- data inverted)	1.61 1.05
HRCRT SUBSCALE MEAN		2.09 .46

fight to solve arguments (Q46). The next three questions with the highest means followed each other closely and focused on voting in school (Q35), involvement in celebrations of Palestinian heritage (Q20) and feeling respected by classmates (Q37). The items scored respectively with the means of 2.31, 2.31 and 2.30 by students (and overall means of 2.3, 2.18, and 2.24 by all respondents). One can therefore observe that the students' responses are suggestive of a culture of human rights within schools.

The Perceptual Survey also highlights areas of improvement for the Program. Indeed some results suggest, even though HRCRT culture and practices are prevalent on a large scale, there is a high degree of variance in "individual" experiences. It is worth noting that three questions related to bullying, violence, and exclusion have considerably higher standard deviation than all other items. The highest deviation of 1.05 is associated with Q52 "I avoid other children if they are different from me" and Q43 "at school, I am often left out of activities" and Q44 "at school, I am repeatedly hit or mocked" both have a standard deviation of 1.02. The statements' overall means (by all respondents) were respectively 1.61, 1.61 and 2.07 though when solely looking at the students' responses the means are lower: 1.52, 1.58 and 2.06.

This shows that while bullying, violence, and exclusion are not widely spread, they remain a significant issue for a substantial number of students.²³ This will be addressed through the HRCRT Toolkit with its following themes: diversity, equality and non-discrimination, non-violent conflict resolution, as well as through the development of an Agency-wide Child Protection Framework that is currently being developed.

The graph below shows the mean comparison of HRCRT scores (for all HRCRT statements) for each category of respondents:



As can be seen from the graph, perceptions of students and parents were the same. This may be a result of successful community links built between UNRWA schools and parents through the Parents Teacher Associations that exist in each UNRWA school.

The HRCRT component of the Perceptual Survey will be repeated at the end of 2016-2017 school year to review and evaluate the changes that are expected to take place after the implementation of the HRCRT Policy and Toolkit in all schools.

Conclusion

Despite the challenging environment and impact of a protracted crisis, UNRWA has successfully run a Human Rights Education Program to empower Palestine refugee students with human rights knowledge, skills, attitudes and behaviors in line with the United Nations Declaration on Human Rights Education and Training, the Convention on the Rights of the Child and UNRWA's mandate from the United Nations General Assembly. Key to strengthening the Program was the development of a Policy that aligned UNRWA's approach with international standards and best practices and ensured a strategic and consistent approach to HRCRT in all five Fields across the Middle East. With the HRCRT Policy and the development of tools to

support its implementation, UNRWA was able to improve teaching and learning, teacher preparation and development, school environment, and monitoring and evaluation of the Program.

Looking at the development of a human rights education policy to its implementation at school level, UNRWA can offer lessons learned that can be applicable to other organizations and ministries of education. The table below summarizes these lessons learned.

Lessons Learned

Program area		Lessons Learned
Policy and Program development and implementation	On policy	While strengthening existing Human Rights Education Programs or developing new ones international human rights standards, treaties and conventions should be carefully examined as this process increases effectiveness and quality of program.
	On developing the content of the program	When developing materials, international good practices should be used while adapting and tailoring them to the specific context as this makes the program relevant and acceptable by target audience.
	On identifying key themes that shape the foundation of the program	Focusing the HRCRT Program on themes identified by stakeholders enables a consistent approach that is relevant for beneficiaries and also enables a stronger relationship between parents, the community, and the school.
Teaching and Learning	On participation	Regular participation of stakeholders in the development of educational human rights materials for teachers ensures that materials are responsive to teachers' needs, school contexts, and targeted towards the learner competencies of students. This requires development of feedback mechanisms and tools to facilitate regular participation, feedback, suggestions, and pre-testing of educational human rights materials.
	On empowering students	Child-friendly activities and School Parliament initiatives enables students to practically apply what they learn. Focus group discussions and observations revealed that such activities develop and strengthen the self-esteem, dignity, and ability to participate for many students.

Professional Development of Teachers	On decentralizing training	Having an effective decentralized process for training of trainers is feasible if trainers are equipped with guides and provided with regular coaching.
	On continuous capacity building	Training should be supported by continuous capacity building and support provided to teachers. This includes supplementary training tools, multi-media and newsletters to keep teachers engaged.
	On teachers working closely with school management	School-level planning tools foster cooperation between school administration and teachers to ensure a consistent approach to teaching, as well as to ensure coordination of activities conducted and human rights education taught at different grade levels.
Monitoring and Evaluation	On monitoring and evaluating	Teachers should be equipped with monitoring and evaluation tools. Monitoring and evaluation should not be seen as a tool to "assess" but a tool to "learn and review." To provide efficiency, simple monitoring tools that integrate into existing monitoring and evaluation processes within the organization should be used.
Learning Environment	On a rights-based school environment	School Parliaments should be empowered with guidance and support since they play a key role to support a culture of human rights. Human rights education's potential will not be reached unless the community is involved. The school/home divide could be addressed through Parent Teacher Associations, Open Days, and awareness-raising activities for the community.

In this case study, we have presented good practices in developing an HRCRT Policy and the steps for its successful implementation. While it has only been two years since the training on the new HRCRT Toolkit began, focus group discussions and classroom observations are demonstrating that progress was made in creating a classroom and school environment that further enables students to advocate for their rights and the rights of others. After finalizing the training of all teachers and conducting another Perceptual Survey, we will be able to compare the results with our baseline survey to further evaluate results. As such, the HRCRT Policy has enabled UNRWA to strengthen the HRCRT Program to be more results-based, integrated within the Education Reform, and promote a culture of human rights within UNRWA schools, a fragile region, and beyond.

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Practice of Human Rights Education in Thailand and Bangladesh*

Asian Institute for Human Rights and Center for Human Rights Studies

THE ASIAN INSTITUTE FOR HUMAN RIGHTS (AIHR) works towards strengthening the theory and practice of human rights activism, facilitating linkages between academics and activists and contributing to a continuous process of action and reflection.

As part of its mandate, AIHR has conducted human rights learning programs and dialogues at regional and national levels. These learning programs have included annual study sessions on human rights held in Thailand and Bangladesh, courses on economic, social and cultural rights, workshops on monitoring human rights violations and dialogues on issues of shared concerns. AIHR has also produced publications to assist activists in doing human rights work and to enable them to reflect on theory and concepts.

In the course of its work, AIHR felt the need to enhance its understanding of existing practices of human rights education in Bangladesh and Thailand and initiated a research project on the subject. The research project has the objective of understanding the nature of the different human rights education initiatives and of reflecting on the ways by which human rights education within the countries could be further strengthened. AIHR focused on these two countries as it had been conducting learning programs in these countries in collaboration with local partners.

The research was conducted through internet-based documentary research and face-to-face interview with activists and organization representatives. The findings of the interviews were presented in dialogues held among practitioners for reflection and discussion. The Dhaka-based Center for Human Rights Studies collaborated with AIHR in doing the research in Bangladesh.

This article is a documentation of the findings of the research. It presents the practices of human rights groups in Bangladesh and Thailand. It

*This is an edited excerpt of the report entitled *Understanding the Meaning and the Practices of Human Rights Education – Report of the Asian Institute for Human Rights and Center for Human Rights Studies*, published by the author-institutions in December 2014, in Bangkok.

also presents the challenges faced by the groups in their work and some recommendations for strengthening the practice of human rights education.

Human Rights Education Practice in Thailand and Bangladesh

This study covers organizations that may not consider their work as human rights education work. They are considered appropriate organizations for this study because the nature of their work contributes to the creation of processes and spaces for human rights learning. See Annex B for the profile of the participating organizations.

The findings of the research have been analyzed using three models in order to describe the nature of the initiatives, to explain the dimensions of human rights learning and to reflect on how human rights learning can be further strengthened.

Value Awareness Model

This model describes initiatives that seek to develop critical consciousness among people on issues concerning human rights. These initiatives also seek to develop the sense of responsibility that every person should have towards others in society.

Enhancing individual consciousness on issues

The Kabfai Community Theatre in Thailand, *Manab Adhikar Natya Parishad* (Human Rights Theatre Council) and Bangladesh Institute of Theatre Arts (BITA) use the medium of theater to initiate dialogues with communities and create consciousness about human rights issues.

Kabfai, which has been facilitating community reflection on corporal punishment in school, sex work, impact of violence on the lives of women, believes that the medium of theater affects the people at the intellectual level and also at the emotional level – the head and the heart. As a technique to elicit audience participation, the performance of a drama is stopped at strategic points of the story and questions are posed to the audience on how they feel about the situation depicted in the story, what they think should have been done, what their opinion is, etc. This dialogue helps break barriers and encourages the audience to ponder on the issues, to voice their thoughts and to collectively reflect upon their attitudes and perceptions.

The process of identifying issues and developing the theater script also generates learning. As shared by BITA, in the course of having trainings, workshops and meetings in the communities, a team of volunteers is created. Facilitators from BITA engage in a dialogue with the team and identify the issues. Different dimensions of an identified issue are discussed, a story around the issue is developed and the script is written. During the performance of the drama, the team helps to facilitate dialogue with the community on the identified issue and also on other issues and concerns. Both BITA and the Human Rights Theatre Council have used this strategy to raise consciousness about issues regarding gender discrimination and violence against women within communities in Bangladesh.

Facilitating experiential learning

The Songkhla Forum tries to create social consciousness so that it can contribute to building a participatory democracy in Thailand. It primarily focuses on the youth. Its work is based on the premise that each individual has responsibilities towards the society and has the ability to take actions that can help bring positive changes in society. In order to exercise this agency, people need to strengthen their critical thinking, to communicate their views and thoughts, to collaborate with others in society and to be creative in their approaches. The Forum tries to strengthen the capacity of the youth to do so by providing them with the space and the resources to take initiatives that can make a difference in their local communities. In order to assist the youth to achieve all this, the Forum also provides them with knowledge inputs and skill development training.

The Thai Volunteer Service provides fellowships to new law graduates to work with social organizations for a period of one year. It believes that such opportunities would help in expanding the horizons of the young graduates, exposing them to social issues and concerns and creating in them a sense of social consciousness, which would guide them in their professional and personal lives in the future.

In 2008, AIHR initiated a pilot project called “Court Watch” with law faculties of different universities in Thailand. The objective of the program was to enhance understanding about human rights issues among law students and activists through the prism of fair trial principles. Under the program, law students came together to learn about human rights, access to justice and fair trial principles; after which they visited the courts, observed

different trials and documented their observations. A national seminar was organized where the law students presented their observations to law academics, human rights lawyers, activists, community leaders and members of the judiciary. During the seminar, senior lawyers, prosecutors and judges shared their thoughts and views on the findings of the law students. Through this process of dialogue, discussions were held on access to justice issues and the practice of fair trial principles in Thailand. Also, issues for further research were identified that became the subject of study in the next cycle of the project. The program opened up opportunities for the Law Faculties to develop linkages with the judiciary and facilitate a process by which law students could learn about the practice of human rights.

With the objective of facilitating learning from different country contexts, AIHR has also been supporting learning programs involving cross border exchanges among practitioners from different countries.

Creating consciousness of being subject of rights

The Bangladesh State does not recognize the indigenous identity of the people living in the Chittagong Hill Tract region. A national forum for indigenous people, called the Bangladesh Adivasi Forum, seeks to strengthen the promotion and protection of the rights of indigenous peoples in Bangladesh. Apart from monitoring violations of rights and doing advocacy with the State, a significant focus of its activities is on raising consciousness among the indigenous peoples that they are subject of rights, that discriminatory practices against them are wrong and that they have power to take action to claim their rights. The Forum also strives to bridge the gap between indigenous peoples and others in society. The Forum, through meetings, dialogues, consultations, and other initiatives, tries to promote indigenous ways of life, their culture and their aspirations and remove the biases and prejudices existing in society against indigenous peoples.¹

The Muslim Attorney Center (MAC) works on access to justice issues in the Muslim dominant southernmost provinces of Thailand where an armed conflict has been ongoing for many years. Around 2005, with an increase in insurgent attacks, the State responded with the enforcement of strict laws such as the Emergency Decree and the imposition of Martial Law. Many persons suspected of being involved in the insurgency were arrested. Information about torture, disappearances and extra-judicial killings circulated but people were not filing any formal complaints. In this context,

the MAC, with support from other national organizations such as the Cross Cultural Foundation, organized many informal meetings at the village level to discuss the legal rights of the people, the limits of state power and the mechanisms for accessing justice. The villagers, who held to the general belief that any misfortune that befell them was because of fate, became aware of the fact that they had rights under law and that they could take action against wrongs and claim justice from State institutions. Slowly, the attitude of villagers changed and MAC started receiving complaints about arrests, tortures, disappearances, killings, etc.

Raising public awareness

There are also initiatives that seek to enhance awareness among people on issues of public importance.

The Community Network for Social and Political Reform, which has a network in different parts of Thailand, has been engaged in raising consciousness among the public on environmental issues such as the adverse impacts of mining projects. It has also launched a campaign against the state policy to promote mangrove forests as tourist destinations. It has stressed instead the need to give equal importance to protecting the spiritual and cultural life of the ethnic Moken fisherfolk living in these forests.

Similarly, the *Bangladesh Paribesh Andolan* (BAPA, the Bangladesh Environmental Movement) initiates campaigns on a wide range of issues – such as protecting playgrounds in the city of Dhaka, cleaning rivers, deforestation and climate change.

Amnesty International Thailand, tries to create awareness among the Thai people on global human rights issues through its regular newsletters, workshops with university students and film shows.

Prachatai in Thailand is a media group that produces web-based newspapers in Thai and English languages. It seeks to provide the public with news and information about problems, concerns, activities and accomplishments of local communities, social movements and organizations. It shares the voices of social activists and practitioners by conducting interviews with them. It does so by publishing statements and campaign materials of local, national and international organizations. It also reports on news regarding human rights and social justice.

Some sex workers associated with the Empower Foundation in Thailand decided to pool their experience and resources to create a bar (“Can-Do”

bar) owned by sex workers for sex workers. They initiated a community fund to support sex workers who contribute to the fund. Other than being a place for hanging out, the bar also offers the opportunity to create a working model of an entertainment place with just, safe and fair conditions for bar staff and bar workers. It also helps in public education and tries to promote respect towards sex-workers.

Accountability Model

Initiatives under this model include those that aim at enforcing rights and seeking accountability with respect to human rights violations. The avenues for seeking accountability are many: the media, independent mechanisms such as the National Human Rights Commission, courts of justice and international human rights mechanisms. Human rights learning focuses on building the capacity of members of the community, activists, and professionals to seek accountability for human rights violations.

Promoting legal awareness among vulnerable communities

Many times, people in the communities do not report violations of rights because they are unaware of their legal entitlements or they do not have knowledge about the procedure and mechanisms to file complaints.

The Center for Protection and Revival of the Local Community Rights (CPRLCR) works with ethnic communities in northern Thailand and helps the communities to access justice. The ethnic communities live in or make a living out of forests and many of them do not have any legal documents regarding the land they cultivate and live on. Most of their problems relate to land disputes with forest authorities. In working with these communities, CPRLCR starts helping them become conscious of the idea that because of their history of living harmoniously with the forests, they have rights to live in the forestland and that they have rights to protect their dignity. As the villagers become conscious of their agency, CPRLCR helps them understand the laws that regulate the use of forestland, reflect on the objectives of such laws and the interests the laws seek to protect. CPRLCR also helps them to understand how they can use the existing laws to secure protection of their rights. Based on these learnings, CPRLCR helps them identify strategies that may be effective in addressing their problems and supports them in the implementation of such strategies. The strategies include organizing village-level meetings, focused group discussions, community mappings,

workshops, etc. Community mapping is an interesting tool that facilitates people's better understanding of their own community. In this exercise, the members of the community are encouraged to pool together all relevant information about the community – the history of the community, the number of families, the number of men, women and children and their ages, the ethnicity, the status of their nationality, the land area used for residential and cultivation purposes, the boundaries of such land, status of the land (whether or not the land falls within the protected area of forests), their practice of land usage, the nearest school, etc. Such mapping exercise helps the community members to come together as a collective and gain more confidence in themselves as a collective. It also helps them to collect information that they can use in their interaction with the authorities and in their advocacy efforts.

In Bangladesh, organizations such as BLAST (Bangladesh Legal Aid and Services Trust) are also engaged in legal empowerment of the people. Through the continuous activities of organizing “courtyard” meetings at the village level, legal fairs in universities, receiving complaints through their legal aid cells, etc., the organization identifies issues that are of concern to the communities, such as rights of garment workers, domestic violence, divorce and dowry. Once issues are identified, trainings and workshops are held with people in the communities in order to make them become aware of their rights under the law.

Building capacity of paralegals

Most organizations engaged in legal empowerment of communities believe that the communities themselves should have the confidence to engage with law enforcement agencies. Thus CPRLCR, MAC, Human Rights and Development Foundation (HRDF) and MAP Foundation in Thailand and BLAST in Bangladesh have tried to create teams of paralegals within the communities. The paralegals act as the bridge between the community and the legal aid group, whose office is often situated at a distance from the community. The paralegals receive complaints from the communities, document the complaints, assist the lawyers in doing the initial fact-finding, and provide support and assistance to the people to access state institutions (police, courts or administrative agencies).

In southern Thailand, in collaboration with other organizations, MAC set up a network of paralegals, known as the Southern Paralegal Advocacy

Network (SPAN). This network comprising of volunteers from different communities, plays a very significant role in conducting legal awareness activities at the community level, receiving complaints and doing fact-finding and documentation. As the paralegals are drawn from the communities, people trust them and share information with them; people in the communities may not do this with outsiders.

HRDF, which primarily works with migrant labor in Thailand, has been successful in building paralegal teams within migrant communities. With the assistance of paralegals, HRDF is able to reach out to the migrant population, to know their problems, to provide them with legal knowledge, to help them to organize campaigns, to gather information for effective advocacy, and to provide legal assistance where necessary.

“High heel lawyers” are sex workers who have been provided legal training by Empower Foundation, an organization working with sex workers in Thailand. Armed with legal knowledge and skills, these paralegals are able to provide first-hand assistance to colleagues when needed.

Building capacity of activists and professionals

In order to seek accountability from authorities, there should be effective fact-finding, documentation, reporting and filing of legal petitions. Many organizations under the accountability model focus on building capacities of practitioners so that they can do their human rights work effectively.

The Cross Cultural Foundation in Thailand, in collaboration with international organizations, has held training workshops on torture with the purpose of strengthening the skills of activists and lawyers in doing fact-finding and documentation on torture. The results of the fact-finding and documentation have helped in compiling the shadow report on the implementation of the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Similarly, the Foundation for Women has been strengthening the capacity of women’s groups to monitor the implementation in Thailand of the Convention on the Elimination of All Forms of Discrimination against Women.

Ain o Salish Kendra (ASK) in Bangladesh regularly organizes workshops on human rights to strengthen the knowledge of activists on human rights law and principles. Organizations from different parts of Bangladesh seek its assistance in conducting capacity-building training sessions for their staff. Ask has been publishing resource materials that assist practitioners

in their work – such as a resource book on public interest litigation and a manual on the role and powers of the National Human Rights Commission of Bangladesh and the procedures for submitting complaints to it. BLAST in Bangladesh also produces resource materials in simple language, not only to make people become aware of their rights, but also to provide information on how to exercise such rights.

The Human Rights Lawyers Association in Thailand organizes workshops for young lawyers to enable them to strengthen their lawyering skills and integrate human rights principles into their legal analysis and argumentation.

The Human Rights and Peace Information Center does advocacy work on the adverse impacts of mining in the northeast region of Thailand. It organizes workshops with the villagers to enable them to understand the existing laws and policies in relation to mining and to provide them with frameworks to identify the different stakeholders involved, the negative impacts of mining and the ways the villagers can address such problems. It also helps the villagers to develop their capacity to document the ways in which mining operations adversely affect the lives of the people and to send written petitions to state authorities.

In Thailand, the 2007 Computer Crimes Act has raised issues about freedom of speech and expression. By organizing research projects, dialogues and expert group meetings, I-law has played an important role in de-mystifying the law on computer crimes and the ways in which it has been used to restrict the right to freedom of speech and expression.

In Bangladesh, the Right to Information Act, 2009 was enacted without any concerted campaign by civil society organizations. Thus when the law came into force, people were not aware of its importance. Nagorik Uddyog, in collaboration with regional organizations played an important role in creating awareness about the law, its scope and ambit and the ways in which it could be used to promote and protect rights. Through interactive mediums such as theater, dialogue, community-level meeting, it simplified the contents of the law and also facilitated activists to learn how they could use it strategically to seek accountability from State authorities.

The Asian Institute for Human Rights (AIHR), in collaboration with universities and civil society organizations, has been organizing annual study sessions in Bangladesh,² Myanmar³ and Thailand.⁴ The study sessions aim to strengthen the knowledge and skills of learners and to provide them with a

framework that can help them make human rights work more effective. Staff from civil society organizations, government agencies, independent institutions and activists have attended these study sessions. AIHR has also been producing resource materials in the local languages to assist practitioners in their human rights work. Such resource materials include handbooks on the linkages between democracy, the rule of law and human rights, fact-finding and documentation, monitoring courts and trials, human rights norms and standards, and human rights mechanisms.

Monitoring State obligations

Nineteen Bangladeshi organizations⁵ formed in 2007 a coalition called the Human Rights Forum and submitted a joint stakeholders report to the Human Rights Council (HRC) during the first Universal Periodic Review (UPR)⁶ of the human rights record of Bangladesh in 2009. Under the UPR system, the HRC issues a set of recommendations, based on a review of the various reports submitted before it, to the State regarding the steps it should take in order to comply with its human rights obligations. From 2009, the Human Rights Forum has been engaged in a continuous process of monitoring the steps taken by the State with regard to the HRC recommendations. It has done so by issuing periodic report cards and reports⁷ and doing advocacy with different government ministries as well as independent agencies such as the National Human Rights Commission of Bangladesh.

Transformation Model

This model covers initiatives that help groups change the status quo vis a vis economic capabilities, increase the ability to shape the conditions that govern their lives, raise the capability to participate in decision making, etc.

Increasing economic security

The Upland Holistic Development Project (UHDP) is an organization based in the Golden Triangle area in Chiangrai (Thailand). The ethnic people living in the area traditionally practice swidden agriculture. Their access to forests was however subsequently limited that forced them to stop this practice, and eventually led to hardship and poverty. The fact that many of them lack Thai citizenship exacerbates their problems. UHDP supports them in developing sustainable models of upland farming, such as raising livestock, fish farming, vegetable gardens and multiple cropping, thereby help-

ing them ensure their food security. Such support has contributed towards economic empowerment of the people. Economic empowerment has enabled the people to recognize their capacity to decide and act on their own (so-called agency). They have now started engaging with social movements such as the land reform movement in Thailand in order to bring changes in society and in their lives.

Forming coalitions, building alliances

The Northern Development Foundation in Thailand has been helping farmers to come together as a network, share their experiences of farming and land use and develop local and sustainable approaches to natural resource management. The Foundation together with the Northern Farmers Network helped to set up community learning centers, thereby creating a space where farmers and communities can share and learn from each other's experiences. The farmers come to these learning centers to discuss how they as communities can secure legal recognition of their rights to manage natural resources. The Northern Development Foundation and the Northern Farmers Network are also part of the Peoples Movement for a Just Society (P-Move), the collective of social movements in Thailand, and actively participate in the campaigns on reform of the land management system in Thailand.

Organizations in Thailand such as the Violet Home, M-Plus Foundation and Anjaree are working with LGBTQ⁸ people and have helped in the creation of spaces for them to come together for caring, sharing and learning. These organizations have become pivotal in voicing the concerns of LGBTQ communities and in establishing their rights.

The Women for Peace Network⁹ is a collective of women in the southernmost provinces of Thailand. The collective was formed during the period when incidences of violence in the provinces were high and many families lost their male income-earning members. The network was first set up to enable women to cope with the loss of their husbands by sharing their grief and drawing strength from each other. Gradually, as the women became stronger from within, they reached out to help others in society. Today, they have a voice in dialogues and discussions on issues of justice and peace-building.

The Mekong River Group in Thailand helps to build a sense of community among the people through the processes of collective learning. It helps communities conduct participatory research on issues concerning their way

of life – such as changes in the fish species in the Mekong river over periods of time, local fishing tools and equipment, their uses, etc. The objective of the research is to mobilize the people as communities and facilitate a process of learning about the eco-system where they live, the factors that impact such ecology, the impact of such changes in their lives and livelihoods, their traditional practices and to put their minds together about how they could be more effective in their work and practices. Information gathered from discussions, dialogues and field visits are compiled and shared among the communities for their views and inputs. Community radio is also used to disseminate information and initiate discussions among the people. In addition, the Mekong group works with schools in the area and organizes camps for young students on topics such as nature and eco-systems, local culture and customary practices, the need for conservation of the environment and the role of the youth in society.

Shaping the meaning of rights

Small and marginal farmers in Bangladesh started the *Nayakrishi Andolan* (New Agricultural Movement) in response to agricultural policies of the State that encouraged mono-cropping using high yielding varieties of seeds, chemical fertilizers and pesticides. Farmers who adopted such practices received incentives from the State such as subsidized fertilizers, pesticides and irrigation facilities. However, small and marginal farmers, particularly women farmers, felt that such agricultural policy impacted upon their rights to decide what to produce and how to produce it. Poor farmers could not afford to purchase chemical inputs. There was also a growing awareness that use of pesticides killed birds and fishes, and poisoned plants and shrubs around the fields; this means that the use of pesticides had adverse impact on the environment that had sustained their livelihood. It was in response to the negative environmental impact that the new agricultural movement was started. The farming communities developed ten basic rules¹⁰ of bio-diversity-based ecological agriculture to achieve sovereignty over growing food, seeds and knowledge practices. Thus the movement helped in developing an effective approach to counter the development plans that put emphasis on modern agricultural methods. Today, *Nayakrishi Andolan* is part of global movements that are seeking to expand the meaning of the right to food to also include the right to food sovereignty.

Similarly, Nature Care in Thailand has been facilitating communities closely connected with forests to look “inward” and to draw on their traditional wisdom and knowledge to find out ways in which communities could themselves address issues concerning their lives and livelihood, such as building a water management system to provide relief to the drought-prone areas in northeastern Thailand.

In consideration of the right to education as a basic human right, the United Nations Permanent Forum on Indigenous Issues has suggested that States should provide for culturally appropriate education for indigenous peoples **so as to help them conserve their unique cultures, values and languages.**¹¹ IMPECT, an association of indigenous peoples in Thailand, has been working with local communities to develop culturally appropriate educational curriculums. **The formal education system in Thailand does not include learning about indigenous ways of life and culture.** The indigenous groups in Thailand fear that with the passing away of older generations, knowledge and resources would be lost forever. IMPECT rose to these challenges and worked with community elders to develop **an alternative education system** that enabled children and youth from ethnic communities to learn about their identities, cultures, ways of life and traditions. As a result of these interventions, the Mowakhi Community School was established and has become an inspiration for other indigenous groups in Thailand. Thus, the initiative helped develop a model for culturally appropriate education that can be adopted by the State.¹²

In Thailand, the Human Settlement Foundation together with the Four Region Slum Network advocates the right to housing. In order to ensure secured housing for the poor, it negotiated with the State authorities on long-term leases over urban land owned by the railway authorities. They also held dialogues with the Bangkok Metropolitan Authority (BMA) on how the communities living beside canals could play a strong role in their conservation. These dialogues caused the BMA to stop the eviction of people living along canals and opened opportunities for communities to obtain long-term leases over the land. In these ways, the organizations helped realize the right to housing recognized in the International Covenant on Economic, Social and Cultural Rights.

The Thailand Disability Foundation has been instrumental in giving visibility to the rights of people living with disabilities. It has been working very

closely with the State in developing standards, policies and programs that address the needs of the differently-abled people.

Similarly, the Foundation for Older Persons Development in Thailand works towards enhancing older people's access to rights and entitlements. At the local level, it has been collaborating with the Health Care Department and Tambon Administrative Authorities and has set up systems of extending health care services to elderly persons in vulnerable communities.

The Campaign for Popular Education (CAMPE) in Bangladesh has worked very closely with the State with regard to developing a national policy on education.

Claiming spaces in decision-making

In recent years, the peoples' movements in Bangladesh focusing on natural resources issues (such as open pit coal mining project in Phulbari, leasing out of gas fields in the Bay of Bengal, the coal-fired power plant near Sunderbans [the world's largest mangrove forest]) have helped raise discussions on the concept of development. Civil society platforms such as the National Committee to Protect Oil, Gas, Mineral Resources, Power and Ports have helped through their research studies to demystify the environmental and social impact studies conducted for the projects. They have also raised questions about the terms of agreements regarding the projects, which allow the investing companies to export most of the mined resources, and have raised questions about "who gains and who loses" from such projects. These research studies provided support to the actions launched by the people. As a result of these actions, the State has had to reconsider its decisions and take heed of the voices of the people.

In Bangladesh, *Nijera Kori* has played a leading role in the empowerment of landless people so that they can play a role in decision-making processes affecting their lives. Through dialogues, training sessions and workshops, the organization helps people to become conscious of themselves as subject of rights and helps build collectives of the landless. Critical analysis of issues and collective reflection on how to overcome their marginalization have helped the landless in participating in meetings with authorities and articulating their views with confidence.¹³

The Dalit¹⁴ people constitute one of the marginalized communities in Bangladesh. Already suffering social exclusion, the 2011 official population census did not recognize "Dalits" as a distinct group. This recognition is im-

portant for the Dalit people because only when the State recognizes their existence that it (State) would be open to suggestions on how to eliminate the discrimination against them. *Nagorik Uddyog* helped the Dalit communities in Bangladesh to come together and create a national platform – Bangladesh Dalit and Excluded Rights Movement (BDERM). BDERM organized the first national conference on Dalit issues in 2009. It was a milestone event because the issues of Dalit communities gained visibility in the national media for the first time. BDERM continues to work for the empowerment of Dalit communities, raises public awareness against discrimination and advocates with the policy makers to take steps to address discrimination in society.¹⁵

The Emergency Decree, the Martial Law Act, and the Internal Security Act have given extra-ordinary powers to the law enforcement agencies in southern Thailand since 2005 to arrest and detain persons suspected of involvement in the conflict. The enforcement of these laws lowered the protection available to persons with regard to their rights and liberties. The Cross Cultural Foundation based in Bangkok, together with the Muslim Attorney Center, the SPAN paralegal network and other local organizations engaged in fact-finding and documentation of cases involving arrests and detention related to these laws. They monitored the problems faced by people during detention under the special laws and also observed trial proceedings in courts. Based on such documentation, the groups held dialogues with law academics, senior practicing lawyers, judges, officials of the justice ministry as well as law enforcement officers and discussed ways in which rights protection available to the people could be strengthened. Over the years, the groups have been successful in introducing changes to rules and regulations of the law enforcement agencies and making them more sensitive towards the rights of the people.

Similarly, groups working to promote and protect the rights of migrant workers have through their education and monitoring activities been able to create the space for advocacy with the State on law and policy issues. An example is the campaign in northern Thailand on the rights of migrants to drive motorcycles. Under the existing laws, because of reasons of national security, migrant people could not apply for driving licenses or secure legal ownership of motorbikes they purchase. The Human Rights and Development Foundation and its allies conducted fact-finding and research on the issue. It documented search and seizure operations undertaken by the police in migrant neighborhoods and the adverse impact of the regula-

tions on the lives of the people. Based on such information, it launched a campaign that highlighted the impact of the laws and policies on the rights of migrant workers. Armed with information, it also initiated dialogues with different state agencies including the agencies responsible for protecting national security. As a result of these different meetings and initiatives, the Department of Land Transport gave a commitment to amend its rules and ensure that migrant workers could get legal ownership of their motorbikes. Also, the organizations were able to convince the agencies that issuing licenses to migrant workers would not endanger national security, and the rules were changed accordingly.

The M-Plus Foundation and its network provide another experience based on their sustained advocacy efforts including strategic litigation in the administrative court. They were able to change the practice of labeling a transgender person “mentally ill” while being discharged from compulsory military service. It was a significant decision of the military that reaffirmed the rights and dignity of transgender people.

Law-based organizations such as BLAST and ASK in Bangladesh have also used the tool of strategic litigation to bring human rights and public concern issues before the courts. Through strategic litigation they have been able to clarify the rules of criminal procedure that have helped strengthen protection against torture, set standards of working conditions in the garment industry, set standards to address sexual harassment in work places, etc.

In Bangladesh, the Union *Parishads* or Councils (the smallest rural administrative and local government units) have budget allocation for development work. In most cases, the Council members adopt the plan for spending the budget without consulting the people. ActionAid Bangladesh tried to introduce changes in the practice. To begin with, it initiated discussions with the Council members on the value and importance of participatory budgeting and motivated them to open up their processes of budget making to people’s participation. Consequently, ten Union Councils organized consultations with the local people to identify their concerns and needs. The consultations include dialogue with the people who identify their priority concerns, incorporation of the priorities expressed by the people in the first draft budget plan, printing and circulation of the draft budget plan among the people to get their inputs, and adoption of the budget plan in a public forum. During the public forum, the stakeholders discuss how the bud-

get plan will be implemented. Such a process makes people become more conscious of their rights and enables them to participate meaningfully in decision-making processes affecting their lives.¹⁶

ENLAWTHAI Foundation (EnLAW) in Thailand provides legal aid and assistance to protect the rights, livelihood and health of local communities affected by industrial pollution. When seventy-two provinces in Thailand were in the process of making town plans, EnLAW worked with a network of civil society organizations and town planning academics to create awareness about rights and existing environmental laws and standards. Workshops were held with communities on how they could promote and protect their community rights. A manual was drafted on the rights of the people to determine their town plans. This process helped create a space for the people to revisit the existing laws on town planning and to advocate for reforms to ensure more protection of community rights.

Synthesis

Establishing a society that supports a culture of human rights involves dynamic and continuously evolving processes through which individuals, society and the State gradually develop relationships that are respectful of human rights values and norms. These processes of change happen incrementally as States and different interest groups respond to actors and factors at domestic and global levels. But change may not necessarily promote and protect human rights, and instead violate them. Such change can be negative when measured in terms of human rights. However, even in such cases, the change unleashes forces that align and mobilize together and in the process create momentum for transforming existing power relations. This process of moving forward and backward is a natural and ongoing one, not necessarily a linear progression. It appears to be the only true way by which State and society can reach the point of full internalization of human rights norms and standards.

Human rights learning initiatives seek to influence this process of change by facilitating transformation of power dynamics at different levels.

The initiatives under the value model have helped to develop “power within.” When directed at the larger society, they have helped to facilitate reflection on social issues and in generating awareness about rights and duties. In the context of vulnerable or marginalized groups, the initiatives have

helped in enhancing individual consciousness and the sense of agency. As groups gained “power within” they became able to build alliances and to challenge marginalization, exclusion and abuse (‘power with’¹⁷ and ‘power to’¹⁸). Such challenges have been in different forms; by questioning negative social attitudes and biases, by seeking accountability from the State, by claiming spaces for working alongside the State in establishing systems for rights protection and by developing new models or norms of operation that seek to expand the contours of rights – even if they would not be in the interest of dominant groups at national and international levels.

Challenges

In this context, what are the challenges faced by groups in their human rights learning work? Some questions and issues raised during the interviews and dialogues in Bangladesh and Thailand were:

- *Integrating democracy education and human rights learning, where is the balance?*

One question that has been often asked in Thailand is, why are there no human rights groups focusing on the issue of democracy?

While democracy is the subtext of human rights work, it is a fact that human rights groups do not overtly engage with democracy activism. One reason could be that the term democracy is too broad and usually means different things to different people. Further, groups who are engaged in democracy work tend to be perceived as “particularly political.” On the other hand, in order to strengthen promotion and protection of human rights, human rights groups have to engage with the structures of power – regardless of political color or ideology.

For these reasons, human rights groups “appear” to be steering away from “democracy work” or “democracy education.” However, as seen in this report, the practice of human rights is linked with the process of “democratization.”

So, the question before us is, how much of democracy education should be part of human rights learning?

- *How do you make the laws “real”?*

Though rights are recognized in the Constitution, it is basically the statutory laws that determine the exercise and enjoyment of rights. People working on the ground see the law as they are applied – they are at the receiving end of “the law.” For them, laws appear to be instruments that can control their lives and determine their status, yet, not take into consideration, the reality of their lives.

The challenge for human rights activists and lawyers is to make these laws “real.”

What kinds of learning process are needed to ensure that existing laws are in conformance with international human rights obligations of the State? In what ways can human rights learning strengthen the implementation and enforcement of existing laws?

- *Be issue specific or be cross-cutting in nature and scope?*

One concern that was shared in the course of this research was that human rights education work has become very specific in its scope and content. Usually, **social groups organize learning programs** according to their interest areas for the purpose of achieving a specific end, such as strengthening knowledge and skills for fact-finding and documentation for the purpose of monitoring a pattern of violations, or raising consciousness around an issue for the purpose of mobilizing people for direct action.

At the same time, there is also the need for programs that facilitate learning on cross cutting issues among activists and for programs that reach out to the larger society and facilitate reflection among them on issues of social concern.

The advantage of thematic specificity is the **existence of concrete rationale** for the activities and the possibility of measuring results. On the other hand, cross-cutting initiatives expose the human rights education group (operating under the constraint of scarce resources) to the risk of finding itself “everywhere and at the same time nowhere.”

- *Learning about the “How” of human rights work*

Further, there is need to facilitate more learning on the “how” of promoting and protecting rights. Human rights groups have by

and large adopted the “naming and shaming” strategy, i.e., collecting information about violations and publicizing them with the purpose of embarrassing the State into taking steps to comply with its obligations. Social movements on the other hand adopt strategies of direct action, such as protests, in order to put pressure on governments. While such strategies have yielded results in the past, there have been changes in the contexts as well, such as reversals in the process of democratization, the emergence of strong governments and the pursuit of neo-liberal economic policies.

There is a need for reflection on how human rights theory can be applied in these evolving contexts and identify appropriate strategies for protection of human rights.

Recommendations

Given these challenges, how can human rights education groups strengthen their work? We offer some suggestions:

- *Linking human rights praxis with the rule of law, the rule-of-law-based systems and democracy*

It is the rule of law that provides the basic conditions for ensuring respect for human rights. There is a **need to promote reflection** on these conditions to facilitate understanding of the political structure of the State and the context within which human rights work takes place.

In addition, there is also a need to understand democracy in terms of how it is “experienced” and “lived” by citizens. Often, people understand democracy and human rights as separate fields of study and practice. However, they are closely linked to each other, as democracy is also about developing a collective vision for society, about processes of collective decision-making, about limits on the power of the majority, about processes of creating compromises and arriving at “win-win” solutions among competing interest groups. If democracy is understood in these terms, then human rights groups through their work try to create the space for active citizenship, influence decision-making and monitor the exercise of power. These processes of engagement are not smooth and often

activists are confronted with challenges about how to engage with the political powers. There is also a need to remember that the road to democracy is never a linear progression, nor is human rights work.

Human rights education needs to create the space for dialogue and discussion on such issues.

- *Need for equal focus on economic, social and cultural rights and civil and political rights*

Human rights are indivisible and interdependent. However, in practice, there are more campaigns and advocacy by human rights groups on civil and political rights that have dimensions of the rule of law, such as arbitrary detention, torture, freedom of expression, extra-judicial killings, etc. On the other hand, it is the social movements which mobilize around issues of economic, social and cultural rights such as access to natural resources, participation in decision-making over management and control of natural resources, harm suffered by development projects, issues of eviction, or issues of land reform. There are not many human rights campaigns on issues such as social security, education, health, etc. Such legitimate needs often are responded to by governments through populist policies and hand-outs to attract votes with possible negative consequences on long-term economic and social conditions.

Articulating these issues in the rights framework would help in creating understanding about what should be the role of the State towards its citizens. For example, what are the obligations of the State with respect to ensuring that **everyone in society has equal access** to education, health care or employment opportunities? What are its obligations towards ensuring social security for the vulnerable sections in society, such as the elderly? What is its obligation to ensure that the pursuit of development and economic growth do not take place at the cost of the rights of some sections in society?

Thus, human rights education needs to give civil and political rights and economic, social and cultural rights equal focus.

- *Need to strengthen learning about strategies*

As discussed earlier, there is a need to strengthen learning about strategies that can be used for the promotion and protection of human rights. Such learning can occur in different ways.

SWOT (strengths, weaknesses, opportunities and threats) analysis of ongoing work can help groups to reflect critically upon their work: what is the context of their work? What are the strengths and weaknesses **of the strategies used by them?** **What kind of opportunities** does the context present? What are some of the threats against them? Such dialogue and discussions can help the groups strengthen the “how” of human rights work.

There is also a need to learn the strategies used by other groups working at the national and international levels. Such learning can include critical reflection on the context of the issue, the nature of the strategy, the conditions that help successful use of the strategy and the challenges involved in using such strategy. There can also be similar learning from experiences regarding initiatives that did not achieve the desired results.

Learning from the experiences of other groups working at national, regional and international levels can also help in building alliances and contributing to each other’s efforts.

- *Need for both thematic and cross-cutting learning programs*

There is a need for thematic programs because they help build knowledge and skills on specific areas of human rights. At the same time, there is a need for programs on learning different themes. Since issues are inter-related, **programs that are cross cutting in nature** can help facilitate learning between diverse groups working on a range of issues and help create synergies between such groups.

- *Human rights learning for State functionaries*

There is a need to institutionalize human rights courses in government departments and offices, as government policy, in order to provide government officials opportunities for learning human rights theory and practice. Such courses may be in the nature of academic courses as well as short practical courses.

- *Public campaigns on human rights*

In order to create a culture of human rights, there is a need to involve the public in human rights learning. Such learning can be promoted through the public media or creative forms of campaigns. The idea is to bring before the public different aspects of an issue confronting the society, encourage people to reflect upon their own understanding of the issue and, where needed, inspire them to take action that can contribute towards bringing about change.

- *Focusing on the “mission at hand”*

Last, but not the least, those working on promoting human rights learning, must always remember – that the focus of the learning is people’s current human rights predicament in ever changing societies. Thus, the work on human rights learning must also be able to respond to the challenges posed by contemporary contexts.

Endnotes

1. Presentations by Sanjeeb Drong, Bangladesh Adivasi Forum, in the Annual Human Rights Study Sessions held in Bangladesh by AIHR and its partners.

2. AIHR has been organizing the annual study sessions in Bangladesh in collaboration with the Department of International Relations in University of Dhaka and the Center for Human Rights Studies. The 3rd Annual Human Rights Study Session was held in 2013.

3. In February 2014, a human rights study session was organized by AIHR in Yangon in collaboration with the Pandita Development Institute.

4. In Thailand, AIHR has been organizing the annual human rights study sessions together with the Rotary Peace Center at Chulalongkorn University. The 4th Annual Study Session was held in October 2012.

5. These organizations include Ain o Salish Kendra (ASK), Acid Survivors Foundation (ASF), Bandhu Social Welfare Society (BSWS), Bangladesh Adivasi Forum, Bangladesh Dalit and Excluded Rights Movement (BDERM), Bangladesh Institute of Labour Studies (BILS), Bangladesh Legal Aid and Services Trust (BLAST), Bangladesh Mohila Parishad (BMP), Boys of Bangladesh (BOB), FAIR, Karmojibi Nari (KN), Kapaeeng Foundation, Manusher Jonno Foundation (MJF), National Alliance of Disabled Peoples’ Organizations (NADPO), STEPS, Transparency International Bangladesh.

6. The Universal Periodic Review (UPR) is a process under the Human Rights Council of the United Nations (UN), which involves a periodic review of the human rights record of all States, which are members of the UN. Under this process, States are required to submit a report to the Human Rights Council on the human rights

situation in the country. Based on the report, the members of the Council engage in a dialogue with the State and give recommendations to the State for strengthening their performance. In this process, civil society organizations also have the space to present their reports, called the “Stakeholders Report” before the Council on the situation of human rights in the country. For more information, see “Basic Facts about the UPR,” United Nations Office of the High Commissioner for Human Rights, www.ohchr.org/en/hrbodies/upr/pages/BasicFacts.aspx.

7. Human Rights Forum Bangladesh, UPR Stakeholders Report, Summary, March 2013, available at www.askbd.org/web/wp-content/uploads/2013/02/Human%20Rights%20Forum%20Bangladesh%20-%20UPR%20Stakeholders%20Report%20-%20Summary%20March%202013.pdf.

8. LGBTQ is the acronym for Lesbian, Gay, Bisexual, Transsexual and Queer.

9. This name is based on interview with the staff of the network. The name of the network according to its website is Network of Civic Women for Peace, a literal translation of its name in Thai language. See Annex B for more information.

10. The ten basic rules are: (1) absolutely no use of pesticide (2) in situ and ex situ conservation of seed and genetic resources, (3) protection of healthy soil without external inputs, particularly chemical fertilizers, (4) mixed cropping, (5) production and management of both cultivated and uncultivated spaces, (6) no extraction of ground water and conservation of water and efficient surface water use and management, (7) learning to calculate the output both in terms of single species and varieties as well as systems yield, (8) integrating livestock in the household to produce more complex household ecology to maximize benefits of both humans and life forms, (9) integrating water and aquatic diversity to generate more ecological products and (10) integrating, non-agricultural and rural activities to ensure prosperity of the local communities as a whole. Source: Nayakrishi Seed Sovereignty Movement; Farida Akhter, UBINIG.

11. Briefing Note 3, “Gender and Indigenous Peoples Education,” Secretariat of the Permanent Forum on Indigenous Issues, www.un.org/esa/socdev/unpfii/documents/Briefing%20Notes%20Gender%20and%20Indigenous%20Women.pdf.

12. For more information on the Mowakhi Community School, view its documentary video in IMPECT website: www.impect.org/.

13. Case study presented by Nagorik Uddyog at the 2nd Annual Human Rights Study Session held in Sonargaon, Narayanganj, October 2012.

14. India’s caste system assigns individuals a certain hierarchical status according to Hindu beliefs. Traditionally, there are four principal castes (divided into many sub-categories) and one category of people fall outside the caste system—the Dalits. As members of the lowest rank of Indian society, Dalits face discrimination at almost every level: from access to education and medical facilities to restrictions on where they can live and what jobs they can have. Source: <http://navsarjan.org/navsarjan/dalits/whoaredalits>.

15. Case study presented by Nagorik Uddyog at the 3rd Annual Human Rights Study Session held in Sonargaon, Narayanganj, 26 October – 7 November 2013.

16. Case study presented by ActionAid at the 3rd Annual Human Rights Study Session held in Sonargaon, Narayanganj, 26 October – 7 November 2013.

17. This means the power that comes from collective action and working together in alliances.

18. This means the individual's ability to act, to organize and change existing hierarchies and conditions of social inequalities.

19. See Amnesty International, <http://amnesty.org/en/who-we-are>.

Annex A

Case Studies on Practice of Human Rights Education

Organizational Classifications

The thirty-six organizations in Thailand and fifteen organizations in Bangladesh covered by the study are classified on the basis of the issues focused on in their work and on areas of work, as presented below.

Issues

<p>Land (6)</p> <p>Thailand</p> <ul style="list-style-type: none"> Center for Protection and Revival of the Local Community Rights Northern Development Foundation Highland Peoples Taskforce Upland Holistic Development Project P-Move <p>Bangladesh</p> <ul style="list-style-type: none"> <i>Nijera Kori</i> 	<p>Indigenous Peoples Rights (4)</p> <p>Thailand</p> <ul style="list-style-type: none"> Inter-Mountain Peoples Education and Culture in Thailand Association (IMPECT) Highland Peoples Taskforce Upland Holistic Development Project <p>Bangladesh</p> <ul style="list-style-type: none"> Bangladesh Adivasi Forum
<p>Natural Resource Management/Community Rights (7)</p> <p>Thailand</p> <ul style="list-style-type: none"> Mekong River Group in Chiangrai Human Rights and Peace Information Center Community Network for Social and Political Reform Learning Process and Creating Understanding on Nuclear Plants Nature Care Foundation <p>Bangladesh</p> <ul style="list-style-type: none"> <i>Phulbari Movement</i> <i>Bangladesh Adivasi Forum</i> 	<p>Right to Housing (1)</p> <p>Thailand</p> <ul style="list-style-type: none"> Human Settlement Foundation <p>Right to Education (2)</p> <p>Bangladesh</p> <ul style="list-style-type: none"> Campaign for Popular Education (CAMPE) Steps towards Development <p>Environment (2)</p> <p>Thailand</p> <ul style="list-style-type: none"> ENLAWTHAI Foundation (EnLAW) <p>Bangladesh</p> <ul style="list-style-type: none"> <i>Bangladesh Paribesh Andolan</i> (Bangladesh Environmental Movement)

<p>Labor (5)</p> <p>Thailand (Migrant Labor)</p> <ul style="list-style-type: none"> • MAP Foundation • Human Rights and Development Foundation <p>Bangladesh</p> <ul style="list-style-type: none"> • <i>Karmojibi Nari</i> • Bangladesh Legal Aid Services Trust • <i>Ain o Salish Kendra</i> 	<p>Rights of LGBTQ (2)</p> <p>Thailand</p> <ul style="list-style-type: none"> • M-Plus Foundation • Violet Home
<p>Trafficking (2)</p> <p>Thailand</p> <ul style="list-style-type: none"> • Anti-Trafficking Co-ordination Unit of Northern Thailand (TRAFCOD) • Human Rights and Development Foundation 	<p>Child Rights (1)</p> <p>Thailand</p> <ul style="list-style-type: none"> • Foundation for Child Development
<p>People with Disabilities (1)</p> <p>Thailand</p> <ul style="list-style-type: none"> • Thai Disabled Development Foundation 	<p>Rights of Elderly (1)</p> <p>Thailand</p> <ul style="list-style-type: none"> • Foundation for Older Persons' Development
<p>Gender Equality (8)</p> <p>Thailand</p> <ul style="list-style-type: none"> • Foundation for Women • EMPOWER Foundation • MAP Foundation • Gabfai Community Theatre Group <p>Bangladesh</p> <ul style="list-style-type: none"> • Bangladesh Legal Aid Services Trust • <i>Nagorik Uddyog</i> • <i>Ain o Salish Kendra</i> • Bangladesh Institute of Theatre Arts 	<p>Food Sovereignty (1)</p> <p>Bangladesh</p> <ul style="list-style-type: none"> • UBINIG <p>ASEAN (1)</p> <p>Thailand</p> <ul style="list-style-type: none"> • Pro-rights Foundation <p>Dalit People (1)</p> <p>Bangladesh</p> <ul style="list-style-type: none"> • Nagorik Uddyog
<p>Access to Justice (7)</p> <p>Thailand</p> <ul style="list-style-type: none"> • Muslim Attorney Center (MAC) • Promoting Human Rights and Access to Justice Network (HAP) • Cross Cultural Foundation • Human Rights and Development Foundation • MAP Foundation <p>Bangladesh</p> <p>Bangladesh Legal Aid Services Trust <i>Ain o Salish Kendra</i></p>	

Areas of work

<p>Raising civic consciousness (9)</p> <p>Thailand</p> <ul style="list-style-type: none"> • Gabfai Community Theatre Group • Asian Institute for Human Rights • Internet Dialogue on Law Reform (ilaw) • Prachatai • Amnesty Thailand <p>Bangladesh</p> <ul style="list-style-type: none"> • Bangladesh Institute of Theatre Arts • Human Rights Theatre Councils (<i>Manob Adhikar Natya Parishad – Ain o Salish Kendra</i>) • <i>Nagorik Uddyog</i> • Center for Human Rights Studies 	<p>Promoting experiential learning (4)</p> <p>Thailand</p> <ul style="list-style-type: none"> • Songkhla Forum • Thai Volunteer Service • Asian Institute for Human Rights <p>Bangladesh</p> <ul style="list-style-type: none"> • Center for Human Rights Studies
<p>Facilitating economic empowerment (2)</p> <p>Thailand</p> <ul style="list-style-type: none"> • Upland Holistic Development Project <p>Bangladesh</p> <ul style="list-style-type: none"> • UBINIG 	<p>Human rights monitoring (8)</p> <p>Thailand</p> <ul style="list-style-type: none"> • Cross-Cultural Foundation • Highland Peoples' Taskforce • Human Rights and Development Foundation • Foundation for Women <p>Bangladesh</p> <ul style="list-style-type: none"> • Bangladesh Legal Aid Services Trust • <i>Ain O Salish Kendra</i> • <i>Nagorik Uddyog</i> • Human Rights Forum
<p>Promoting participatory budgeting (1)</p> <p>Bangladesh</p> <ul style="list-style-type: none"> • ActionAid 	<p>Promoting right to information (1)</p> <p>Bangladesh</p> <ul style="list-style-type: none"> • Nagorik Uddyog

<p>Human rights lawyering (8)</p> <p>Thailand</p> <ul style="list-style-type: none">• Cross Cultural Foundation• Human Rights and Development Foundation• Human Rights Lawyers Association• ENLAWTHAI Foundation (EnLAW)• Center for Protection and Revival of the Local Community Rights (CPRLCR)• Asian Institute for Human Rights <p>Bangladesh</p> <ul style="list-style-type: none">• Bangladesh Legal Aid Services Trust• <i>Ain O Salish Kendra</i>	<p>Supporting social movements (3)</p> <p>Thailand</p> <ul style="list-style-type: none">• P-Move <p>Bangladesh</p> <ul style="list-style-type: none">• <i>Phulbari Movement</i>• New Agricultural Movement (UBINIG) <p>Using community radio (3)</p> <p>Thailand</p> <ul style="list-style-type: none">• Human Rights and Development Foundation• MAP Foundation <p>Bangladesh</p> <ul style="list-style-type: none">• Center for Human Rights Studies
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Annex B

Profile of Institutions Included in the Study

THAILAND

Protection and Revival of the Local Community Rights (CPRLCR)

ศูนย์พิทักษ์และฟื้นฟูสิทธิชุมชนท้องถิ่นดั้งเดิม

CPRLCR is a legal resource group that provides legal aid and assistance to community-based organizations focusing on the rights of people living in the forests. The objective of CPRLCR is to facilitate legal empowerment of the people. It tries to do so by instituting a sense of consciousness among the people that they are holders of rights, helping them understand and analyze their problems critically, helping them to identify strategies that may address such problems and by supporting them in their actions.

Northern Development Foundation

มูลนิธิพัฒนาภาคเหนือ

While CPRLCR focuses on legal empowerment, the Northern Development Foundation (NDF) provides assistance to people in setting up sustainable models of land management so that they can get recognition of their rights under the laws. It also focuses on advocacy on issues of land reform such as land redistribution, creation of land banks and facilitating security of tenure through land titling. The NDF played an important role in the drafting of the community forest bill.

As part of the different activities for strengthening the capacity and voice of farmers in developing land management systems, the NDF helped in the formation of the *Northern Farmers Network*, which advocates the rights of local communities and people's organizations to participate in all decision making processes relating to natural resource management which has an impact on their lives. The network helps in building alliances among villagers so that they can share their experiences regarding land use and through such collective processes develop local sustainable approaches to natural resource management. The NDF helped establish *community learning centers* to support learning among members of the community.

Upland Holistic Development Project (UHDP)

โครงการพัฒนาพื้นที่สูง

<http://uhdp.org/>

The Upland Holistic Development Project (UHDP) is a local organization that works in the golden triangle area (Mai-ai, Chiangdao and Fang Districts of Chiangmai province), an area where hill tribe people are struggling with poverty that is exacerbated by lack of citizenship rights and declining access to forest resources.

Traditionally the hill tribes living in the golden triangle practice swidden or shifting agriculture. However, due to decreasing access to forests in recent times, it has become difficult to practice this form of agriculture. UHDP provides support to the hill tribe farmers to develop sustainable models of upland farming such as raising livestock, fish farming, multiple cropping or growing cash and food crops simultaneously so that the farmers can have food security. UHDP also helps in raising awareness about the laws regarding nationality and citizenship and assists the villagers in fulfilling the procedural requirements under the law on obtaining nationality and citizenship. Thus UHDP assists the villagers in achieving economic and social security that enables them to survive with dignity. Such interventions also enhance the capabilities of the people to engage in other political processes around them such as movements on securing recognition for community rights.

Inter-Mountain Peoples Education and Culture in Thailand Association (IMPECT)

สมาคมศูนย์รวมการศึกษาและวัฒนธรรมของชาวไทยภูเขาแห่งประเทศไทย

www.impect.org/

IMPECT is an association of indigenous groups in Thailand. The association has more than three thousand members belonging to ten indigenous groups. An Executive Committee, elected after every three years, is responsible for developing the direction of the work of the association and taking policy decisions. The election process of the Committee ensures that there is equal representation of men and women and ethnic member groups. An advisory group known as the Indigenous Peoples Council guides the Executive Committee in its work and helps it in formulating the policies and strategies of the association.

The main areas of action related to human rights are the following: promotion of indigenous cultural practices through alternative systems of education; promotion of indigenous knowledge and skills in natural resource management; and strengthening of networks of indigenous peoples for promotion and protection of rights.

Highland Peoples Taskforce (HPT)

ศูนย์ปฏิบัติการร่วมเพื่อแก้ไขปัญหาประชาชนบนพื้นที่สูง

The Highland Peoples Taskforce is the secretariat of a network of twelve indigenous groups in Thailand. It works towards the elimination of discrimination against indigenous peoples and empowerment of the indigenous groups so that they can make their voices heard. As part of the process of empowerment, it tries to build the capacity of indigenous groups by organizing training sessions and workshops on knowledge and skills, such as on law, leadership skills, public speaking, report writing, negotiation skills, etc. Workshops on laws have included inputs on laws relating to nationality and citizenship and the procedure on citizenship application. The organization has been active in organizing the celebration of the International Indigenous Peoples Day every year. The celebration activities marking the day help to bring together all indigenous communities and highlight the rich cultural diversity of Thailand.

Mekong River Group in Chiangrai

กลุ่มรักษ์เชียงใหม่

In the mid-nineties a development project called the “Economic Square” was introduced in the Mekong Basin comprising of Laos, Myanmar, Thailand and China. China started to blast the rocks in the Mekong River in order to facilitate smooth navigation of vessels transporting goods to Thailand. It also started constructing dams on the river.

These projects had adverse impact on the life and livelihood of the people living in Chiangkong District of Chiangrai. During those years, people affected by the project informally came together in *saphas* (meetings) to discuss the ways the project had been impacting the lives of the people in the community. Gradually these meetings became more structured and the organization came into being.

The nature of the discussions in these meetings also changed gradually. From just discussing the adverse impacts of the development projects, the people started reflecting on the ways in which the lives of the people are intimately linked with the natural resources around them, the importance of conservation of such resources, and the actions that the people could take themselves in order to protect these resources. Thus in the late 1990s, the people initiated the “Chiangkong Forest Water Spring Conservation” project with the objective of conserving the forest and river resources by using the traditional customary ways of people living in the Mekong Basin.

Human Rights and Peace Information Center – Northeast Branch

ศูนย์ข้อมูลสิทธิมนุษยชนและสันติภาพ (ศสส.) อีสาน

The Human Rights and Peace Information Center was established by a group of activists working on environment and natural resources issues. They have been active in monitoring developmental policies and projects and the impact of such projects on the environment and human security of the people. One case that has occupied their attention is that of potash mine in Udon Thani province in northeast Thailand. The villagers are afraid that the proposed mine will destroy their lands and livelihoods. They allege that the initial exploration by the company (Asia Pacific Potash Corporation) to assess the potash reserves and ground water resources resulted in saline contamination of the land, making it unfit for cultivation. Even while this exploration was being done, villagers did not have information that a potash mine was proposed to be set up on their land.

Community Network for Social and Political Reform

เครือข่ายชุมชนเพื่อการปฏิรูปสังคมและการเมือง (คปสม.) จังหวัดอุบลราชธานี

The network is present in different parts of Thailand. It focuses on issues of land, management of natural resources, rights of local fisherfolk and stateless people as well as the conflict in Deep South. The network aims to strengthen the structures that people have to participate in decision-making processes of the State, strengthen the capacity of community leaders to participate in decision making processes and create forums where people can engage in critical discussion about community issues.

Learning Process and Creating Understanding on Nuclear Plants

โครงการศึกษากระบวนการเรียนรู้และสร้างความเข้าใจเรื่องโรงไฟฟ้านิวเคลียร์

The objective of the group is to enable the affected communities to enhance their understanding about the proposed nuclear power plant project so that they can make an informed decision. It shares information about the positive and negative aspects of a nuclear power plant project and also shares the experiences of other countries with regard to similar projects, such as that of Japan. The group also helps the villagers do a mapping of Thailand's power policy and facilitates reflection on other sources of energy. Armed with such information, the group encourages the people to think for themselves and decide whether they would like a power plant to be set up near their community or not.

P-Move (Peoples Movement for a Just Society)

ขบวนการประชาชนเพื่อสังคมที่เป็นธรรม

P-Move, an offshoot of the Assembly of the Poor, is a network of many organizations and grassroots movements such as the Anti-Pak Moon Dam Network, the Four Region Slums Network, the Northern Farmers Federation, the Northeastern Land Reform Network, the Southern Farmers Federation, networks against dams, mining and electricity projects, stateless people, forest dwellers, fisherfolk movements, etc.

Human Settlement Foundation

มูลนิธิพัฒนาที่อยู่อาศัย

<http://humanset.org/>

The Foundation has been working on the issue of right to adequate housing since 1983. During the 1980s, people living in the slums were very vulnerable to threats of eviction, which were carried out with a lot of force and violence. The people were helpless. The Foundation provides assistance to the people living in the slums and organizes them to form a collective. The Foundation focuses on issues such as shelter for the homeless people, developing the quality of life of people living in slums, affordable housing for the urban poor, etc. The Foundation supports the work of the Four Region Slums Network. It is also part of P-Move.

ENLAWTHAI Foundation (EnLaw)

มูลนิธิธรรมาภิบาลสิ่งแวดล้อม

<http://enlawfoundation.org>

Article 67 of the Constitution, provides that any project or activity which may have an impact on the quality of environment, natural resource and health of the community shall be permitted only after appropriate studies to assess the impact of such projects have been completed and shared with the people in public hearings so that they may give their opinions. This implies that communities have the rights to receive information about proposed projects from the government, assess the impact of such projects on resources, health and environment of the community and monitor the steps taken by the State to address the harmful effects of such projects. Under Article 67 of the Constitution, people have the right to file cases in the courts and seek accountability from the state agencies implementing such projects. Under this legal framework, En-law has been working towards strengthening the rule of law, access to justice and protection of the environment and rights of the communities. It provides legal aid and assistance to communities, engages in advocacy for reforms in laws and policies and provides support to civil society organizations working for the promotion and protection of the environment and community rights.

Songkhla Forum

สงขลาฟอรัม

The Songkhla Forum was born out of the political movements in Thailand in the early 1990s. After the events on Black May 1992, a new people's constitution was sought to be written. Dialogues, discussions and public hearings were held nationwide to seek opinions and inputs from the people and communities. The Songkhla Forum was set up to continue this process of invoking civic consciousness among the people. The goal of Songkhla Forum is to create a consciousness that can help in building a participatory democracy. It primarily focuses on the youth and together with them organizes on a regular basis seminars, discussions, workshops on issues of local and national importance. Its work is guided by James Bellanca Ron Brandt's thoughts in his book, *21st Century Skills: Rethinking How Students Learn*.

Gabfai Community Theatre Group

โครงการละครชุมชน กลุ่มก๊อไฟ

www.gabfai.com/

The Gabfai Community Theatre Group, based in Chiangmai, was established in 1996. The group uses theater, arts and contemporary culture to empower communities and vulnerable groups by creating spaces for initiating discussions, dialogues and actions on issues of human rights and social concern. Gabfai considers theater to be a medium that can facilitate reflection and dialogue about issues, attitudes, beliefs and behavior of people in the community.

Foundation for Child Development

มูลนิธิเพื่อการพัฒนาเด็ก

www.iamchild.org

Established in 1981, the Foundation works towards fostering the overall development of children in body, mind and spirit. As part of its mandate, it undertakes studies about the problems faced by children and disseminates such information among the society in order to create public opinion and mobilize the public and other official agencies to take appropriate actions. It also provides support to actions by individuals, communities and other agencies for promoting children's development.

Foundation for Older Persons' Development

มูลนิธิพัฒนางานผู้สูงอายุ

<http://fopdev.or.th/>

The Foundation for Older Persons' Development (FOPDEV) seeks to enhance the quality of life of older persons by developing their capacity in sustainable ways and by ensuring community support and mutual care. It gives special focus to elderly people living with HIV/AIDS and their communities. It is considered to be a resource organization for issues relating to older persons. As part of its activities, it tries to enhance opportunities for income generation among the elderly and their communities to ensure their income.

M-Plus Foundation

มูลนิธิเอ็มพลัส

www.mplusthailand.com

M-Plus Foundation focuses on the rights of LGBT people to access health care. In collaboration with other groups it is also doing advocacy for laws and policies that recognize the rights of LGBT people and eliminate discrimination against them.

Violet Home

บ้านสีม่วง

The organization was established in 2003 with the objective of empowering men who have sex with men (MSM), transgender people and those among them who are living with HIV-AIDS. At the individual and family levels, it provides support services to MSM and transgender people so that they can take care of their economic, physical and mental well-being. It also provides counseling services on how they can protect themselves from HIV-AIDS, on how to take care of their physical and mental health and facilitates their access to required medicines. It also helps to create spaces and forums for the people to link with each other and form collectives. Apart from such activities, it organizes training activities with health care professionals to sensitize them towards issues faced by people living with HIV-AIDS and address issues of stigma and bias prevalent in society.

Muslim Attorney Center (MAC) and SPAN

ศูนย์ทนายความมุสลิม, อาสาสมัครผู้ช่วยทนายความ

<http://th.macmuslim.com/>

The Muslim Attorney Center is a collective of lawyers that facilitates access to justice in the southern provinces of Thailand by providing legal aid and assistance to those who have been arrested and detained due to security operations. Since 2005 when violence exacerbated in the region, it has become one of the main centers to receive complaints of extra-judicial killings, torture, disappearances and arrests and detention. Based on such documentations, it has worked with human rights groups operating at the national level such as International Commission of Jurists, Cross Cultural

Foundation, Human Rights Lawyers Association and the National Human Rights Commission of Thailand to monitor human rights violations and seek accountability from the State. Other than this, it has also worked with the law enforcement agencies to reform existing rules and regulations as well as improve existing systems to reduce the number of cases of torture, disappearance and arbitrary detention. It has participated in the submission of reports before the different United Nations human rights mechanisms.

Promoting Human Rights and Access to Justice Network (HAP)

เครือข่ายส่งเสริมสิทธิและเข้าถึงความยุติธรรม

HAP is a group established by human rights defenders who suffered arbitrary detention and torture by security agencies, and who with the assistance of legal aid groups were able to defend their rights before the courts of justice and secure remedies for the violations suffered. They established HAP in order to provide assistance to people who have been affected by the conflict in Southern Thailand.

Women for Peace Network/Network of Civic Women for Peace

เครือข่ายผู้หญิงเพื่อสันติภาพ

<http://civicwomen.com/>

The Women for Peace Network was set up by women who have been affected by the violence raging in the southern provinces of Thailand. Today the network includes women's groups working on issues regarding management of natural resources. The objective of the network is to strengthen the capacity of women so that they can contribute to the process of building peace in southern Thailand.

Thai Disabled Development Foundation

มูลนิธิพัฒนาคนพิการไทย

www.tddf.or.th

The Foundation was established in 1999 with the objective of promoting and protecting the rights of persons with disabilities and empowering them to live with dignity and happiness. To achieve these objectives, it seeks to create awareness in the society about the needs of persons with disabili-

ties and help in creating a supporting environment. It also takes different measures in order to ensure that persons with disabilities are able to access buildings and public services such as education, health and other public services.

Foundation of Child Understanding (FOCUS)/The Anti-Trafficking Coordination Unit Northern Thailand (TRAFCORD)

หน่วยงานเพื่อต่อต้านการค้ามนุษย์ ภาคเหนือตอนบน ประเทศไทย
www.trafcord.org/

TRAFCORD was established in 2002 in Chiangmai in collaboration with the Center of Child Protection and Women to address the problem of human trafficking in northern Thailand. The unit works with state and non-state agencies in order to provide psychosocial and legal assistance to the victims of trafficking. It also provides assistance to the victims and their families to re-integrate in society or community. In 2011, TRAFCORD was registered as a foundation with the name Foundation of Child Understanding (FOCUS).

MAP Foundation

มูลนิธิเพื่อสุขภาพและการเรียนรู้ของแรงงานกลุ่มชาติพันธุ์
www.mapfoundationcm.org

MAP Foundation works towards empowering migrant workers so that they are able to protect themselves from exploitation and abuse. It also engages in advocacy for the improvement of the state systems and structures to promote and protect the rights of migrant workers.

Human Rights and Development Foundation

มูลนิธิเพื่อสิทธิมนุษยชนและการพัฒนา
<http://hrdfoundation.org>

Since 2006, the Human Rights and Development Foundation (HRDF) has been working for the promotion and protection of the rights of migrant workers. Its approach includes: legal advocacy through strategic litigation, advocacy through awareness-raising and public campaigns, engaging with international human rights mechanisms to support advocacy at the national level and empowerment of migrant workers and communities.

Human Rights Lawyers Association

สมาคมทนายทนายสิทธิมนุษยชน

<http://naksit.org>

The Human Rights Lawyers Association was established by human rights lawyers with the objective of promoting the practice of human rights lawyering and in order to strengthen the knowledge and skills of lawyers for doing so. The Association has conducted strategic litigations (Check Mae-Om Kyi case) in order to set judicial precedents that can help in promoting and protecting rights. It has also participated in drafting laws and policies.

Pro-Rights Foundation

มูลนิธิส่งเสริมและคุ้มครองสิทธิมนุษยชน

The objective of the Foundation is to promote human rights through education and strengthen national mechanisms for the promotion and protection of human rights.

In the past years, the Thai Working Group set up under the Foundation has worked with the Ministry of Education in Thailand to develop a policy on human rights education including human rights education in schools. During the same period, the Thai Working Group surveyed organizations engaged in human rights education in order to pool together existing resources on human rights education; determine the purpose and nature of human rights education activities, the curriculums, and the education methodology employed. The mapping project led to the drafting of the first national plan on human rights in collaboration with the State.

Amnesty International Thailand

แอมเนสตี้ อินเตอร์เนชั่นแนล ไทยแลนด์

www.amnesty.or.th

Amnesty International Thailand is part of Amnesty International, “a **global movement of more than 7 million people** who campaign for a world where **human rights are enjoyed by all.**”¹⁹ As part of its policy, Amnesty International Thailand refrains from making interventions in national issues, meaning human rights issues in Thailand. Rather it tries to create

awareness in Thailand on issues of human rights concern outside Thailand and strengthen the global campaigns regarding them. Some of these campaigns may also inspire reflection and action among activists working at the national level – such as the campaign on death penalty. Thai activists have linked this campaign on death penalty to issues such as access to justice within Thailand and are doing advocacy for the strengthening of laws and systems.

Amnesty International Thailand engages in human rights education with students with the objective of creating awareness among them about global issues and inspiring them to take action. The organization also supports students in initiating campaigns on issues identified by them.

Cross Cultural Foundation

มูลนิธิผสานวัฒนธรรม

The Cross Cultural Foundation is working for the legal empowerment of people and advocacy for reform in laws and policies in order to strengthen the systems for promotion and protection of rights.

One of its focus areas has been the promotion of access to justice in the southern provinces of Thailand. Towards this end, it works to build the capacity of local actors – communities, local organizations and local administration. Capacity-building programs include training on human rights standards, fact-finding and documentation and on laws and policies. These capacity-building programs help to strengthen local institutions such as the Muslim Attorney Center, SPAN, HAK and others.

Foundation for Women

มูลนิธิผู้หญิง

www.womenthai.org/eng/

The Foundation for Women started its work in 1984 as a Women's Information Center providing advice to Thai women who were going abroad. In 1986, it opened a women's shelter for victims of domestic violence. In 1988, it launched a community-based project to create public awareness about the problems of child sex work and the ways in which children could be protected from national and international trafficking networks. The experience gained from the community-based work led to the initiative called

“weaving new life,” which combined public education with training of village volunteer development workers to assist women and children in their communities. The Foundation implements this initiative by working with sub-district administrative organizations such as the Tambon Administrative Organizations.

It has played a leading role in the drafting of the law on gender equality and has continuously been engaged in advocacy with the State regarding the improvement of the law enforcement and mechanisms for the promotion and protection of the rights of women.

Internet Dialogue on Law Reform (iLaw)

<http://ilaw.or.th>

Internet Dialogue on Law Reform (iLaw) is a website that promotes civil participation in social change by proposing new laws or amending the existing laws which can be done through the gathering of ten thousand signatures of voters to submit the draft laws before the parliament for further debate and enactment. This procedure is a right guaranteed by the Constitution of the Kingdom of Thailand, 2550 BE (2007).

iLaw provides space since 2009 for campaigning and supporting civil participation in law making process through its website. Anyone can propose the law or idea on iLaw website while others can give comments and engage in debate.

Empower Foundation

www.empowerfoundation.org/education_en.html

Empower Foundation works to prevent HIV and protects the rights of sex workers. The activities of the Foundation are designed, managed and implemented by sex-workers themselves. Empower Foundation uses street theater as well as materials such as t-shirts, posters, and cartoons to combat discrimination against sex-workers, and increase the respect for their dignity by the government, the media, non-governmental organizations and the general public.

It believes in using art and cultural performances as modes of expression that inspire a process of reflection and questioning among the people in challenging traditional beliefs held and exploring the creation of new tradi-

tions that recognize and accept differences and values the inclusion of each individual as an important part of the whole.

Thai Volunteer Service

<http://thaivolunteer.org/en/>

Thai Volunteer Service (TVS) began in 1980, a time when university students in Thailand were eager to come and participate in discussion about democracy and social change. TVS believes that by providing training and opportunities, young people can be encouraged to become agents of social change and help those who are disadvantaged in society. For the past thirty years, TVS has been facilitating different projects for young people including creating opportunities for different kinds of volunteering such as human rights volunteers, young people for social change, teacher volunteers, etc. The objectives of TVS are to create a space for learning and developing attitudes and skills for volunteering, to enhance the capacity of young people to develop their skills and analytical thinking, and to promote collaboration among non-governmental and government organizations.

Prachatai

www.prachatai.com/english

Prachatai is an independent, non-profit, daily web newspaper that was established in June 2004. Its objectives include the following: to provide the Thai public with access to reliable news and information on the problems, concerns, activities and accomplishments of local communities and civil society movements and organizations; **and to promote active public participation** in Thai news media.

BANGLADESH

Ain o Salish Kendra

www.askbd.org

Ain o Salish Kendra (ASK) is a national legal aid and human rights organization established in 1986. Initially focused on providing free legal services to the disenfranchised in Dhaka City, its aims and activities have developed over twenty years to encompass investigation, advocacy, media

campaigning, documentation, training and action research in addition to its core activities of legal services (including legal aid, mediation and public interest litigation).

Bangladesh Legal Aid and Services Trust (BLAST)

www.blast.org.bd

BLAST primarily focuses on legal empowerment of the people by providing legal aid and assistance. It also engages in advocacy and strategic litigation to bring changes in laws and policies.

Campaign for Popular Education (CAMPE)

www.campebd.org

CAMPE works with the unprivileged sections of the society who do not have access to essential public services. It works with a range of stakeholders at the local and national levels. CAMPE is a membership-based network. It has 1,367 members all over Bangladesh. It also works with teacher unions, though they are not members of CAMPE. It works in seventeen districts of Bangladesh.

Nagorik Uddyog

www.nuhr.org

Nagorik Uddyog (The Citizen's Initiative) has worked to strengthen the local government in Bangladesh via the dual imperatives of, on the one hand, raising awareness among the general masses of people's basic human rights and, on the other, building people's capacity to pursue and realize these rights.

Nijera Kori

www.nijerakori.org

Nijera Kori (We do it ourselves) aims to reach the most poor and marginalized groups in society. These groups include those dependent on physical labor as their main source of livelihood. Its capacity-building strategies grow from a fundamental belief that "power" should and must remain with

people. Hence, its **programs and activities are structured to ensure that financial and organizational autonomy remains with the people.**

Bangladesh Institute of Theatre Arts (BITA)

The Bangladesh Institute of Theatre Arts (BITA), established in 1994, works towards developing personal skills of people so that they can address their issues and raise their voice against any form of discrimination. With confidence and awareness of their rights, they can play a positive role in the development of their community. (See Sisir Dutta, “Human Rights Education Through TIE: A BITA Experience,” in volume four of this publication for more information on bita.)

Karmojibi Nari (KN)

www.karmojibinari.org.bd/

Karmojibi Nari, established in 1991, is an organization of women-workers that strives to establish the rights, dignity and authority of women-workers. This organization is the first ever of its kind in Bangladesh that is fighting relentlessly and advancing with success the liberation of the women’s movement from the domination of aristocracy and upper class and the labor movement from the domination of patriarchy through upholding the agenda of women workers, since they are a vanguard for social change in Bangladesh.

Steps Towards Development

www.steps.org.bd/

The main mandate of the organization is to promote equality, human rights and good governance. The thematic areas include participation rights and right to development.

“I would like to say [that] as human rights activist[s] we need to reflect on problems and identify ways to address them. Activist means you are the change agent and you have to be ready for any change and accept the conflicts that arise while working for the change. We have to facilitate those who don’t have power to transform their status and ensure that those who hold power do not abuse it.”

Ranjan Karmakar, Executive Director

Bangladesh Poribesh Andolon (Bangladesh Environment Movement)

www.bapa.org.bd/

Bangladesh Poribesh Andolan (BAPA) is a common forum of citizens and organizations concerned with the environmental issues in Bangladesh. BAPA, acting as a pressure group against any kind of environmental degradation, tries to create a broad-based citizen's movement for protection and betterment of the environment in Bangladesh. It organizes seminars, meetings, conferences and workshops to draw attention to general and specific problems relating to environment and educate the public on such issues. It holds rallies and demonstrations to build up public awareness and secure wide participation of people on environmental issues. It undertakes publication for education or mobilization of public opinion.

Center for Human Rights Studies (CHRS)

www.chrs-bd.org

The Center for Human Rights Studies (CHRS) is a forum for human rights education that endeavors to bring together academics, activists, community leaders and students to reflect on the theory and practice of human rights. It strives towards strengthening the knowledge and skills of stakeholders, promoting human values among youth and children and encouraging the spirit of voluntarism in Bangladesh.

(See the second edition [2013] of the *Directory of Asia-Pacific Human Rights Centers* for more information on CHRS.)

Actualizing the Inclusion of Indigenous Peoples' Rights in Education: A Policy Initiative in the Philippines

Marie Lourie Victor and Belmer Yano

INDIGENOUS COMMUNITIES¹ in the Philippines have been advocating for almost five decades for an education that is sensitive to, and reflective of, their cultural context, aspirations and concerns. This advocacy has intensified during the last twenty five years in light of increasing number of indigenous schools or education programs established and managed by the indigenous communities despite the existence of public schools in the area. This highlights the growing dissatisfaction of the indigenous communities with the educational system of the government, and their strong desire to provide an education that is deemed appropriate to their children and youth.

The Philippine Department of Education (DepEd) responded with a national educational policy, the first comprehensive rights-based educational policy framework of the government.

This interface of perspectives concerning indigenous peoples' concept of education is a rare example of policy development. This educational policy demonstrates that the "rights" concept is not just a topic to be integrated into the school curriculum. Rather, rights should be meaningfully applied in policy-making in order to realize an education that is responsive and relevant to the situation of indigenous children and youth.

National Educational Policy

The Secretary (Armin A. Luistro) of DepEd signed Department Order 62 s. 2011 (DO62) entitled, "Adopting the National Indigenous Peoples (IP) Education Policy Framework"² on 8 August 2011. He noted in his speech that DO62 was DepEd's modest contribution to the celebration of the World Indigenous People's Day for that year. This international day is celebrated on August 9 of each year. He emphasized that DO62 aimed "to create an educational system [that was] inclusive and respectful of learners belonging

This article discusses how this educational policy reflects the interface of the government's perspective with the customary perspective of indigenous communities pertinent to education.

to the minority groups,” and that the country’s basic education should be one that would “...recognize and promote the rights and welfare of indigenous peoples to enable them to face various social realities and challenges” (Calleja, 2011).

Secretary Luistro stressed further that DO62

recognizes the faults of the past. It is an invitation for us to change our perspective – the glasses that we normally use to see reality –and exchange that with a perspective that allows us to really be inclusive. Furthermore, it is an invitation to learn with, not just teach in, indigenous communities that have always been on the sidelines (IPsEO, 2012).

The signing of DO62 was the culmination of a three-year journey of the indigenous communities in their dialogue with DepEd towards a rights-based, comprehensive, and systemic policy on culturally responsive education for indigenous children and youth. Previous efforts of indigenous communities and their partners in engaging DepEd on policy directives were limited to specific concerns (e.g., recognition of community-based schools in indigenous peoples’ areas, production of educational resources), local in scope (regional, division, school levels), and tended to focus on service delivery.

DO62 is the first national educational policy that interfaces the customary perspective of indigenous communities with that of the national government. Its birth is also the beginning of a long-term commitment of both the indigenous communities and DepEd in making the policy objectives concrete realities for indigenous children and youth.

Education for Self-determination

The educational perspective of the communities of indigenous peoples in the Philippines parallels the international concepts on indigenous education. The educational philosophy of these educational initiatives are akin to the concept of Indigenous Learning Systems (ILS) **which provide that a community nurtures into personhood each generation of children, with the expectation that the succeeding generations will take on the responsibilities that will assure the continuing life and development of the community.** The understanding and articulation of indigenous knowledge and wisdom

by these Philippine indigenous educational initiatives also find similarity with the Indigenous Knowledge Systems and Practices (IKSPS) that bring to life the indigenous systems and practices and are continually enriched by the succeeding generations. Since the IKSPS are expressed collectively by indigenous communities through time as their way of life – what we today call culture - they become foundational and inherent to the wellbeing and sense of collective and personal identity of these communities.

Viewed this way, education and culture are thus understood to be intrinsically intertwined, and are central to the life of the community.

The formal education system in the Philippines had not addressed this aspect of indigenous peoples' educational needs. The indigenous peoples instead encountered barriers to finishing schooling. Aside from the usual problem of access to and quality of education in the school system that caused high drop-out rate among indigenous children, there were hidden barriers such as the following:

- Experiences of discrimination based on one's ethnic identity, considered to be "native" or "tribal;"
- Difficulties with the language of learning because the language used in school was different from what was used at home and in the community. The inconsistency of languages used hindered the development of learning skills and comprehension of topics being discussed;
- Comprehension difficulties because the social and cultural contexts of the lessons differed very much from the realities of the indigenous children's communities; and
- Cognitive dissonance and personal tensions that became tensions in the family and community because their identity and the way of life practiced at home and in the community were negated and/or considered primitive and backward in school.

As summarized in a consolidated national study by the Episcopal Commission on Indigenous Peoples (2008), these hidden barriers have brought about the "alienation of indigenous youth from their own communities, heritage, culture and history." The impact of this alienation of indigenous youth on the community was summed up by community elders who posed the questions:³

- What will happen to our culture if our youth see it as primitive, backward and something to throw away?

- What will happen to our sense of community if our children experience their indigenous identity as a source of shame?
- What will happen to our intergenerational relationships if the younger generation continues to **view the elders and culture-bearers** in the community (which includes their grandparents) as obsolete and backward?
- What will happen to our ancestral domains if our youth do not value them as an inheritance from our ancestors, to be cared for and developed for their generation and the coming generations?

These were life and death questions that indigenous communities had to face by asserting self-determination. It was from this impetus that the indigenous communities in various parts of the country started to conceptualize, organize and manage their own community-based education programs as far back as the 1970s. While expressed in varied ways, the common threads across these initiatives were the following features:

- A strong advocacy for culture-based educational programming;
- The ancestral domain⁴ as the learning space and purpose of education;
- Inclusion of community history in the educational content;
- Conscious effort to nurture and affirm the learner's indigenous identity;
- Integration of ILS and IKSPs in the curriculum; and
- Promotion of indigenous peoples' rights and welfare.

The synthesized aspirations articulated during the 2004 forum on "Developing a Culturally-Appropriate Education System for Filipino Indigenous Peoples Towards Sustainable Development" (Buasen, 2006) and during the 2005 National Assembly on Indigenous Education (Buasen, 2006) summarize the key features of an indigenous education:

- It develops their rootedness and security in their identity as indigenous youth;
- It nurtures and cultivates their indigenous ways and traditions;
- It instills in them the need to protect and care for their ancestral domains;
- It supports their right to self-determination; and

- It promotes the well-being of both the whole community and each member of the community.

Decades of implementing and discussing educational initiatives in indigenous communities show the essential role of culture. The civil society network subsequently adopted the term “IP Education (IPED)” to refer to such initiatives.

Before laws that protected the rights of indigenous peoples were enacted, the indigenous communities assert the need for culture-responsive education based on the moral assertion of human dignity; that all peoples regardless of their cultural background and all indigenous communities have an inherent right to be respected and accepted. This comes from a customary governance perspective that looks at the inherent dignity of each culture, even though inter-community tensions or conflicts exist. With the 1987 Constitution, the Indigenous Peoples Rights Act (IPRA) in 1997, and the 2007 United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), the advocacy for IPED gained legal basis.

The 1987 Constitution commits the State to “recognize, respect, and protect the rights of indigenous cultural communities to preserve and develop their cultural structures, traditions, and institutions” (Article XIV, Section 17), including indigenous learning systems (Article XIV, Section 2.4).

The right of indigenous peoples to develop their own educational systems is further supported by IPRA that requires the State to “provide equal access to various cultural opportunities to the ICCs/IPs [indigenous cultural communities/indigenous peoples] through the educational system, public or private cultural entities, scholarships, grants and other incentives without prejudice to their right to establish and control their educational systems and institutions by providing education in their own language, in a manner appropriate to their cultural methods of teaching and learning” (Section 30). (emphasis added)

At the international level, UNDRIP provides for the right of IPs “to establish and control their education systems and institutions providing education in their own languages, in a manner appropriate to their cultural methods of teaching and learning” (Art. 14.1, page 7).

The indigenous communities want an education that primarily nurtures the cultural wellbeing and personhood of their young. This becomes the

foundation for developing other competencies that can enable them and, subsequently, the indigenous communities to contribute to nation-building.

Fulfilling International Commitments

While the journey of indigenous communities in articulating culture-responsive education meant valuing and protecting their roots through the assertion of self-determination, the journey of the DepEd in recognizing culture-responsive education was strongly influenced by international developments that impinged on national directions for education. Before the influence of international educational development affected DepEd, any call for culture-responsive education by the indigenous communities was met with the institutional stance that the curriculum of the national education system could not be modified and the formal education of all children and youth regardless of their socio-economic and cultural backgrounds should be based on it.

At least two major influences facilitated the DepEd's openness to the educational concerns of indigenous communities: international agreements particularly the Education for All (1990) and the Millennium Development Goals (2000); and the increased awareness and understanding about rights.

International declarations

The 1990 World Declaration on Education For All (also known as Jomtien Declaration) had the theme "Meeting Basic Learning Needs" and emphasized the promotion of equity, focus on learning, broadened means and scope of basic education, enhanced learning environment and strengthening partnerships. The Jomtien Declaration cites the need to remove educational disparities regarding the underserved groups (including indigenous peoples). Its preamble recognizes that "traditional knowledge and indigenous cultural heritage have a value and validity in their own right and a capacity to both define and promote development." The 2000 Dakar Framework for Action (with the theme "Education For All: Meeting Our Collective Commitments") has aimed at "ensuring that by 2015 all children, particularly girls, children in difficult circumstances and those belonging to ethnic minorities, have access to and complete, free and compulsory primary education of good quality" (Section 7i). (emphasis added)

As a follow-up to the 2000 Dakar Framework for Action, the 2000 Asia and the Pacific Regional Framework for Action: Education for All (adopted by countries in the region including the Philippines) stresses that programs in early childhood care and education (ECCE) “must promote the child’s optimum physical, psycho-social, emotional, cognitive and linguistic development in ways that are culturally and socially relevant.” The section on basic learning and skills programs provides that “[V]alues and cultural identity and their preservation must continue to find a prominent place in all learning programmes and teaching practices.” Basic literacy and numeracy skills must also “adopt participatory, age-appropriate, culturally sensitive and integrated approaches...”⁵

These international declarations made the cultural dimension in education more significant.

The United Nations Millennium Declaration in 2000 further bolstered the directions of EFA especially with Millennium Development Goal (MDG) 2 on the universal access to primary education (United Nations, 2000, page 5).

The Philippines, in response to these calls, formulated the Philippine EFA 2015 National Action Plan which serves as the main framework to guide basic education reforms in the country until 2015. To further systematize these reforms and assure their alignment with international commitments and their responsiveness to the identified issues and concerns of the education sector in the country, DepEd conceptualized the Basic Education Sector Reform Agenda (BESRA). Both the Philippine EFA 2015 National Action Plan and BESRA provide a roadmap to meet the targets of EFA and the MDGs (DepEd, 2008).

The Plan enumerated nine specific tasks, including the task to “accelerate articulation, enrichment and development of the basic education curriculum in the context of the pillars of the new functional literacy.” BESRA, on the other hand, identified as one of its five Key Reform Thrusts (KRTs) “desired learning outcomes enhanced by the National Learning Strategies, Multi-sectoral Coordination and Quality Assurance.” Indigenous education was seen as one of the needed initiatives to meet these commitments.

In March 2008, the Indigenous Peoples Education Technical Working Group was created through DO16, s. 2008 with the task of formulating policy recommendations to move action forward.

Discourse on rights

In the decades preceding EFA, educational issues and concerns were discussed from a frame of equitable delivery of education services and the dominant perspective was the needs-based approach. The discussions on EFA and the MDGs contributed to opening and shifting DepEd's institutional awareness to that of human rights and the rights-based approach. Among civil society groups, rights as a discourse was natural and even foundational, but for government institutions like DepEd, human rights was associated at that time with lawyers and civil society groups.

The Dakar Framework, for example, strongly articulates education in the context of human rights and not just as a social service that government agencies have to deliver (UNESCO, page 8). Further, it stresses that the right to education is fundamental in pursuing sustainable development, thereby linking education directions to national development goals with an anchorage on rights. Also highlighted in the Dakar framework is the importance of working with "civil society in the formulation, implementation and monitoring of strategies for educational development" (UNESCO, page 8).

MDGs are also articulated primarily from the perspective of rights and this frames the discussion about the equitable distribution of social services. The seven MDGs are viewed as concrete international targets to meet the basic human rights of every person to health, education, shelter and security (Millennium Project, 2006).

With the mandate to align educational policies with EFA and the MDGs, the DepEd became more exposed to the discourse on rights from the 1990s onward.

Several efforts at the national level related to promoting human rights further widened the institutional consciousness of DepEd regarding the rights discourse. In July 2002, the Philippine Congress enacted Republic Act 9201, "An Act Declaring December 4 to 10 as National Human Rights Consciousness Week in the Country and for Other Purposes," which enjoined all government offices and educational institutions, both private and public, to celebrate Human Rights Week. DepEd issued DO31 s. 2003 that required the celebration of Human Rights Week every December of the year. In May 2003, DepEd, in partnership with the Commission on Human Rights of the Philippines (CHRP), undertook its initial activities to integrate human rights in the national curriculum (DepEd Memorandum 160, s. 2003), and by 2004, the first training of trainers on human rights education was held

(DepEd Memorandum 16, s. 2004). All Divisions of the Department were then enjoined to include human rights in their in-service training (INSET) for teachers from May 2004 to 2005 (DepEd Memorandum 130, s. 2004).

In 2005, with the enactment of the Republic Act 7610, "Special Protection of Children Against Child Abuse, Exploitation and Discrimination Act," DepEd issued Memorandum 297, s. 2006 that listed acts violating this law, including "any act by deeds or words which debases, degrades or demeans the intrinsic worth and dignity of a child as a human being."

DepEd supported the CHRP-organized First National Educators' Congress on Human Rights in 2009 by encouraging Social Studies supervisors and master teachers to attend (DepEd Memorandum 515, s. 2009). By this time, the words "human rights" became more or less familiar to teachers at the school level, even as their understanding and practice still needed to be deepened.

In the same decade that these two major influences unfolded, several Department Orders directly related to the educational concerns of indigenous communities were released that hinged on the recognition of their rights and on the ongoing efforts to achieve the country's commitments to EFA and the MDGs.

DO42 s 2004 (Permit to Operate Primary Schools for Indigenous Peoples and Cultural Communities) recognized the right of indigenous communities to initiate and manage their own educational initiatives and specified flexibility in the criteria to be used in assessing such schools should they be interested to seek recognition from DepEd as private schools. Up until 2004, the criteria for recognition of private schools did not include cultural and environmental considerations. With DO42, the school calendar could be adjusted according to the weather conditions of the locality, community resource persons were allowed to teach topics related to culture regardless of their academic background, and enhancements of the national school curriculum were allowed as long as the core learning competencies remained untouched.

In 2010, DepEd's Bureau of Alternative Learning Systems (BALS) released the Alternative Learning System (ALS) Core Curriculum for Indigenous Peoples. To assure appropriate attention to this material at the Divisions level, DepEd explicitly stated (under DO101, s. 2010) that this initiative was in response to the call of EFA to address the needs of marginalized students.

In the same year, DO23, s. 2010 (Adoption of the BESRA Accountability Plan, 2010-2012: A Blueprint for Transforming the Basic Education Sub-sector) identified **indigenous education as one of the main “foundation actions”** for BESRA implementation (Section 3).⁶

By the time the representatives of indigenous communities and DepEd came together from 2009 to 2010 to discuss more comprehensive policy directions to address the needs of indigenous children and youth, the ground for dialogue especially on the side of DepEd was fertile, and both parties were ready to explore responsive innovations.

DO62: The Interface of Perspectives

The 2009-2010 consultations on crafting the national policy framework for indigenous **people’s education resulted in agreement on several main interface points** that served as bases in formulating specific educational policies that included the cultural rights of indigenous peoples. DO62 is the main educational policy that embodies the interface of perspectives.

DO62 reflects the following interface points:

- a. The right of indigenous communities to culture-responsive quality education;
- b. The right of indigenous peoples to self-governance, specifically their right to participate in all levels of decision-making (Section 16, IPRA) as their exercise of participation in national development.

DO62 considers “...education as a necessary means to realize other human rights and fundamental freedoms...”⁷ **One can see that the recognition of rights of indigenous communities strongly influenced DO62’s formulation.**

DO62 is also “intended to be an instrument for promoting shared accountability, continuous dialogue, engagement, and partnership among government, IP [indigenous peoples] communities, civil society, and other education stakeholders.” It provides that the Indigenous Peoples Education Program should subscribe to the “rights-based approach which gives primary importance to the principles of participation, inclusion, and empowerment.”⁸ These provisions of DO62 implement the right of indigenous peoples to self-governance under IPRA.

The main policy statements of DO62 are comprised of a short introductory statement and seven policy statements on the major areas of the national education system:

- Access to education services;
- Pedagogy, content and assessment;
- Learning facilities and environment;
- Teachers and learning facilitators;
- Institutional support for the indigenous peoples education program;
- Linkage and partnership for indigenous peoples education; and
- Eradication of discrimination.

The short introductory statement provides another set of interface of perspectives as shown in Table 1 below:

Table 1. Perspective Interfaces

Indigenous Communities	Perspective Interfaces	DepEd Mandate
<p>Recognize the right of indigenous peoples to self-determination</p> <p>Recognize the right of indigenous peoples to participate in national development</p> <p>Recognize the right of indigenous peoples to an education appropriate to their culture, aspirations, and needs</p> <p>The main goal of education should be to enable indigenous children and youth to contribute to the protection and promotion of indigenous peoples rights and welfare</p>	<p>Inclusive basic education in the context of indigenous children and youth means:</p> <ul style="list-style-type: none"> • A national education system that recognizes, protects and promotes the rights and welfare of indigenous peoples • Educational interventions are to be developed in consultation with indigenous peoples • Inclusion of indigenous peoples' history, culture, identity and worldview in the national education system 	<p>Provision of inclusive basic education for all</p>

The succeeding specific policies provide other points of interface of perspectives.

Access to education services

Policy: “Ensure the provision of universal and equitable access of all IPs [Indigenous Peoples] to quality and relevant basic education services

towards functional literacy for all.” Table 2 shows the points of interface of perspectives in the full policy statement.

Table 2. Access to Education

Indigenous Communities	Perspective Interfaces	DepEd Mandate
<p>Recognize the right of indigenous peoples to access to education</p> <p>Recognize and support community-based educational initiatives</p>	<p>Universal and equitable access of all Indigenous peoples to quality and relevant basic education services towards functional literacy for all</p> <p>Partnership between the government and the civil society and private sector organizations in the provision of universal and equitable access to formal and alternative forms of education</p> <p>Both supply- and demand-side interventions shall be expanded and diversified as needed</p>	<p>Provision of accessible education for all students in the Philippines towards functional literacy for all through the formal school system and the Alternative Learning System</p> <p>Inclusion of relevant data regarding indigenous children and youth that can serve as basis for policy formulation for indigenous peoples education</p>

It is notable that the access to education provision is not the usual build more schools or strengthen the advocacy for indigenous children to enroll policy. Rather, the **policy statement highlights quality and relevant basic education**, further defined as culture-responsive education. It further stresses that the “demand-side,” which means community-initiated interventions, are to be given as much attention as those that are generated by the “supply-side” or the DepEd.

The education programs and initiatives done by indigenous communities over the previous decades are concrete examples of effort to address the concern of this policy statement from the “demand side.” In most instances, these programs and initiatives are in places where DepEd has not yet extended its services. These initiatives also address the quality dimension and not just increased enrollment dimension of education.

Based on the research conducted by the Indigenous Peoples Education Office of DepEd, the earliest community-based initiative that attempted to address distance and education quality concerns of indigenous communities is the Ikalahan Academy in Imugan, Santa Fe, Nueva Viscaya province in northern Philippines. It was established by the Kalanguya community in

1974 in response to their negative assessment of experience with what they called “lowland education.” In the 1970s, the distance of the nearest schools from their communities required indigenous secondary school students to live away from their families. The members of the Kalanguya community noticed that their youth started to acquire habits and practices that were contrary to the community’s values. **They also observed rampant acts of discrimination against their young students.**

In response, the Kalanguya community decided to establish their own school with a curriculum that incorporated the community’s cultural context. Having been recognized by the DepEd as a private school, the Ikalahan Academy is now entering its fifth decade of operations.⁹

While Ikalahan Academy met the recognition criteria of DepEd, many other indigenous education programs in the country failed to meet the criteria that were inapplicable or inappropriate to the context and situation of the **indigenous communities. Specifications on school buildings, for example,** were based on structures for lowland areas and not for structures built in the uplands or interior mountain areas. The requirement for land title of the school site could not apply to schools within the ancestral domain where right to land was a different concept from that of prevailing private real property concept. There was also a tendency to view the curriculum of these initiatives as non-compliant with the national curriculum because of the inclusion of topics related to the community’s culture (e.g., customary law and local history) and **curriculum modifications to reflect the perspective and worldview of the community.**

The lack of DepEd recognition of these indigenous educational initiatives led government-approved schools to refuse to acknowledge the educational attainment of indigenous transferees for higher year level and thus were forced to start again from Grade 1.

In response to this situation and as a major step to actualize the access to education policy statement, DepEd issued DO21, s. 2014 that specifies the appropriate criteria for evaluating the various aspects of schools in indigenous communities, and provides clear procedures for applying such criteria. As a result, forty-eight indigenous schools from different parts of the country have been recognized as of July 2014, most of them providing primary school services in areas not reached by DepEd.

Pedagogy, content and assessment

Policy: “Adopt appropriate basic education pedagogy, content, and assessment through the integration of Indigenous Knowledge Systems and Practices (IKSPs) in all learning areas and processes.” Table 3 shows the points of interface of perspectives in the full policy statement.

Table 3. Pedagogy, Content and Assessment

Indigenous Communities	Perspective Interfaces	DepEd Mandate
<p>Recognize the right of indigenous peoples to cultural integrity</p> <p>Recognize and include IKSPs as valid knowledge to be learned in the classroom</p> <p>Recognize ILS as the education systems of indigenous communities and their inclusion in the national education system</p>	<p>Actualization of the inclusion of IKSPs and ILS in the national education system through the following:</p> <ul style="list-style-type: none"> • Integration of IKSPs and ILS in the national education system (indigenization of the curriculum including the teaching-learning process and learning assessment) • Strengthening of mother tongue-based multilingual education (MTB-MLE) for indigenous students • Strengthening of alternative modes of delivery (ADMs) of basic education services, particularly in geographically isolated and disadvantaged areas (GIDA) 	<p>Implementation of culture-responsive education in the context of indigenous communities</p> <p>Implementation of MTB-MLE</p> <p>Provision of basic education services through alternative modes of delivery particularly in GIDA</p>

During the past fifteen years, the indigenous communities have been consistently asserting the inclusion of IKSPs and ILS in the content, teaching-learning process and learning assessment of indigenous children and youth. Since the 1970s, community-based initiatives have been attempting in various ways to interface the IKSPs and ILS with the national curriculum; resulting in a variety of curriculum modifications that were not recognized by DepEd. These curriculum modifications also integrated the indigenous peoples’ history and, later on, indigenous peoples’ rights. These curriculum enhancement efforts were known as indigenization of the education system.

A community-based initiative that can serve as an example of the interface of IKSPs, ILS and community learning assessment with the national curriculum is that of the Paaralang Mangyan na Angkop sa Kulturang Aalagaan or PAMANAKA (Mangyan School Appropriate to the Culture Being

Cared For).¹⁰ PAMANAKA is an initiative of the indigenous communities of Occidental Mindoro province that started in 1998 and focused on secondary school education. The indigenous communities were hopeful that the PAMANAKA graduates would eventually finish college courses and become useful to their respective communities. The community leaders strongly wanted PAMANAKA to be culture-based in its curriculum and school management. With these directives, PAMANAKA from the very beginning explored the indigenization of the national curriculum. Over several years, PAMANAKA was able to enhance the national curriculum through the integration of community competencies in various topics, as well as the inclusion of the community teaching styles and forms of assessment. As much as possible, topics were scheduled and activities were designed according to the community's cultural life cycle to make learning practical and easily applicable. Storytelling was used as a teaching strategy when appropriate even in the science and mathematics subjects, with elders being prioritized as the storytellers. Learning assessment might include community members checking the output of learners since learning assessment was not limited to pencil and paper test and was in the context of community life and realities.

When PAMANAKA established a primary school in 2005, more radical innovations were undertaken. Hoping to be consistent with the ILS of the community, the primary curriculum was designed not according to subject areas; instead, community events were made the organizing elements of the curriculum, with the subject area competencies being integrated and related to community events for each month. In this way, the children's learning flowed fully with the life of the community, and the learning of subject areas became embedded in the community activities. This was a radical departure from the subject-based national formal school curriculum.

With DO62, enhancements of the curriculum to include IKSPs, ILS, community history and indigenous peoples' rights are now recognized. This directly actualizes the right of indigenous peoples to cultural integrity. As Table 3 above shows, the DepED mandate to provide culture-responsive education which, strictly speaking, covers all indigenous communities in the Philippines, is directly related to what the indigenous communities have been advocating for.

This is further supported by DO21, s. 2014 mentioned earlier which recognizes curriculum enhancements for as long as it is aligned with the standards of the national curriculum. The DepEd is also moving towards

adopting a national policy for the indigenization of the curriculum at the local level.

Hoping to instill culture-sensitivity in the teaching-learning process, DO51, s. 2014 titled “Guidelines on the Conduct of Activities and Use of Materials Involving Aspects of Indigenous Peoples Culture” was issued in December 2014 to guide teachers and school heads on holding cultural activities and/or use indigenous community artifacts, clothing and other materials in the process of indigenizing their lessons. These guidelines are anchored on the right of indigenous peoples to cultural integrity and the exercise of free, prior and informed consent.

Learning facilities and environment

Policy: “Provide adequate and culturally-appropriate learning resources and environment to IP learners.” Table 4 shows the points of interface of perspectives in the full policy statement.

Table 4. Learning Facilities and Environment

Indigenous Communities	Perspective Interfaces	DepEd Mandate
<p>Construct infrastructures that are appropriate to the geographical location of the community</p> <p>Design learning spaces in ways attuned to the learning sensibility of indigenous children and youth</p> <p>Recognize the right of indigenous communities to cultural integrity through the following:</p> <ul style="list-style-type: none"> • Development of learning materials that are culturally-appropriate • Recognition of the community's collective ownership of its IKSPs • Recognition of the right to free, prior and informed consent (FPIC) 	<p>Recognition of the need for culturally-sensitive and geographically appropriate structures and learning environments/spaces</p> <p>Production of community-based and community-initiated education resources, including research materials that will serve as reference for curriculum development</p> <p>Recognition and upholding of community's communal intellectual property rights</p>	<p>Provision of classrooms and learning materials</p> <p>Provision of educational resources for teachers and students</p>

This policy statement addresses the concern for appropriate infrastructure and learning spaces, and the provision of education resources that are

culture-sensitive and as much as possible, generated by and with the community itself.

For community-based initiatives, the ancestral territory has always been considered the “classroom,” and learning spaces like the usual classroom were considered as just one of the venues for learning. Thus, classes were held in various parts of the community depending on the topic and the appropriateness to the lessons. The construction of classrooms, on the other hand, was largely determined by resources available, the terrain of the community, weather conditions, and cultural considerations.

While the government previously prescribed the building and campus ground specifications for all schools whether private or public with the intention of assuring quality facilities for students, the DepEd now recognizes cultural and geographical considerations in building structures in indigenous communities. Guided by this understanding, discussions are under way in the DepEd regarding additional designs that can be considered for public school structures to be constructed in the areas of indigenous communities. DO21, s. 2014 allows flexibility in the design of classrooms given the cultural and geographical conditions of community-based schools that are seeking recognition from the government.

With regards to educational resources, further steps are needed to comprehensively address this concern. As a start, DO51, s. 2014 provides some guidelines to assure that educational resources featuring the culture of indigenous communities (including writings/publications about them) undergo the proper process of consent-seeking, proper acknowledgement of the community/ies involved, and validation.

Teachers and learning facilitators

Policy: “Strengthen the hiring, deployment, and continuous development of teachers and learning facilitators in the implementation of its IP Education Program.” Table 5 shows the points of interface of perspectives in the full policy statement.

Table 5. Teachers and Learning Facilitators

Indigenous Communities	Perspective Interfaces	DepEd Mandate
<p>Support culture-responsive education through the following:</p> <ul style="list-style-type: none"> • Assignment of teachers who are from the area of the indigenous community and who know the culture of the indigenous children and youth • Adequate preparation of teachers who are to be assigned in indigenous peoples' areas <p>Support indigenous peoples who are taking education courses so that they can have the needed qualifications to apply for teaching posts in DepED and hopefully, be assigned to their own community</p> <p>Inclusion of culture bearers and other community members in the teaching-learning process</p>	<p>Provision of the following to actualize the right to culture-responsive education:</p> <ul style="list-style-type: none"> • Policies and subsequent actions to look into teachers assigned to indigenous communities • Capacity-building of teachers before being fielded to indigenous communities and provision of incentives • Support for indigenous teachers who want to teach in their communities • Support for culture-bearers and community members as part of the teaching-learning process 	<p>Provision of teachers for all public schools</p> <p>Adequate preparation and capacity-building of teachers for their assignment</p> <p>Provision of adequate incentive for teachers teaching in far-flung areas</p>

Indigenous peoples consistently raise the point that the teacher is a key factor in the implementation of a culture-responsive education. It is not enough that an adequate number of qualified teachers are assigned to the school; what is crucial is that the teacher has the proper perspective and disposition to relate with indigenous children and youth and their community, and is adequately equipped to undertake the **indigenization of the curriculum** and the teaching-learning process.

One initiative that exemplifies a responsive effort to the concerns for capacity development of teachers is that of Mangyan Mission in the province of Oriental Mindoro. Mangyan Mission is a Catholic church-based non-governmental organization in Oriental Mindoro province committed to the concerns and welfare of the indigenous communities in that province. In tripartite partnership with the provincial government and the DepEd Division Office of Oriental Mindoro, Mangyan Mission has been involved since 2005 in a capacity-building program called Programang Pang-Edukasyon sa Kalibliban or PPSaKa (Education Program for the Hinterlands) which has

a training component for teachers assigned in public schools with indigenous students. **The partnership established by the three institutions is a pioneering initiative in the Philippines, and aims to provide teachers with the needed orientation and skills to effectively indigenize the teaching-learning process.** This advocacy of Mangyan Mission for capacity-**building of teachers** stemmed from the feedback of indigenous communities who were concerned about the cultural sensitivity of teachers in relation to indigenous students and the inclusion of the cultural context in the curriculum.¹¹

With the issuance of DO62, DepEd since 2013 has organized trainings for teachers and school heads from schools serving indigenous children and youth to equip them with the competencies to indigenize the teaching-learning process. This training also includes sessions that experientially tackle the situation of indigenous peoples in the Philippines and their rights, the history of IPED and its legal bases. These topics are foundational to implementing the IPED Program.

This policy statement also recognizes the importance of community members as part of the teaching-learning process and opens the possibility of institutionalizing their involvement in this role at the school level. Having community members as co-facilitators and resource persons has been a regular practice of community-based education efforts and is considered as one key innovation of IPED.

In response to the concern regarding teachers assigned to schools with indigenous children and youth, the DepEd included in the guidelines for teacher hiring for school year 2015-2016 (DO5 s 2015) **the specific criteria regarding familiarity with the indigenous community's culture (e.g., capacity to speak the community language) and their preparedness in implementing indigenization process.**

Institutional support for the IP Education Program

Policy: "Establish and strengthen appropriate multi-level units within DepEd responsible for planning, implementing, and monitoring IP education[al] interventions." Table 6 shows the points of interface of perspectives in the full policy statement.

Table 6. Institutional Support for the Indigenous Peoples Education Program

Indigenous Communities	Perspective Interfaces	DepEd Mandate
<p>Establish an office that will specifically look into the needs of indigenous children and youth and education concerns of indigenous communities</p> <p>Inclusion of a budget specifically for IPed</p>	<p>Recognition of the need for institutional support for IPed in the form of the following:</p> <ul style="list-style-type: none"> • Establishing a program and an office mandated to operationalize the program • Setting up of a network of DepEd personnel assigned as point persons for the IPed Program • Provision of budget for the IPed Program 	<p>Establish needed mechanisms and processes to respond to the needs of students</p> <p>Provision of an office, personnel, and annual budget</p>

With the issuance of DO62, the DepEd immediately created a program and an office that support the assertions of indigenous peoples representatives regarding this concern. DO103, s. 2011 (December 2011) created the Indigenous Peoples Education Office (IPsEO). DepEd devoted 2012 to setting in place the needed institutional support for the national implementation of the IPed Program which included the following:

- a. Establishment of IPsEO's office and personnel;
- b. Appointment of focal persons for IPed in all the Regional and Division Offices to ensure that specific personnel of DepEd were in charge of the IPed Program at the local level; and
- c. Inclusion of an annual budget for the IPed Program in the General Appropriations for DepEd, assuring that it will have a regular budget from the national government.

Since 2013, all IPed focal persons have been undergoing capacity-building activities to ensure that they coordinate activities with the proper perspective and disposition in their own areas of jurisdiction. Foundational to their orientation was the discussion of indigenous peoples' rights and the rights-based approach as pillars in program implementation. Work in 2013 and 2014 focused on preparing the DepEd for school level implementation of the IPed Program, which is the main focus for 2015.

Linkage and partnership for IP Education

Policy: "Expand and strengthen institutional and civil society linkages to ensure proper coordination, knowledge-sharing, and sustainability of the

IP Education Program.” Table 7 shows the points of interface of perspectives in the full policy statement.

Table 7. Linkage and Partnership for the Indigenous Peoples Education

Indigenous Communities	Perspective Interfaces	DepEd Mandate
<p>Implementation of IPEd Program should involve indigenous communities to assure that its implementation especially at the local level is anchored on directions set by the community</p> <p>Linkage-building of DepEd to gather support for IPEd Program should be guided by considerations discussed with the community</p>	<p>Recognition of the right of indigenous communities to self-determination as seen in the following:</p> <ul style="list-style-type: none"> • Indigenous communities are the primary partners of DepEd in implementing IPEd Program • Establishment of mechanisms to institutionalize the partnership of DepEd with indigenous communities for IPEd Program 	<p>Establish partnerships and linkages for resource mobilization to support DepEd programs</p>

DepEd recognized, years before it identified IPEd as a key concern, that efforts on indigenous education in different parts of the country have been initiated by indigenous communities and their partners. It appreciated the experience of community-based initiatives in terms of indigenizing the curriculum and community-based management of an educational initiative such as IPEd. Thus, linkages and partnerships between these groups and DepEd are strongly encouraged in this policy statement.

Also, applying the rights-based approach, DepEd recognizes itself as the duty-bearer that should work with the rights-holders in IPEd as its partners. Thus the indigenous communities are the primary partners of DepEd. And agreements between DepEd (the duty-bearer) and the indigenous communities (the rights-holders) guide linkage-building efforts with other government agencies (co-duty bearers with DepEd).

To date, several indigenous communities have agreements with DepEd regarding the co-management of schools that were initiated by the community and turned-over to DepEd. The agreements include provisions on the continuing involvement of the community in school management, enhancement of the curriculum, and conduct of classes as appropriate. These types of management arrangement actualize the recognition of the right of indigenous communities to self-determination.

Eradication of discrimination

Policy: “Implement stronger affirmative action to eradicate all forms of discrimination against IPs in the entire Philippine educational system.” The full policy statement has the following points of interface of perspectives:

Table 8. Eradication of Discrimination

Indigenous Communities	Perspective Interfaces	DepEd Mandate
<p>Recognize the right of indigenous communities to cultural integrity</p> <p>DepEd should address the various forms of discrimination in the education system</p>	<p>Recognition of the right indigenous communities to cultural integrity</p> <p>Affirmative action against discrimination which include the following:</p> <ul style="list-style-type: none"> • Ensuring that textbooks, learning materials, and other learning resources have no contents that are discriminatory to or misrepresenting the indigenous peoples • Integrating in the curriculum the contribution of indigenous peoples to national history • Institutionalizing the recognition of cultural rights in general and the rights of indigenous peoples 	<p>Education for All</p> <p>Respect for the rights of all students</p> <p>Recognition of the diversity of students</p>

This policy statement communicates DepEd’s recognition that acts of discrimination against the cultures and identities of indigenous peoples have indeed happened and continue to happen within the Department, and that these contribute to the discriminatory view against indigenous peoples in the wider society. These discrimination experiences constitute one of the main reasons why indigenous children do not finish schooling. DepEd is equally conscious of its responsibility to change this perspective and mindset within the institution, and to advocate for the recognition of cultural rights in general and **indigenous peoples’ rights in particular to other duty-bearers**. These are the reasons for the inclusion of this particular policy statement in DO62.

Deepening the discourse on **indigenous peoples' rights in the implementation** of the IPED Program is one needed step to effect a change in perspective. The release of DO51, s. 2014, "Guidelines on the Conduct of Activities and Use of Materials Involving Aspects of Indigenous Peoples Culture" is a contribution in this direction. It was a direct response to the often-mentioned issue regarding the abuse and misuse of cultural artifacts and attire, and the inappropriate conduct or execution of cultural expressions (e.g., songs, dances, chants). Indigenous community representatives have pointed out that such acts have contributed to the wrong notions about indigenous peoples and their **communities and a misunderstanding of cultural practices**, leading to further prejudice and discrimination.

DO51 hopes to reverse this tide while instilling a consciousness for cultural sensitivity in the whole DepED. It specifies protocols for the following: conduct of cultural presentations, festivals and such type of activities; the use of community artifacts, clothing/attire and symbols; and, the production of publications, videos and related materials. It also applies in the ethical design of learning activities when tackling the culture of various indigenous communities.

Lessons Learned and the Road Ahead

The discussion on the contents of DO62 shows the **critical role of identifying areas of interface of perspectives** in formulating a meaningful national policy framework for indigenous peoples' education. The interface points ensure that national educational policy would contain the perspective of indigenous peoples in education.

What facilitated the interface process and the identification of points of interface of perspectives leading to the adoption of the national educational policy? Several factors can be cited as reasons for this process.

First, DepEd officials met with the representatives of indigenous communities from all over the country in a series of consultations on the formulation of national educational policies for indigenous peoples. The indigenous communities view the DepEd with a degree of credibility despite their negative experiences with the DepEd's field offices.

Second, the indigenous communities, especially those with their own community-based education programs, **maintain a strong sense of custom-ary governance** that forms the basis of their assertion of self-determination.

Third, both DepEd and the indigenous communities have clear perspectives, views and core assertions on education for indigenous children and youth. Representatives of indigenous communities have been meeting since 2000 to reflect together and validate their collective understanding of education and iped. DepEd, on the other hand, was clear about its mandates and commitments.

Fourth, they listened with a sense of openness to each other's context and perspective. On the side of DepEd, it recognized its duty to uphold rights under the Constitution and laws. On the side of indigenous communities, their representatives were clear about their responsibility to assert their rights as indigenous peoples.

Fifth, they were willing to identify specific points of interface that led to innovations and other possibilities, while recognizing their limits and boundaries. One example is the inclusion of culture bearers and other community members in the teaching-learning process. While this is a concrete expression of interface, both parties were clear about the potentials, limits and possible concerns in implementing this idea. DepEd understood the value of community members being part of the teaching-learning process, particularly how their presence would contribute to the indigenization process, and thus agreed to this idea as a policy direction. However, DepEd clarified that given the existing government administrative system, the contribution of culture bearers and other community members would be remunerated differently from that of teachers, and this was not due to any discrimination against indigenous peoples. The community representatives, on the other hand, appreciated the openness of DepEd and recognized the situation as an issue they both have to continue to work on in the future.

Sixth, they considered the diversity of situations of indigenous communities and the right of each community to decide on issues at its own level. DepEd upheld the principle of shared governance that supported the localization of policies. Thus they agreed that while they formulated a national educational policy, it was not meant to be too specific that would prevent each indigenous community from making policy implementation plan suited to local context.

Finally, there was a growing openness on the side of DepEd to own and accept historical accountability for practices and policies that might have been inimical to the participation of indigenous children, youth and communities in the national education system in the past. This emerging clarity

of DepEd stance as an institution was recognized by the indigenous communities and contributed strongly to their willingness to engage DepEd in further discussions.

It is crucial that the understanding and practice of the interface process keep permeating the DO62 implementation so as to maintain the policy's grounding and sense of direction. The interface process has to be applied more at the community level where the policy implementation decisions have to be made.

The enactment of the Enhanced Basic Education Act of 2013 (Republic Act 10533) augurs well for the continued implementation of DO62 since the law gives premium to the cultural dimension of education and is anchored on EFA and MDGs. The law recognizes the importance of developing the capacity of students to engage various cultures within and outside the country and specifies cultural sensitivity as one of the standards of the curriculum. It also specifies indigenization of the curriculum at the school level as one of the curriculum standards, which directly supports the IPED Program. The law provides further grounding for DO62 implementation since the IPED Program is being articulated as a specific form of implementation of the recently enhanced basic education curriculum.

With DepEd's IPED Program moving towards school-level implementation starting this school year (2015-2016), actualizing the indigenous peoples' rights in education is slowly unfolding. And as long as the interface of perspectives continues to permeate the implementation of the IPED Program, there is hope that the indigenous peoples' rights in education will continue to unfold in the future.

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Endnotes

1. The Indigenous Peoples Rights Act of 1997 (Republic Act No. 8371) or IPRA has the following definition of indigenous peoples:

h) Indigenous Cultural Communities/Indigenous Peoples - refer to a group of people or homogenous societies identified by self-ascription and ascription by others, who have continuously lived as organized community on communally bounded and defined territory, and who have, under claims of ownership since time immemorial, occupied, possessed customs, traditions and other distinctive cultural traits, or who have, through resistance to political, social and cultural inroads of colonization, non-indigenous religions and culture, became historically differentiated from the majority of Filipinos. ICCs/IPs shall likewise include peoples who are regarded as indigenous on account of their descent from the populations which inhabited the country, at the time of conquest or colonization, or at the time of inroads of non-indigenous religions and cultures, or the establishment of present state boundaries, who retain some or all of their own social, economic, cultural and political institutions, but who may have been displaced from their traditional domains or who may have resettled outside their ancestral domains;

(Section 3. Definition of Terms) See <http://www.gov.ph/1997/10/29/republic-act-no-8371/>.

2. The full text of DO 62 is available at www.deped.gov.ph/sites/default/files/order/2011/DO%20No.%2062%2C%20S.%202011.pdf

3. This list was compiled by the author based on the statements of indigenous leaders in many forums held through the years.

4. IPRA defines ancestral domains as follows:

a) Ancestral Domains - Subject to Section 56 hereof, refer to all areas generally belonging to ICCs/IPs comprising lands, inland waters, coastal areas, and natural resources therein, held under a claim of ownership, occupied or possessed by ICCs/IPs, themselves or through their ancestors, communally or individually since time immemorial, continuously to the present except when interrupted by war, force majeure or displacement by force, deceit, stealth or as a consequence of government projects or any other voluntary dealings entered into by government and private individuals, corporations, and which are necessary to ensure their economic, social and cultural welfare. It shall include ancestral land, forests, pasture, residential, agricultural, and other lands individually owned whether alienable and disposable or otherwise, hunting grounds, burial grounds, worship areas, bodies of water, mineral and other natural resources, and lands which may no longer be exclusively occupied by ICCs/IPs but from which they traditionally had access to for their subsistence and traditional activities, particularly the home ranges of ICCs/IPs who are still nomadic and/or shifting cultivators;

(Section 3. Definition of Terms)

5. Ironically, the resulting global education roadmap of the 2015 World Education Forum entitled "Education 2030: Towards inclusive and equitable quality education and lifelong learning for all" (Incheon Declaration) does not mention ethnic minorities or indigenous peoples, though it considers "cultural, linguistic and ethnic diversity." See <https://en.unesco.org/world-education-forum-2015/incheon-declaration>, for the full text of the Incheon Declaration.

6. For the full text of the Department Order visit www.deped.gov.ph/orders/do-23-s-2010.

7. Armin Luis Castro, FSC, Adopting the National Indigenous Peoples (IP) Education Policy Framework, DepEd Order 62, s. 2011, 8 August 2011.

8. Ibid.

9. Presentation by Pastor Delbert Rice in the “Consultative Workshop on the Formulation of an IP Education Curriculum Framework,” Los Baños, Laguna, Philippines, 11-15 March 2013.

10. Presentation by Sr. Aristeo Bautista and Catherine Sanchez-Escalona in the “Consultative Workshop on the Formulation of an IP Education Curriculum Framework,” Los Baños, Laguna, Philippines, 11-15 March 2013.

11. Interview of Teresita J. Bunglay, Education Program Coordinator, Mangyan Mission, 4 June 2015.

Human Rights Centers: Educating for Action

Jefferson R. Plantilla

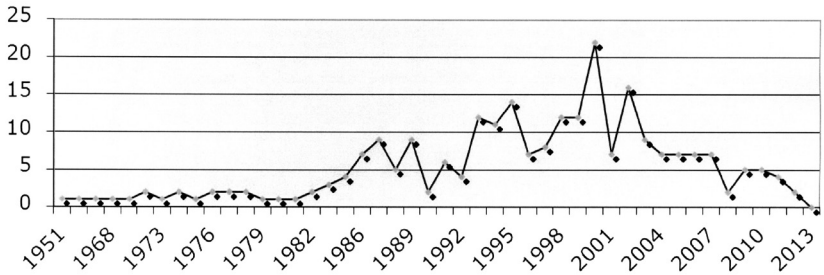
AN INSTITUTION devoted to human rights information dissemination can be considered a human rights center. Other institutions devoted mainly to human rights protection and advocacy, but have human rights information dissemination function can also be considered human rights centers.

In Asia and the Pacific, both types of human rights centers seem to have grown in number from 1993 and peaked in around 2001 based on HURIGHTS OSAKA's 2013 data. It was in 2001 when HURIGHTS OSAKA started to gather information on institutions that fall within the category of human rights centers. From fifty-plus institutions in HURIGHTS OSAKA's initial list in 2001, the number grew to more than four hundred by 2013. In 2008, HURIGHTS OSAKA published the first edition of the *Directory of Asia-Pacific Human Rights Centers*. In 2013, HURIGHTS OSAKA published the second edition of the Directory with many more human rights centers having been included from West, Central, South, Southeast and Northeast Asia and the Pacific.¹ Both editions of the Directory feature a profile for each human rights center.²

The *Directory of Asia-Pacific Human Rights Centers*³ defines a human rights center

as an institution engaged in gathering and dissemination of information related to human rights. The information refers to the international human rights instruments, documents of the United Nations human rights bodies, reports on human rights situations, analyses of human rights issues, human rights programs and activities, and other human rights-related information that are relevant to the needs of the communities in the Asia-Pacific.

There were certainly human rights centers or institutions with human rights center function before 1993. As shown in Graph 1 below, some have existed from early 1950s to late 1960s. These older centers were not established as human rights centers but as social action centers or research centers for specific social issues. They eventually became more explicit in identifying their issues of concern as human right issues.



Graph 1. Year of Establishment of Human Rights Centers in Asia-Pacific (as of 2013)

In the 1950s, centers for social action were established in response to the many legal, social, economic, cultural and political issues of the time. This is the case of the Indian Social Institute in New Delhi (established in 1951) and the Korea Legal Aid Center for Family Relations in Seoul (established in 1956). In the 1960s, several centers were established for very specific issues such as discrimination against particular sectors in society (Dalit people in South Asia, the *Burakumin* in Japan, farmers, urban poor, fisherfolk, etc.) as seen in the cases of the Indian Social Institute in Bangalore (established in 1963), Buraku Liberation Research Institute (established in 1968, renamed Buraku Liberation and Human Rights Research Institute in 1998) and Legal Aid Foundation (established in 1969 and more popularly known as LBH) in Indonesia.

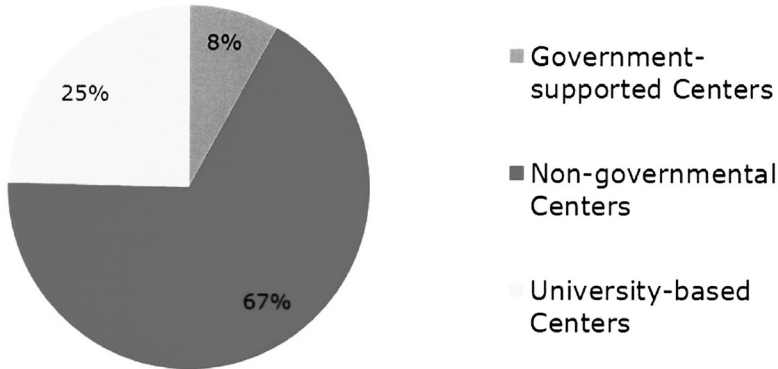
From 1993, many more institutions were established as human rights centers or as centers for specific human rights or human rights-related issues that have “human rights center” function.

The human rights centers have varied characteristics but generally fall under three categories: non-governmental centers; university-based centers and government-supported centers.

As of 2013, majority of the identified human rights centers belonged to the non-governmental center category as shown in the graph below (Graph 2).

In the late 1990s and 2000s, many university-based centers were established. This trend is represented by the establishment of “PUSHAMS” (Pusat Studi Hak Asasi Manusia) in Indonesia, the human rights study centers in many universities in different parts of the country. Around forty PUSHAMS have been established so far with the support or encouragement of the Indonesian government (particularly regarding the state universities). This

trend is also seen in the establishment of human rights centers in Korean universities. Most of these Korean university-based centers were established by law schools, with strong focus on promoting the study of human rights law and human rights law practice (in the form of public interest human rights law practice).



Graph 2. Categories of Human Rights Centers (as of 2013)

Generally speaking, human rights centers engage in various types of information gathering (including formal research activities), processing of the information gathered and disseminating them in different forms (print, broadcast and digital). They print books, newsletters, pamphlets, and training manuals. Many either have their own radio and television programs or have representatives appearing in other broadcast programs to discuss human rights. Most of them also established their own websites, and use the social media such as Facebook and Twitter to disseminate vital human rights information to their respective constituencies.

Their capacity to gather, process and disseminate human rights information sets them apart from other human rights organizations that provide direct service such as legal assistance, or engage solely in advocacy and campaigns, or act as networks of organizations working on common issues. Some of the organizations in the Directory also have these latter functions.

Many human rights centers have likewise strong human rights education programs as vehicles for human rights information dissemination. Many of them have human rights education programs that include various activities and cover specific geographical areas and constituents.

Many present themselves as “resource centers,” or “documentation centers,” or have human rights libraries, where various types of information and materials are made available to the public, especially to those in the field of education.

This article highlights the different aspects of human rights promotion work of the human rights centers. Without being overly comprehensive, this article shows the variety of human rights education initiatives of the different human rights centers in Asia and the Pacific. Some of the examples cited no longer exist, being project-related activities, and form part of the accomplished activities of the human rights centers. Nevertheless, the overall set of initiatives show the extent and diversity of human rights education work they did and/or are doing.

The General Public

How does the general public become aware of human rights? This is a very difficult question from a human rights education perspective. The general public is an amorphous entity. It can generally refer to the whole population of a country. It is usually affected by human rights issues relating to different sections of society. It has competing interests and ideas that underlie conflicts in society. It is subject to layers of societal structures based on class, social status, economic condition, religious belief, ethnic grouping, language, political affiliation, nationality and many other considerations.

Nevertheless, the question is a valid one and has been answered in a variety of ways. More often, the “general public” has been defined in simplified or limited terms. Some of the answers are in the educational programs and activities of human rights centers.

Aims

The human rights awareness programs of the human rights centers for the general public have varied objectives. They range from general understanding of human rights principles to learning human rights regarding specific issues or sections of society. These are seen in the following objectives:

- To raise awareness of human rights as values and concepts recognized locally and internationally with a focus on issues of the Palestinian Arab minority in Israel by providing youth with the necessary tools through human rights education so that they

- themselves can bring about a positive change in their lives (Arab Association for Human Rights/Israel);
- To enhance the awareness and critical understanding of gender relationships that have to be formulated into policies at the local level based on the interests of marginal groups, especially women, and in the context of regional autonomy (Women Research Institute/Indonesia);
 - To increase awareness of the various detrimental environmental issues in society, YIHRC seeks to ensure that the community fully understands the importance of “human rights,” “life” and the “environment” (UN NGO Yokohama International Human Rights Center/Japan);
 - To increase the awareness of various sectors of society on significant issues (Dr. Jovito R. Salonga Center for Law and Development/Philippines); and
 - To air the side and grievances of workers to the public (Center for Trade Union and Human Rights (CTUHR)/Philippines).

These objectives also indicate a “local” component in terms of support for actions at the community level by local people. (See discussion below on community-focused programs.)

Other objectives refer to advocating specific action by the general public such as getting their opinion (through public discussion and debate) and their support for specific issues and actions. The following are examples of these objectives:

- To influence and mobilize public opinion (Human Rights Commission of Pakistan, MINBYUN South Korea);
- To facilitate women empowerment and transformation of the social system that is considered oppressive to the community or women (Kalyanamitra/Indonesia);
- To advocate for specific policy change (B’Tselem/Israel);
- To raise awareness and foster public discussion on strategic litigation cases (Malaysian Centre for Constitutionalism and Human Rights); and
- To educate the public to become more critical media consumers (Palestinian Initiative for the Promotion of Global Dialogue and Democracy).

Content

Human rights awareness-raising activities respond to perceived needs of the “general public.” They would normally present general human rights principles as well as specific human rights that are relevant to the situations of the “general public.” Thus the contents may, for example, be on the “Arab minority rights in particular, and human rights in general,” or “human rights as values and concepts recognized locally and internationally with a focus on issues of the Palestinian Arab minority in Israel.”

Some activities focus on specific concerns such as “Violence in the Community,” domestic violence, different child rights issues, victims of torture, plight of workers, anti-terrorist regulations, and set of issues in a particular place (torture and illegal detention, freedom of expression and the censorship of the Palestinian press, or the right to education of Palestinian children in East Jerusalem). There can also be more general issues such as protection of human rights of women and children, “human rights aspect of issues,” gender relationships, “human rights, life and the environment,” and “democracy and human rights.”

Other contents refer to standard issues in human rights education programs such as the following:

- Human rights and rule of law;
- Human rights protection and realization;
- Importance of human rights and how to assert them;
- Human rights values from Islamic point of view; and
- Customary rights.

These contents indicate the importance given to the understanding of how people can assert their rights; where to get help in cases of human rights violation; and how their own beliefs (cultural, spiritual, social, etc.) relate to human rights.

Modes

The human rights centers organize numerous activities to raise the human rights awareness of the general public. These activities include annual events, issue-based events, presentations and audio-visual showings/exhibitions, visits to specific areas of the community, utilization of the mass media, and distribution of written or printed materials.

Annual events invariably consist of the celebration of the International Human Rights Day, and in one case the International Commemoration Day in Support of Victims of Torture held by PUSHAM UNIMED⁴ in 2012. Other human rights centers that focus on specific sectors (such as women, and children) may also be organizing events commemorating specific human rights concerns.

Both broadcast and print mediums of the mass media are employed for public awareness-raising. Several human rights centers have radio programs (PUSHAM UNAIR⁵ has interactive dialogue program in Kosmonita and SCFM Radio Stations [2002] in Surabaya city [Indonesia]; CTUHR in the Philippines has weekly radio program “Ganito Ngayon” [This is the Situation Today]; INSEC6 in Nepal has human rights education programs in AM and FM radio frequencies; Jagaran Media Center (JMC) also in Nepal has Radio Jagaran; and the Dr. Jovito R. Salonga Center for Law and Development has “Salonga Center on Air” in Dumaguete city [Philippines]). Radio Jagaran “operates from Butwal (western region of Nepal) in 93.6 MHz with the capacity of 500 watts and can be heard as far as Rupandehi, Kapilvastu, Nawalparasi, Palpa, Arghakhanchi, Pyuthan, Dang, Tanahu, Chitwan and Gulmi districts of Nepal.”⁷ The staff of the Human Rights and Democracy Media Center (SHAMS) interview academics, on-the-ground professionals and activists pertaining to current projects and issues surrounding those projects for radio broadcasting in the Palestine. The Cambodian Center for Human Rights (CCHR) participates in the radio broadcast, “Voice of Democracy” (VOD) aired through Sambok Khmum FM 105 Mhz in Cambodia. The radio broadcast allows live audience participation through live roundtable discussions where members of the public can express their concerns and opinions, while keeping the public up-to-date on pertinent human rights issues.⁸ Also in Cambodia, the Documentation Center of Cambodia (DC-Cam) broadcasts on the radio articles from its magazine, *Searching for the Truth*, and excerpts from books such as *The Dairy of Ann Frank* (translated Khmer version) to discuss the experience during the Khmer Rouge regime.⁹

Human rights centers utilize the television as a medium for disseminating human rights information and discussing human rights issues. The “PUSHAMS” in Indonesia have examples of such television programs. PUSHAM UIR had weekly discussion program on law and human rights using electronic media but recorded the discussion in digital format at the RTV television station during the 2003-2004 period. PUSHAM UNAIR has inter-

active dialogue program at the State Television Station (TVRI) in Indonesia. The Center for Human Rights Research and Studies, Hasanuddin University, also holds discussion/dialogue in a television station.

SHAMS has biweekly television program called “Cases and Opinions” broadcasted on local TV channels (Ma’an Network, and Mix satellite channel) and mostly presents legal, youth, and rights issues, where academics and experts discuss the relevant topics. SHAMS has also produced and distributed various rights issue-based television reports to other TV programs.¹⁰

The Women’s Legal Education, Advocacy & Defense (WOMENLEAD/Philippines) releases public statements on various issues on women’s human rights, through print, radio and television media. It issues position papers and press releases on various reproductive rights issues arising in the media, including the condom ad ban and the passage of the reproductive health and population management ordinance of Quezon City, Metro Manila.¹¹

The Beijing Zhicheng Migrant Workers’ Legal Aid and Research Center (BZMW) gets exposure on television programs. It has also¹² developed a positive working relationship with many well-known media outlets, through which it advocates on behalf of migrant workers. Its cases and lawyers’ stories regularly appear in newspapers or on television programs. The exposure helps the BZMW in carrying out public campaigns for the protection of migrant workers’ rights.

The Bahrain Human Rights Watch Society uses the television (alongside the radio and newspaper) in disseminating information on human rights and on the “efforts exerted to fight all forms of discrimination, including sectarian and religious discrimination.”¹³

The Human Rights Foundation Aotearoa/New Zealand has a plan to utilize the community television in its education and training program. The Institute for Community Rights in Thailand has planned a feasibility study on the establishment of a “radio station and a people’s television channel.”¹⁴

PUSHAM UIR had a regular weekly discussion of human rights in the *Suara Kita Daily* newspaper and the *Riau Mandiri Daily* newspaper in 2000. PUSHAM Univ Andalas¹⁵ submitted opinion articles on human rights to *Padang Ekspres* entitled “Human Rights, Human Resources and Corruption Portrayals.” PUSHAM UNAIR, on the other hand, utilizes its membership in a network that includes media establishments (newspaper, television stations) and media associations for its (PUSHAM UNAIR) activities. SHAMS prints the “quarterly newspaper supplement named “Democratic Readings” that

tackles issues relating to human rights, good governance, women's rights, youth, etc." It also issues press releases and gets coverage from several local newspapers.¹⁶

The Human Rights Foundation of Monland (HURFOM/ Burma/ Myanmar) has a media project on producing the monthly 'Guiding Star' Mon newspaper.

Human rights centers also utilize the digital mass communication medium. Most of them have websites that contain human rights information. They also use the digital social media such as Facebook, Twitter, Flickr and YouTube.¹⁷ The websites make the materials they collect (as part of the library or database) or produce available online. Some human rights centers have "active" online service on human rights information dissemination. INSEC disseminates information on cases of human rights violation through its online news portal (www.inseconline.org); while the Center for Asia-Pacific Women in Politics (CAPWIP/Philippines) maintains the onlinewomeninpolitics.org that provides data, information and other resources about women in the region involved in politics, governance and decision-making. It is a digital working space for Asian and Pacific women leaders to share and exchange knowledge and information.¹⁸

A few human rights centers exist as "digital forums" such as the Human Rights Monitor-Korea's (HRM-Korea) online blog news portal, Drik Picture Library's online photo-library in addition to its online resource center on human rights issues featuring reports on the human rights situation in Bangladesh called Banglarights, the Malaysian Centre for Constitutionalism and Human Rights's (MCCHR) MyM, which "provides information on Members of Parliament, tracks their comments and pledges on human rights issues and provides a platform for citizens' engagement with their Members of Parliament,"¹⁹ and Sarangbang Group for Human Rights's (South Korea) weekly online human rights magazine since 2006 called Human Rights OREUM.

The Center for Human Rights Studies of the Islamic University of Indonesia, on the other hand, plans to establish an online library. Also, the Center for Documentation of Refugees and Migrants (CDR) in Tokyo University has an online data sharing system that contains a variety of collected and sorted contents relating to refugee and migrant issues.

Human rights centers also use the traditional modes of increasing general public attention to human rights. They organize study meetings, seminars, workshops, and publish reports and newsletters on human rights.

To mobilize public opinion, they organize public lectures, debates, dialogues and symposiums. They show human rights documentaries or movies that have relevance to human rights, and also hold multi-media presentations. They add open forums in these activities to allow discussion of human rights with members of the general public. In some cases, they use religious activities as venues for discussing human rights. PUSHAM UIR has prepared two scripts of Holy Friday Sermon for Muballigh/Moslem Preachers, while SHAMS “worked with the Ministry of Awqaf (Religious Endowments) to introduce female preachers to the concept of human rights, which is often put in stark contrast to Qur’anic teachings or dismissed as a tool of Western imperialism.”²⁰

Several other activities are done such as B’Tselem’s advertising campaigns and “reality tours” of the West Bank, the Thursday Forum of Dr. Jovito R. Salonga Center for Law and Development, mobile human rights class for children of UN NGO Yokohama International Human Rights Center (YIHRC), and the Human Rights School of the Humanitarian Legal Center (Uzbekistan).

The mobile human rights class began in the autumn of 1994 and has been held at a total of one thousand seven hundred sixty schools in Yokohama and involving approximately three hundred thousand students. The mobile human rights class introduces the humanitarian activities of doctors involved in groups such as the Association of Medical Doctors of Asia (AMDA) and Doctors Without Borders, and promotes the importance of life.²¹

The Humanitarian Legal Center promotes human rights education among the population of the Bukhara region in Uzbekistan through a Local Initiative Project called Human Rights School. The school provides basic knowledge on human rights and launches special seminars for target groups (youth, workers, farmers, etc.).²²

The Association for Civil Rights in Israel (ACRI) implements human rights training programs for thousands of individuals across the country each year, produces high-quality educational curriculums in Hebrew and Arabic, and organizes conferences and lectures on human rights education.²³

PRASHANT²⁴ (India) periodically organizes seminars, workshops, street-plays, and film festivals on topical issues, highlighting human rights viola-

tions which exist in society, in order to conscientize people.²⁵ Similarly, Al Marsad²⁶ offers lectures, workshops and training courses to the members of the Palestinian community to raise their awareness on human rights. It organizes human rights training courses in cooperation with the International Service for Human Rights (ISHR) for local community groups such as the Arab Development Organization and Women Organization of the Golan Heights.²⁷

Common characteristics

Many of the human rights centers use traditional activities and technology-based mediums of communication to reach as many people as possible. Some have programs that cover not only a particular region but also the whole country.

Though they may focus on the human rights of a particular section in society (women, children, ethnic group, etc.), human rights centers still aim to make a cross-section of the general public become aware of human rights in general.

They recognize that awareness of human rights is a basic requirement in inciting public discussion, mobilizing public opinion, and seeking public demand for concrete measures (legislative, government policy, government action) on particular issues.

Local Communities

Supplementing efforts at raising the human rights awareness of the general public, there are initiatives that train members of the local community on human rights work. Human rights centers have programs that concentrate on people in the local community to address local human rights concerns.

Community players

The community-focused programs of human rights centers are aimed at various types of people in the community. There are programs meant for specific members of the community such as community leaders, sectors (such as women, children), victims of human rights violation, and those with potential capacities to do human rights work.

In situations with on-going armed conflict, the program may have to deal with basically all members of the community to enable them to protect

themselves from human rights violations. This is what the Karen Human Rights Group (KHRG, Burma/Myanmar) does in promoting the “villagers’ self-protection strategies.” It “works directly with villagers to help them overcome outside perceptions of them as ‘helpless victims’ by focusing on their strengths and the strategies they already use successfully to resist human rights abuses and retain control over their own lives, land and livelihoods.”²⁸

Indigenous communities, on the other hand, need support in addressing problems specific to their situation. An example of support for indigenous communities is the capacity-building program of the Cordillera Indigenous Peoples’ Legal Center (DINTEG, Philippines) that focuses on²⁹ “Promotion of human and Indigenous Peoples’ rights; and Enhancement of the role of elders in the promotion and assertion of the indigenous justice system.”

In the same vein, CORE has educational activity for indigenous peoples in India consisting of training on documentation and record keeping, case record maintenance, referrals and support for accessing services, counseling and human rights.³⁰ Ekta Parishad (India) has capacity-building program that is meant for members of organizations of indigenous peoples and include training and education, networking, and participation in relevant forums.

There are capacity-building programs that apply to a large extent to community leaders and/or members with capacity to take action on community issues. Human rights centers train community leaders and/or members on human right work as:

- Paralegals – as part of legal literacy/paralegal training program, they train community leaders as paralegals to raise their awareness and educate them about the country’s legal framework and mechanism (Education and Research Association for Consumers Malaysia [ERA Consumer Malaysia]),³¹ and more specifically to strengthen the communities’ understanding of laws and policies affecting indigenous peoples and natural resources (Legal Rights and Natural Resources Center, Inc.-Kasama sa Kalikasan/Friends of the Earth Philippines [LRC-KsK]).³² They can be known also as community-based paralegals (Mindanao Human Rights Action Center, Pacific Regional Rights Resource Team (RRRT)), or Community Law Facilitators (HuMA) under the Indonesia School of Community Law Facilitators (Sekolah PHR Indonesia) program who provide limited legal service to members of the community;

- Quick reaction team members – the DINTEG program is an example of community members that act promptly on any report of human rights violation such as arbitrary arrest or detention;
- Human rights defenders – they constitute a general category of human rights workers that include those who work in their own communities (HURFOM, Odhikar). Human rights defenders may also be referring to human rights activists (ADDAMEER³³);
- Women leaders – they can be grassroots women (Collective for Research and Training on Development-Action [CRTD.A]/Lebanon), trafficking survivors (Coalition Against Trafficking in Women - Asia Pacific [CATW-AP/Philippines]), and members of community-based organizations (Shirkat Gah/Pakistan) who are given training on various topics such as “leadership and political participation,” building “capacities as leaders, organizers and advocates,” and how to “claim and exercise rights;”
- Members of community human rights mechanism – they can be recruited and trained to become members of Community-Based Trafficker-Watch (*Bantay-Bugaw*) [CATW-AP] or village quick reaction team (DINTEG).

Navsarjan/Dalit Shakti Kendra (India) has a program on local governance and political rights that aims to empower Dalit and women *Panchayat* (village government) members and *Sarpanches* (leaders of the village government) by educating them on relevant laws, their legal rights, and the necessity of standing up to represent their issues within the *Panchayat*. Navsarjan provides legal advice in case of violation of an individual’s legal rights within the *Panchayat*. The goal of these activities is to make lasting changes in village power structures according to the purpose of the Panchayati Raj Act.³⁴

A number of human rights centers with community-focused programs do not limit the participants to community leaders. They also involve other people who have a role in resolving community issues. They can be officials in the local community government such as village administrators (PSA-HAM UNDANA), members of the local/town police, prosecutors and judges, social workers (CATW-AP), members of local organizations, women working in the public sector/non-governmental organizations (NGOs)/other community groups (CRTD.A), and also members of political parties (PAHAM FH UNPAD³⁵).

Educational content

The community initiatives may contain general discussion on human rights (PSAHAM UNHALU,³⁶ PSA-HAM UNDANA,³⁷ Chiba Prefecture Human Rights Awareness Raising Centre/Japan, Child Information and Research Center KSL/Nepal). But there are also more specific contents depending on the type of the human rights centers involved. ADDAMEER, for example, focuses on increasing knowledge of human rights activists in the community on civil and political rights from an international humanitarian law and international human rights perspective in support of its program for prisoners.

Human rights centers that provide legal service and those in law schools or law faculties of universities focus on legal empowerment. Aside from education about relevant laws (such as laws and policies affecting specific group/community or sector like laws regarding indigenous peoples and natural resources [LRC-KsK]), they provide training on other aspects of law and legal work related to human rights such as the following:

- Legal framework and mechanism (ERA Consumer Malaysia);
- Legal drafting, conflict resolution and policy advocacy (HuMA/Indonesia³⁸);
- Normative and sociological analysis of human rights law (PUSHAM UNP³⁹).

Other human rights centers have community-focused programs that offer training on

- Skills on preventing trafficking from the source areas (CATW-AP);
- Self-protection strategies on how to resist human rights abuses and retain control over their own lives, land and livelihoods (KHRG);
- Strengthening “local village leadership” (Ekta Parishad);
- “Enhancement of the role of elders in the promotion and assertion of the indigenous justice system” (DINTEG); and
- Leadership and political participation (CRTD.A).

Community action

Many of the community-focused programs of human rights centers are meant to mobilize the members of the community into action. Some human rights centers have concrete community mechanisms through which such action can be undertaken.

The existence of community mechanisms, or the stress on community-based action, points to the aim of addressing concrete issues that plague communities.

Aside from community leaders, some community-focused programs of human rights centers aim to mobilize other members of the community to assuming active role in addressing human rights issues. Thus women and even children are given training on how they can contribute to the promotion, protection and realization of human rights at the community level.

This explains why many of these programs have both knowledge and skills development components. Members of the community are given the opportunity to learn ways and means of acting on human rights issues at their level.

It is also notable that some of the community-focused programs of human rights centers consider the important role of other people who have authority or capacity to help resolve human rights issues. They can be government officials and other professionals who are being sought to cooperate with members of the community in their human rights work.

Local Government Initiatives

In March 2014, the Advisory Committee of the Human Rights Council disseminated a questionnaire to United Nations member-states, non-governmental organizations and national human rights institutions, local authorities and international organizations to determine the role of local government in the promotion and protection of human rights. One city in Japan, Sakai city, responded and sent the following statement:⁴⁰

Taking the opportunity presented by Japan's ratification of the International Covenants of Human Rights, in 1980 Sakai City Government recognised the sanctity of human rights, affirmed that it would enlist the efforts of all citizens to establish a social basis for human equality, and declared that it would work towards the realization of a "Human Rights Protection City".

What is notable in this statement is the recognition in 1980 of the "sanctity of human rights" in view of the ratification of both the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights in 1979. This local government adopt-

ed policies on human rights promotion (or “human rights enlightenment” in its terminology). In 2007, Sakai city⁴¹

enacted the “City Ordinance for Community Development Respecting Peace and Human Rights” which stipulated that all city government policies should be implemented with peace and human rights in mind. In accordance with that stipulation, in 2008 the city adopted the Sakai City “Human Rights Policy Promotion Plan” and has since comprehensively and systematically advanced [its] human rights policy.

Under these circumstances, a human rights center located in Sakai city would have a very significant opportunity of supporting the local government in human rights promotion.

At the same time, Japan has a significant number of cities and towns with human rights and related ordinances. They generally refer to child rights and anti-discrimination issues; each issue has separate supporting human rights movements. The human rights centers played crucial role in these movements. The lobby for the enactment of child rights ordinances, for example, was led by people identified with the General Research Institute on the Convention on the Rights of the Child (CRC Institute).⁴² The Buraku Liberation and Human Rights Research Institute (BLHRI), on the other hand, was actively involved in the lobby for the enactment of the ordinances that address the anti-discrimination issue. The websites of these human rights centers contain the list of cities and towns that have enacted the human rights ordinances.⁴³ These human rights centers continue their local government lobby to ensure that human rights programs are adopted to implement the ordinances.

The PUSHAMS in Indonesia have also been supporting different initiatives with the local governments in their areas of operation. PUSHAM UNP has supported the following initiatives:

- Women empowerment and the establishment of Women Empowerment Body within the West Sumatra Local Government (dialogue with Ministry of Women Affairs Staff) (2000);
- Workshop at Development-Community Protection Body of Padang City - human rights enforcement and promotion by the government and the community;

- Seminar on techniques in applying human rights principles in village-level regulations in Agam, Sawahlunto Sijunjung and Padang Pariaman Districts (2001-2003);
- Human Rights Enforcement and Promotion Efforts at West Sumatra, local government of various districts (2001).

PSA-HAM UNRI,⁴⁴ on the other hand, has supported the following initiatives:

- Human rights awareness-raising for the community, local bureaucrats, political parties and social-political organizations in Kuasing District (2001-2003);
- Human rights awareness-raising for Riau provincial officials in cooperation with Riau Department of Justice and Human Rights Affairs.

On the Human Rights Council Advisory Committee survey question on how to enhance local governance for human rights, KontraS (Indonesia) noted its engagement in “capacity building of local staff in local institutions in the area of human rights, including the police institution at the local level.”⁴⁵ The human rights training programs of other human rights centers for local government officials also include the members of the police, judges, prosecutors, lawyers, NGO workers and members of the general public in their training activities. The training programs of the PUSHAMS, Kontras and other human rights centers with and/or for the local governments show a wider agenda of addressing issues that require the intervention of other public institutions including the national agencies, the courts, and the local branch of the police agency. They also involve bar associations, NGOs, political parties and other organizations in the activities.

This reflects the crucial role of human rights centers in facilitating the participation of relevant institutions operating at the local level. The human rights centers are probably enjoying a certain degree of credibility and competence that help them undertake the training activities with/for local governments.

However, there are likely cases where local legislative bodies constitute a major cause of human rights issues. While there are local ordinances that are explicitly denominated as human rights ordinances, there are also local ordinances that explicitly violate the international human rights standards.

KontraS, for example, see local ordinances as causes of violent conflicts affecting minorities. The ordinances prohibiting worship by a religious group became justification for violent confrontation between members of this group and those belonging to other religious groups or sects. The local legislative body considered the local ordinances legitimate based on religious belief, and yet they violate national laws.⁴⁶

Human rights centers find ways and means of educating officials of local governments and local legislative bodies on international human rights standards as well as related domestic laws and policies that uphold human rights in order to address local restrictions on human rights.

Sectoral Groups

While majority of the human rights centers in the HURIGHTS OSAKA Directory serve different sectors or groups of people in society, a significant number of the centers have been established to serve a particular sector. These latter centers develop expertise on the rights and issues affecting the sector being served. They also adopt education programs that help empower the members of the sector, especially in enabling them to act on their rights.

A few of the human rights centers' education programs for specific sectors are presented below.

Migrants

The Migrant Workers' Education and Action Research Center in China has a Migrant Children Project that helps Chinese migrant children actively participate in community life and take action to improve the community. It also organizes educational activities related to urban life, safety, health and sanitation for migrant children. The Center has a project for parents of migrant children. Since these parents raise and educate their children while working, the Center does not only host talks on legal knowledge, health and sanitation but also organizes seminars on parenting and provides parents with information about schooling and day care. The Center organizes a parent discussion group to create a support network among migrant workers and to help them lead a better life in the city.

BZMW has two programs for Chinese migrant workers, the Migrant Worker Weekend Legal Education School and the Migrant Workers Empowerment Education Program. The weekend school was established on 26 April 2006 to provide classes to migrant workers on important le-

gal knowledge that would enable them to protect their own interests. The empowerment program has training sessions for migrant workers both in construction sites and at law offices. By 2009, approximately four hundred migrant workers had participated in the training sessions.

BZMW has produced and distributed more than four thousand practical rights handbooks to migrant workers in order to raise their awareness of and capacity to protect their rights.

The Asia Pacific Mission for Migrants (APMM/Hong Kong) has the Education and Research Program that seeks to raise migrant workers' consciousness, and encourages the growth of the migrants' own organizing, leadership and social services skills like counseling and paralegal skills.

Women

The training programs for women have varied focuses. They can be helping women on the use of technology, developing capacity for leadership, prevention of trafficking, and other skills. These training programs are meant to facilitate women's assertion of their rights as women.

CRTD.A has the Information and Communication Technology (ICT) for Social Development Program that trains women on the use of information and communication technology to enable them to access information about their rights as well as build solidarity linkages with other women. The Committee for Asian Women (CAW/Thailand) has the Women Workers' Leadership Training and Education Program that aims to build women workers' leadership capacity on national, regional and global issues towards the strengthening of women workers' movements in Asia. CAPWIP holds trainers' training for women's political empowerment and transformative politics. It also develops modules and training programs for women's leadership and responsible citizenship based on the framework of transformative politics.

CATW-AP organizes camps for young women to reduce their vulnerability to sex trafficking and other forms of violence against women. The Asia-Japan Women's Resource Center (AJWRC) organizes women's study tours to learn the issues and activities of women's groups in other Asian countries and to share information and experiences.

Aside from holding women's rights training sessions for individuals supporting equality in Iraq, the Organization of Women's Freedom in Iraq (OWFI) tries to reach out to various women in the Iraqi society through

monthly and seasonal meetings on methods of protecting women from postwar phenomena such as trafficking, forced prostitution, tribal violence, religious extremist misogyny, and discriminatory laws.

The Women's Empowerment and Social Justice Program (WESJP) of Shirkat Gah - Women's Resource Centre (Pakistan) has a defined framework of good governance, livelihood and rights with an integrated approach towards supporting women to exercise their rights and making informed choices. Under this program, Shirkat Gah provides education on personal laws and on reproductive health and rights, along with understanding of specific issues such as violence against women, women participation in governance, and traditions of tolerance in Pakistan.

Youth

Education programs of human rights centers for the youth employ the new information and communication technology along with field work and training activities.

The Malaysian Centre for Constitutionalism and Human Rights makes use of modern information and communication technology to reach out to the youth. It uses infographics, video blogs and digital forums to provide information on human rights and civic education to the urban, semi-urban and indigenous youths. It also maintains a Resource Centre for the same purpose. However, it also holds workshops to promote understanding of human rights and citizen activism to the youth.

The Child Rights Research and Resource Center at KSL organizes youth sensitization activities on different child rights issues, such as interaction program among youths, and documentary presentation on the issues of child rights. CATW-AP, on the other hand, holds young men's camps on gender issues, sexuality and prostitution to discourage young men from patronizing the sex industry and reduce demand in the long-term. JMC trains youth from Dalit community on journalism and the Dalit issue.

The Migrant Workers' Education and Action Research Center has a youth project that addresses the needs of youth in the community, including both those who are still in school and those who have left school and are working. The project consist of educational activities on basic legal knowledge, and health and sanitation; and psychological counseling to enable the youth to handle the difficulties and challenges they face while they are growing up in a healthy and constructive way.

The Youth Human Rights Group (YHRG/Kyrgyzstan) has the Promotion of Civic Initiatives Program that is aimed at empowering youth in the promotion and protection of their interests and rights, active civic position, shaping youth values in the spirit of democracy, promoting and protecting human rights, and supporting inter-ethnic tolerance and cultural diversity. YHRG also promotes youth participation in the decision-making processes at the local and national levels.

The Arab Association for Human Rights (HRA) has a Human Rights Education and Community Outreach Program that aims to help the Palestinian Arab youth who live in Israel develop a critical understanding of human rights and responsibilities, as well as develop the attitudes, behaviors and skills to apply them in everyday life. It also has a program that is implemented through youth forums and groups in local secondary schools and centers run by young facilitators. The program recruits university students as facilitators, offers them training and teaching experience in the field of human rights, and trains them on leadership skills, working with groups and concepts of community building. These facilitators then run forums of secondary school students imparting knowledge on human rights issues, students' rights, leadership and counseling skills. The forums allow the students to meet and learn about human rights and together with the facilitator plan out activities for their community, reaching around 12,000 – 15,000 persons per year.

DC-Cam has “Student Outreach [that] aims to promote youth volunteerism, educate the youth about the Khmer Rouge period, and facilitate conversation between the survivor generation and their children about a sensitive and traumatic past.”⁴⁷

Children

Human rights centers also provide activities for children as students. The Guangzhou University Research Center for Human Rights (China) provides human rights training for primary school and middle school students under the sponsorship of the Guangzhou Bureau of Education. The Center for the Study of Law and Human Rights of Mularwarman University (PKH-HAM FH UNMUL) in Indonesia provides training and awareness-raising activities on human rights for senior secondary school students and the people of East Kalimantan.

The Democracy School in Yemen trains student-members of the children parliament on advocacy, brings them to different places, and engages them in awareness campaign in all governorates on different issues. It has awareness campaigns to increase awareness about mines and children in armed conflicts, and the risks of child participation in armed conflict.

Other sectors

Some human rights centers provide “empowerment” activities to specific sectors such as the following:

- Empowerment-based educational activities: conducting more than five thousand educational trainings for children, their parents and also for additional trainers (BCLARC/China⁴⁸);
- Workshops for motivators, activists and others to develop insight/skill/know-how in respect to chosen human rights activity (Human Rights Commission of Pakistan);
- Empowerment of survivors -
 - Crisis intervention in trafficking, prostitution and other sexual exploitation cases
 - Conduct of healing conversations with victims-survivors of trafficking and prostitution, and development of peer-counselors among the survivors
 - Conduct of women’s human rights trainings among survivors to help build their capacities as leaders, organizers and advocates (CATW-AP).

Other human rights centers have training programs for the following sectors:

- Internally-displaced people (IDPs) - PSAHAM UNHALU;⁴⁹
- Political party activists - PP-HAM & Dem. FH UNIBRAW (Indonesia);⁵⁰
- Ethnic groups - Altsean-Burma (Thailand);
- Socially discriminated sectors – BLHRRI, Hyogo Buraku Liberation and Human Rights Research (Japan).

Conclusion

The human rights centers in the Asia-Pacific are important institutions that work at various levels and fields in the countries in the region. Many of

them were established as “human rights centers,” which invariably means “human rights resource centers.” As such, they have defined functions of gathering, processing and disseminating human rights information.

The nature, objectives, programs, organizational structure and staff of human rights centers make them suited to respond to different needs of human rights work. This is seen in their human rights education programs and activities.

They support human rights education through the numerous programs and activities appropriate to their respective constituencies. They engage all types of institutions including NGOs, community structures/organizations, schools/universities/training academies, police/security force organizations, judicial bodies, and relevant government agencies in human rights education activities.

Majority of the centers profiled in the 2013 *Directory of Asia-Pacific Human Rights Centers* serve the general public, communities, specific sectors in society and also staff of institutions in clarifying the meaning of human rights and how they should be enjoyed, protected and realized. The human rights centers support public and private institutions on integrating human rights into their programs; while professionals receive training on how their work can protect and/or realize human rights.

What sets the human rights centers apart from other human rights institutions is the existence of resources (human, material and informational) that they accumulate as part of their human rights information gathering and processing function. These resources are bases for human rights education programs and activities.

The experiences of the human rights centers in human rights education are significant components in the general human rights promotion work in the region. The human rights centers, along with other human rights institutions (such as the human rights NGOs and the national human rights institutions), are providing not only awareness on human rights but also enabling people to act on human rights – theirs and those of others.

Human rights education is just one aspect of the work of the human rights centers in the Asia-Pacific. There is more to expect from the human rights centers as institutions in their own right – the fourth player in the field.

Endnotes

1. Visit this url of the website of HURIGHTS OSAKA for more information on the *Directory of Asia-Pacific Human Rights Centers*: www.hurights.or.jp/english/directory-of-hr-centers.html. There is also a wiki version of the Directory. Visit <http://hurights.pbworks.com/w/page/11947500/FrontPage>.
2. In the second edition of the *Directory of Human Rights Centers in Asia-Pacific*, HURIGHTS OSAKA identified more than one hundred thirty institutions that may qualify as human rights centers. These are centers that HURIGHTS OSAKA either has no profile or with incomplete profile.
3. *Directory of Human Rights Centers in Asia-Pacific*, first edition (Osaka: HURIGHTS OSAKA), page 4. The same definition of a human rights center has been used in the second edition of the Directory, published in 2013.
4. The Centre for Human Rights Studies at State University of Medan (Pusat Studi Hak Asasi Manusia Universitas Negeri Medan), Indonesia.
5. Center for Human Rights Studies, Airlangga University, Indonesia.
6. Informal Sector Service Center
7. Directory, op. cit., page 148.
8. Ibid., page 49.
9. Ibid., page 101.
10. Ibid., page 114. See also its website, www.shams-pal.org/pages/english/aboutus.aspx.
11. Ibid., page 211.
12. Ibid., page 47.
13. Ibid., page 44.
14. Ibid., page 136.
15. Center for Human Rights Studies, Andalas University of Padang (West Sumatra), Indonesia.
16. Directory, op. cit., page 114.
17. See CCHR's use of "website and Sithi Portal, the public can also follow the activities of CCHR on Facebook, Twitter, Flickr and YouTube." Ibid., page 50.
18. Directory, op. cit., page 51.
19. Ibid., page 166.
20. See the website of Human Rights and Democracy Media Center (SHAMS), www.shams-pal.org/pages/english/aboutus.aspx.
21. Directory, op. cit., page 215.
22. Ibid., page 128.
23. Ibid., page 37.
24. PRASHANT (A Centre for Human Rights, Justice and Peace)
25. Directory, op. cit., page 182.
26. AL-MARSAD- The Arab Center for Human Rights in the Golan Heights
27. Directory, op. cit., page 17.
28. Ibid., page 154.
29. Ibid., page 100.
30. Ibid., page 83.
31. Ibid., page 105.

32. Ibid. page 165.
33. Prisoners Support and Human Rights Association, Palestine
34. Directory, *op. cit.*, page 172.
35. Human Rights Association, Faculty of Law, Padjadjaran University
36. Center for Human Rights Advocacy and Studies, Haluoleo University
37. Center for Human Rights Studies and Advocacy, Nusa Cendana University
38. Association for Community and Ecologically-based Law Reform
39. Center for Human Rights Studies, Padang State University
40. For more details, see Human Rights Council Advisory Committee,

at www.ohchr.org/EN/HRBodies/HRC/AdvisoryCommittee/Pages/LocalGovernmentAndHR.aspx.

41. See response of Sakai city to the Human Rights Council Advisory Committee questionnaire, *ibid.*

42. See for example Akihito Kita, "Child Rights Education in Japanese Schools," in volume 2 of this publication and the article of Isami Kinoshita on pages --- of this volume for details on the work of the local governments regarding child rights and the support of the CRC Institute in this regard.

43. Visit the website of the General Research Institute of the Convention on the Rights of the Child (CRC Institute) at http://homepage2.nifty.com/npo_crc/ (only in Japanese), and the website of the BLHRRRI at www.blhrrri.org.

44. Center for Human Rights Studies and Advocacy, Riau University

45. See Kontras submission on local government and human rights to the Human Rights Council Advisory Committee.

46. The Kontras submission to the Human Rights Council Advisory Committee lists the ordinances that violate the international human rights standards:

Among the restrictive regulations on the prohibition of the Ahmadiyya worship, *inter alia*;

- a. Letter no. 223.2/803of South Sulawesi Governor /10 February 2011
- b. Letter no. 450/PUM/2011/68 regulation of Riau Regent/ 16 February 2011
- c. Letter no. 5 on 2011 / 21 Februari 2011/ Pandeglang Banten
- d. Letter no. 200/160/BKPPM.I/II/2011 (Mayor's Decree) 25 February 2011 Samarinda
- e. Letter no. 188/94/KPTS/013/2011 (Governor Regulation) 28 February 2011 East Java
- f. Letter No. 12 on 2011 (Governor Regulation) on 3rd March 2011 West Java
- g. Letter no. 300.45-122/2011 (Mayor' Decree) 3 March 2011 Bogor, Jawa Barat
- h. Letter no. 9 on 2011, Depok, West Java.

While, in Aceh, the enforcement of Islamic Shari'a Law in Aceh province was officially enacted in 2002 by issuing *Qanun* (The main legal instruments for the govern[ance] of Aceh). The punishment of *Qanun* violations are in the form of caning and fines which [are] regulated in Aceh [by the] Governor Regulation No. 10 of 2005. The caning punishment [...] only applies to Moslem people in Aceh. It covers [...] several issue[s], such as[:] consumption of alcohol, gamb[ling], fornication/prostitution, and so on.

We believe that Aceh Shari'a Law [...] contradict[s] the standard of national and international human rights norms and laws.

Source: www.ohchr.org/EN/HRBodies/HRC/AdvisoryCommittee/Pages/LocalGovernmentAndHR.aspx.

47. Directory, op. cit., page 101.
48. Beijing Children's Legal Aid and Research Center
49. Center for Human Rights Advocacy and Studies, Haluoleo University
50. Center for Human Rights and Democracy Development, Brawijaya University

SPECIAL SECTION

UNDEF



The United Nations
Democracy Fund

**PROVISION FOR POST PROJECT EVALUATIONS FOR THE
UNITED NATIONS DEMOCRACY FUND
Contract NO.PD:C0110/10**

EVALUATION REPORT



**TRANSTEC
PROJECT
MANAGEMENT**

UDF-INS-08-254 Strengthening Local NGOs in Areas where
Extractive Industries Operate (Indonesia)

Date: 5 June 2013

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Disclaimer

The views expressed in this report are those of the evaluators. They do not represent those of UNDEF or any of the institutions mentioned in the report.

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(iii) Efficiency

(iv) Impact

(v) Sustainability

V. CONCLUSIONS

VI. RECOMMENDATIONS

I. Executive Summary

(i) Project Data

The “Strengthening Local NGOs in Areas Where Extractive Industries Operate” project sought to enhance trust-building and cooperation among local governments, nongovernmental organizations (NGOs) and extractive industries by strengthening the capacity and credibility of NGOs as partners in corporate social responsibility (CSR) programs. The focus was on improving the ability of local NGOs to forge permanent partnerships with companies and local governments in CSR policy design and implementation. The project worked with three types of stakeholders locally and nationally: (i) local governments, (ii) extractive companies and (iii) NGOs/community-based organizations (CBOs). Its operations involved (i) needs assessment by local stakeholders; (ii) promotion of interaction among local NGOs, local governments, and

extractive industries through national workshops designed to build trust and forge partnerships; (iii) local workshops, capacity-building, and a microproject competition among 20 local NGOs, and (iv) support for the implementation of 12 microprojects focusing on CSR systems, poverty reduction, and gender equity.

The project was implemented by the Institute for Research and Empowerment (IRE) in five districts (Bojonegoro, West Sumbawa, East Kutai, Kutai Kartanegara, Anambas) located in four regions of Indonesia where extractive industries operate (Java, Kalimantan, Sumbawa, and Sumatra), working directly with local stakeholders.

The “Strengthening Local NGOs in Areas where Extractive Industries Operate” project was a two-year effort funded by a UNDEF grant in the amount of US\$350,000. The project ran from 1 November 2009 to 30 October 2011. According to the project document, its main activities would consist of:

- a diagnostic review and NGO needs assessment with respect to CSR practices;
- training for NGO capacity-building and support;
- formulation and implementation of pilot projects with NGOs;
- local and national workshops for local governments, NGOs, and extractive industries
- the publication and dissemination of information on best practices to encourage related parties in extractive regions across Indonesia to replicate similar activities launched by the Institute for Research and Empowerment (IRE).

(ii) Evaluation Findings

All planned activities were implemented on time and according to schedule. The capacity of 40 NGOs was strengthened and 12 CSR microprojects were implemented. Interaction between companies, local governments, and local NGOs took place at both the local and national

levels. The draft regulation that, according to the project document, was to be submitted to the Ministry of Environment as a regulatory umbrella did not materialize but was replaced by recommendations promoting NGO involvement and the partnership model.

The project's objectives were relevant, given the legal and fiscal requirements governing CSR, the degree of poverty in extractive areas, the lack of enforcement of CSR policies, and the lack of attention paid to civil society engagement and NGO involvement as direct benefits of CSR policies. According to official statistics, the five targeted districts were among the poorest in Indonesia and had previously encountered problems with civil society organizations. The project's strategy of identifying and working directly with local NGOs/CBOs, local governments, and companies at the district level brought project activities closer to beneficiaries. Meeting with all parties involved was an important first step in building mutual trust to facilitate a common understanding of CSR challenges, including those related to civil society engagement. All stakeholders expressed their concerns. Companies and local governments must pool local civil society resources if they are to have a visible impact on the community with which they are working. Most participating NGOs said it was the first time they had had the opportunity to meet directly with companies and local authorities. The cascading nature of the project made it easier to reach the grassroots level. However, the project risks and problems working at the district level in terms of corporate and local government commitment were neither adequately identified nor addressed during the design and implementation phase. The specified outcomes were ambitious, given the outputs expected to contribute to them. It appears to have been assumed that putting stakeholders together and sharing knowledge through local and national workshops, NGO training activities, and microproject experiences would be sufficient to alter perceptions and create stakeholder partnerships for joint CSR policy design and practices.

The IRE project's intervention strategy with selected NGOs/CBOs detracted from its overall coherence and was inadequately responsive for

multistakeholder partnerships. The diagnostic review and needs assessment did not capture the information needed for project implementation. There was no contextual information on CSR budget allocation per district, the degree of CSR integration in local development planning, the nature of civil society engagement with stakeholders, budget allocations to NGOs, or data to assess what specific CSR practices had achieved thus far and what was needed in terms of local NGO capacity-building to improve these organizations' credibility with stakeholders. From the standpoint of poverty and gender equity issues, CSR performance was completely ignored. No reference was made to the existing Kutai Timur CSR forum and the value added that IRE could bring to it. Although it was clear that the situation on the ground influences the nature of CSR partnerships and civil society engagement, the needs assessment was not used to modify the agenda for local action, and the absence of a multifaceted approach tailored to the local situation and stakeholder needs also detracted from the project's coherence. This was due primarily to the lack of methodological guidance and information on CSR policies, practices, budget allocation, etc. to ensure transparency and accountability. Moreover, weaknesses in NGO capacities were considered the main obstacle rather than a challenge to be overcome.

The lack of coordination between NGO and workshop activities undercut the effectiveness of the project, as it treated NGO activities as stand-alone actions with no local government or corporate involvement. Training activities for NGO capacity-building focused primarily on NGO organizational and project management, entrepreneurial skills, and alignment with companies' CSR requirements, which diverted the focus from expected outcomes related to the NGOs' ability to affect CSR policy performance. Most of the 12 microprojects selected involved business opportunities in agroindustry and farming. There was no specific mechanism to review the results of NGO microprojects during workshops, which represented a missed opportunity to build broader support for the changes advocated at the local and government level. This was not an effective way to help local actors make their voices heard

by authorities and private enterprises or to facilitate trust-building and dialogue on how CSR should be managed in civil society engagement and how to involve NGOs as CSR partners to further public welfare.

In terms of efficiency, questions arose about the selection of extractive areas requiring a high travel budget in comparison with the budget for CSR field activities. There were also questions about the funds provided for NGO projects. Only 5% of the total budget was allocated to such projects.

The impact was nonexistent. The IRE project did not change stakeholders' perceptions but instead, reinforced current corporate practices in which civil society empowerment is regarded simply as donations to NGOs. At project conclusion there was no formal partnership among stakeholders, most of the NGO microprojects had ended, and participating NGOs still considered themselves passive beneficiaries of CSR funds. An evaluation reported on activities and outputs, but the indicators it provided were unverifiable and not detailed enough to extrapolate impacts.

The recommendations contained in the IRE's book "Strengthening Partnerships for Accelerated Poverty Reduction in the District Mining and Oil and Gas Industry" were widely disseminated, along with several policy papers targeting policymakers and extractive companies, to encourage other related parties in extractive regions to replicate similar IRE experiences. Similarly, the UNTV documentary posted on the Internet ensures that the project's outcomes will endure beyond its lifetime. IRE developed essentially good institutional relations with the interrelated parties, local NGOs, local authorities, and companies based in the selected district. However, the project's sustainability is impaired, because it failed to tackle the strategic issue of CSR's impact in terms of poverty reduction, addressing only practical issues instead.

(iii) Conclusions

The conclusions that follow are a synopsis of the answers to the evaluation questions found in Annex 1.

- **The project's focus, as designed, was relevant** and important, given Indonesia's social and democratic context. **However, lack of information to ensure transparency and accountability and the failure to consider the districts' social context** has made it hard for IRE to capture civil society capacity-building needs. The project did not fully appreciate the complexity of the companies' CSR activities -which are patchy, sector-based, and influenced by the political climate in each extractive area - and how they affected NGO/CBO participation and collaborative approaches to CSR. This conclusion is based on findings related to relevance and effectiveness.

- **Use of the local and national level to implement CSR activities was an effective approach to CSR stakeholder interaction, as it gave companies, local governments, and NGOs an opportunity to share their respective concerns.** However, the disconnected content of activities focused on corporate CSR grant requirements rather than an understanding of CSR processes and their influence on CSR design policies limited the usefulness of this approach, as it resulted in the duplication of CSR practices, stand-alone NGO project activities, and a lack of CSR ownership and collaborative CSR initiatives. This conclusion is based on the finding related to **effectiveness**.

- **The overall intervention strategy made a difference to individual participants but was neither coherent nor effective. It did not meet the objective of strengthening NGOs' ability to influence extractive companies' CSR policies, resulting in weak impact.** Although microprojects and training for NGOs yielded some useful information to enable local NGOs to meet extractive companies' requirements for CSR grants, it was evident that developing the competitive skills of NGOs did not reduce their fragmentation or help them think more strategically

about collaborating among themselves and with stakeholders on CSR issues. The IRE approach of using NGO microproject approaches similar to those of extractive companies resulted in the duplication of efforts with no value added. This conclusion is based on findings related to effectiveness and impact.

- The use of ex post evaluation and publications for advocacy purposes was a good programmatic technique but required a focus on indicators at project start-up to assess the impact in terms of change. This diagnostic review and needs assessment yielded statistical data on district poverty rates for the project but not indicators correlated with the project's main goals of NGO capacity-building and obtaining significant data for CSR partnership-building. Since the needs assessment did not identify specific data and indicators, the process did not guarantee the credibility of the data and indicators submitted in the ex-post evaluation and report. This conclusion is based on findings related to impact and sustainability.

- UNDEF funding lent IRE and project activities greater credibility and visibility in the eyes of government authorities and companies. CSR policies are sensitive issues in Indonesia, and attaching the UN logo to the project helped present it as an apolitical, neutral exercise. The IRE project, however, focused on NGO capacity to implement projects funded with CSR donations, diverting the focus from the outcomes contained in the project document. The UN logo was eventually used to promote practices similar to those already employed by extractive companies—practices with proven limitations when it comes to poverty reduction and gender equity.

(iv) Recommendations

- **Pressure more forcefully for information on CSR transparency and accountability in the local context.** Knowing what has worked and what has not is very important for engaging stakeholders in further discussions on how to develop NGO skills. Transparency

and accountability are a prerequisite for strong partnerships, especially when the issue is contentious in extractive areas. As CSR is part of governance because public moneys are involved, information both from companies with CSR programs and local authorities to ensure transparency and accountability should be considered a prerequisite for building partnerships around CSR issues. Better information on the costs and benefits of CSR implementation at the district level and an inventory of extractive industry practices could help IRE identify NGO capacity constraints and priority needs, tailoring different partnership models to the situation in each district. Transparent information could also help NGO participants understand their roles and responsibilities in a CSR system and how they can hold local government and companies accountable for CSR design and implementation activities. This recommendation is based on Conclusions (ii) and (iii).

- **Formalize stakeholders' commitment to building ownership within an integrated framework involving all stakeholders.** In a partnership and trust-building project such as this one, IRE must bring implementers together into a single integrated program by jointly designing activities, engaging in strategic planning and initiatives/projects, and branding the project to lay the groundwork for common understanding and practices among agents of change. Presentation of different models found across Indonesia could also strengthen partnership models. This recommendation is based on Conclusions (ii) and (iii).

- **Encourage concerted coordination of civil society groups in joint capacity-building initiatives.** Changes in CSR governance will not come about without concerted advocacy on the part of civil society groups that come together with an understanding of CSR challenges for society as a whole. The kinds of activities that NGOs engage in could be used to improve information to raise awareness about CSR, facilitate dialogue, and promote advocacy skills to tackle CSR performance on poverty issues. A wide range of topics, including an understanding of CSR policies and practices, could be addressed in training courses for NGOs (budget analysis, monitoring of oil and mining operations, tax laws,

public information on government revenues and payments by extractive companies, information on other CSR networks, etc.). Grants could be used to bolster NGO capacity to build coalitions among fragmented local actors and foster communication, coordination, and advocacy among NGOs. It could enable NGOs to be better represented in the CSR system to give them an opportunity to develop joint programs and share the individual expertise of NGOs with other groups. This recommendation is based on all the Conclusions above

- **Prepare a results-based project performance and monitoring plan at the start of the project** to track the progress made toward achieving outcomes and to measure results. This should be used to track expected activity outcomes, not just activity outputs. Examples of performance indicators could include: the number/type of CSR policy changes resulting from project activities, the nature of partnership models developed, the degree of NGO knowledge about CSR practices and fiscal requirements, etc. This recommendation is based on Conclusion (iv).

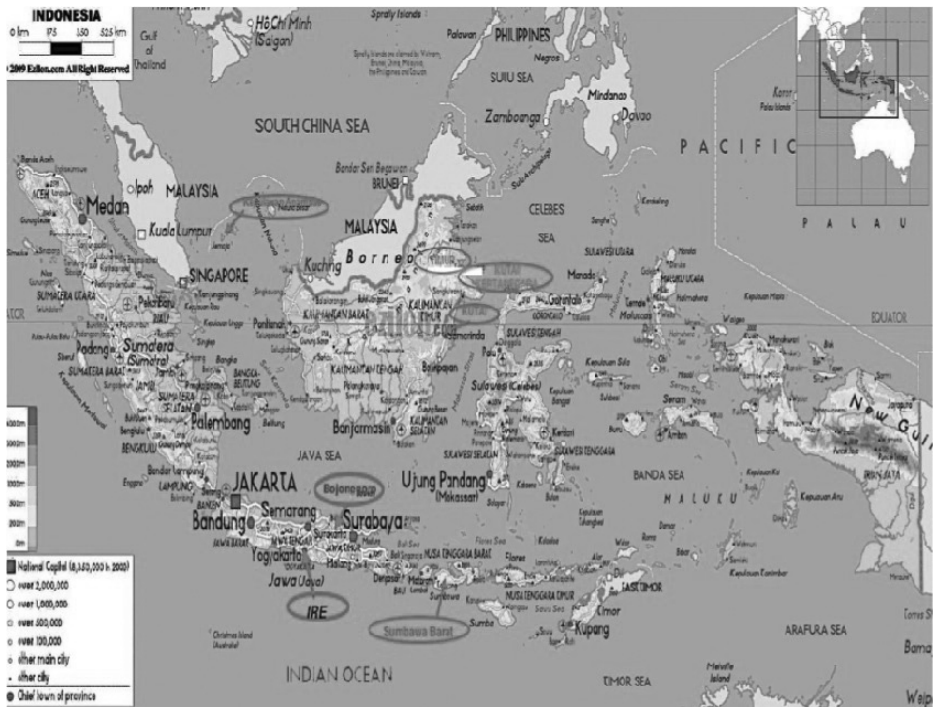
- **Control use of the UN logo in disseminating information on best practices and lessons learned after a project's completion.** UNDEF should monitor UN publications and media products more carefully to maintain the UN branding image and UNDEF value added. This recommendation is based on Conclusion (v).

II. Introduction and development context

(i) Project and evaluation objectives

The Strengthening Local NGOs in Areas Where Extractive Industries Operate project was a two-year, US\$350,000 project implemented by the Institute for Research and Empowerment (IRE). \$25,000 of this was retained by UNDEF for evaluation. Running from 1 November, 2009 to 30 October, 2011, it worked to strengthen the role of NGOs through trust-building and better cooperation among national and local authorities, NGOs, and extractive industries that deliver corporate social

responsibility (CSR) funds. It attempted to do this by bolstering the capacity and credibility of local NGOs as CSR program partners and as the empowering agent in communities with CSR programs.



The project was implemented in five districts in four regions of Indonesia where extractive industries are operating. It worked directly with local nongovernmental organizations (NGOs), community-based organizations (CBOs), extractive companies, local governments, and national authorities based in those areas. IRE conducted a needs assessment and CSR diagnostic review in the five targeted districts (Bojonegoro, West Sumbawa, East Kutai, Kutai Kartanegara, and Anambas) and devised project activities to boost the capacity and credibility of local NGOs as partners in CSR programs to increase trust and cooperation among stakeholders.

UNDEF and Transtec have agreed on a framework to govern the evaluation

process, which is spelled out in the Operational Manual. According to the Manual, the objective of the evaluation is to undertake in-depth analysis of UNDEF-funded projects to gain a better understanding of what constitutes a successful project, which will in turn help UNDEF devise future project strategies. Evaluations also assist stakeholders in determining whether projects have been implemented in accordance with the project document and whether anticipated project outputs have been achieved.”

(ii) Evaluation methodology

The evaluation was conducted in November 2012, with fieldwork in Indonesia from 6 to 10 of that month. UNDEF evaluations are qualitative and involve a standard set of evaluation questions focusing on the relevance, effectiveness, efficiency, impact, and sustainability of the project and any value added accruing from UNDEF funding (Annex 1). This report follows that structure. The evaluators reviewed the available documentation on the project and the issue of local Indonesian NGOs and the challenges posed by corporate social responsibility (CSR) funds delivered by extractive industries in the country (Annex 2). Interviews were held with the project team from IRE, whose main stakeholders include NGOs, extractive industries, local government, and CBOs participating in this project. The evaluators interviewed the IRE project team in Yogyakarta, East Kutai, and Kutai Kartanegara (East Kalimantan region) in person, (Annex 3).

During preparatory work, the evaluators identified several issues that they followed up on during fieldwork in Indonesia. These included:

- **The project’s ability to achieve its anticipated outcomes**, since its goals were ambitious considering the absence of CSR guidelines and common policies and the diversity of districts.
- **The extent to which project activities leveraged existing local NGO capacity to establish/strengthen sustainable CSR partnerships** with extractive companies and local

authorities and influence social and economic development policy.

- **Sustainability** issues and the degree of cooperation between local authorities, CBOs, and NGOs
- **Civil society ownership** of the program, which IRE sought to build, and whether the agenda resulted in sustainable changes for the intended beneficiaries.
- **Value added by IRE**, as the project document suggested there was a lack of NGO participation in CSR policies and stakeholder partnerships, leading to lower CSR performance .

(iii) Development context

The project design was based on the situation in Indonesia. CSR funding is not a new topic; however, it has evolved only in recent years. The driving force behind CSR was the international business ethics movement. CSR originally began as a movement to minimize the harmful environmental impact of industrial plants and day-to-day business practices. CSR policy has recently evolved with the recognition that the extractive sector has a significant component linked to community, social, and gender issues in engagement with civil society.

Indonesia has enacted a number of laws to protect equality of rights and opportunities for civil society, establishing legal corporate social responsibility requirements in limited liability companies in 2007 (Law 40/2007). At the time, Article 74 stated that all companies, especially mining ventures, must conduct CSR activities as part of their responsibility to society. The law was followed by Government Decree No. 47 -2012 on “Corporate Social and Environmental Responsibility¹ to guarantee further implementation of the law.

Although these regulations do not state clearly how CSR should be governed, several multinational initiatives have attempted to standardize or offer CSR guidelines in Indonesia. Many national initiatives have emerged, including the National Committee on Corporate Governance, devoted mainly to establishing a good corporate governance code. Several corporate forums on CSR were held, attended by representatives of extractive industries, government, and the people. A forum in Kutai Timur, a district selected by IRE in East Kalimantan Province, was set up in 2006 as a response to unsupervised CSR activities in the area. The forum is expected to facilitate integration of the CSR budget into local government development planning. Bandung, West Java, has a similar forum for building a corporate-government consensus, where specific development areas are jointly defined to contribute to local government development planning.

It is unclear, however, to what extent the various initiatives are guiding day-to-day CSR performance, creating a manifest gap between rhetoric and societal and economic decisions. While there is a range of key commitments to providing and standardizing CSR guidelines to promote local development policy to reduce poverty, only a few CSR initiatives have contributed to poverty reduction.

“For people, extractive activities are like sugar. Where there is sugar, there are ants.”
Local official in Kutai Timur

Understanding CSR programs and their implementation in Indonesia is not optimal, and CSR funds have yet to prove effective in reducing poverty. Although Indonesia is a wealthy country with a multitude of national and multinational extractive industries working in the oil, gas, and mining (coal, gold, and iron) sectors throughout its islands, the country still has critical problems in terms of the distribution of well-being and the poverty of people living the areas where extractive industries operate. One of the main issues underscored by IRE is the fact that the regulations

are not considered to advocate for popular participation in CSR governance.

As a result, certain CSR practices in Indonesia do not represent the objectives of CSR itself. For example, private enterprise only makes donations or contributions for infrastructure. Most extractive companies have internal problems that include CSR management. Furthermore, most companies operating in Indonesia are facing challenges from the external environment. Although local authorities have increasingly sought to use CSR funds to further their development policy, poor governance by local authorities tasked with developing poverty reduction policies is one of the main issues discouraging companies from adopting clear CSR guidelines. Significantly, CSR funds are not fully integrated into the local government-managed local development planning process for the promotion of social and economic development. Local NGOs/CBOs are fragmented and incapable of serving as partners in CSR policy design. As a result, companies prefer to subcontract CSR implementation to international and national-level NGOs, as evidenced in Kutai Kartanegara, the district selected by IRE in Kalimantan, where Chevron, the multinational oil company, operates, designating Swisscontact to run its CSR programs.

Community action through NGOs/CBOs is often viewed as working in opposition to extractive companies' interests. In many extractive areas, it is not unusual to find people mounting roadblocks to the extractive area when their demands are not met. Many companies have a community public relations division alongside the community development division to deal with social unrest. Chevron and Newmont are examples in which community public relations and community development divisions have worked hand in hand to address community-related issues. Disruptive behavior on the part of NGOs and CBOs discourages interaction among companies, local governments and civil society and civil society engagement in CSR policy design and implementation. On the other hand, as the IRE needs assessment manual states, people living in the areas surrounding extractive industries are not well-coordinated and

organized. They are ruled by elites that control access to information about the companies and government. The fragmentation of society has led to domestic competition for winning CSR project donations. NGOs and CBOs view CSR grants primarily as private business opportunities rather than social and economic development opportunities for civil society in extractive areas. In the Bojonegoro district, where the multinational ExxonMobil oil company operates, distributing CSR funds has created social tensions. In the West Sumbawa district where the Newmont Nusa Tenggara gold mining company operates, residents feel they must compete with local government for the company's CSR funding. CSR is a complex issue, and it is no surprise that the political climate in areas where extractive industries operate is usually not conducive to resolving it.

III. Project strategy

(i) Project approach and strategy

The “Strengthening Local NGOs in Areas where Extractive Industries Operate” project sought to strengthen trust-building and promote greater cooperation among local governments, NGOs, and extractive industries by strengthening the capacity and credibility of NGOs as partners in CSR policies, through: 1) NGO diagnostic review and needs assessments in terms of CSR and community development (CD) programs in each district; 2) interaction and information-sharing among local governments, NGOs, and extractive industries to identify and forge joint partnerships for common CSR strategic planning to alleviate poverty and further the gender equity agenda in each district; 3) training and capacity-building for NGO actors tasked with formulating and implementing NGO pilot projects for poverty reduction; and 4) promoting CSR partnership models to influence CSR practices.

IRE had been working on an important community engagement component in the decentralization and local governance sector. Nonetheless, this was the first time that it had worked on CSR issues. The project proposed

to work with three types of stakeholders: (i) local governments; (ii) extractive companies; and (iii) NGOs/CBOs. The five targeted districts covered a wide range of extractive sectors and a multitude of companies.

Table 1: Type of extraction and companies operating in four provinces selected by IRE

Province and District	Type of Extraction	Company
1. East Java and Central Java		
Blora	Oil drilling	ExxonMobil, Petrochina, and Pertamina
Bojonegoro		
Tuban		
2. West Nusa Tenggara provinces (West Sumbawa)		
West Sumbawa Barat	Gold mining	Newmont Nusa Tenggara (NTT)
3. East Kalimantan		
Kutai Timur	Coal mining	Kaltim Prima Coal (KPC)
Kutai Kertanegara	Oil and gas drilling	Chevron and Total
4. Kepulauan Riau, Sumatra		
Kepulauan Anambas	Oil drilling	Premier Oil

The project had a three-stage strategy to be implemented at the local and national level. At the local level, IRE directly engaged researchers, facilitators, trainers, and organizers to work in the five targeted districts to ensure that the project would run smoothly. Here, the strategy was designed to (i) identify local stakeholders' needs; (ii) encourage interaction and cooperation among local NGOs, local governments, and extractive industries; and (iii) organize local workshops, NGO training, a microprojects competition among 20 local NGOs, and implementation support for 12 microprojects. At the district level, a wide range of NGOs from every social and economic sector was selected to guarantee adequate stakeholder involvement and input.



IRE headquarters staff, 2012 (Source: F. Burban)

At the headquarters level, IRE set up a permanent team in Yogyakarta to: (i) support and monitor the five IRE district teams; (ii) consolidate the information and knowledge obtained at the local level; (iii) validate IRE district needs assessment findings; (iv) enhance and propose CSR partnership models through local and national workshops attended by national and local authorities, companies, and NGOs; (v) tailor partnership cooperation models to the stakeholders' situations by creating permanent forums for all local and national stakeholders; (v) promote CSR policy reforms by issuing laws, policy papers, and a book. IRE proposed to raise awareness and engage in advocacy (policy papers and draft regulations) to persuade the national government to develop guidelines for collaborative CSR programs. Publishing the book and policy papers on best practices and lessons learned was expected to provide a model that could be replicated across Indonesia. Furthermore, the draft regulations were expected to furnish additional guidelines for the use of CSR funds.

Although IRE worked directly in five districts, project management was implemented centrally, with programmatic details decided largely at IRE headquarters. All methodological, needs assessment, workshop guidelines, training content, and policy papers were developed at headquarters. This was a deliberate approach that IRE felt would increase the visibility of the overall project.

Activities per district	Profiles and number of IRE staff/district				
	Bojonegoro	West Sumbawa	East Kutai	Kutai Kartanegara	Anambas
1. Needs Assessment 2. Local workshop 3. Training and provision of intensive assistance to local NGOs in 5 districts 4. Local Workshop “Promoting Partnership Programs for Poverty Reduction in Extractive Areas: 5. Training for Capacity-building: “Strengthening the Role of Local NGOs” 6. Facilitation of the pilot project (proposal, budget, project management, monitoring, evaluation) 7. FGDs and field observation	1 Senior Researcher, 1 Researcher, 1 Local Researcher 1 Senior Facilitator, 1 Co-facilitator 1 Local Organizer/district 1 Evaluator, 1 Staff Program/district				

Activities at national level	Profiles and number of IRE staff/district
1. National Workshop I 2. National Workshop II 3. National Workshop III 4. Program road show 5. Writing of policy paper 6. Workshop on policy paper writing, draft regulation 7. Writing and publication of book 8. Seminar for launching the published book	1 Project Manager, 3 Program Staff, 1 Secretary, 1 Finance Manager, 1 Keynote Speaker, 4 Senior Researchers, 4 Researchers, 3 Consultants, 2 Program Staff, 1 Researcher, 1 Senior Writer, 15 Writers

The project began with a needs assessment in the five targeted districts to develop a diagnosis on CSR services and needs and identify the issues confronting local NGOs in their dealings with local authorities and extractive industries. Local IRE staff worked through the CSR networks created by extractive industries and local governments to identify local NGOs that could be beneficiaries. IRE trained the 40 NGOs/CBOs it considered the most skilled.

At the conclusion of the training activities, IRE held a microproject competition in which 20 NGOs participated. Twelve projects, including NGOs and NGO forums, were selected to receive subgrants of approximately US\$1,500 (15 million rupiahs) to conduct their own pilot project over a 6-month period.

During this process, four workshops-three national and one local-were held in each district to strengthen a collaborative partnership forum aimed at promoting exchanges among the authorities, extractive companies, and local NGOs/CSOs. It was assumed that the workshops would serve as the foundation for permanent stakeholder forums.

As part of this process, IRE published the book “Strengthening Partnerships for Accelerated Poverty Reduction in the District Mining and Oil and Gas Industry” and distributed several policy papers to policymakers and extractive companies to encourage other parties working in extractive regions to replicate similar IRE activities. A documentary by UNTV was posted on the Internet. The draft regulation that was to be submitted to the Ministry of Environment as an umbrella regulation was not produced. Instead, recommendations issued promoting NGO involvement and partnership models were issued. The evaluators were given a number of reasons why this part of the design had not been implemented, but basically, the project’s objectives were ambitious and national project staff felt that meeting the objectives required more time, attention, and resources than they had at their disposal.

(ii) Logical framework

The table below summarizes the project’s logical chain from activities to outputs, contributing to the ultimate development objective. The table is based on the original logical framework provided by IRE.

The logical framework does not clearly indicate the nature of the interactions among local governments, extractive industries, and NGOs that were expected to enhance NGO credibility and trust-building among stakeholders. There was an assumption that national and local collaborative forums (in the form of workshops) and NGO capacity-building (through training and microprojects) would strengthen sustainable partnerships. It is unclear, however, how the activities would enable local actors to play an acknowledged advisory role in local and national CSR policy changes, nor how connecting through multistakeholder workshops would tackle poverty reduction and gender equity policy issues.

Project activities and outputs	Intended outputs	Medium-term impacts/outcomes	Long-term development objective
1. NEEDS ASSESSMENT: ROADMAP – LOCAL LEVEL			
<ul style="list-style-type: none"> • Needs assessment through survey, FGD • Discussion of research findings 	<ul style="list-style-type: none"> • A roadmap of program activities to increase the number of local NGOs engaging in CD/CSR programs from 1-2 into 10-12 Units • A roadmap of program activities to promote good relations among local NGOs, companies, and local governments. 	<ul style="list-style-type: none"> • The project has engaged in strategic planning to increase NGO capacity-building, poverty alleviation, and gender equity and adopt the best approach to developing partnership programs • Local NGOs have greater capacity in terms of producing proposals, managing organizations, cooperation, networking, fundraising, and organizing CD and CSR programs 	<ul style="list-style-type: none"> • The stakeholders will have had guidance in developing partnerships programs • The stakeholders will have trusted each other to participate in the project
2.ROADMAP – NATIONAL LEVEL			
<ul style="list-style-type: none"> • First National Workshop 	<ul style="list-style-type: none"> • The multiple stakeholders representing the five districts have a common interest in developing poverty reduction and gender equity programs. • The multiple stakeholders have engaged in strategic planning to promote poverty reduction and gender equity 	<ul style="list-style-type: none"> • Corporate and local governments trust and assist local NGOs/CBOs with CD/CSR programs • Stakeholders have been committed to implementing workshop recommendations 	<ul style="list-style-type: none"> • Stakeholders will have committed to establishing a forum in the respective local governments

3.COOPERATION AMONG COMPANIES, LOCAL GOVERNMENTS, AND LOCAL NGOS IN ORGANIZING CSR/CD PROGRAMS			
<ul style="list-style-type: none"> Local workshop 	<ul style="list-style-type: none"> Agreement to set up participatory and partnership forums to promote poverty alleviation and gender equity Strategic planning to implement the promotion of poverty reduction and gender equity 	<ul style="list-style-type: none"> Stakeholders have been committed to setting up a work plan on developing partnership programs Good cooperation and trust among local governments, local NGOs and companies because they support each other in promoting their social development visions, missions, and programs 	<ul style="list-style-type: none"> Stakeholders will have committed to supporting training programs for local NGOs and CBOs
4. STRENGTHENING NGO AND CBO CAPACITY			
<ul style="list-style-type: none"> Training for capacity building 	<ul style="list-style-type: none"> Capacity of 40 local NGOs (320 people) and 120 CBOs (4,600 people) in five local governments to implement CSR/CD programs to empower women and reduce poverty has been increased 	<ul style="list-style-type: none"> Capacity in organizing CSR/CD programs and developing organizational sustainability Local government and companies annually increase (20%) the budget for CD/CSR programs involving local NGOs to organize programs in the field. 	<ul style="list-style-type: none"> Companies and local governments have greater trust in local NGOs and CBOs and are willing to cooperate with them in organizing poverty reduction and gender equality programs

5. TRUST-BUILDING, COOPERATION, AND JOINT VISIONS AMONG COMPANIES, LOCAL GOVERNMENTS, AND LOCAL NGOS			
<ul style="list-style-type: none"> • Second National workshop 	<ul style="list-style-type: none"> • Greater sharing to develop the program • Establishment of partnership program at national level 	<ul style="list-style-type: none"> • Presence of long-term program plan on CSR/CD that fosters poverty alleviation and gender equity at national level • The size of the CSR budget before, during, and after project implementation 	<ul style="list-style-type: none"> • Stakeholders will have encouraged local NGOs / CBOs to conduct CSR/CD programs
6. FACILITATING IMPLEMENTATION OF CD/CSR PROGRAMS BY LOCAL NGOS			
<ul style="list-style-type: none"> • 10 cooperative CSR/CD pilot programs 	<ul style="list-style-type: none"> • Strengthened local NGOs/ CBOs conducting pilot projects of CSR/CD programs supported by local governments and companies • More than 20 local NGOs and 80 CBOs have secured the opportunity to conduct the 10 pilot projects of CSR/CD programs • Best practices and lessons learned for the future partnership programs 	<ul style="list-style-type: none"> • Number of local NGOs entrusted by companies to organize annual CSR/CD programs • Lower poverty and greater gender equity 	<ul style="list-style-type: none"> • Greater trust among local NGOs, local governments, and companies • More equitable social development policies

7. DEVELOPING MULTISTAKEHOLDER PARTNERSHIP FORUMS TO PROMOTE CD/ CSR PROGRAMS

<ul style="list-style-type: none"> • Third National Workshop 	<ul style="list-style-type: none"> • Sharing and consolidation of development program • Establishment of National forum to promote poverty alleviation, gender equity, and engagement of local NGOs in CD/CSR programs • Promotion of the forum as a means of learning, communication, and cooperation among development program stakeholders and involving local NGOs • The forums have long- term action programs • Local districts have supported the forums 	<ul style="list-style-type: none"> • Presence of national multistakeholder partnership forum for poverty alleviation and gender equity • Change CD/ CSR program orientation and impact upon poverty alleviation 	<ul style="list-style-type: none"> • Stakeholders will have promoted a national multistakeholder partnership forum
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8. FACILITATING THE FORUM'S ABILITY TO ADVOCATE FOR NEW REGULATIONS FOR INVOLVING LOCAL NGOs IN CSR POVERTY ALLEVIATION AND GENDER EQUALITY PROGRAMS			
<p>Advocacy through:</p> <ul style="list-style-type: none"> • Workshop for drafting policy paper, • Workshop for developing draft regulations • National seminar 	<ul style="list-style-type: none"> • The government has taken ownership of strategic planning to develop collaborative CSR programs • The government has promoted collaborative CSR programs across Indonesia 	<ul style="list-style-type: none"> • National government and local governments have passed umbrella legislation to facilitate creation of the stakeholder forum • Presence of public support for the project agenda 	<ul style="list-style-type: none"> • Creation of other forums outside the project's target areas
9. MONITORING, EVALUATION, AND AUDITING			
<ul style="list-style-type: none"> • FDGs and field observation 	<ul style="list-style-type: none"> • Report on monitoring and evaluation and audit results 	<ul style="list-style-type: none"> • Recommendations for better project performance and sustainability • Greater sustainability 	<ul style="list-style-type: none"> • Greater public trust in the project's performance
10. PUBLICATION OF A BOOK ON BEST PRACTICES AND LESSONS LEARNED			
<ul style="list-style-type: none"> • Writing and launch of the book 	<ul style="list-style-type: none"> • The book (1,500 copies) • 80 seminar participants appreciating the book 	<ul style="list-style-type: none"> • The book serves as a guide for large-scale stakeholders to develop partnership programs for poverty eradication and gender equity in areas where extractive industries are operating. 	<ul style="list-style-type: none"> • Over 60% of extractive industries have launched poverty alleviation and gender equity partnership programs involving local NGOs/ CBOs

IV. Evaluation findings

(i) Relevance

The project objective was fully consistent with the CSR legal and fiscal requirement that 40% of residents of extractive areas be living in poverty. The project strategy was also suited to the need to engage NGOs/CBOs in CSR programs, as it is widely recognized that better CSR performance is intrinsically linked to better civil society involvement and more sustainable partnerships among stakeholders. According to official statistics, the five target districts were among the poorest in Indonesia and had previously encountered problems with civil society organizations.

Table 2: Percentage of Poor Citizens in Districts selected by IRE (Source: IRE Needs Assessment Manual)

No. Province and District	Number of Poor Citizens	Percentage (%) of Poor Citizens	Percentage (%) of Poor Citizens in Extractive Areas
East Java and Central Java			
1. Blora	-	35.1	65
2. Bojonegoro	-	45	75
3. Tuban	-	27.1	45
West Nusa Tenggara			
4. Sumbawa Barat	(6,726 families)	24.4 (2008)	53
East Kalimantan			
5. Kutai Timur	31,700 people	17.5 (2008)	Fewer
6. Kutai Kertanegara	70,385 people	12.8 (2005)	Fewer
Kepulauan Riau, Sumatra			
7. Kepulauan Anambas	11,69 people	32.2 (2009)	-

The project's strategy of identifying local NGOs/CBOs in the district and working directly with them brought project activities closer to the beneficiaries, giving such efforts more direct meaning in their daily lives. The project was also relevant in that its design included workshop activities to discuss the concerns of local governments and private companies. Both groups need to pool local civil society resources if they

are to have a visible impact on the communities they engage with. Most NGO participants said it was the first time they had had the opportunity to meet directly with companies and local authorities.

The approach of strengthening interactions among multiple stakeholders made the project relevant from a CSR social development standpoint. Meetings among all related parties were an important first step in building interparty trust to facilitate a common understanding of CSR challenges-including civil society engagement. Most project interviewees, including private companies, national and local authorities, and NGOs, expressed great interest. Several of the participants interviewed attributed this to the need to find alternative ways of implementing CSR funds.

A number of strategic design weaknesses, however, ultimately undermined the project's relevance (as well as its effectiveness). Specifically, the project modalities were in some ways disconnected with the stated objectives:

- **Links between activities were not explored, and each was addressed in isolation.** While the project document stated that the permanent local and national forums would serve as a reference for policymakers and NGO partnerships, the project document did not specify how the workshops' recommendations would be used to support civil society engagement to influence CSR policy and ultimately reduce poverty. The logical link between NGO capacity challenges and the expected project outcomes, including CSR practices and policy reforms, was not made clear. While the project document stated that the NGO training and pilot projects would help boost NGO capacity, it did not specify how NGOs' abilities would be used to steer CSR performance policies in the direction of poverty alleviation and gender equity.
- **The risks confronting the project and the difficulties involved in working at the district level were not adequately identified in design or addressed during implementation.** The project

document was not specific about the overall legal framework, including CSR and decentralization regulations. The IRE project document and needs assessment did not capture the local context or the specific information needed to implement the project. There was no information on CSR budget allocation per district, the level of CSR integration in local development planning, the nature of civil society engagement with stakeholders, budget allocation to NGOs, etc. For instance, the needs assessment made no reference to the existing CSR forum operating in Kutai Timur and the value added that IRE could bring to this project.

- **The specified outcomes were ambitious in terms of the outputs expected to contribute to them.** It appears to have been assumed that putting stakeholders together and sharing knowledge through workshops and NGO training activities would be sufficient to change CSR policies and practices. The project document also assumes that NGO capacity and permanent forums would be sufficient to establish NGO credibility. However, the project document did not make clear the extent to which extractive companies and local governments were ready to accept NGOs as CSR advisors to influence CSR policies.



NGO training (Source: IRE milestone report)

When the project was drafted, the approach of starting with a participatory needs assessment of NGO issues with CSR programs in each district was consistent with gaining a better understanding of the situation in each district and identifying the main stakeholders. However, the needs assessment focused almost exclusively on the justification of partners' collaboration in engaging local NGOs, given the social and economic realities and CSR legal requirements, diverting the focus from the expected outcome of district diagnosis and NGO needs.

The project's strategy of working with selected NGOs/CBOs undermined the overall coherence of IRE and offered no response for multistakeholder partnership-building. The training program designed and implemented in five districts to improve the ability of NGOs/CBOs to manage their organizations when preparing proposals for microprojects did not strengthen civil society's ability to discuss CSR performance policies with local governments and extractive companies, as outlined in the expected outcomes.

IRE's "one-size-fits-all" approach also detracted from its programmatic relevance beyond providing project workshop guidelines and serving as a grants manager for local NGOs.

Although the project document made it clear that the local dimension is essential for influencing CSR partnerships and civil society engagement, the absence of a multifaceted approach tailored to the local situation and stakeholders' needs lessened the coherence of the overall approach. For instance, IRE did not distinguish between districts that already had permanent multistakeholder forums and others that did not. Since Kutai Timur already has such a forum, it obviously has different partnership-building needs than other regions. It appeared during the field mission that the performance of existing forums is not yet optimal. It was reported that the Kutai Timur forum is being used as a vehicle for local elites to secure access to CSR funds. The forum in Kutai Timur is distrusted by the local government and companies alike because of its lack of transparency in managing CSR funds. Furthermore, IRE did not

consider the specific issues affecting NGOs in each district. According to observers, the educational level in NGOs in Java (Bojonegoro, Tuban, and Blora) is slightly higher than in the other regions, as these areas are closer to Jakarta. NGOs in Kutai Kartanegara and Kutai Timur in East Kalimantan are highly fragmented. The West Sumbawa district in the West Nusa Tenggara region is politically unstable, and the Kepulauan Anambas district on Sumatra has been taken over by elites.

(ii) Effectiveness

All planned activities were implemented on time and according to schedule. The capacity of 40 NGOs was enhanced, and 12 CSR microprojects were implemented. Interaction among companies, local governments, and local NGOs took place at the local and national levels. Three national workshops were successful in bringing together decisionmakers from the respective extractive companies, local government authorities-especially those responsible for empowerment and development, namely Bapermas and Bappeda²- and local residents. Most participants said that this project offered good prospects for partnership-building. Meeting with all parties involved was an important first step in building interparty trust and partnership. Participants in local and national workshops said that the events had been effective in terms of improving interaction and knowledge about corporate CSR requirements and NGO and local government concerns. According to the interviewees, the presence of multiple stakeholders with differing profiles created an excellent atmosphere for discussion and the exchange of views. The IRE project had support from BP Migas, the Ministry of Environment, and the National Team of Poverty Reduction Programs (TKPK). According to the IRE staff interviewed, strategically including major extractive companies and national authorities in discussions where the Ministry of Environment was also present was important for ensuring that awareness-raising was injected into the political process.

²Bappeda is a local board responsible for local development planning. “Bapermas dan Pemdes,” usually “Bapermas,” is a local government office whose main task is to empower villagers and government.

Its cascading nature made it easier for the project to reach the grassroots level. This system enabled selected NGOs/CBOs to learn more about CSR requirements in their districts and improve their ability to use CSR financial resources as the companies required.

The project produced more materials for dissemination than anticipated. A book, a television program, and several policy papers were distributed to academia, national and local policymakers, and extractive companies (see Table 3).

Table 3: Inventory of post-project publications

<p>Book (200 copies)</p>	<p>· “Strengthening Partnerships for Accelerated Poverty Reduction in the District Mining and Oil and Gas Industry,”³ February 2012</p>
<p>Policy papers</p> <p>Articles</p>	<ul style="list-style-type: none"> ○ Policy Paper, “Being a Catalyst of Change: Repositioning CSR for Poverty Reduction in the Context of Decentralization”⁴ ○ Policy Paper, "Poverty Alleviation through the Strengthening of Local NGOs by Regional Oil and the Partnership Approach"⁵ Policy Paper ○ Bulletin FLAMMA, 33rd edition, January-March 2010 "Poverty Partnership Initiatives in Regional Exploration, Mining, and the Oil and Gas Industry"⁶ www.ireyogya.org/id/flamma/flamma-33-sengkarut-penanggulangan-kemiskinan.html

³Original Indonesian title, “Kemitraan Penanggulangan Kemiskinan di Daerah Pertambangan dan MIGAS”

⁴Original Indonesian Title, “Menjadi Katalis Perubahan: Reposisi CSR untuk Penanggulangan Kemiskinan dalam Konteks Desentralisasi”

⁵Original Indonesian title, “Penanggulangan Kemiskinan di Daerah Migas Melalui Penguatan LSM Lokal dan Pendekatan Kemitraan”

⁶Original Indonesian title; “Inisiatif Kemitraan Penanggulangan Kemiskinan di Daerah Eksplorasi Industri Pertambangan dan Migas”

	<ul style="list-style-type: none"> ○ Bulletin FLAMMA, 34, March – May 2012, “CSR Pro-Poor,” www.ireyogya.org/id/flamma/flamma-edisi-34-csr-pro-poor.html ○ 2 Contributions to book entitled “CSR; Commitment to Community Empowerment⁷” • Bambang Hudayana “CSR Partnerships, Local Authorities, and Local NGOs in Poverty-Reduction Agenda: Experience of IRE-UNDEF Action,⁸” • Krisdyatmiko, “Government-Private-Public Partnership in the Framework of the Multistakeholder CSR Forum⁹” ○ Bambang Hudayana, article “Poverty Partnership Initiatives in Regional Exploration, Mining, and Oil and Gas Industries¹⁰” “http://www.ireyogya.org/id/project-undef-ire.html
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However, the IRE project did not achieve the outcomes anticipated in the project document. In general, no consideration was given to determining how activities would align with CSR performance in poverty alleviation and gender equity through better stakeholder cooperation. These weaknesses detracted from the relevance and effectiveness of the project. The needs assessment was not efficiently used to identify key local issues and NGO priority needs in terms of the expected results. This was due mainly to the lack of methodological guidance and the absence of information for ensuring transparency and

“CSR funds are used to support small NGO/CBO businesses. However, NGO/CBO capacity is very weak, and it’s too complicated for us to involve them in CSR advocacy and social welfare services”.
KPC official in Kutai Timur

⁷“CSR; Komitmen untuk Pemberdayaan Masyarakat”

⁸“Kemitraan CSR, Pemerintah Daerah dan LSM Lokal dalam Agenda Penanggulangan Kemiskinan: Pengalaman Program Aksi IRE-UNDEF”

⁹ Kemitraan Pemerintah – Swasta - Masyarakat dalam Bingkai Forum Multi Stakeholders CSR”, di tulis oleh Krisdyatmiko dalam buku berjudul “CSR; Komitmen untuk Pemberdayaan Masyarakat” (File buku terlampir).

¹⁰ Indonesian title: “Inisiatif Kemitraan Penanggulangan Kemiskinan di Daerah Eksplorasi Industri Pertambangan dan Migas”

accountability.

- No contextual information was provided on companies' CSR policies or local governments and NGOs based in those extractive areas;
- There was no overview of:
 - baseline data on CSR programs;
 - the districts' overall legal framework;
 - CSR budget allocation for local government
 - development planning;
 - the proportion of the CSR budget allocated directly to CBOs;
- There was no detailed data on specific CSR practices to assess what had been achieved so far and what was needed for local NGOs to increase their credibility and dialogue with stakeholders;
- CSR performance in terms of poverty and gender equity issues was totally ignored.

As result, the overall challenges to NGOs acting as advisory bodies were not well-documented, and local government and company responsibilities and priorities were not identified. Transparency and accountability are a sine qua non for strong partnerships, and the issue is contentious in areas with extractive operations. This should have been one of the NGOs' identified needs, as well as a prerequisite for building a transparent, accountable partnership. Since CSR is part of governance because it involves public monies, information from companies with CSR programs and from local authorities to ensure transparency and accountability is key to building strong partnerships around CSR issues. The absence of clear regulatory information made it hard to identify the priority skills needed by NGOs and determine how to develop them. IRE did not pressure companies and policymakers by stressing the legal mandate of civil society engagement to create conditions for trust-building among stakeholders. In this respect, several companies confirm that collaboration with NGOs is essential to make CSR useful and visible. As one company interviewee said, "NGO advocacy on CSR policy is rather disturbing."

Project activity was treated as a “stand-alone” activity, and the findings from the needs assessment were not used to drive NGO activities and develop an agenda for action. The intent of the IRE district approach was to strengthen

“Being a partner” means having access to CSR funds, because companies usually prefer to use international or national NGOs.”
NGO Participant in Kutai Kartanegara

NGO ownership and capacity to cooperate with local governments and extractive companies in drafting and implementing CSR poverty-alleviation and gender-equity projects. The training activities and microprojects generated useful inputs for enabling local NGOs to meet extractive companies’ requirements for granting CSR funds. However, NGO participants did not appear to embrace CSR policies for developing CSR performance. Most NGOs took the view that “being a partner” means having access to CSR funds, because companies usually prefer to use international or national NGOs. In Kutai Kartanegara, for instance, Chevron confirmed that it preferred national NGOs and the university to implement CSR programs through a subcontracting mechanism for CSR management.

NGO capacity-building activities were not effective for cooperation with CSR stakeholders. Project training activities focused primarily on NGO entrepreneurial skills, NGOs, and project management aligned with the extractive companies’ criteria. The modules in the training program for capacity-building were geared mainly to:

- Advocacy techniques, lobbying, and CSR fundraising (networking)
- NGO organization and management
- Design of project proposals
- Project management (management of the project cycle, work plan)
- Project monitoring and evaluation.

This was effective for preparing project proposals and tailoring them to

the local context. In some respects, it enabled participating NGOs access CSR programs more effectively. However, it was ineffective in boosting the NGOs' credibility and fostering partnerships to discuss CSR poverty-reduction challenges. This lack of NGO advocacy services did not help local actors make their voices heard by the authorities and private companies. Most of the NGOs interviewed considered themselves passive beneficiaries of CSR funds rather than community advisors or genuine company and local government partners in improving CSR performance.

The IRE tactic of using NGO microproject approaches similar to those of extractive companies resulted in the duplication of efforts with no value added. The nature of the microprojects funded by IRE did not produce any changes in the extractive companies' practices with respect to NGOs. Moreover, this approach did not enable more NGOs to learn about the CSR project competition organized by the companies. During the field missions it appeared that two out of three of the NGO beneficiaries met had already worked with extractive industries and local governments on CSR projects.

The 12 NGO microprojects for creating local NGO forums did not entail any local government or company involvement. An FKPMKK member stated that while four meetings had been held during the projects, the CSR action agenda had not been a priority in the discussions. Most of the microprojects involved business opportunities in agroindustry and farming (see Table 4). All the business project stakeholders that were interviewed considered the amount of funds donated too low and a 6-month period to run a business too short.

Table 4: Inventory of IRE-funded microprojects

District	IRE-funded NGO	Title and Nature of Project Funded
BLORA (Java)	Sepakat Jaya Group	<ul style="list-style-type: none"> • Boosting business capital to market agriculture products (empowering bamboo workers and craftsmen)

Bojonegoro (Java)	BKAD* Animal Husbandry Group	<ul style="list-style-type: none"> • Development of bottled drinks and snacks made from star fruit • Assistance to livestock producers (goats). Goat-farming, called “ETAWA”
Tuban (Java)	Ronggolawe	<ul style="list-style-type: none"> • Strengthening home food industries in villages around Petro China Oil company (Basic health services support)
Sumbawa Barat (West Sumbawa)	Pelangi Nusa Lakmus	<ul style="list-style-type: none"> • Boosting the capacity of women weavers in Sumbawa barat • Improving community health through healthy behaviors
Kutai Timur East Kalimantan	Pecelo Borneo Gapura	<ul style="list-style-type: none"> • Strengthening the economy by improving the agribusiness chain in East Kutai. (patchouli business) • Strengthening village governance to create a participatory program in Kutai Timur (Development of Environmental Issues Forum)
Kutai Kertanegara (East Kalimantan)	FMPP** FKPL*** FKPMKK	<ul style="list-style-type: none"> • Training and mentoring of goat-farmers in Tenggarong Seberand (forum) • Developing self-help for refuse management in East Kutai • Promoting partnership initiatives for poverty reduction (community forum)
Riau Island (Anambas)	IKKNA	<ul style="list-style-type: none"> • Preserving Coral Reefs (1 scholarship)

* BKAD is an intervillage group

** Forum for community responsiveness in development

*** Environmental Emancipation Forum

The NGO-based approach did not make NGOs more credible in the eyes of extractive industries and local governments. It did not help NGOs forge efficient partnerships with stakeholders. Several beneficiary NGOs confessed that they needed to know more about their rights and responsibilities when it comes to CSR governance and wanted to be connected to more extensive information and knowledge networks

working on these issues. There was no specific mechanism to include the results of the NGO microprojects in workshop discussions. The absence of a connection between NGO and workshop activities reduced the effectiveness and coherence of the overall push for NGO recognition and admission to collaborative CSR partnerships. Recommendations focused on the specific concerns of local governments and extractive companies. However, it was reported that workshop discussions failed to specify how CSR should be governed in civil society engagement or how NGO actors should be involved as CSR partners to improve public welfare. As a result, there were no joint initiatives.

The project was unable to provide CSR branding to identify best partnership practices in order to make the collective voice of local NGOs heard in extractive areas. Although the project took advantage of the Internet and the media to promote project visibility and a shared sense of the need for a CSR partnership, the draft regulations mentioned in the project document that were to be submitted to the Ministry of Environment were replaced with recommendations on how NGOs can make better use of CSR funds.

(iii) Efficiency

The view of persons interviewed was that project was implemented efficiently, making good use of time and resources. Although the funds were well-managed, covering a wide range of local activities, a more critical view would question the selection of the extractive areas. The complications involved in reaching each district and the distance between each Indonesian island and district required a large travel budget for beneficiaries and IRE staff in comparison with that for the CSR activities in the field. Apparently, IRE initially wanted to target the most isolated areas. However, travel costs should have been better anticipated. IRE's centralized approach did not offer the opportunity to properly appreciate the local situation and create NGO cooperative approaches tailored to the situation in each district. Eventually, travel costs need to be weighed against the value added of the different local partnership models.

There was also a question about the wisdom of recruiting human resources from Yogyakarta for district support. Directly assisting human resources from the district might have been less expensive and more sustainable. By working directly with local actors on training methodologies, NGO support activities would have facilitated a greater sense of ownership.

There were also concerns about the funds provided to NGO projects (US\$1,500¹¹ per project) in comparison with the overall budget (US\$350,000). Only 5% of the overall budget was allocated to NGO projects.

(iv) Impact

The project identified the key district stakeholders in local government, the private sector, and civil society organizations, potentially providing a knowledge base for CSR initiatives in those areas. IRE has developed good institutional relations with interrelated parties, local NGOs, local authorities, and companies based in the selected districts. The project's visibility as a result of the book, policy papers, and media presence has also raised IRE's profile. In interviews, NGOs stated that they had improved their project organization and management skills to compete for CSR funds. In Kutai Timor, a local NGO activist said that his organization is now better organized, with regular meetings and activities devoted to CSR. NGOs also have better operating standards for organizational management, although very simple. Nevertheless, it was clear that developing skills to compete for CSR funds did not reduce the NGOs' fragmentation or help them think more strategically about cooperation among themselves and with stakeholders. During the interview in Kutai Kartanegara, it was clear that local FMPP and FKPMK forums compete with each other for CSR donations. They still do not consider themselves potential advisors to extractive companies and local government

"There wasn't enough information about CSR regulations on public participation, how BP Migas' practices could strengthen NGOs' role in CSR governance, or what could be done to build a link with BP Migas."

NGO Participant in Kutai Kartanegara

¹¹15 million rupiahs per project

on CSR policy changes. The IRE project did not change NGOs' perception of CSR but rather, reinforced current company practices in which civil society empowerment is viewed as donations to NGOs.

With the project completed, there is no evidence to date that IRE activities have had a demonstrable impact on the ground. At the end of the microproject process, NGOs were unsuccessful in leveraging funding from other sources and several business projects. No companies or local governments are involved in local forums, and the mission found that the CSR agenda for action is not the priority. After the workshops, there was no joint strategic CSR planning among NGOs/CBOs, local governments, and extractive industries, nor was there evidence that the project had changed stakeholders' initial perceptions about NGO roles.

IRE did make an effort to conduct an ex post evaluation, but there was no real indicator at the start of the project or in the needs assessment. Under these circumstances, the evaluation was unlikely to capture impact in terms of the expected results at the end of this project. This evaluation did not include information on the degree of NGO engagement to improve economic and social welfare services, NGO perception of CSR collaborative approaches and advocacy, NGO knowledge about CSR practices in their own districts, CSR fiscal requirements, NGOs' right to information, and how to express their demands to local government and extractive companies. The evaluation and final report focused primarily on activities and outputs, and the indicators provided were neither verifiable nor detailed enough to extrapolate impact.



IRE Project managers and FKPMK and FMPP members in Kutai Kertanegara, 2012 (Source: F. Buerban)

(v) Sustainability

Wide dissemination of the book's recommendations, the policy papers, and the documentary posted on UNTV ensures that the project's outcomes will last beyond the lifetime of the project itself. Assessment of the project's sustainability would require systematic tracking of the relationship between each NGO beneficiary and the extractive industries and government authorities to assess the extent to which interactions among stakeholders contribute to trust-building and partnerships.

The evaluators, however, doubt that this project will be able to effect any sustainable changes. It did not touch on the strategic issue of CSR impact on poverty reduction, dealing with practical issues instead. Indeed, it was a zero-sum game, because there has been no change in the perception of CSR or practice among stakeholders. Local government and companies do not see the advantage of strengthening local NGO decision-making. There is no understanding among NGOs that having background knowledge about CSR will improve their ability to communicate with stakeholders and the wider public in their districts. Better coordination among NGOs so as to play a more effective role as advisors to local stakeholders did not occur.

V. Conclusions

Based on the evaluation findings, the team concludes that:

i. As designed, the focus of the project was relevant and important, given Indonesia's social and democratic context. It addressed CSR legal and fiscal requirements and put into perspective CSR social and economic welfare issues in extractive areas and the lack of participatory processes where civil society has an integral role to play alongside government and industry. **However, the absence of an in-depth analysis of a package of legal mechanisms linked to local government and corporate legal responsibilities, as well as detailed analysis of the social context in the respective districts** made it hard for IRE to capture

civil society capacity-building needs. The project needs assessment did not fully grasp either the complexity of the corporate CSR programs, which are patchy and based on the sector and political climate in each area where extractive industries operate, or how this affected NGO/CBO participation and collaborative CSR approaches. This detracted from its relevance in the districts and selected NGOs, limiting its potential impact. This conclusion is based on findings related to **relevance** and **effectiveness**.

ii. **Using the local-national level to implement CSR activities was an effective approach for CSR stakeholder interactions, as it offered an opportunity for companies, local governments, and NGOs to share their concerns.** However, the disconnected activities, which focused on corporate CSR grant requirements rather than improving civil society's knowledge about CSR processes and its influence on CSR policies, limited the usefulness of this approach. This led to the duplication of extractive companies' practices with NGOs/CBOs, isolated NGO project activities, and lack of CSR ownership and collaborative initiatives on CSR. Lack of coherence and mechanisms to connect NGO activities with national workshops was also a missed opportunity to build broader support for the changes advocated at the local and government level. This conclusion is based on the finding related to **effectiveness**.

iii. **The overall intervention strategy made a difference for individual participants. However, it lacked the coherence and effectiveness necessary to satisfy NGOs' collective interests and better enable them to affect CSR performance, resulting in a weak impact.** Although anecdotal information suggests that the project has had a positive impact (especially for individual NGO participants) in terms of better relationships between companies and local governments, it did not improve the NGOs' ability to influence joint CSR initiatives. Activities focused primarily on upgrading NGO entrepreneurial skills and meeting the demands of the companies' CSR programs, diverting the focus from the NGOs' ability to affect CSR policy performance.

The absence of a mechanism to connect such activities with stakeholder workshops detracted from the effectiveness and coherence of the overall effort to gain recognition for NGOs in collaborative CSR partnerships. As a result, stand-alone NGO activities and stakeholder workshops do not seem to have been successful in fostering NGO inclusion in joint CSR approaches. This conclusion is based on findings related to **effectiveness and impact**.

iv. The use of diagnostic needs assessment, ex post evaluation, and publications for advocacy purposes was a good programmatic technique. However, it required a focus on indicators at the start of the project to measure change and impact indicators. The diagnostic review and needs assessment yielded statistical data on district poverty rates but did not provide an indicator correlated with the main goal of strengthening local NGOs or significant data on the demand for CSR partnerships. Since specific data and indicators were not identified in the needs assessment, the process could not guarantee the credibility of the data and indicators submitted by the evaluation and report. This conclusion is based on findings related to impact and sustainability.

v. UNDEF funding gave IRE and project activities more credibility and visibility with government officials and companies. CSR policies are sensitive issues in Indonesia, and having the UN logo attached to the project helped present it as an apolitical, neutral exercise. However, the IRE project focused on NGOs' capacity to implement projects funded with CSR donations, which diverted the focus from the expected outcomes spelled out in the project document. Ultimately, the UN logo was used to promote practices similar to those already employed by extractive companies, whose inability to reduce poverty and increase gender equity has already been demonstrated.

VI. Recommendations

To strengthen similar projects in the future, the team recommends:

i. **Pressing more forcefully for information to guarantee local CSR program transparency and accountability.** Such information is a sine qua non for strong partnerships, especially when this is a contentious issue in extractive areas. Since CSR is part of governance because it involves public monies, the information provided by corporate CSR programs and local authorities to guarantee transparency and accountability should be considered a prerequisite for building partnerships around CSR issues. Although the regulations governing CSR (Law No. 40 of 2007 and Government Decree No. 47, 2012) do not clearly state how CSR involving local participation should be governed, several regulations on decentralization (Law No. 32, 2004 on Local Government and Law No. 14, 2008 on Freedom of Information) stress the need for public participation in local governance processes, providing an opportunity for public monitoring of the activities of state and other public institutions in governance processes that impact communities. In addition, knowing what has worked and what has not is very important for promoting further discussions with stakeholders on how to develop NGO skills. Better information on the costs and benefits of implementing CSR at the district level and an inventory of extractive industry practices could help IRE identify NGO capacity constraints and priority needs and tailor different partnership models to the district reality. Transparent information could also help NGO participants understand their roles and responsibilities in the CSR system and how they can hold local government and companies accountable for the design and implementation of CSR activities. This recommendation is based on conclusion (ii).

ii. **Formalizing stakeholders' commitment to building ownership under an integrated framework involving all stakeholders.** In a partnership and trust-building project such as this one, IRE should bring the various implementers together under one integrated program, designing activities, producing joint strategic planning initiatives/projects,

and developing product branding to lay the foundation for common understanding and practices by agents of change. It should also leverage comparisons among existing partnership models to improve the project and its outputs. Highlighting existing models could strengthen partnership models. For example, presenting lessons learned in the Bandung or West Java forums, established as a government-private sector consensus that jointly identified CSR funds to allocate to a specific development sector, could be a valuable asset for improving the operations of the Kutai Timur forum. This recommendation is based on Conclusions (ii) and (iii).

- Encouraging concerted coordination by civil society groups in joint NGO capacity-building initiatives. Changes in CSR governance will not come to pass without concerted advocacy by civil society groups that come together with an understanding of CSR challenges for society as a whole. Project activities should be modified and linked to the anticipated objectives. The kinds of activities carried out by NGOs could be used in enhancing information about CSR to raise awareness, facilitate dialogue, and improve advocacy skills to address CSR performance in reducing poverty. A wide range of topics, including an understanding of CSR policies and practices, could be addressed in NGO training activities (budget analysis and monitoring of oil and mining industry operations; laws, contracts, and taxation; public information on government revenues and payments by the extractive industry; information on other CSR networks, etc.). Grants and capacity-building activities could be used to build NGO coalitions among fragmented local actors and improve communication, NGO coordination, advocacy, etc. It could give NGOs greater representation in CSR systems and the opportunity to develop joint programs and share their individual expertise with other groups. This recommendation is based on all the Conclusions above.

- Preparing a results-based project performance and monitoring plan at the start of the project to follow the progress

made toward achieving the outcomes and measure results. This plan should be used to track the expected results of activities, not simply activity outputs. Examples of performance indicators could include: the number/type of CSR policy changes resulting from project activities, the nature of the partnership models developed, NGO knowledge about CSR practices and fiscal requirements, etc. This recommendation is based on Conclusion (iv).

- Controlling use of the UN logo for disseminating information on best practices and lessons learned after a project's completion. UNDEF should monitor UN publications and media products more carefully to maintain the UN branding image and UNDEF value added.

UNDEF



The United Nations
Democracy Fund

**PROVISION FOR POST PROJECT EVALUATIONS FOR THE
UNITED NATIONS DEMOCRACY FUND
Contract NO.PD:C0110/10**

EVALUATION REPORT



**TRANSTEC
PROJECT
MANAGEMENT**

UDF-KAZ-08-256-Human Rights Education for the Police
(Kazakhstan)

Date: 27 February 2013

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Disclaimer

The views expressed in this report are those of the evaluators. They do not represent those of UNDEF or of any of the institutions referred to in the report.

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I. EXECUTIVE SUMMARY

(i) Background

The project ran from 1 April 2010 - 31 May 2012, with a total grant of USD 175,000. It was designed by the Kazakh International Bureau for Human Rights and Rule of Law (BHR) and implemented in partnership with the Kazakh Ministry of Interior, the Human Rights Commission under the President of Kazakhstan, the Danish Institute for Human Rights (DIHR) and the Tajik Bureau for Human Rights. The target population consisted of academic staff of Kazakh police training institutions, i.e. the Academy of the Ministry of Internal Affairs (MIA) in Almaty, the MIA Academy in Karaganda and the Academy of the Financial Police in Astana.¹ As defined in the Project Document the overall objective was to improve human rights protection through the elaboration of a human rights education course for introduction into the curricula of Kazakh institutions training future police officers. Accordingly, BHR aimed for the “logical chain” of four key outcomes:

- Human rights manuals in Kazakh language shall be available for the training of future police officers;
- Police faculty members shall ensure good quality human rights training for students of police academies, applying the international experience they gained through the project;
- The state shall directly participate in fostering a human rights culture among police officers;
- The community (i.e. the population) shall have more confidence in police officers and shall contribute to human rights implementation with concerted efforts.

(ii) Assessment of the project

Project design and objectives were **relevant**. Measures adequately addressed issues pertaining to the absence of quality training and

¹In accordance with the final narrative report two MIA schools in Aktobe and Kostanay were added with the approval of UNDEF at a later stage to the project’s target group.

materials, as confirmed by the grantee's initial contextual analysis. The project involved teaching faculty staff of police recruits, who follow a career path requiring completion of studies at Kazakhstan's higher educational institutions. Outputs aimed to ensure that graduates will dispose of the consolidated knowledge necessary to execute their duties, both in accordance with practical needs and international human rights standards.

Despite significant delays under the component supporting the curriculum development the project was **effective**. With the opportunities provided for exchange of practical experience in the course of international study visits and the range of topics covered in the workshops and training materials, the project's implementation partnership made an effective, if not essential, contribution towards the inclusion of the human rights subject into the country's future police academy curriculum.

As the project's ultimate impact (i.e. the mandatory introduction of human rights training into the police academies' curriculum) remains unachieved, indirect beneficiary quantities at this point cannot be taken into consideration to assess the project's efficiency. The resulting high unit cost of USD 1,193 per beneficiary puts the **potential benefit of efficient project conduct at risk**.

In the absence of results-oriented monitoring documentation that demonstrates project progress in relation to the grantee's contextual analysis (= baseline) or of data assessing the likely impact prospects generated by the project, evaluators gathered testimonials of beneficiaries documenting the project's **potential impact**. Trained faculty staff claim to already apply new skills and knowledge in current teaching, across a variety of disciplines and subjects, which includes the use of anecdotes, examples and literature provided by the project and of the suggested methodological approach of interactive teaching.

The **sustainability of the project's outcomes appears to be at risk**, as five months after the project closing date the Ministry of Education

has still not undertaken the actions necessary to oblige higher training institutions to offer future Kazakh police officers human rights courses based on the project's outputs. At the time of the evaluation visit still no launch date had been secured and almost 2,600 training manual copies were idle on stock. With plans for future training, review and production of new training manuals yet to be confirmed (to keep pace with national legislative developments), there is a serious risk that knowledge will be lost and that existing course material becomes out of date.

(iii) Conclusions

- We found that exposure to international experience through a combination of study visits and workshops and the concept of the training manuals were appropriate to facilitate the generation of an informed and up-to-date human rights perspective. We therefore conclude that the project's design was relevant to **provide a direct solution to the absence of good quality, practitioner-oriented, Kazakh-language human rights education.**
- Although the line authority for higher education did neither veto the objectives nor the time plan during the project's initial consultations, the perspective as to when human rights training will become a mandatory discipline for Kazakhstan's police academies at the time of the evaluation visit still remained vague. Based on our observations related to efficiency and sustainability we conclude that the grantee and its implementing partners **did not foresee and maintain ongoing communication and coordination with the Ministry of Education to secure its timely (and political) approval.**

(iv) Recommendations

- It remains unclear why the Ministry of Education has not approved the inclusion of project outputs into the curriculum and the mandatory launch of human rights training. **To avoid the risks**

we noted in our comments on efficiency and sustainability we recommend to the grantee to remind the approval authority that integration of the present project’s training manuals into the curriculum of higher education institutions is fully consistent with government policy, since recommended by the Human Rights Commission in its “Report on the Human Rights Situation” in 2011, and approved by the President of the Republic in May 2012 (resolution No 32-42.157).

- The present experience highlights that applying an inclusive partnership approach, to the extent possible, is vital for the achievement of democracy development project objectives. Based on our observations on sustainability, we therefore recommend to the grantee and to UNDEF to ensure that future project applications include specific measures promoting cooperation and ownership, in case acceptance of project deliverables is of concern to multiple government institutions.

II. INTRODUCTION AND DEVELOPMENT CONTEXT

i. The project and evaluation objectives

This report contains the evaluation of the project entitled “Human Rights Education for the Police”. The project ran from 1 April 2010 - 31 May 2012 (including a 2 month no-cost extension), with a total grant of USD 175,000 (out of which UNDEF retained USD 17,500 for monitoring and evaluation).



Orientation map² to indicate police academies participating in the project: MIA academies of Almaty, Karaganda, Aktobe and Kostanay; Academy of the Financial Police in Astana³

The project was designed by the Kazakh International Bureau for Human Rights and Rule of Law (BHR). It was implemented in partnership with

²Map published by Bernard Tom under the Creative Commons Attribution-Share Alike 3.0 Unreported license; source: http://en.wikipedia.org/wiki/File:Kazakhstan_provinces_and_province_capitals.svg#filelinks

³BHR’s training for academic staff from these five locations took place in: Almaty, Karaganda and Astana.

the Kazakh Ministry of Interior, the Human Rights Commission under the President of Kazakhstan, the Danish Institute for Human Rights (DIHR) and the Tajik Bureau for Human Rights. As defined in the Project Document, the overall objective was to improve human rights protection through the elaboration of a human rights education course for introduction into the curricula of Kazakh institutions training future police officers. The target population consisted of academic staff of Kazakh police training institutions, i.e. the Academy of the Ministry of Internal Affairs (MIA) in Almaty, the MIA Academy in Karaganda and the Academy of the Financial Police in Astana.⁴

UNDEF and Transtec have agreed on a framework governing the evaluation process, set out in the Operational Manual. According to the manual, the objective of the evaluation is to “undertake in-depth analysis of UNDEF-funded projects to gain a better understanding of what constitutes a successful project which will in turn help UNDEF devise future project strategies. Evaluations also assist stakeholders to determine whether projects have been implemented in accordance with the project document and whether anticipated project outputs have been achieved”.

(ii) Evaluation methodology

The evaluation was conducted by an international expert, working with a national expert, under the terms of the framework agreement between UNDEF and Transtec. In accordance with the agreed process, the evaluation aimed to answer questions across the Development Assistance Committee (DAC) criteria of relevance, effectiveness, efficiency, impact, and sustainability, as well as the additional criterion of UNDEF value added (see Annex 1).

The evaluation took place from October - December 2012 with the field

⁴In accordance with the final narrative report two MIA schools in Aktobe and Kostanay were added with the approval of UNDEF at a later stage to the project’s target group.

work in Kazakhstan conducted from 5 to 9 November. The evaluators reviewed available project documentation and contextual / background materials on human rights in Kazakhstan (Annex 2). Initial and final interviews were held with former project staff of BHR's Almaty office, involving BHR's acting director and its chief of human rights advocacy. Field work focused on meetings and exchanges with representatives of the implementing partners and staff members of the participating academic institutions, to confirm the project beneficiaries' experiences and to obtain updates of their most recent activities. These interviews and group meetings were carried out in the cities of Almaty, Karaganda and Astana, involving 2 implementing partner representatives (and contributors), academic staff (2 contributors/trainers and 3 trainees) and the head of BHR's educational center (Annex 3).

(iii) Development context

Kazakhstan was the last of the former Soviet Union republics to declare its independence.⁵ The political system is a presidential republic, with a very centralized form of government, and a constitution that grants the president considerable control over legislature, judiciary, and local governments. The country's first president, who was also the last communist-era leader, has been repeatedly re-elected since 1991. However, none of the elections observed by the Organization for Security and Cooperation in Europe (OSCE) have met the international standards.⁶ Under the current constitutional rules, President Nursultan Nazarbayev may serve an indefinite number of five-year terms.

In terms of economic development, Kazakhstan since the early days of its independence has maintained a strategic focus based on market economy and integration into the global economy. Upper-middle income country status was achieved in 2009, with a gross national income of US\$ 6,920 per capita. Assets for the rapid economic growth include oil and mineral

⁵December 6, 1991

⁶Source <http://www.osce.org/odihr/elections/kazakhstan>

resources. With low domestic consumption of oil and exports averaging one million barrels per day, Kazakhstan is a significant player in world oil markets. Strong economic performance from 2000 to 2007, with average real GDP growth of 10 percent, was buoyed by high world prices for crude oil.⁷ The period of high economic growth significantly decreased the population proportion to below the government defined poverty line, from 35 percent in 1999 to 8.2% in 2009.⁸

Although the achievements of Kazakhstan in terms of economic growth are widely recognized, the human rights situation remains an area of concern for many outside and non-governmental observers. On a scale of 1 to 7 (1 being the highest grade) Freedom House⁹ ranks Kazakhstan with a 6 in “political rights” and a 5 on “civil liberties”, denoting as “not free” in 2011.¹⁰ At the international level, Kazakhstan is bound by the International Bill of Human Rights, as it has ratified the two overarching covenants that between them cover the whole range of civil, cultural, economic, political and social rights. It has also ratified most of the main human rights conventions.¹¹ At the national level, Kazakhstan adopted a National Human Rights Action Plan (NHRAP) for 2009 - 2012 which constitutes a consolidated program of planned concrete steps for the improvement of legislation and practices of its application, the national system of protection of human rights and the education of the population regarding human rights and mechanisms of their protection.¹²

Notwithstanding the importance of ratifying international human rights instruments and related national policies, the current challenge lies in their proper implementation. The NHRAP recognizes that violations of the constitutional rights of citizens by law-enforcement agencies are

⁷Source http://www.fao.org/fileadmin/user_upload/Europe/documents/Publications/AI_briefs/Kazakhstan_ai_en.pdf

⁸Source <http://www.indexmundi.com/g/g.aspx?c=kz&v=69>

⁹Freedom House is “an independent watchdog organization dedicated to the expansion of freedom around the world.”

¹⁰Source <http://www.freedomhouse.org/report/freedom-world/2011/kazakhstan>

¹¹Source <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=12343&LangID=E>

¹²Source http://www.undp.kz/userfiles/plan_en.pdf

widespread. Most common violations are illegal detention, unwarrantable entry and search of homes and unlawful methods of investigation such as the use of violence and other degrading treatment. The NHRAP identifies low levels of professional training of officers of criminal investigation and lack of elementary knowledge of criminal legislation and international treaties ratified by Kazakhstan as the main causes of the violations of human rights by law-enforcement agents.

The year 2011 saw the worst confrontation in recent history, when on December 16th police and government troops opened fire on a public gathering of civilians, including striking oil workers, in the southwestern city of Zhanaozen.¹³ At least 15 people were killed and more than 100 seriously injured. One protester was killed later in a separate incident.¹⁴ A 20-day state of emergency was imposed by the president and all communications with the town were temporarily cut off. The international NGO Human Rights Watch documented allegations of ill-treatment and torture by people who witnessed or were subjected to physical abuse by police in custody between December 16 and 19.¹⁵ These individuals described how police variously kicked and beat detainees with truncheons, stripped them naked and walked on them, and subjected them to freezing temperatures. During the trial defendants testified that they had suffered beatings, suffocation, psychological pressure, and other ill-treatment, apparently to coerce testimony against themselves or others. One of those detained, 50-year-old Bazarbai Kenzhebaev, died from a ruptured small intestine and blunt abdominal trauma, injuries he apparently sustained in custody after he was detained on December 16.¹⁶ The Prosecutor General's Office opened a criminal investigation on the use of force by security forces after video footage of the events was released and invited the UN to join an impartial investigation into the violence.

¹³Source <http://www.hrw.org/news/2011/12/17/kazakhstan-investigate-violence-oil-rich-western-region>

¹⁴Source <http://www.amnesty.org/en/region/kazakhstan/report-2012>

¹⁵Source <http://www.hrw.org/news/2012/02/01/kazakhstan-letter-prosecutor-general-regarding-december-events-zhanaozen-and-shetpe>

¹⁶Source <http://www.hrw.org/news/2011/12/22/kazakhstan-detainee-dies-after-police-beating>

III. PROJECT STRATEGY

(i) Project strategy and approach

The over-all objective of the “Human Rights Education for the Police” project, as defined in the Project Document (UDF-KAZ-08-256) in February 2010, was to improve human rights protection through the elaboration of a human rights education course for introduction into the curricula of Kazakh institutions training future police officers. Accordingly, BHR’s strategic approach aimed for a “logical chain” of four key outcomes:

- Human rights manuals in Kazakh language shall be available for the training of future police officers;
- Police faculty members shall ensure good quality human rights training for students of police academies, applying the international experience they gained through the project;
- The state shall directly participate in fostering a human rights culture among police officers;
- The community (i.e. the population) shall have more confidence in police officers and shall contribute to human rights implementation with concerted efforts.

According to BHR, human rights education was previously neither a training subject taught in its own right nor a topic the students of Kazakhstan’s existing police academies knew much about. The grantee therefore intended to develop a course which is compliant with international human rights standards. Closely collaborating with the MIA’s academia, BHR expected:

- the introduction of human rights education to become mandatory for all academies training future police officers;
- continued evolution of the training subject to be secured beyond the life time of the project.

BHR promotes the observance of civil and political rights and freedoms and the development of civil society. Established in 1993, the NGO maintains thirteen regional branches in all regions of Kazakhstan and over time has become one of the main players promoting human rights in the country and Central Asia. Working towards the alignment with international human rights standards, BHR's operations are steered by two centers: the "Human Rights Protection Center," which focuses on an analysis of legislation, human rights consultation, human rights program development; and the "Informational and Educational Center," which develops and implements educational programs and informational campaigns.

The most recent educational initiatives implemented by BHR have addressed two distinct target groups of police officer candidates. Human rights education at secondary-level special institutions was the subject of a project supported by OSCE and led to the development of training programs addressing e.g. future district police officers, prison guards and penitentiary officers. The present UNDEF-funded project targeted Kazakhstan's higher educational institutions, i.e. universities and academies educating future police officers who will be involved in investigative activities.

(ii) Logical framework

The Project Document translates BHR's programmatic approach into a structured plan of project activities and intended outcomes, including the achievement of the project's overall and specific objectives. The framework below aims to capture the project logic systematically, also attempting to eliminate confusion between intended outcomes, impacts and long-term objectives, which evaluators at times observed in the Project Document's result framework.

Project Activities & Interventions	Intended Outcomes	Medium Term Impacts	Long Term Development Objectives
<p><u>1. Consultations</u></p> <p>Negotiations with the MIA, the National Human Rights Commission and the Ministry of Education</p> <p>Introductory working meeting to discuss and develop a strategic action plan regarding the development of manuals for use at higher educational institutions</p>	<p>Introduction of Human Rights course into the curricula of higher educational institutions and training of future police officers discussed and agreed</p>	<p>Direct participation of the state in fostering a human rights culture among police officers</p>	
<p><u>2. Curriculum Development</u></p> <p>Development of the manuals for academic staff and students</p> <p>Translation into Kazakh language</p> <p>Production, both in Russian and Kazakh languages</p>	<p>Separate manuals on:</p> <p>Human rights as a police duty and function (methodological recommendations, for academic staff)</p> <p>Ensuring and respecting human rights in practice (for students)</p>	<p>First-time-ever availability of consolidated Human Rights training material for higher educational institutions, in particular in Kazakh language</p> <p>Human rights course introduced into the curricula of higher educational institutions (i.e. universities, police academies)</p>	<p>The community (i.e. the population) shall have more confidence in police officers and shall contribute to human rights implementation with concerted efforts</p>

<p><u>3. Training of Trainers</u></p> <p>Organization of study tours to Tajikistan and Denmark for academic staff involved in the training of future police officers</p> <p>Workshops held for academic staff in Almaty, Astana and Karaganda</p>	<p>Police faculty members capable to provide good quality human rights training to students of police academies</p>	<p>Faculty members apply the international experience they gained through the project</p> <p>Human Rights training provided on an annual basis (for up to 900 future police officers)</p>	
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IV. EVALUATION FINDINGS

(i) Relevance

Baseline Situation

BHR relied on three sources to underpin its initial assessment: (i) information gathered in the context of previous activities (e.g. research for its human rights education program targeting secondary-level institutions and personal observations made by staff of BHR’s Astana office when training law enforcement officers); (ii) interviews with MIA representatives following an official enquiry made by BHR (to confirm e.g. the subjects covered by the curriculum of higher educational institutions); and (iii) research on websites and other public sources of information maintained by the MIA and relevant academic institutions (to establish e.g. the annual number of police officer graduates).

BHR's baseline findings

- “Human Rights” as a discipline is not taught at the police academies of Astana, Almaty and Karaganda.
- In the absence of relevant knowledge and experience, the faculty members of these academies are unable to provide good quality human rights training.
- 900 police officers graduate annually, without acquiring human rights knowledge. There are no training materials, neither for teachers nor students. Consequently, young police officers are unable to apply human rights adequately.

This “material” baseline led the grantee to the conclusion that without good quality human rights education as part of the MIA’s curricula, supported by consolidated human rights reference materials, (1) future police academy graduates will be unable to execute their duties in accordance with international human rights standards and, subsequently, (2) the population’s confidence in Kazakhstan’s police officers will not improve.

The project response

Evaluators found various examples of relevant project design, addressing the above three baseline aspects:

1. Consultations

BHR’s strategic approach was to integrate state institutions (representatives of the Ministry of the Interior and the Human Rights Commission under the President of Kazakhstan) in the project implementation process to generate ownership, thus improving the likelihood of acceptance and continued use of the project’s planned deliverables. By involving state-

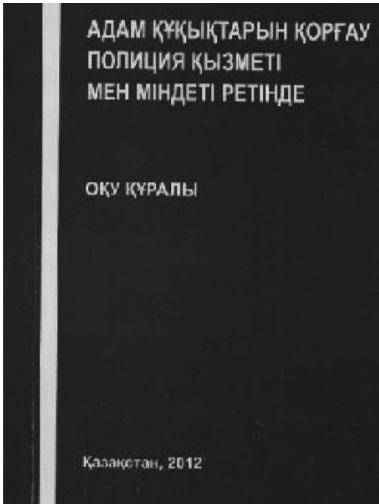
level key actors not only in project steering activities, but also in the delivery of actual outputs (through co-authorship of certain training manual chapters), the project grantee aspired to achieve:

- academies and universities to become obliged to provide human rights education to future police officers;
- human rights training to continue to evolve after the end of the project.

2. Curriculum Development

Police academies and universities did not dispose of consolidated training materials to raise awareness among future police officers that the protection of human rights was their function and duty. Those higher educational institutions that actually offered optional human rights courses would leave the choice of training materials to its faculty staff and would provide the training mostly in Russian language. Educational materials or training for police officer candidates in Kazakh language were unavailable.

Accordingly, the consultations between BHR, MIA and Human Rights Commission arrived at a choice of training manual topics and associated co-authors ensuring a combination of academic expertise and practical field experience. In other words, the objective was to develop training material which clarified that human rights values are constitutionally guaranteed, that the police is at the service of its citizens and that therefore police officers are committed to certain rules of professional conduct when it comes to the execution of typical functions (e.g. investigation, detention, the use of physical force or arms), the interaction with people (i.e. indiscriminate, regardless of social background or ethnicity) and the handling of emergency situations. Co-authorship by experts from the Human Rights Commission, the MIA's Education Division, the MIA's B. Baysenov Academy and the Bolashak University's faculty of law; as well as translation of all outputs from Russian into Kazakh language aimed at acceptance and widespread use of the training manuals.



Human Rights Training Manual
(Student Edition)

3. Training of Trainers

The Tajik tutor colleagues whom trainees met during their first study visit estimated that following the introduction of dedicated training the amount of human rights violations committed by police officers had dropped by one third. Accordingly, exposure to international experience through a combination of study visits (Tajikistan, Denmark) and workshops was meant to generate an informed perspective among potential training manual authors and trainers, which was seen as a precondition for ensuring the provision of good quality human rights training in the future. Information obtained during study tours (lectures, literature, manuals) was foreseen to inspire structure and content of the future training manuals and to provide faculty staff with practical examples of training techniques. The suggestion who would contribute as co-author to the manuals was also based on BHR's observation of the performance and interaction of study tour participants.

The workshop scheme was agreed among implementation partners during a Round Table, which served to clarify the purpose of the training

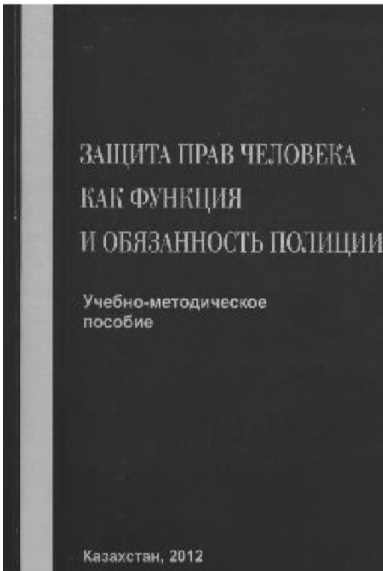
for faculty members: workshops were designed (1) to familiarize future human rights trainers with the specific topics covered by the future training manuals and (2) to introduce trainees to the application of new, interactive training methods and tools. During a typical workshop's first day the manual's co-authors presented the subjects: history/background of human rights; human rights protection as function and duty of the police; respecting human rights during criminal investigation. For the second day, trainees were asked (i) to prepare in groups for presenting themselves one of the other topics covered by the training manual and (ii) to do so by choosing from a range of interactive presentation techniques and tools previously demonstrated and made available by trainers.

(ii) Effectiveness

The project's final narrative report describes a generally successful project, making the modest claim that the project's objective was met to 70%. As a matter of fact, the project completed all of its scheduled activities within the extended project implementation period. However, at the time of the evaluation visit, courses based on the project's training manual outputs were still not offered by higher training institutions for future Kazakh police officers. Five months after the project closing date, the project's ambition to contribute towards improved human rights protection remains partly unachieved.

Apart from a two-month extension further changes occurred, though without affecting the project's implementation progress:

- a transfer of the project coordinator role was executed smoothly on the basis of internal arrangements (among BHR staff, due to maternity leave);
- faculty members of two MIA academies in Aktobe and Kostanay (previously under the responsibility of the Ministry of Justice) were added to the project's target group (cf. district map above).



Human Rights Training Manual
(Tutor's Methodology Edition)

1. Consultations

Introductory discussions held at the outset of the project to develop a strategic action plan were concluded successfully, with the partnership agreeing (1) to work towards mandatory introduction of human rights education by all academies training future police officers by September 2012 and (2) to draft jointly human rights training materials including contributions by experts from the Ministry of the Interior and the Human Rights Commission.

However, the MIA's input to the training manuals took more time than anticipated. As there was a serious risk that the workshops (planned to train future trainers on the content and use of the manuals) could not be held, BHR took initiative and organized an additional "roundtable" to clarify the purpose of the workshops and to once more commit the partnership to timely delivery of their contributions.

2. Curriculum Development

Under the coordination and editorial leadership of BHR two versions of the training manual were completed. While the student version of the manual introduces police practice to the human rights perspective, the version for faculty staff includes additional recommendations on the application of interactive teaching methods.

Despite the above-mentioned significant delays at input level the project with these manuals ensured that relevant information will be readily available, once the human rights subject will be included into the country's police academy curriculum. Given the range of the below listed topics, evaluators assume that the new material will effectively generate an informed human rights perspective among future police officers:

- Introduction to history and background of human rights;
- Police interaction with the civil society;
- Police investigation, with particular respect to human rights;
- Detention - actions by the police and process;
- Use of fire arms and physical force by police officers;
- Police interaction with vulnerable / marginalized people;
- Emergency situations - actions by the police and process.

All activities that were foreseen to follow the editorial work on the manuals' content were carried out according to plan, but - as a consequence of the late completion of the writing process - their implementation was delayed. The manuals were translated into Kazakh language, and the numbers of copies produced exceeded by far the 1,000 copies (100 for academic personnel, 900 for students) initially planned in the project document: altogether, 2,600 copies were printed (650 Russian and 650 Kazakh copies of the tutor and student versions each). BHR together with contributing experts announced the publication and presented the manuals during a press conference, held in Astana in April 2012 on the occasion of a workshop.

3. Training of Trainers

As planned, two study tours to Tajikistan and Denmark involved 10 participants each. Following UNDEF's approval, workshops were organized for 60 participants in the course of the project's two-month no-cost extension period.

Participants told evaluators they were impressed by the strong commitment to human rights protection as an integral element of the education for Tajikistan's future police officers, saying that their meetings with police officers, prosecutors, judges, and human rights advocates provided them with interesting examples from a country which had previously benefitted from a similar project (supported by the Danish Institute for Human Rights). This and other feedback made the project popular, and competition to participate in the second study tour (to Denmark) reportedly became tough.



Group work, study visit to Denmark
(June 2011)

With the objective of the study tours in mind, BHR successfully insisted vis-à-vis its implementation partners to involve the same group of participants in the second visit, which included a series of human rights

seminars at the Danish Institute for Human Rights, and meetings at a Copenhagen police station, a pre-trial detention facility and the Danish National Police Academy. In interviews evaluators confirmed that the study tours effectively provided the participating trainees with the inspiration needed to develop the structure and contents of the training manuals. Participants once more were impressed with the extent to which the human rights discipline had evolved, and expressed their appreciation for the transparent way in which tutors discussed Danish human rights issues and provided them with useful experience.

Two-day workshops were held as planned in three locations to train future human rights tutors on methodology and content of the new manuals. Like the participants of the study tours, the workshops' trainees were selected by BHR's implementing partners. When the Financial Police Academy in Astana nominated five instead of the expected twenty trainees, BHR invited and obtained confirmation of five trainees from the newly introduced beneficiary institution in Aktobe. While ten participants from the MIA Academy in Kostanay were included similarly in the Almaty-based workshop, the envisaged participation of 20 trainees could be secured from the MIA Academy in Karaganda, bringing the total number of trained trainers to 50 (planned: 60).



Workshop participants in Almaty
- May 2012

While human rights information was absorbed with great interest, interactive training methods proved a novelty more difficult to promote. When tasked to present some of the new material themselves, it emerged quickly that workshop participants had a strong preference for traditional lecture-style teaching. The grantee accordingly adjusted the task, removing traditional teaching as an option and providing more information on the very few techniques (e.g. role-play, assignments for individuals/groups, discussion) and tools (e.g. flip chart, PowerPoint, video) that are needed to realize interactive teaching.

(iii) Efficiency¹⁷

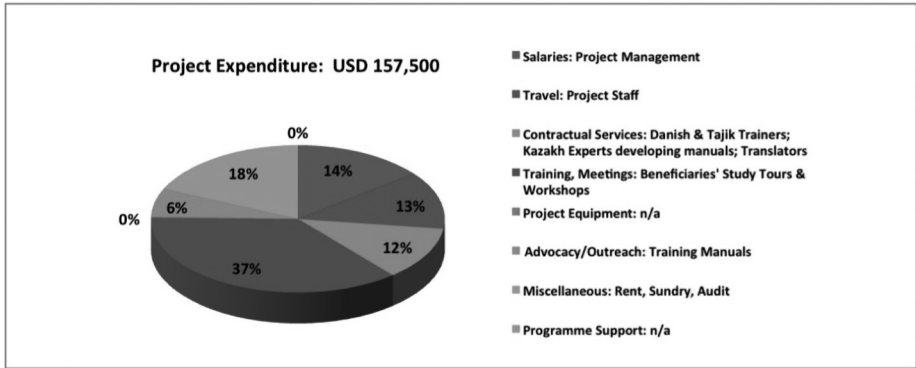
Activities generating an up-to-date human rights perspective among potential training manual authors and future trainers (e.g. study tours, workshops) and the development and publication of appropriate training materials (involving national expertise, translation and printing) represented by the project's principal focus. Accordingly, 54.6% of the budget was reserved for expenditure related to trainings/meetings (36.5%), contractual services (11.7%) and advocacy/outreach (6.4%). Breaking the amount spent for above activities (USD 85,900)¹⁸ over the total number of 72 direct beneficiaries¹⁹ provides a high average cost of approximately USD 1,193 per beneficiary. Including 900 police officer candidates (i.e. the number of students expected to be trained every year) as indirect beneficiaries would, however, lower the average cost per beneficiary to USD 88.40. In other words, implementation partners must rush to fulfill their commitment to introduce human rights training into the curricula of their higher educational institutions. Otherwise the course material risks to become outdated²⁰ and the potential benefit of a highly efficient project conduct could be lost.

¹⁷Quantitative assessments made in this section are based on the total amount of project expenditure, which excludes the budget amount reserved for evaluation by UNDEF.

¹⁸Expenditure budgeted for project management (i.e. salaries) is not included in this percentages/amounts.

¹⁹This figure includes 22 study tour participants and 50 trained trainers (i.e. national experts / potential contributors to the manuals and future trainers).

²⁰During interviews beneficiaries recurrently noted to evaluators the need for annual updates, to ensure that pace with ongoing revisions in relevant national laws.



The nominal unit cost of the training manual amounts to USD 3.85 (2,600 copies printed), which is significantly lower than the budgeted USD 10 per copy (1,000 copies planned), thus providing further evidence of efficient project conduct.

BHR and the partnership incurred no expenses for equipment or program support. Given the extent of logistics required to run and coordinate the project across three locations in a country of the size of Kazakhstan, the expenses allocated for travel (12.7%) and miscellaneous purposes (18.3% covering e.g. office rent, sundry and audit) appear reasonable.

(iv) Impact

Weaknesses in the grantee's approach to data collection limit the evaluators' analysis of impact to a review of anecdotes. Further to the absence of a representative survey for baseline purposes, BHR did also not undertake a systematic survey to study the project's impact of the study tours or the workshops on its direct beneficiaries. The grantee's assessment of the workshops was limited to the collection of «+/-» feedback from the participants. Among the positively rated workshop aspects were: questions answered, new information and material provided, and the opportunity to learn new methodological approaches and to make new friends. Suggestions for improvement included the use of more advanced

video materials and the availability of more international documents, audio-visual materials, including PowerPoint presentations, in Kazakh language.

On the basis of interviews held with 2 implementing partner representatives, 5 academic staff (3 contributors/trainers and 2 trainees) and the head of BHR's educational center evaluators have independently formed the view that the project generated positive effects. Selected anecdotes are provided below.²¹ They are grouped along some of the key issues identified in the grantee's initial contextual analysis (= baseline, cf. section on relevance) to demonstrate how the project changed the human rights perspective among faculty staff and to indicate potential impact on students in the future. As indicated in the project's final narrative report, these examples demonstrate that the grantee was successful in providing a response to the baseline situation. However, implementation partners still have to live up to their commitment, which is the mandatory provision of human rights courses by all of Kazakhstan's police academies, to enable the project to realize ultimate impact on the country's human rights situation.

Unavailability of training methodology for teachers and of human rights manuals for students

Two members of the *Human Rights Commission's expert committee* confirmed in separate reviews that the issues covered by the new training manuals were critical to ensure that human rights of individual citizens in Kazakhstan will be respected by the police. According to their assessments, the manuals will provide students with a better understanding of the importance of the international standards for the development of civil society and rule of law, "[...] the protection of which is inextricably linked to the professional activities of law enforcement agencies." Furthermore, a Human Rights Committee representative mentioned to evaluators that the project's output inspired him to suggest the addition/development of a practical pocket-size reference book for citizens, in order to facilitate awareness raising about individual human rights also among members of the civil society.

²¹In line with current development practice, an effort was made to identify recent anecdotes or to obtain, where possible, details of relevance

For the *head of BHR's educational center*, chief editor of the manuals and workshop trainer promoting the interactive training method, the workshops and study tours were an “[...] eye opener, which took the staff of the faculties out of their academic isolation.” It is his view that active involvement drew participants into empowerment and inspiration, as they felt that they were contributing to the creation of something new. Convinced that the project generated new values among its trainees, he said that they left the training owning the idea that dedicated human rights courses must be held. He also highlighted the particular significance of the first-ever publication of training material in Kazakh for the standardization of human rights terminology. Given the complexity of the Kazakh language, which frequently offers a variety of meanings for one and the same word, it was important to establish certainty about correct ways of expressing human rights rules and concerns. Therefore the manuals have now also established a standard reference, enabling the future comparison with and translation from Russian and other foreign language human rights sources.

Acquisition of knowledge and experience as pre-condition for quality human rights training

A project participant, *co-author of the manuals and trainer in the workshops*, said, “[...] in general, police officers in Kazakhstan consider human rights to be an obstacle for performing their duties.” He therefore chose to teach human rights using interactive and participative methods, putting students in the shoes of those whose rights were usually violated. “It was the project that made me discover and apply new concepts and methods of teaching, which complement my traditional academic style.” He used the example of the Milgram experiment during the workshops to demonstrate how easily people obey to an authority figure which instructs them to perform acts that conflict with their personal conscience. The experiment established that human rights standards should guide the work of higher police officers, thus helping them to make a distinction between appropriate and inadmissible actions. The presentation of the Milgram experiment reportedly had a very positive effect on and was welcomed by workshop participants. Given this feedback, the trainer expects a similar impact on future police officers who will be trained on the basis of the manual.

A tutor of the MIA Academy in Almaty trained by the project highly appreciated the study visits and the workshop organized by BHR. As far as the workshop is concerned, he praised the opportunity to experience the methodological approach of interactive teaching, which he said he started to apply after the training, even in courses not directly related to the human rights subject. In addition, he told evaluators

that his participation in the study trip to Denmark inspired him to make extensive use of anecdotes, examples and literature he was provided with by the project.

“Human Rights” course provision mandatory for police academies

A future human rights trainer, a *tutor of the Financial Police Academy in Astana* who previously taught international law, characterized the project as an important milestone in her career. After her participation in the human rights workshop she was given the opportunity to start teaching human rights in the framework of an advanced training for law-enforcement professionals. From the semester starting in February 2013, she will also start to run human rights courses as part of the Financial Academy’s Bachelor’s program. She added that the inclusion of the materials and manuals she obtained from the project into the Academy’s library was publicly announced and that the new material already shows heavy signs of wear due to frequent consultation and research by students in preparation for their exams and dissertations.

The stories gathered demonstrate that the project’s outputs generated an informed human rights perspective and ownership of innovative training approaches among faculty staff. Most notably, since the project’s completion beneficiaries have put additional efforts, applying the new skills and knowledge acquired in the context of their current teaching across a variety of disciplines and subjects, as and when appropriate. However, at the time of the evaluation visit, solely the Academy of the Financial Police in Astana appeared set to fulfill the initial commitment to launch human rights courses for future police officers under the Bachelor’s degree program.

(v) Sustainability

Five months after project completion, evaluators came across a number of issues that risk undermining the sustainability of the project’s results. The project’s design expected acceptance of the project’s outputs, which turned out to be a risky assumption in an environment where the violation of human rights by the police is still a practical reality. While the project’s achievements are not to be disputed, there is a potential risk that the efforts and fruits of the work of the implementing partners will become

out of date if not exploited soon:

1. The provision of “Human Rights education” is still not mandatory for police academies

Interviews conducted at the time of the evaluation visit revealed that Kazakhstan’s higher educational institutions assigned with the training of future police officers were still not obliged to hold the 45-hour human rights course, which tutors and training materials had been prepared for by the project. According to the grantee’s final narrative report, the plan agreed during the project’s initial consultation phase was to establish human rights as an obligatory discipline for MIA police academies by September 2012. Among the motivations for a simultaneous launch at all four MIA academies (rather than the conduct of a pilot at an individual institution) was the need for a critical mass of feedback and recommendations from new tutors’ experience, in order to guide future revisions of the manuals.

BHR’s ambition was to establish human rights as a mandatory discipline, which would exclude higher educational institutions from the option to offer the subject as an elected or special discipline only. The rationale behind this approach was that students are required to successfully pass exams for all mandatory disciplines to obtain their degree. The MIA’s Department for Educational and Methodological Matters submitted its application for approval of the new, mandatory, discipline to the Ministry of Education upon completion of the manual drafting process.

It now appears that the implementation partnership faces an unexpected obstacle in the Ministry of Education, which to date has neither approved nor given its view on the project’s outputs. The Ministry however, which is the line authority for all aspects of higher education, was included in the initial consultations and did not object to the time plan. Interview partners presented evaluators with a variety of reasons for the delay caused by the Ministry of Education. These ranged from (i) a fundamental, yet not fully implemented change in the rules governing the procedure for approval and introduction of new mandatory disciplines, and (ii) the possibility

that the Ministry's staff currently prepares human rights manuals and course guidelines more aligned with its own vision and preferences; to (iii) the likelihood of a politically motivated standstill with the aim to simply prevent or delay the introduction of the new discipline.

Notwithstanding the above the Secretary of the Human Rights Commission under the President of Kazakhstan, on the basis of independent reviews (c.f. impact section above) expressed his conviction of the high educational value of the manuals and his appreciation for the work completed under the guidance of BHR. With tutors well prepared and academy managements well aware of the oncoming introduction of the new mandatory discipline, he indicated that the Commission was in the process of addressing both the Ministry of Education and the MIA to investigate possible ways to expedite the approval procedure. This being said, the Commission's secretary was confident that courses using the project's manuals could be expected to launch either by the academic mid-term or autumn semesters of 2013.

2. Only a fraction of the produced Human Rights Training Manuals were distributed

Given the above, only a limited number of the new manuals are currently in use. BHR withheld the textbooks pending the launch of the new human rights courses. For the time being, each beneficiary institution has obtained a limited number of 50 copies. Former project trainers and trainees confirmed that the manual inspires their current teaching methods and that they make use of its content as and when appropriate, e.g. in optional human rights courses held at the MIA Academy in Karaganda. They also reported that other faculty staff was eager to access and absorb the contents of the new textbooks. However, in the absence of the Ministry of Education's approval, none of the 1,600 student copies has been disseminated yet.

3. Police officers already on duty do currently not benefit

The existing two-week (72 hours) advanced training for officers with academic degree includes human rights training, but currently does not

consider the project's output. It is the MIA's intention to review and consolidate the advanced training only once the mandatory course has been approved.

4. The mechanism/modalities for updates of the manuals remain to be confirmed

BHR has started to consider funding options to ensure the training material can be kept up to date. As the current situation provides no certainty as to whether the Ministry of Education would provide such funding, the grantee intends to apply for OSCE funding. The organization already provides financial support for BHR's human rights program addressing secondary-level special institutions.

(vi) UNDEF Value Added

The fact that the MIA, one of Kazakhstan's institutions the least open to public control, collaborated in this project with the leading human rights NGO in Kazakhstan, is a remarkable achievement, in particular as the relationship between these organizations used to be tense. Just a few months ahead of the project's start, the former director of BHR was sentenced to 4 years of prison, in what was seen as a politically motivated, unfair trial. In such a scenario, it appears strongly unlikely that the cooperation with the MIA would have been possible without the backing of UNDEF. The government of Kazakhstan assigns importance to its international reputation, and engagement in projects of the present kind certainly helps to improve its image vis-à-vis the international community.

UNDEF financing has also provided BHR with leverage in its future efforts for the realization of the project's ultimate impact. Should the human rights course by September 2013 still not have been introduced to the police academies' curriculum, BHR intends to pursue notification to the UN through the mechanism of the annual review of the human rights situation in Kazakhstan.

V. CONCLUSIONS

i. We found that exposure to international experience through a combination of study visits and workshops was appropriate to facilitate the generation of an informed and up-to-date human rights perspective, both among authors of the training manual and the future tutors. Our findings related to the concept of the training manuals for future tutors and students show that these were designed to ensure that graduates will dispose of the consolidated knowledge necessary to execute their duties, both in accordance with practical needs and international human rights standards. We therefore conclude that the **project's design was relevant** to provide a direct solution to the absence of good quality, practitioner-oriented, Kazakh-language human rights education.

ii. Although we found delays in the process of training materials preparation, which put the subsequently planned workshops initially at a serious risk, the grantee managed to complete all scheduled project activities within the extended project implementation period. This accomplishment, together with the opportunity provided for exchange of practical experience in the course of international study visits and the range of topics covered in the workshops and training materials, lead us to the conclusion that the project's implementation partnership made an **effective, if not essential, contribution towards the inclusion of the human rights subject into the country's future police academy curriculum.**

iii. We have already found benefiting faculty staff making efforts to apply their new skills and knowledge in their current teaching, across a variety of disciplines and subjects. This notably includes the extensive use of anecdotes, examples and literature provided by the project and of the suggested methodological approach of interactive teaching. These signs of improvement and change, as well as the conclusion that the frequent consultation of the new human rights manuals made available to students

at the library of the Financial Police Academy in Astana is an example of how the project already feeds into research and dissertation work of future police officers, demonstrate the **potential impact** of the project.

iv. These conclusions on impact were drawn from testimonials, which we have gathered among beneficiaries. Regrettably, neither results-oriented monitoring documentation demonstrating progress in relation to the grantee's contextual analysis, nor data assessing the likely impact prospects generated by the project was collected by the grantee.

v. In terms of the project's efficiency, the cumulative expenditure for trainings/meetings, contractual services and advocacy/outreach results in a high average unit cost of USD 1,193 per beneficiary. As we found the project struggling to achieve its ultimate impact, which is the mandatory provision of human rights courses by all of Kazakhstan's police academies, the project's 900 indirect beneficiaries at this point cannot be taken into consideration. Therefore the **potential benefit of efficient project conduct is at risk**. If the project's outputs came to use in the very near future, the average cost per beneficiary would decrease to USD 88.40.

vi. Five months after the project closing date courses based on the project's outputs were still not offered by higher training institutions for future Kazakh police officers. The Ministry of Education to date has neither approved nor given its view on the project's outputs, which puts the **sustainability of the project's outcomes at risk**. Given that the line authority for higher education did neither veto the objectives nor the time plan during the project's initial consultations, we conclude that the grantee and its implementing partners did not foresee and maintain ongoing communication and coordination with the Ministry of Education to secure its timely (and political) approval. As a result, there is no clear perspective as to when human rights training will become a mandatory discipline for Kazakhstan's police academies and by when beneficiaries can make use of the 2,600 copies of the training manual produced by BHR.

VI. RECOMMENDATIONS

To strengthen the outcome and similar projects in the future, evaluators recommend to UNDEF and project grantees:

i. The pertinence of the project's design and effectiveness is among others owed to the fact that one of the two study tours targeted Tajikistan, where participants were put in a position to observe the recent progress the Tajik police made with observing human rights following the completion of a similar project. **In accordance with our findings on relevance and effectiveness, we therefore recommend to UNDEF** to encourage applicants planning the conduct of study visits to ensure that these will expose beneficiaries to countries which have recently applied comparable measures in a similar development context.

ii. As long as the Ministry of Education withholds its approval, the transfer of the newly acquired knowledge is at stake, rendering the project's intention to contribute to the country's future police academy curriculum useless. **Based on our observations on effectiveness, we therefore recommend to the grantee** to remind the approving authority that integration of the present project's training manuals into the curriculum of higher education institutions was already recommended by the Human Rights Commission in its "Report on the Human Rights Situation" in 2011, which was approved by the President of the Republic in May 2012 (resolution No 32-42.157).²²

iii. Since the large majority of current police academy students lack timely and unrestricted access to the new human rights training manuals, there could be also a loss of the potentially efficient project conduct. **In accordance with our findings on efficiency, we therefore recommend to the grantee** to make the approval authority aware that evaluators have noted the project's consistency with government policy, as well as the

²²Human Rights Commission under the President of the Republic of Kazakhstan, Report on the Human Rights Situation in the Republic of Kazakhstan in 2011, Recommendation No. 2, p. 81.

Human Rights Commission Secretary's expectation that courses using the project's manuals are likely to launch either by the academic mid-term or autumn semesters of 2013.

iv. The absence of progress monitoring in relation to the grantee's initial contextual analysis not only significantly reduces the possibility to measure the impact of UNDEF-funded operations, it may well be also one of the reasons why the project is now struggling to achieve its ultimate impact. Based on our comments on impact, we highlight the usefulness of continuous, systematic progress monitoring to identify necessary corrective actions and remaining (or new) needs. **We therefore believe that it is essential and recommend to the grantee** to conduct interviews throughout (at key stages/milestones) and after completion of a project, not only with beneficiaries but also with all stakeholders involved in or concerned by the project. Covering project achievements systematically (i.e. progress/change compared to outcome of the initial contextual analysis) will improve BHR's impact assessment in quantitative and qualitative terms and thus enhance the organization's strategic objectives. This may also help the grantee to attract new donors and implementing partners for an expansion of the original project.

v. **Based on the above we recommend to UNDEF** to become more explicit vis-à-vis applicants about the benefits of generating and using comparative survey data (baseline vs. outcome). We suggest that you consider that applications including solid survey approaches will be given preference.

vi. In relation to our conclusion that that the grantee and its implementing partners did not foresee and maintain ongoing communication and coordination with the Ministry of Education to secure approval, we believe that it is of utmost importance for democracy development projects to include and continuously involve all stakeholders concerned by the introduction of previously unavailable knowledge and skills. This applies in particular to CSO projects requiring cooperation with multiple central government institutions, as it ensures continuous consultation

and thus a process more likely to identify practical or administrative challenges. **Based on our observations on sustainability, we therefore recommend to the grantee and to UNDEF** to ensure that future project applications include specific measures promoting cooperation and ownership in case the acceptance of project deliverables is of concern to multiple government institutions, notably through a project design applying an inclusive partnership approach, to the extent possible, that continuously involves all stakeholders concerned in the project's implementation.

UNDEF 4th Round Project: “Protect the Environmental Rights and Justice of the Public”

Evaluation Report

Dan Guttman¹ Xia Kunbao²

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¹Project Consultant

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Acronyms

ACEF	All-China Environment Federation
CLAPV	Center for Legal Assistance to Pollution Victims
CSOs	civil society organizations
EPB	Environmental Protection Bureau
PIL	public interest litigation
UNDEF	United Nations Democracy Fund
UNDP	United Nations Development Programme

I. Introduction

A. Background

The United Nations Democracy Fund (UNDEF), All China Environmental Federation (ACEF), and United Nations Development Programme (UNDP) signed the project document (Project No. UNDF-CPR-O9-320) on 2 December 2010, and agreed to implement a UNDEF 4th Round project entitled “Protect the Environmental Rights and Justice of the Public” from 1 January 2011 to 31 December 2012. The project was supported by UNDEF with a total funding of 37500 USD, with ACEF as the Implementing Agency and UNDP as the Executing Agency.

The All-China Environment Federation (ACEF), established in 2005, is a nationwide non-profit civil society organization (CSO) in the field of the environment, and is supported by the government. It is composed of CSOs and individuals who are enthusiastic about and support environmental protection and are willing to work for it. The objective of ACEF is to serve as a bridge between the government and the public in implementing the sustainable development strategy, achieving national objectives on environment and development, and protecting the environmental rights of the public. By fully utilizing its organizational advantage, ACEF aims to promote environmental protection and sustainable development in China and the world at large.

UNDP promotes sustainable human development to help build resilient nations and to empower people to build better lives. As the UN's development network, UNDP draws on world-wide experience to assist China both in developing solutions to its own ongoing development challenges, and in its south-south cooperation and engagement in global development.

The environmental challenges faced by China need little introduction. In its remarkable economic rise, China has become the workplace for the world, fueling global development as well as its own. The environmental costs of economic development include:

- 1) China's water resources, limited by nature on both a per capita and regional bases, are in critical peril from overuse, and industrial and agricultural pollution;
- 2) China's air quality is daily challenged by reliance on coal as primary fuel, increased auto use and continued construction;

- 3) The pervasive, often long term latent effects of the use of heavy metals, and accumulations of solid waste;
- 4) Ecological degradation such as desertification, deforestation, and loss of biodiversity.

These environmental challenges are, in turn, set in a context of governance challenges.

- China has many environmental laws, regulations and standards, but their enforcement is weak, especially by industries at the local level;
- Public Interest litigation (PIL) is new to China; at the time the project began, there were a few environmental tribunals, but the numbers of cases were small
- Environmental Civil Society Organizations (CSOs) as a means to engage citizens in environmental protection face many difficulties, including lack of financial resources, lack of an adequate enabling legislative framework, and limited availability of lawyers who will volunteer for environmental legal aid (in the absence of fees).

The challenge of reconciling economic development and environmental goals as China develops is well known to be a deep one.

B. Evaluation Approach

In performing this evaluation, the authors reviewed the Project Document and materials and information provided by ACEF and UNDP related to the project implementation, discussed questions with ACEF staff, drew on their experience attending project activities, and reviewed further relevant materials on China's environment and environmental governance.

The evaluation of this project presents some basic challenges.

First, in general, projects directed at improving "governance" may be evaluated at many levels, with related difficulties and potential rewards. Much governance evaluation focuses on what might be called "outputs"- for example, the numbers of reports produced, the numbers of recommendations that result in policies, the numbers of cases decided, investigations conducted, workshops held, or the numbers of citizens whose complaints were responded to.

In this case, this project called on ACEF/UNDP to create a handbook on the protection of the environmental rights of the public, to engage in legal aid on 20

cases, to propose environmental policy and law reforms, and to do lawyer training. As we will discuss in Part II and III, by these measures (performance of surveys, publication of the handbook, legal aid in twenty cases, training 80 lawyers, as examples), the project goals were met. However, these accomplishments do not yet tell us fully the deeper effects (sometimes called “outcomes”) of the project on producing desired change.³

Moreover, in this project the basic objectives were at least three fold. The primary objectives included: (a) increasing public awareness of environmental rights; (b) influencing policy change and gaining support for establishing an environmental PIL system; (c) protecting the rights of the public to a clean environment as an important part of human rights, and contributing to the democratization process in China. In each case, evaluation involves further levels of consideration.

In regard to the evaluation of progress on environmental law, it may be easy to get measures on the numbers of cases that have been brought or decided; or the numbers of penalties that have been assessed, and their amounts (as we will do in regard to the cases of legal aid related to this project.) However, deeper questions include, as examples:

Did the decisions or penalties in each case effect only the case at hand or have broader effects in improved compliance with the law? If so, did improved compliance with the law result in improvement in environmental quality, as measured by pollution indices for example? And did improved environmental quality result in improvement in human and further life? And, in any case, were the time and money spent on the cases used well in comparison with alternative uses of the resources?

In relation to environmental awareness, as the literature discusses, environmental awareness is a multidimensional concept. For example, the “naming, blaming, claiming” framework distinguishes levels of awareness:²

In relation to environmental awareness, as the literature discusses, environmental awareness is a multidimensional concept. For example, the “naming, blaming, claiming” framework distinguishes levels of

³See, generally, Oran R. Young: *On Environmental Governance: Sustainability, Efficiency, and Equity*: (Paradigm: 2012).

awareness:²

-- a citizen may be aware he or she is not healthy, but may not be aware that the source of poor health comes from environmental pollution (as opposed, for example, to the citizen's own conduct or bad luck);

-- a citizen may be aware that the health problem comes from environmental pollution, but may not know the source(s);

-- a citizen may know the source(s) but not know how to take action to protect himself/herself-or may know but lack the resources to take action.

Similarly, the literature on risk perception explains that awareness may be high but erroneous; citizens may think they have awareness of environmental pollution, but, when measured by relevant expertise, the perceptions of risk may be in error.

In short, awareness is essential for citizen action to protect the environment, but the relation between awareness and useful action to protect the environment may not be simple.

The same is the case with the related questions of the evaluation of "capacity building". Training sessions can be conducted and, by the measure of numbers of those trained, the training may be evaluated as successful. However, the impact of the training-the numbers of participants who took action based on it, who took action that was well founded, and who took action that had impact (and the effects of that impact) -- is much more difficult.

In sum, governance evaluations may show excellent performance by some measures, but may omit the most important measures of real world effect. There is a value to the use of multiple measures. In Part II, this evaluation focuses on what might be called "output" measures; in Part III we try to reflect more deeply on the impact (or "outcome") of the project efforts. The focus will be on lessons learned that may be the basis for future action and continued progress.

²William Felsteiner, Richard Abel, Austin Sara, "The Emergence and Transformation of Disputes: Naming, Blaming, Claiming", 15 *Law and Society Review* 631 (1981) (reprinted in John J. Bonsignore et al. (eds.) *Before the Law: An Introduction to the Legal Process* (Boston: Houghton-Mifflin, 4th ed., 1989); Benjamin van Rooij; "The People v. Pollution: Understanding citizen action against pollution in China," *Journal of Contemporary China*, 19:63; 55-77 (2010) (applying Felstiner et al to citizen environmental action in China context).

C. Project Strategy

What is to be evaluated? We used the basic agreement between UNDP/ACEF and UNDEF reflected in the Project Document as our guide. The Document provides a “strategy” for the project and the specific activities to be conducted.

1. Strategy

The Project Document states that the strategy of the project is to:

- raise public environmental awareness;
- influence policy change, gain support from the government for the legislation on liability and compensation for damages caused by environmental pollution and ecological degradation, and for establishing an environmental PIL system and environmental tribunals; and
- to provide legal aid to the victims of environmental damages, thus protecting the rights of the public to a clean environment, an important part of human rights, and contributing to the democratization process in China.

2. Implementation steps

The Project Document also states the steps to implement the strategy:

- a baseline survey to collect data related to project objectives and activities;
- to raise public awareness, printed and video materials to be produced, including a handbook with 5000 copies to be distributed widely, especially to pollution victims and vulnerable groups, producing and broadcasting TV programs, and disseminating information on the ACEF website and websites of other organizations;
- legal aid, including providing legal aid in 20 cases, developing environmental tribunals and training lawyers;
- legislative policy proposals on an environmental PIL system and on liability and compensation for environmental damages;
- survey of public opinion towards the end of the project.

The Project Document recognizes that risk factors include the difficulties in filing environmental lawsuits in China, including the absence of the right of CSOs to appear in court on behalf of the public interest and the uncertainties of the legislative process.

II. Review of the Project Outputs

In this section we summarize activities undertaken to implement the project. As explained in the Part One discussion of “Evaluation,” this section may be said to focus, though not exclusively so, on more readily available “output” measures- surveys conducted, publications produced, legislative proposals made, TV programmes developed, number of legal assistance cases conducted and lawyers trained.

A. Baseline Survey Reports

In 2010, prior to project implementation, ACEF conducted a baseline survey on the public awareness of, and opinion about, environmental conditions, environmental rights, and the protection of environmental rights; In 2012, towards the end of the project, a followup survey was conducted. The surveys relied on the posting of a questionnaire on an environmental discussion website and the distribution of questionnaire in hard copies. 3822 and 1567 responses were received, respectively, from the 1st and 2nd survey.

The survey results should be viewed with the sample population in mind. Since the bulk of the responses were from the website focused on environmental issues, it must be presumed that the sample population was self-selected from a (website) group already focused on the environment. Primary results of the surveys include:

1. The first survey found that a majority of respondents have heard of the concept of environmental rights, though 42.84% have heard of it but do not know details.
2. In the first survey, 20.29% of the respondents said they would take

all necessary measures to protect their environmental rights; in the second the percentage was 30.4%.

3. In the second survey 56.2% of the respondents reported they had had some experiences in the protection of their environmental rights, compared to 22.2% in the first survey.
4. Regarding the methods to be used to protect environmental rights, 13.08% of the respondents said they prefer seeking assistance from lawyers and settling the case through litigation while in the second survey, the number was 25%. However the public has limited knowledge about Public Interest Litigation (PIL). In the second survey, only 3.5% of the respondents knew about PIL and 37.2% have heard of the term.
5. 65.9% of the respondents acknowledged the role of the CSOs in the protection of environmental rights in the second survey, while the number was 34.07% in the first survey.

B. Educational Materials and Media

The Project Document provided that a Handbook on the Protection of the Environmental Rights was to be produced. This was done, and 6000 copies were distributed. The Handbook has been translated into English and is available in hardcopy and the web. The Handbook should have a sustaining role in increasing citizen environmental rights awareness and capacity.

In addition, ACEF also worked with media in publicizing, and thereby helping to address, cases resulting from citizen complaints. 10 TV programmes on the protection of environmental rights were produced and broadcasted.

C. Policy/Legislative Development

The Project Document called on ACEF to help promote the development of the environmental PIL system through the promotion of amendments to existing law.

Towards this end, three expert workshops were conducted and expert analyses commissioned and six legislative proposals were produced and provided to China's top legislature, the National People's Congress. The proposals focused on amendments to the Civil Procedure Law of the People's Republic of China, and the Environmental Protection Law of the People's Republic of China to include provisions on PIL.

In 2012, China revised its Civil Procedure Law (with an effective date of January, 2013). The law now includes a provision that states: "The institutions and related organizations provided by law can bring suits to the Peoples Court on violations of the public interests such as environmental damages and violation of consumers' legal rights and interests" (Article 55 of the revised Civil Procedure Law of China). This is a first step in the development of the China PIL system. The UNDEF project contributed to this progress. This is an outstanding outcome of the project.

The Environmental Protection Law is in the process of revision, and ACEF is making efforts to include a provision to clarify and render more readily operational the rights provided in the Civil Procedure Law amendment now in effect.

ACEF also worked in support of the development of environmental tribunals. This work included legislative proposals and two workshops on the establishment of environmental tribunals, which involved Presidents and senior judges of Intermediate Courts from 10 major cities. During the project's lifespan, the numbers of environmental tribunals have grown from 41 to over 90 (by year end 2012). ACEF contributed to this development through these activities. ACEF helped directly in the establishment of the Yubei District Environment Tribunal and the Wanzhou District Environmental Tribunal in Chongqing Municipality. Averagely ACEF handled 4 PIL cases with involvement of at least 4 judges every year. Since 2008, ACEF has worked in PIL cases with Environmental Tribunals in Wuxi City of Jiangsu Province, Guiyang Intermediate Court and Qingzhen City of Guizhou Province, Kunming

City of Yunnan Province, Haikou City of Hainan Province, and the Yubei District and Wanzhou District of Chongqing Municipality.

In 2011 a workshop was also organized to discuss the concept of “Environmental Public Interest Compensation Fund(s),” which would provide for appropriate distribution of compensation monies awarded to victims of environmental pollution. As a result of the workshop, in 2012 a proposal was produced and submitted to the National People’s Conference in March 2012. The proposal was transferred to the relevant legislative and government organs for consideration.

D. Legal Aid

Under the Project Document, legal aid was to be provided to 1000 victims in 20 cases of environmental damages. The project exceeded these targets.

(1) According to ACEF, legal aid was provided to thousands of victims in 24 cases in different cities and provinces. ACEF categorizes its efforts into three kinds of legal assistance work; litigation, mediation and supervision. In litigation, ACEF brings a case to court with ACEF as the plaintiff, with the result (settlement or decision) coming through court proceedings; In mediation, ACEF meets with parties to the dispute, and seeks to persuade them to settle the case through negotiation. Alternatively, when a case is brought to the court, the judge can try to persuade the two parties in the litigation to consult with each other and settle the case on mutually agreeable terms. Supervision refers to situations where settlement is sought outside of court with the potential involvement of ACEF investigation, media, central or local government assistance, and settlement negotiations.

Dingpa Paper Mill pollution case is a good example of a successful PIL case handled by ACEF. In January 2011, ACEF brought a lawsuit to Qingzhen City Environmental Tribunal against Dingpa Paper Mill in Wudang District, Guiyang City, Guizhou Province, which had polluted the environment. It was tried with ACEF as the plaintiff. After

the hearing, the tribunal announced its verdict, which supported all of ACEF's litigation claims. Dingpa Paper Mill was shut down. It is the first PIL won by a CSO in China.

An example of legal aid by mediation is the Haoyiduo Dairy Corporation pollution case. In October 2011, ACEF brought a lawsuit to the Environmental Tribunal of Qingzhen City against Haoyiduo Dairy Corporation Ltd in Guizhou Province for discharging waste water directly into the rivers, polluting the environment and impairing people's health. The case was settled through mediation by the tribunal with participation of ACEF and a local environmental CSO. The corporation stopped pollution and took pollution control measures under the supervision of Guiyang Public Environmental Education Center.

In the 24 cases under the Project, twenty have been settled, of which four were settled by litigation, eight by mediation and eight by supervision. The remaining four cases are pending, with related settlement efforts, including the Conoco Phillips Bohai Bay oil pollution case. The victims have been awarded 3.16 million CNY (about 508,000 USD) as compensation for their direct economic loss.

(2) The majority of all cases (and all litigated cases but for one) focused on water pollution. The water pollution litigation cases were based on ACEF presentation of evidence of noncompliance with relevant national standards (for example, for Chemical Oxygen Demand, Biological Oxygen Demand as found in the National Standards No. GB-3544-2008).

(3) Further cases settled by mediation and supervision involved mining, agricultural chemicals, waste gas, noise and powder.

(4) We discuss the Dingpa case and the open information case below)

- settlements including compensation for damage to fish, silkworms, and crops, and in which polluters were ordered to cease pollution.³

(5) While the cases may have involved impairment of human health, the cases generally did not involve claims for compensation for damage to human health. In general, the remedy sought in court was cleanup order (not compensation); in one case the request was for local government compliance with the information disclosure policy; In one case there was compensation (for silk worm damage), but the compensation decision was made by mediation, not court order.

(6) As discussed in Part III below, the cases also encountered difficulties, including:

- Difficulty in obtaining government certified experts to testify to/prove environmental damages;
- Difficulty in showing harm to human health;
- Difficulty in collecting and analyzing evidence in air pollution cases (as a most important pollution concern).

E. Promoting Information Disclosure

As a matter of special note, ACEF legal aid also included promoting information disclosure pursuant to the relevant regulations of the government, as contained in the Regulations on the Government Information Disclosure promulgated by the State Council and the Methods of Environmental Information Disclosure (for Trial Implementation) issued by SEPA in April 2007. [we should refer to the name of the policy] In December 2011, ACEF requested the Environmental Protection Bureau (EPB) of a county in Guizhou Province to provide information on pollution of a dairy company. The EPB did not provide the information within the time limit provided by law. ACEF sued the EPB for its violation of the law on disclosure. ACEF won the case. This is the first successful PIL case achieving court ordered disclosure of environmental information in China.

³ACEF reports that the task of ensuring that court ordered relief was followed through on was usually the job of the local Environmental Protection Bureau (EPB).

[I deleted the People's Daily sentence; we explain the Dingpa case is the first successful PIL case-and the open information comes after]

Following the case, in October 2012 the Ministry of Environmental Protection issued a Circular on the Strengthening of the Work on Environmental Information Disclosure in October 2012.

F. Volunteer Lawyer Training

According to the Project Document, 80 volunteer lawyers were to be trained under the project, through two training sessions. The lawyers were selected from web applicants. As a condition to participation, lawyers agreed to handle at least one case on a volunteer basis. As of yearend 2012, about 25% had done so.

The first training took place in Shanghai from 2 to 4 November 2011 on development of the environmental legal system, basic issues in environmental protection, methodologies in determination and assessment of environmental damages, and responsibilities of evidence proof in environmental litigation. The trainers included professors from 4 universities and legal experts from the East China Supervision Center of the Ministry of Environmental Protection and the China Institute of Environmental Planning. 44 volunteer lawyers from the East China region participated in the training. [Explanation for deletion; we don't have formal evaluations; in any case, the test is whether they volunteered-which we discuss elsewhere]

The second training took place in Beijing from 7 to 9 June 2012, focusing on development of Environmental Law in China, trends of development of environmental law enforcement, discussion on the revision of the Environmental Protection Law of China, risk prevention by lawyers in handling environmental cases, environmental information databases, evidence gathering and proof in environmental litigation cases, environmental public litigation in the US, the PIL system in China, and the role of negotiation in handling environmental cases. The

trainers include professors of law from 3 universities, and legal experts from Supreme People’s Court, ACEF and a law firm. 35 volunteer lawyers and representatives from 9 law firms participated in the training. [Explanation; again, the evaluation criteria is how many volunteer-which we say elsewhere]

III. Review of the Project Outcomes

In this section, in accord with the discussion of the evaluation criteria in Part I, we provide qualitative reflections on the results summarized in Part II.

A. Baseline Surveys

As discussed in Part II, the two baseline surveys conducted, one in 2010 and the other in 2012, addressed difficult topics - public awareness of the environment and environmental rights, government environmental protection capacity, government implementation of the law, and the state of environmental civil society development. As noted in Part II, the sample population’s nature limits the use of surveys. However, the survey results provide some information that indicate general levels of awareness on protection of environmental rights have been raised to a certain degree, to which this project has contributed to and it, can serve as a baseline for the development of subsequent surveys.

Policy and Legislative Development

As noted in Part II, ACEF efforts (in concert with others) to expand the Civil Procedure Law to include a provision on PIL system have been successful in gaining an amendment to the Law. This is an outstanding outcome of the project. However, at the same time, the wording of the amendment will require elaboration or interpretation to determine which CSOs can bring lawsuits as plaintiffs. Thus, the success in gaining the amendment also illuminates the roadmap for the path to be taken by ACEF and others seeking to promote environmental PIL.

1. The Implementation of the Amendment to the Civil Procedure Law

First, the success in the amendment indicates that ACEF may now act on multiple fronts to make the PIL a practical reality, ACEF can:

- continue to bring public interest suits to environmental tribunals (some of which recognized ACEF as public interest plaintiff in litigation prior to the law change)
- use the amendment to bring cases and establish civil society standing in common courts (in localities where there are no environmental law tribunals);
- continue to advocate-through expert advice and lobbying-for adequate clarification and implementation of the law-through amendment to the Environmental Protection Law, judicial interpretation and other appropriate means;
- seek to cooperate with local civil society organizations as joint plaintiffs to expand the scope of civil society organizations that may serve as plaintiffs

2. Further policy challenges

Second, the ACEF litigation experience under the project was similarly helpful in highlighting policy questions which need attention, and which ACEF may seek to address through some combination of new policy, interpretation of old policy and/or court decisions or interpretations. The policy challenges which have been identified include:

- the need for assurance that courts will properly apply the burden of proof already provided for by law itself;
- the need for assurance that there will be available certificated

- experts needed for proof of damages and compensation; and
- the provision of mechanisms to assure compensation that has been awarded by a court is received by those who are entitled to it.
- the need to make efforts to include a provision on the PIL system with more clearer terms in the Environmental Protection Law of China , which is in the process of revision.

B. Legal Aid

Under the project, legal aid was provided to over 50,000 victims in 24 cases in different cities and provinces. This outcome is more than what is required by the project.

China is vast and still rapidly developing. The numbers and variety of pollution cases extend well beyond the capacity of ACEF to help in all but a fraction of individual cases. Every effort to assist citizens is important, but ACEF must use its mounting experience to develop a strategy likely to assure that ACEF's resources are used most efficiently and with greatest impact on the capacity of citizens to act for themselves. The experience in this project, in tandem with further ACEF experience, may provide a useful guide to reflection on longer term strategy.

1. Pollution Sources: What strategy is best to focus resources efficiently among many high priorities?

The legal aid cases under the project show that while China has a broad array of environmental challenges, in practice legal aid is devoted to some of these concerns more so than others.

Most prominently, both air and water pollution are recognized as primary environmental priorities for China. However, attention and success related to this project dramatically differ between the two.

Water pollution was the focus of the majority of the cases, and nearly all

the litigation cases. Control of water pollution is a top priority for China, but so is control of air pollution (and control of heavy metals, solid waste and other pollutants).

Why were so few litigated cases addressed by the project focused on pollution other than water pollution? Why was water the prime focus for all cases? ACEF reports that the focus on water was possible because water pollution and its effects may be (relatively) easy to trace (pollution from a factory is emitted into a stream or river, for example), ACEF team has capacity to investigate the source and flow of the pollutants, to take samples and send to a laboratory for analysis.

ACEF reports that it receives complaints about air pollution, but they are not typically handled by litigation. Citizens can look to damaged trees (and leaves and fruits) and crops for evidence of air pollution. But ACEF reports that measurement of air pollution from cause (sources) to effects (damage) is difficult (pollution from a factory may be dispersed in many directions) and requires substantial expert and financial resources. The difficulties are compounded where as ACEF reports, in environmental litigation (1) the burden of proof is not applied according to law, and (2) a court requires certificated expert to prove cause and effect.

The project further indicates:

- successes in cases relate to mining are possible, though they were not obtained through litigation.
- success is less clear in relation to industrial heavy metals pollution, solid waste, and nonpoint pollution; for example, human or animal waste or agricultural pesticide runoff).

In sum, the experience in this project (and further ACEF work) suggests reflection and refinement of strategies:

- (1) In the case of water, ACEF achieves successes, but problems are omnipresent and ACEF resources limited. What can be done to maximize impact of water cases-to

make sure that success in one case or region may be basis for continued environmental protection in that region, and success elsewhere?

- (2) Air pollution cases are limited, in part by difficulties of evidence gathering for proof and expertise to testify on the evidence. What strategy can ACEF employ to test ways to success in identifying and addressing air pollution concerns?
- (3) Further key pollutants (e.g. heavy metals, solid waste) and pollutant sources (such as Mines). What does experience to date suggest about strategy in these areas?

2. What institutional factors and patterns provide clues to “what works and what does not?”

In addition to showing patterns related to pollution source, the legal aid experience under the project highlights “institutional factors” that help make law work and some that do not. For example:

- (1) The cases show that some laws, regulations and standards may be effectively used, and how they may be used. In the water cases, for example, measurements based on water quality national standards proved effective. In other cases (mines, for example) failures by enterprises and/or the government to follow procedural standards provided legal basis for claims.
- (2) The cases showed that local problems may exist for years without receiving attention from the government (or polluting enterprises).
- (3) The cases showed that some kinds of citizens are likely to identify problems, and serve as first line of defense for

the public at large. For examples, fishermen may be likely guardians of the integrity of water supplies, and farmers of the integrity of air quality.

Here, as in the case of the focus on pollutants, there is opportunity to draw from experiences to develop strategies that make efficient use of models that have succeeded and identify areas where models are needed. For example:

- (1) where rules (laws, regulations and standards) have proved to be useful, how can their use be broadened? Similarly, where relevant rules or standards have been less useful, why not? And what can be done to make them useful?
- (2) where pollution problems existed for years in the absence of government action, how did ACEF assistance change the long-term pattern? Can the lessons be applied by citizens in other localities without ACEF assistance?
- (3) where certain citizen groups-fishermen for example- have shown themselves likely to serve as watchdogs for pollution harm, what can ACEF do to make sure these groups more widely have access to information and expertise needed to serve as lines of defense for the public interest?

3. Pollution Effects and Compensation: What strategy to address and resolve difficulties to achieving compensation?

Environmental pollution in China causes substantial damage to the environment, human, animal and plant life, and to property. However, determination of the effect on living things and compensation that is in order- is often difficult. Damage may become manifest only after many years, and even then in only a small percentage of the exposed population. Moreover, in China today where there are many pollution sources and pollutants, it is often more difficult to identify cause and effect in relation to particular harms.

a. Difficulties in Evidence Gathering and Proof

The experience of the legal aid program indicates that (1) legal proceedings for obtaining compensation are often quite difficult; (2) compensation for harm to humans is difficult in any case.

Among the litigated cases, compensation was provided in 3 cases, but through mediation by the court. In negotiation, claims for compensation for damage to fish, trees, crops and silk worms were successful. In these cases, the basis for the calculation of damage was market price (for example, evidence on the type and number of fish killed and the market price of the fish).

Claims for damage to human life were much more difficult to establish, though damage may have existed. In one case (in the Inner Mongolia Autonomous Region, involving cement plant wastewater), a man exposed to polluted water for a long time developed cancer. The victim received 180,000 CNY (29,000 USD) from the cement company defendant, through mediation in a settlement approved by the court.

b. Shortcoming in China Law Implementation

In addition to inherent problems of collecting and analyzing evidence, in its efforts to obtain compensation ACEF experienced a difficulty related to the implementation of China law.

Ministry of Justice certificated institutions are often relied on by courts for determination and assessment of environmental damages and compensation measures in environmental (and other) cases. However, ACEF reports there is not a certification for environmental damage institutions. ACEF reports that a judge may recognize that the plaintiff is harmed, but still will not act to provide compensation in the absence of certificated institution attestation to damage and compensation measure. ACEF may hire an expert and present evidence of damage and needed compensation, but this may be insufficient in the absence of an expert

from a certificated institution. In one case (the Guizhou Province Dingpa case involving water pollution), the environmental tribunal accepted the expert presented by ACEF as basis for damage order. This may be an important precedent.

In sum, there is value for a strategy to develop models for obtaining compensation (where compensation is merited), particularly (1) in litigation (2) for harm to humans.

4. What may be learned from experiences in other countries about the specific problems encountered in the project implementation?

In relation to some of the specific obstacles identified in the project experience, there are some lessons to be learned from experience in other countries. For example, drawing on the US experience, which is likely the deepest in public interest law and related litigation:

Compensation for human health damage: The difficulty of proving harm to humans (and other living things) from pollution is universal.⁴ Where the evidence shows humans have been exposed to pollutants but harm (illness) has not manifested itself, U.S. cases have provided that the polluter must bear the cost of medical monitoring of potential victims (to check on their health and provide compensation if illness results).

Air pollution cases: As discussed above, evidence and expert proof in air pollution cases is difficult. Here, too, the problem is not unique to China (but a characteristic of air pollution). China might consider the use of evidentiary tools and techniques employed elsewhere—for example the “Calpuff” model which the U.S. Environmental Protection Agency may employ.⁵

⁴Indeed, the difficulty may be greater in developed countries where exposures are often less acute; harms may take longer to manifest itself and then do so in a relatively small proportion of the exposed population.

⁵http://www.epa.gov/scram001/dispersion_prefrec.htm

Lawyer's compensation: A key to citizen use of law, especially in litigation, is the availability of lawyers. Lawyers are expensive and often beyond the means of affected citizens. ACEF seeks to address this problem by training volunteer lawyers. ACEF reports that it requires that, as condition of training, lawyers agree to serve as volunteers in one case, and, in fact, about 25% (20 of 80) of lawyers ACEF trained have done so by year end 2012. This is a good start.

The difficult, and underlying, challenge is the development of means by which lawyers can make a sustainable living doing environmental law in China. At present, core obstacles to this development include: (1) difficulties in gaining court acceptance of cases; (2) difficulties in representing groups of plaintiffs (3) difficulties in providing for lawyer compensation where victims lack financial resources-even where cases are successful.

The two long term (more than five years) sustaining environmental CSOs, i.e. ACEF and the Center for Legal Assistance to Pollution Victims (CLAPV) of the Chinese University of Political Science and Law rely on financial support from the Chinese government or foreign sources for providing legal aid to pollution victims. Such support is not generally available for private lawyers.

In this context, efforts to find ways to support legal aid would be useful. In fact, ACEF reports that it is trying to develop the use of contingent fee in cases where there is possibility of damage compensation. [what is the PIL fund? If it is the compensation fund I think it provides for victims not lawyers. We have not mentioned any other fund] If ACEF can demonstrate success with this arrangement, it may be a model for use by environmental (and other) public interest lawyers. At the same time, as discussed above, this approach will only work if there are models for successfully obtaining compensation for victims. Thus, ACEF may want to consider policy efforts focused on providing for attorneys compensation in cases where evidences of damage are not available.

The challenge of finding appropriate compensation means for public interest lawyers is a universal one. In the U.S., and other countries, environmental public interest lawyers (working in private law firms and NGOs) sustain their work through receiving “attorney’s fees” for successful litigation. In the U.S. there are now multiple means by which attorney’s fees can be awarded. These include, as ACEF is pursuing, cases where successful attorneys may be paid from damages awarded clients; but they also include cases where success may not include damage awards. For example:

- under “citizen suit” provisions of most major US environmental laws, if a citizen sees that a law is violated, the citizen can go to court to, in essence, represent the government; if the court case is successful, then the citizen’s lawyer will get attorney fees;
- under the U.S. False Claims Act (the “whistleblower law”) citizens who see that the government is being cheated can get a lawyer and bring a lawsuit to protect the government; if the citizen wins, the government should provide the citizen and the lawyer a share of the money the government recovers from the cheater. This law may be used in environmental cases, for example, when a government contractor who is working on construction for a government project tells the government it is following environmental laws, but in fact is not following environmental law).

C. Refinement and Publication of “Fact Patterns” to Promote Public Awareness and Public Participation

ACEF’s experience and successes (but also the difficulties it encountered, can provide the public with “fact patterns” to help focus on and address common problems.

The problems that the project addresses occur daily throughout China. For example, the cases of water pollution the project dealt with are likely not unique, but occur in similar ways in myriad towns and villages

throughout China. ACEF can assist directly in only a small number of cases. But ACEF can provide the public with the benefit of what has been learned from the project.

The Handbook on Protection of Environmental Rights provides a “baseline” document for the public seeking to protect their own environmental rights. It explains what environmental rights citizens have, and how they can protect such rights.

However, as discussed above, ACEF’s continued experience now permits it to go much deeper in the information provided to citizens. It now has considerable experience, for example, with the litigation of water pollution cases. It now also has experience with the resolution of mining related concerns through non-litigation approaches. ACEF has experience that shows, for example, that, in some cases evidence may be relatively easy to gather, standards exist, and courts can be successfully used, and in other cases, air pollution, for example, evidence may and solutions may be more difficult.

In tandem with developing its own next steps strategy based on this experience, ACEF can deepen the Handbook (through continued website updates) by beginning to construct a matrix of common “fact patterns.” With its continuing accumulation of experience, It should be able to tell citizens with increasing depth and specificity what specific pollution problems they should be aware of, what risks they present, and how they can address them.

Drawing from the project experience with each fact pattern, the matrix might include for each fact pattern:

- (1) the kind of pollutant at issue, its characteristics and sources and the risks involved:
- (2) the laws, regulations and policies that are related to the control

of this pollutant;

(3) how to identify and measure the presence of the pollutant; including (from the project experience) the location of experts and equipment needed for investigation and proof;

(4) the methods to be used to address the pollutant to date - litigation, supervision, mediation or some combination;

(5) the remedies that have been obtained to date - including, for example, treatment, relocation, compensation for damages to the environment, living things and property;

(6) particular challenges citizens might expect in dealing with the pollutant, and how they can be dealt with (for example, difficulties in collecting evidence or finding experts, government inaction).

As ACEF, and citizens, continue to learn more the fact pattern matrix can be deepened and expanded to include new fact patterns.

D. UN/ACEF Cooperation

In addition to the express goals stated in the Project Document (as summarized at IC above), it is essential to note the value of UN/ACEF cooperation in summarizing what has been learned from the project. UNDP did substantial work, particularly on international knowledge and best practices transfer and policy advice, to ensure project success, including:

- 1) increasing the project visibility and public awareness of environmental concerns and rights by producing a project video;
- 2) providing ACEF with a platform for international exchanges through several international conferences, such as the

Guiyang International Eco Forum in 2011.

- 3) supporting ACEF's staff and volunteer lawyers' participation in several UNDP regional and global workshops on Access to Justice and Environmental Governance, thereby building their capacity through exposure to the experiences of other countries;
- 4) providing strong technical support through a UNDP international technical advisor to the project, in order to further bring relevant technical advice and relevant global experience to ACEF;
- 5) enhancing the development of South-south cooperation channels for ACEF with other developing countries, such as Vietnam and Mongolia.
- 6) joining in ACEF's efforts in policy and legislative change, including assisting in lobbying the Legislative Affairs Commission of the National People's Congress to include ACEF proposals in revising the Civil Procedure Law and the Environmental Protection Law.
- 7) providing global awareness of ACEFs work, through ACEF participation in UN conferences as noted above, and also through visits of UN officials to China to meet with ACEF s, including the UNDP Associate Administrator (Rebeca Grynspan) and the UN Deputy Secretary General (Jan Eliasson).

IV. Conclusions and Recommendations

A. Conclusions

ACEF, as the Implementing Agency, and UNDP, as the Executing

Agency, have cooperated well and successfully implemented the project by following the strategy as set out in the Project Document.

As discussed in Parts II and III, ACEF has implemented all the activities and produced the planned outputs and achieved notable successes. Its legal aid has achieved landmark litigation successes; Its policy recommendations have played a role in the amendment to the Civil Procedure Law, which should broaden CSO environmental litigation rights, and ACEF has trained dozens of lawyers and produced a Handbook for general public use.

As discussed in Part III, UNDP's contribution has been substantial, particularly in bringing international knowledge and best practices to bear on the project, as well as in project implementation.

Explanation for deletion; we say this in the second paragraph above; also, democratization was not part of the Project (see out project definition in Part I), and we do not explain what it means in this context)

B. Recommendations: Next Steps

ACEF now has the opportunity to build on this experience, developing a strategy to build on successes and to address the obstacles to success that it encountered. In doing so, the focus may be on (1) continued development of ACEF strategy based on reflection on what has been learned from its experiences; (2) organization of these experiences to support citizen capacity to address environmental concerns directly.

1. ACEF should reflect on and organize its legal aid experience to permit ACEF, citizens and officials to efficiently and effectively address common environmental fact patterns.

As discussed at Parts II and III, ACEF's legal aid experience indicates:

- (1) how some key pollution problems may be successfully

addressed, while others remain challenging; in the case of water, for example, litigation and other legal aid practices are successful; in the case of air pollution, success has been much more limited;

- (2) how courts and litigation may be used, and their limits;
- (3) how alternative approaches—mediation and supervision—may be used with law to address;
- (4) institutional obstacles that remain to be addressed.

In short, ACEF’s experience increasingly provides information on what works and what may not work. This experience provides opportunity to reflect on, for example, how to best multiply successes in cases which address substantial problems, and how to address important problems that have not been successfully addressed. As discussed at III D, ACEF can review and organize its experience to develop a matrix of “fact patterns,” so that ACEF and citizens may get the benefit of what ACEF has learned. As ACEF continues to gain experience the matrix can be deepened and expanded.

ACEF’s experience can then be used as bedrock for ACEF own strategy development, for deepening the Handbook on the protection of the environmental rights of the public and for training of lawyers, citizens and CSOs.

2. ACEF should deepen its Handbook and related training and education materials to provide the fact pattern learning from ACEF’s continued experiences.

Public participation requires an informed public. Because there are so many environmental problems, their nature is often technical and social resources are limited, there is a premium on an informed citizenry that knows as much as it can about common problems and ways to address them; and about the difficulties that will be met.

In this context, ACEF can deepen and expand its Handbook to provide

the public with key information on the fact patterns they are likely to encounter, and the tools and strategies to deal with them.

3. ACEF's legal aid strategy should incorporate lessons learned from the project.

As discussed in Part III C, ACEF's experience in providing legal aid under the project provides lessons to be incorporated in ACEF strategy to use its resources efficiently and effectively.

For example, as discussed, ACEF's success with water and air pollutants -both primary pollution concerns-calls for strategic reflection. Thus, in relation to water and air (and other high priority pollutants) the strategic need is to (1) determine how to multiply ACEF's success in water; how can citizens use ACEF models for success to take actions without reliance on ACEF's limited resources? (2) test ways to provide a model by which citizen air pollution concerns can be effectively addressed.

Similarly, ACEF has found common challenges to success, including difficulties in obtaining compensation for human health damage, difficulties in gaining court adherence to the burden of proof provided by China law for environmental litigation, and difficulties in obtaining certificated expertise. Thus, in relation to institutional obstacles to environmental protection, the strategy might focus on: (1) the best method to gain court adherence to the burden of proof and to address the current limits on certificated experts; (2) way(s) to provide for lawyer compensation needed to sustain environmental PIL; (3) way(s) to develop capacity to make successful claims for compensation for harms to humans.

4. ACEF should use the amendment to the Civil Procedure Law to practice and improve the PIL system.

As discussed at II C an amendment to the Civil Procedure Law including the PIL, to which ACEF has contributed, is vague, and needs to be

practiced and improved. Steps ACEF can take include:

- (1) work with courts and legislature and other CSOs to assure that the law's definition of "related organizations" is interpreted in an appropriately broad way so that CSOs can bring suits to the court and act as plaintiffs;
- (2) Cooperate with other CSOs as co plaintiffs in addressing more environmental cases;
- (3) work with the Ministry of Environmental Protection and China's legislative bodies to include a provision(s) in the Environmental Protection Law (which is in the process of revision) to strengthen the PIL system;
- (4) assert CSO rights to bring public interest lawsuits in common courts, in locale where there is no environmental tribunal;
- (5) further make efforts to provide means to compensate lawyers who provide environmental PIL service.

5. ACEF should further work on the promotion of public participation and democratic decision making in environmental protection

As discussed earlier, because of lack of resources (including time, money, and information), many people in China are not able to participate in decision making and exercise supervision on environmental matters. Therefore they are not able to protect their environmental rights. Steps ACEF can take include:

- (1) ACEF should further its work in the promotion of the disclosure of information by the government and industries and the use of open information as a key to, public participation in decision making and public oversight related to environmental protection;

(2) ACEF should further conduct educational programs that provide citizens with opportunity to develop skills to use law and information to participate in environmental decision-making towards the end of democratic decision-making

I deleted this because we do not explain what a “public supervision” system is-and do not discuss it Parts II and III. If we want to use this we should explain what we mean, and why it is likely to be a good idea.

(4) ACEF should use the web to expand the existing Handbook, as ACEF and other CSOs continue to develop experience, to include, for example, (a) the new information on fact patterns as noted in “2” above; (b) examples of documents and other materials used in successful litigation (or mediation or supervision);

(5) ACEF should continue to work with broadcast and print and web media to publicize environmental problems and the ways to use law to deal successfully with them.

6. ACEF May Continue to Work with the UN on the protection of the environmental rights of the public.

As discussed herein, the UNDEF project realized many achievements-in legal aid, policy development, environmental awareness raising and etc. ACEF should seek to continue to work with UNDEF and UNDP to build on the success of the UNDEF 4TH Round Project, and to address the challenges and opportunities the project identified.

Appendix

Osaka City University Declaration of Human Rights 2001

(Adopted by the University Council on 17 December 2001 and revised on 17 May 2010)

Preamble

Human beings are born free, being equal in dignity and rights. Since the enactment of the Universal Declaration of Human Rights, each of us has been expected to live with people from around the world, respecting human rights and fundamental freedoms. Nevertheless, discrimination persists regarding characteristics such as social status, descent, race, ethnicity, belief, sex, and disability. Furthermore, we are confronting new human rights issues caused by rapid social change as well as technological and scientific advance.

Osaka is a city in which historically different cultures have developed, evolving in unique fashion through respect for freedom and the spirit of co-existence. Being a major center for international exchange in East Asia, the city welcomes people from all parts of the world. The diversity of its people encourages an ever-rising awareness of dignity and human rights.

Osaka City University has created an academic tradition of respecting human rights and fundamental freedoms supported by respect for freedom and the spirit of coexistence of the people of Osaka City. The University has held lectures on human rights issues since 1968, and in 1973 established the Dowa Mondai Research Institute (currently, Research Center for Human Rights). The Center was Japan's first academic research institute on human rights issues, and remains a leader in education and research on eliminating discrimination and protecting human rights.

Osaka City University is a seat of learning based on the dignity of people and the spirit of equality. In the 20th century, the results of academic research were often used, serving as tools or justification for instigating wars and violating human rights. We, however, shall turn once again to the basic ideas of fundamental human rights, the dignity of human beings, and equal rights of men and women, utilizing academic research to promote peace and respect for human rights. Moreover, we shall actively confront human rights issues resulting from rapid social change, economic development,

and scientific and technological innovation, resolutely seeking to create a society imbued with the spirit of humanity.

Osaka City University shall respect international human rights laws, including the Universal Declaration of Human Rights and the International Covenants on Civil and Political Rights. It shall also comply with the Constitution of Japan and domestic laws and regulations on human rights in cooperation with Osaka City, formulating and promoting policies to strengthen respect for human rights in all areas, including education and research activities.

Osaka City University shall set forth the following provisions in order to create a university that respects human rights and fundamental freedoms. The University declares that it shall not only work for the development of education and research in human rights and fundamental freedoms, but will disseminate its academic traditions and achievements to the outside world in the hope of turning the 21st century into the century of human rights.

Article 1. Responsibility of University

Osaka City University and its members have responsibility of acting to establish a university that respects human rights and fundamental freedoms.

Article 2. Academic freedom

1. Osaka City University shall ensure academic freedom. Freedom of research and education, freedom of thought and conscience, and freedom of expression shall be given to all the members.

2. The foregoing paragraph does not allow the necessity of violating human rights and fundamental freedoms of others.

Article 3. Establishment of university without discrimination, exclusion and harassment

1. Osaka City University and its members shall not practice any discrimination, exclusion or harassment in social status, descent, race, ethnicity, nationality, sex, sexual orientation, language, religion, ideology, belief, and type or level of disability, in educational and research activities.

2. Osaka City University and its members shall not abuse professional status, authority or influence to force unjust work and assignments, or sexual harassment.

Article 4. Acceptance of diversity and creation of a multicultural and harmonious society

Osaka City University and its members shall contribute to the creation of a multicultural and harmonious society by welcoming diverse peoples and promoting intercultural exchange.

Article 5. Promotion of human rights education

Osaka City University shall promote human rights education through training, awareness-raising and social interaction programs, so that all its members can understand and act on the idea of human rights and fundamental freedoms.

Article 6. Information disclosure and its contribution to the increase of human rights awareness

Osaka City University shall enrich its human rights policy by promoting disclosure of information about the policy, and actively soliciting opinions from both inside and outside the University. It shall also contribute to the development of human rights awareness throughout society by publicizing the results of research on human rights and fundamental freedoms.

Article 7. Handling of human rights violations

Osaka City University and its members shall strive never to tolerate human rights violations. Osaka City University shall respond swiftly and appropriately to any complaints of violations of human rights or fundamental freedoms from its members, and shall remedy such problems.

Article 8. Action plan for human rights and fundamental freedoms

Osaka City University shall formulate and promote a concrete “Action Plan for Human Rights and Fundamental Freedoms” based on the “Osaka City University Action Plan to Create a Discrimination-free Campus.” The University shall amend the Action Plan for unforeseen needs or contingencies through continuous and multilateral assessment of its human rights policy.

Source: Osaka City University, www.osaka-cu.ac.jp/en/about/declaration2001

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The Asia-Pacific Human Rights Information Center or HURIGHTS OSAKA, inspired by the Charter of the United Nations and the Universal Declaration of Human Rights, formally opened in December 1994. HURIGHTS OSAKA has the following aims: 1) to engender popular understanding in Osaka of the international human rights standards; 2) to support international exchange between Osaka and countries in Asia-Pacific through collection and dissemination of information and materials on human rights; and 3) to promote human rights in Asia-Pacific in cooperation with national and regional institutions and civil society organizations as well as the United Nations.

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