

A black and white photograph of a crowd of people. In the foreground, a young woman with a bindi and face paint is shouting with her mouth open. Behind her, a woman with glasses and face paint looks on. Other people are visible in the background, some with face paint and some wearing hats.

# From little things big things grow



KIOS PUBLICATION

# From little things big things grow

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KIOS — 20 YEARS DEFENDING HUMAN RIGHTS





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← Cover photo: Women human rights defenders. Picture by Women’s Rehabilitation Center (WOREC Nepal), Nepal.

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# Human rights – a foundation for sustainable peace and development



**Outi Hannula**

Chair of the KIOS Board  
of Directors 2017–19

**K**IOS is celebrating its 20<sup>th</sup> anniversary in 2018. Since its foundation, the mandate of KIOS has been to support the human rights work of local civil society in developing countries. Today, KIOS focuses on human rights work in East Africa and South Asia. Several success stories in situations where our partners have been able to defend the rights of people living in harsh circumstances and empower them to protect their own rights constitute a crucial part of KIOS and its partners' human rights work. KIOS' 20th anniversary provides an opportunity to celebrate the achievements and persistent work of KIOS' partner organisations for a more just world.

KIOS was founded in 1998 by eleven Finnish human rights and development CSOs. These organisations and the Ministry for Foreign Affairs of Finland agreed on an initiative to promote human rights globally by founding a specific foundation for this purpose. Mr. Pekka Haavisto, Minister for Development and Environment, strongly supported the idea of three independent foundations, namely KIOS, Abilis and Siemenpuu, to channel direct financial support to local CSO actors working in human rights, disability and environment in the global South. The strong involvement of the ministry guaranteed state funding for these foundations, as well as good working relations with the ministry.


The world around us has changed remarkably since 1998. Back then, after the end of the Cold War, the atmosphere for promoting human rights was globally more positive and optimistic than today. The UN Declaration on Human Rights Defenders was adopted in 1998, which gave a good ground for KIOS as well, since it confirmed the right of every individual to promote human rights. There has been some improvement in some areas of human rights, at least in some countries if not worldwide, for instance in the field of sexual orientation and the right to basic education. However, the big picture doesn't look too good. In 2018, we find ourselves in a situation where leading politicians, even Heads of State, question the legitimacy of international human rights treaties and multilateral sys-

tems, including the UN. There is a fierce debate going on about the human rights, even the right to life, of refugees and immigrants all over the world. Twenty years ago, the consequences of climate change on human rights were not as burning as they soon will be.

One positive signal today is Agenda 2030 and universal sustainable development goals (SDGs). The UN process and its implementation have created new energy and determination in the field of global development but also the emergence of new potential partnerships. It remains to be seen how this will affect the general human rights setting, but one can see that this trend is very much needed as a counterbalance to more conservative, nationalistic trends. Human rights are the foundation for sustainable peace and development, for reducing inequality and for preventing conflicts and human suffering. Therefore KIOS, too, supports the SDGs and the implementation of Agenda 2030.

KIOS continues to develop its own working methods to support human rights organisations. KIOS does not only provide financial support but has a strong component of partnership and mutual learning rooted deeply in its relations with its partners. Advocacy for and with human rights defenders is crucial. We also advocate for the development of good practices for Finnish foreign and development policy to support human rights defenders. In Finland, KIOS also raises awareness of the significance of human rights and the work of human rights defenders in developing countries.

Human rights victories do not happen overnight. They require persistence and resilience and a will not to give up. Up against a backlash, it is important to mark successes and recognise the difference which accessing human rights has meant to so many individuals and communities around the world. We wish to present some of these successes in this anniversary booklet.

I am honoured to invite you to join in our celebration of the 20<sup>th</sup> anniversary of KIOS, which we dedicate to our courageous partners. 





# Claiming civic space



## **Maina Kiai**

Member of the Board of InformAction and United Nations Special Rapporteur on the rights to freedom of peaceful assembly and of association in 2011–2017

← Raising awareness of human rights among women in Afghanistan. Picture by the Shuhada organisation, Afghanistan.

Over the last few years, the concept of closing civic or democratic space has grown dramatically across the world. But it is not new: It is only a relatively new term within the lexicon of the human rights movement.

In fact, all the major struggles for progressive gains in the world – from ending slavery, the struggle for freedom from colonialism, the fights for equality including universal suffrage and non-discrimination, to the civil rights and environmental movements – have all been about either increasing civic space, or fighting against its diminution by state and non-state actors. The various efforts for freedom during the Cold War including those by the Solidarity Union in Poland were about claiming civic space. The anti-apartheid movement was also about fighting against closing space and increasing it for the majority black population in South Africa.

Some call this ongoing phenomenon ‘shrinking’ civic space, which can suggest a natural process of decrease in the space available for individuals, alone or with others, to take actions that are non-violent and which can better improve the worlds we live in. However, it is clear that the actions being taken by state and non-state actors are conscious and deliberate, which makes using the term ‘closing’ more accurate.

## **Global attacks on civic space**

Today, there is no part of the world untouched by closing space in one way or the other. The attacks on civic space affect critical media, human rights organisations, LGBTIQ movements, the environmental sector, indigenous peoples, social movements, women’s rights organisations and trade unions. Sometimes, humanitarian and development organisations are also affected when states take away their independence and decide for them what their priorities and working methods should be.

The heart of civic space is dissent, independent thinking and resistance. Across the world, leaders – including in corporations – are hitting back at those who do not agree with them, those that question their decisions and practices, and those working to spread



tolerance and resistance to autocratic rule, and to maintain their dignity and respect. Again, this is nothing new, but what is new is that the attacks on civic space are global and spreading, and have put activists across the world on the back foot.

In the past, there was a belief that there were countries – mostly western democracies – committed to the values of tolerance, human rights and human dignity, and which professed strong commitment to democracy and its values in their country and globally. But this belief can barely hold now, given the dramatic shifts in global politics.

Today we have Donald Trump attacking the media and making statements that propel racism, misogyny and xenophobia in the US and across the world. We see the European Union retreat and slide from its stated values when refugees reach its shores. We see the UK propagating policies that lead to extreme poverty for substantial numbers and relentlessly spying on non-violent activists who disagree with its policies, including by planting undercover agents for years. We see governments in the west tuck to the right in what they claim are “tactical approaches” to the surge of the far right and their toxic brand of politics, including vacating a lot of the values they espoused. We see these western ‘democracies’ being more interested in trade and profit abroad than in the human lives and dignity of those in the countries they trade with.

### **New tactics against activists**

In previous decades, killing, jailing and torturing activists was the preferred manner of reducing civic space, intended to silence critics, and spread fear in society. There was also the common ‘banning’ of organisations, media and information that would send messages of dissent and resistance.

While these methods still continue – as the brutal murders of political and environmental activists including Berta Caceres and Jamal Khashoggi testify – states have added new tactics against those they want to hamper, deter and immobilise. These new tactics are legislative, political, financial, and extra-judicial. Laws are passed that make it difficult to register organisations; there are

onerous and unrealistic financial requirements designed to stifle organisations that are critical, and there is public abuse, Internet bullying and name calling by those in authority against anyone dissenting.


### **Beacons of hope**

But bleak as all this looks, there is more hope than might be imagined. First, the fact that there are so many attacks aimed at organisations, dissenters and resisters shows the effectiveness and success of those targeted.

Second, as these attacks morph and change, civil society tactics are also morphing and changing, but unfortunately not at the same pace. But for every attack on the media, we celebrate the fantastic work of the media in the Panama Papers and other exposes. For every insult on the Internet, we count the work of the New York Times in exposing Facebook and its negative role in some of the messes we have seen.

For every right-wing surge, we know that South Koreans, Americans, Taiwanese, Ethiopians and Venezuelans are organising, marching and demanding respect and dignity, sometimes successfully, as in Korea and Ethiopia, sometimes not. Everywhere across the world, ordinary people are thinking, fighting back and organising non-violently, seeking to make their world and ours a better place.

And they need all the help that they can get, and quickly, with as little bureaucracy as possible. Groups like KIOS are needed in this context, to support those especially vulnerable to attacks, and ensuring that the bravest, the most creative and most courageous are enabled to continue working, for that inspires others to follow suit.

What is sorely needed now is some country, some region, to stand out and be the beacon of hope for all these people who refuse to be put down silently and easily. The Nordic countries have a rich history of respect for values, tolerance, and resistance from standing up on LGBTIQ issues, against apartheid, for income and gender equality. There is a vacuum of global leadership that needs to be filled. Will the Nordic countries stand up and out? 



Protecting  
human rights  
defenders

# “It’s the spirit talking”



**Mary Lawlor**  
Founder and former  
Executive Director of  
Front Line Defenders

**W**hen I started in the mid-1970s, much of the world looked pretty bleak. Mass murderers governed in Cambodia, Ethiopia, Indonesia, Iraq, Uganda and many other countries.

Backed by Washington, Pinochet took power in Chile. The generals were in charge across Latin America – in Brazil, Guatemala, Uruguay and elsewhere. In Argentina, thousands of protestors were disappeared, many handcuffed together and thrown out of planes to drown in the Atlantic.

Human Rights violations were rampant around the world and many were hidden from the public eye.

Largely unknown, too, were human rights defenders (HRDs). No one really understood who they were or what they did. They were mostly viewed the same as other victims of human rights violations.

The first attempts at naming and explaining HRDs happened in the 1980s. Then, a major UN conference in Vienna in 1993 brought together activists from all over the world who met and realised that they had a common identity and stood in solidarity with each other. Eventually the UN Declaration on HRDs was adopted on 9 December 1998.

## **Human rights defenders in the front line**

I came to realise that it is HRDs on the ground, struggling non-violently, despite great personal risk, who will do most to build civil and just societies. They are agents of social change. Without them, change will happen, but not the sort of change the world needs. Without them, the sort of change we will see will be a return to the days of dictatorships and military rule.

In their relentless struggle, they face spiralling patterns of repression, such as harassment, surveillance, denial of freedom of association, assembly or movement, suspension from their employment, torture, death threats, targeting of families and in extreme cases their disappearance or murder.

The government, armed group, company or multinational chooses a tool from the menu of repression depending on their goal – often escalating the intensity of the attacks should the HRDs not cease their work.

← Women human rights defenders. Picture by Women’s Rehabilitation Center (WOREC Nepal), Nepal.



Criminal charges, detention or imprisonment have always been easy ways to neutralise the work of HRDs. Defamation and stigmatisation in the press set them up for attack as the other, the outsider. Prohibitive NGO laws and restrictions on ‘foreign funding’ have become a common tool used by governments who are threatened by their power.

The vicious rise in killings is deeply worrying – Front Line Defenders documented 312 killings of HRDs in 2017, although we believe there were many more, and killings should be a red line for governments.

### **Glimpses of hope**

But now more people in more countries are aware of their rights. There are thousands and thousands of HRDs working for a just and equal world – many not themselves at risk, but inspired by those who are prepared to put their own lives in danger for the rights of others.

As cynicism about governmental and intergovernmental institutions sets in, more people are putting their trust in civil society.


We have seen how with each despotic regime, there is eventually a tipping point, and brick by brick, HRDs make progress.

Some places are worse than in the 1970s, but – thanks to HRDs and civil society – many are much better. Violence has gone from Northern Ireland, military dictatorships in Latin America have been replaced with democracies. Apartheid is over, and the Soviet Union collapsed. These countries – all countries – still face real human rights challenges, but change is possible, progress is possible if HRDs are allowed and encouraged to do their work without being vilified, jailed or murdered.

We now have the advantage of decades of experience in how to do this sort of work, and how to win.

A long time ago, I met an elderly brother who recounted the injustice and violence inflicted on an indigenous community he worked for in Brazil. As he spoke about them, he half rose out of the chair and suddenly realising this, said, “Forgive me; it’s the spirit talking”.

Nowhere is this courage and spirit more evident than in the words of Anna Politkovskaya, who was murdered for reporting on the war in Chechnya. She said:

“So each time I go there, people tell me things. They do so in the sincere hope that if I record what is actually happening, it will lead to change, to peace. Obviously, I am not to blame for what is going on, but the more I think about it, the more I would be betraying these people if I walked away. The only thing to do is to take this to the bitter end, so that no one can say that when things became difficult, I ran away.” 

Pakistan

# Countering risks and threats to women human rights defenders

In Pakistan, all human rights defenders face severe risks, but women human rights defenders even more so. They need security measures and plans and a network of allies who can help them in times of crisis. Little things can save a life. The Democratic Commission for Human Development (DCHD) is working to counter risks and threats to women human rights defenders.

Text: Democratic Commission for Human Development (DCHD)







Launch of report on security of women human rights defenders. Picture by DCHD, Pakistan.

Every year, thousands of human rights defenders brave dangers to help make Pakistan a better place. Many of them take risks that they believe are just part of the job, others get specific threats to their person but continue their work anyway, and sometimes, it costs them their lives. One in every two human rights defenders in Pakistan receives a threat. It is not dangerous for some of us; it is dangerous for all of us.

The Democratic Commission for Human Development (DCHD) has been working in Pakistan since 1994. Most of those who have been threatened or lost their lives have been our colleagues. As the situation has become more difficult, not just in Pakistan but in the entire region, DCHD has begun work focusing on security for human rights defenders. The research showed that while all human rights defenders face severe challenges, women human rights defenders have an even more complex experience that is fraught with challenges.

### Survey on risks and security

In 2015, KIOS partnered with DCHD to focus on the challenges that women human rights

defenders face in Pakistan. One of the results of this work was a survey, which developed empirical data on the security of women human rights defenders. In Punjab, the largest province, defenders are more likely to receive threats, while the nature of the threat in Khyber Pakhtunwa and Baluchistan is more likely to be severe.

The biggest challenge beyond the nature of the risks faced by women human rights defenders was the lack of preventative measures taken or available to the participants. Almost a quarter of respondents had no security provided by their organisation, while life insurance policies are not even part of the discussion. The results provided empirical evidence for advocacy. They also helped the human rights defenders community question their own attitudes. There is a need for security measures in light of the fact that the danger is real, as well as in light of the gendered experience of women human rights defenders within their own organisations.

### Developing security measures and plans

In the past year, DCHD has worked to train over 300 women human rights defenders around the country. Security begins with the

individual, and little things can save a life. It can be making sure that you check in with someone at specific intervals, travel with someone if there is any sort of risk, or simply that you are aware of your surroundings. It doesn't stop there, and it is imperative that human rights organisations take the steps necessary to protect their people. The training sessions were replicated within organisations and DCHD facilitated the development of security plans and measures.

### **Building a network of lawyers and journalists**

At the same time, DCHD worked with lawyers and journalists to create a support network for women human rights defenders. When a defender receives a threat, they need allies. The media can be a friend in certain situations and very dangerous in others. By connecting women human rights defenders with journalists who understand their issues, we hope to make the media an asset rather than a liability.

This is coupled with the need for lawyers who understand issues faced by defenders, the legal system and the particular mechanisms available for human rights defenders (such as the National Commission for Human Rights and the National Commission on the Status of Women). By creating this network, defenders have a specific set of actions and assets they can utilise in times of crisis.

Women human rights defenders in Pakistan continue to face challenges, and considering what they go through, it is hard not to be inspired by their bravery and determination. DCHD's work doesn't fix the problem, but it has helped contribute to a better understanding of what is happening and what needs to be done. There's still a journey ahead, and DCHD is glad that KIOS has been our partner in the small part we've played in helping to solve a complex and large issue. [K](#)

**1<sup>st</sup>**

report on risks faced by women human rights defenders in Pakistan.

**300**

women human rights defenders have learned how to adopt security measures in their work.

## **The Democratic Commission on Human Development**

### **Pakistan**

The Democratic Commission on Human Development (DCHD) was founded in 1994 in Pakistan. It is an independent civil society organisation focusing on human rights education and awareness at the grass roots. Other core activities are human rights campaigning and advocacy.

KIOS first started supporting the human rights education and awareness work of DCHD in 2009. Since 2015, the funding has focused on enhancing the security of women human rights defenders. KIOS funded a survey on the challenges that women human rights defenders face in Pakistan. Through training, over 300 women human rights defenders have learned how to adopt security measures in their work.

Burundi

# Supporting human rights defenders in Burundi

Since the political crisis in Burundi started in 2015, most human rights defenders have been forced to flee the country to avoid persecution. DefendDefenders (East and Horn of Africa Human Rights Defenders Project) is a regional organisation working for the protection of human rights defenders and strengthening their work. With their support, Burundian defenders in exile have pushed the UN to investigate violations in Burundi.

Text: DefendDefenders







Renowned Burundian human rights defender Pierre Claver taking part in a side event on Burundi during the UN Human Rights Council session together with Hassan Shire from DefendDefenders and Michel Forst, UN Special Rapporteur on the situation of human rights defenders. Picture by DefendDefenders.

In April 2018, Germain Rukuki, a Burundian human rights defender (HRD), was sentenced to 32 years in prison on spurious charges of ‘rebellion’, ‘threatening state security’, ‘participation in an insurrection government’, and ‘attacks on the head of state’. The heavy sentence sent a chilling message to HRDs in Burundi – President Pierre Nkurunziza’s government will not tolerate dissent.

“The government has moved into a new phase of controlling civil society. The political [opposition] has already been dealt with, they have already been eliminated.” This was the statement of a human rights defender interviewed in July 2014 by DefendDefenders for the report 2015: *Burundi at a Turning Point*.

This is the current state of affairs in a country that once had a promising and vibrant civil society. Most of the once-independent human rights organisations have now been shuttered and many of the human rights activists forced to flee since April 2015. The country spiralled into a political and human rights crisis following President Nkurunziza’s controversial bid for a third term in office.

The crisis has taken a major toll on Burundian HRDs, so much so that the bulk of requests for protection interventions received by DefendDefenders have come from Burundi. To quantify this, over the last three years, DefendDefenders has received over 260 requests from the country – more than any other covered under the organisation’s mandate.

### **Building and strengthening national HRD coalitions**

Prior to 2015, the civic space in Burundi was relatively open, with civil society organisations operating throughout the country, ranging from informal associations in rural areas to registered non-governmental organisations based in the capital, Bujumbura. Donors made this growth possible. Among them, the support of KIOS, a long-term partner of DefendDefenders, allowed the defenders to continue their crucial work by protecting and promoting internationally recognised rights and freedoms.

With KIOS’ support, DefendDefenders was able to enhance the skills and knowledge

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The advocacy efforts yielded results in 2016 when the UNHRC established a Commission of Inquiry on Burundi to conduct a thorough investigation into human rights violations and abuses that have taken place in Burundi since April 2015 – including whether they may constitute international crimes.”

of the National Coalition of Human Rights Defenders – Burundi, as well as the coalition in Rwanda. National coalitions are the bridge between DefendDefenders and domestic HRDs in the respective countries under our mandate. Through them, HRDs are able to receive emergency assistance to mitigate the risks faced in the line of duty. In addition, it is possible to build the capacity of the HRDs with the help of national coalitions. In Burundi, the national coalition was established in 2009 and revitalised in 2014 to support local defenders.

#### **Enhancing the advocacy work of HRDs**

To build the capacity of the coalition, DefendDefenders conducted workshops on different thematic areas including strategic advocacy, communication, and physical and digital security. With the skills acquired from the training, defenders were able to identify advocacy priorities and messages targeted at different actors able to bring about change.

The training also exposed the HRDs to regional and international human rights mechanisms including the African Commis-

sion on Human and Peoples’ Rights (ACHPR) and the UN Human Rights Council (UNHRC). Part of the curriculum for the training covered strategies on how to engage with these mechanisms.


Although the chaos in the country is a setback for the defenders and restricts their ability to mobilise against human rights violations and abuses, they are still able to operate in exile and apply the skills they have acquired.

#### **At the forefront of international advocacy**

In the aftermath of the 2015 political crisis in Burundi, the acquired skills and knowledge have been essential. HRDs have been at the forefront at the African Commission on Human and Peoples’ Rights (ACHPR) and the United Nations Human Rights Council (UNHRC), advocating for the international community to pay attention to the deteriorating situation in the country. The advocacy efforts yielded results in 2016 when the UNHRC established a Commission of Inquiry on Burundi. Among other responsibilities, one of the missions of the Commission was to

conduct a thorough investigation into human rights violations and abuses that have taken place in Burundi since April 2015 – including whether they may constitute international crimes. In its extensive 2017 report, the Commission of Inquiry found reasonable grounds to believe that crimes against humanity have been committed and continue to be committed in Burundi.

Another result of the advocacy efforts was at the level of the African Commission on Human and Peoples' Rights (ACHPR). During the 62nd session of the ACHPR, the Commission adopted a resolution expressing concern over the lack of investigation into alleged violations and the government's refusal to cooperate with international efforts. This would not have been possible without the effort of HRDs who lobbied the Commission to adopt this resolution, increasing international pressure on the country situation.

DefendDefenders continues to support the work of HRDs throughout the East and Horn of Africa sub-region, including in Burundi, by reducing their vulnerability to the risk of persecution and by enhancing their capacity to effectively defend human rights. 

## DefendDefenders

### Burundi

DefendDefenders (East and Horn of Africa Human Rights Defenders Project) is a regional organisation founded in 2005. DefendDefenders has its offices in Kampala, Uganda. The organisation works in Burundi, Djibouti, Eritrea, Ethiopia, Kenya, Rwanda, Somalia (together with Somaliland), South Sudan, Sudan, Tanzania and Uganda. DefendDefenders trains human rights defenders (HRDs) and runs campaigns and advocacy work in order to protect human rights defenders and increase general knowledge on human rights issues.

KIOS has supported the work of DefendDefenders almost from the initial stages of the organisation, from 2006 until December 2016. In recent years, KIOS' support for DefendDefenders has focused especially on supporting the work of HRDs in Burundi and Rwanda. The Finnish Ministry for Foreign Affairs granted support to DefendDefenders in 2017.



# Gender equality and LGBTIQ+ rights



# Marching towards the truly inclusive, equal world



**Pia Puu Oksanen**

Advisor, Gender and Sexuality Based Discrimination, Amnesty International Finnish Section

Let's first state the facts. Gender-based violence disproportionately affects women, violating women's and girls' human rights. However, it is not only women who are affected by misogyny. All feminine gender identities and expressions suffer from discriminative attitudes and policies, including people who are transgender or non-binary. States have the duty to eliminate gender-based violence.

Another devastating form of discrimination is based on sexual orientation. States have the responsibility to ensure that lesbians, gays, bi- or pansexuals enjoy the same rights as heterosexuals in society.

Today these basic principles are understood – better than before – in human rights discussions and activism. Implementing the principles into human rights policies is still a painfully difficult task.

National legislation is progressing slowly. However, it is worth noting that the legal protection of sexual autonomy in various countries around the world is advancing. For example, the long-awaited Rape and Sexual Offences Bill in Somaliland is a historical step – especially for all the victims of sexual violence. In the other corner of the world, in Iceland and in Sweden, new legislation defines sex without consent as rape, even when there are no threats or force involved. Yet another example: In India the Supreme Court has unanimously ruled to decriminalise homosexual sex. This decision will have an impact on similar decriminalisations in other countries, hopefully ending institutional and cruel discrimination based on sexual orientation.

Despite these positive examples, the overall, global picture is worrying. Human rights and its principles are under attack. Demands for equality are trivialised, progressive legislative reforms stalled and human rights defenders threatened.

## Taking to the streets

Do we have reason for despair? I think not, definitely not. Fierce commitment to human rights, as well as advanced comprehension of equality, is alive and kicking in the present world.

← Rainbow colours in Rwanda. Picture by Sakari Piippo.

Over the past couple of years, the world has witnessed empowering demonstrations in different corners of the world. The 2017 Women's Marches in the United States may have been the largest day of protest in US herstory. At the same time in India, the I Will Go Out movement demanded women's right to fair and equitable access to public spaces. People marched across 30 cities and towns in India.

In 2018, protesters invaded the streets of Kampala, Uganda, demanding police action to stop a spate of kidnappings and murders of women that has gripped the country. Women in South Africa marched against gender-based violence in the Total Shutdown protest that took place in various cities in South Africa.

The essence of every Pride march is crystallised in one shout-out: Human Rights Are My Pride. In many places, Pride demonstrations are still banned, or participants are harassed. Regardless of the risks, brave people still defend their Pride. Sometimes their efforts are rewarded. This year's Kyiv Pride demonstration, the March for Equality, brought together thousands of people in a display of solidarity with the LGBTI community in Ukraine. In a country where homophobic attitudes are strong, where LGBTI rights activists are constantly under attack, the Kyiv Pride demonstration was a genuine achievement and celebration of national significance.

### **Working together**

Marching on the streets is just one form of activism. Human rights activists are demonstrating their resistance in creative ways. Just think about #MeToo, which affected many parts of the world in (r)evolutionary ways. Street demonstrations remind us of one key principle: impressive activism requires cooperation.

Activism that has a powerful impact doesn't always attract, or need to attract, the masses. Local non-governmental organisations and human rights defenders are change-makers, and by their relentless work equality has a remarkably stronger foothold in their own communities, in their countries. It is our duty to join them when invited and support them when asked.

When KIOS was founded 20 years ago, Amnesty International Finnish Section was one of the founding members. Since then, KIOS has supported those who struggle against most pervasive human rights abuses. Together we can promote justice and equality for all – now, and in the years to come. [!\[\]\(cbe2492b119e39e02a1dab2af4a4b296\_img.jpg\)](#)



Bangladesh

# Our eyes – our movement: Challenges and achievements of the hijra (transgender) movement in Bangladesh

In our societies, some voices may be left unheard. And we may forget that they exist as equal citizens and have rights just like everyone else. This used to be reality for the hijras, a community of transgender people, in Bangladesh, until they found strength in unity and made their voices heard.

Text: LOSAUK



A gathering of hijra community members and the LOSAUK Chair Dr Nazmul Ahsan. Picture by LOSAUK, Bangladesh.

In general, hijras are more respected in India than in Bangladesh. “Here in Bangladesh, no gentleman wants to sit beside us in a bus, but they sit in India. They address us as mashi (Aunty), and they feel that sitting beside a hijra is a blessing. People in India take it easy but people in Bangladesh do not accept easily,” said a young hijra leader named Bindu in her interview given to LOSAUK.

Who are these hijras? Hijras are a group of transgender people in South Asia. From ancient times to the present, transgender people have existed in communities all over the world. However, the story of hijras in Bangladesh is untold and unknown to many. They have the same human rights as anyone else. They have the right to life, to education, to health, to social security, to work and the right to participate in cultural life. However, they are discriminated against in society because of their gender identity and expres-

sion. Moreover, the rate of discrimination is high in the employment market, education and health care and around entering social and cultural places.

### Empowering the hijras

A movement for the rights of hijras was launched in Bangladesh in 2007. A non-governmental organisation named LOSAUK started this movement from Khulna with the support of KIOS, Finland. Gradually, this movement spread to two divisions and covered sixteen districts of Bangladesh. It was a great challenge for LOSAUK. Nevertheless, with seven years of continuous support from KIOS, LOSAUK worked for the rights of the hijras and strengthened their movement. The hijras were empowered through this movement, and now they have full ownership of the movement.

The hijras advocate for changes in the attitudes and behaviours of people, particularly

their family members, to eliminate discrimination. They also demand changes in the way the state regards them. The state should fulfil its obligations to protect and promote their human rights. In addition, hijras should have increased access to vocational training to improve their livelihood opportunities. If such developments took place, the hijra communities, their parents, relatives and others close to them would benefit.

### Recognition as the third gender

In 2013, the Bangladesh government recognised hijras as the third gender. At the same time, the government made promises to provide hijras with special benefits and access to services. In this connection, hijra leader Panna added:

“People were not willing to accept us. Although discrimination still exists, now we are increasingly accepted and considered as full members of society, and we have a voice that is heard. I can sit beside the deputy commissioner of the district, and I can talk to him. I can now speak on human rights issues. I render my thanks to all concerned initiators of our movement.”

Still, the struggle of the transgender community in Bangladesh has not ended. They have got this far through building a strong movement as well as successful advocacy and campaigning efforts. They have made their culture into a strong weapon and used it to fight for their rights. They feel empowered, although they have not yet reached their desired position.

The major problem still lies in the attitudes and behaviour of the people. Interaction between people and different communities is important for erasing prejudices and discriminatory attitudes in both the political and the social sphere. LOSAUK continues working, side by side with the hijra community, in order to secure full respect for all human rights. [K](#)

10

district-level advocacy meetings with local authorities on the rights of hijras in 2016-17.

1

appeal in the High Court demanding better welfare for hijras since 2014.

## LOSAUK

### Bangladesh

LOSAUK is a non-governmental development organisation located in Khulna, in the south-west coastal part of Bangladesh. The organisation was founded in 1987. LOSAUK works to better the lives of the transgender (Hijra) community, people with disabilities and socially neglected communities, children, unemployed youth, rural artists and underprivileged woman and adolescent girls.

KIOS has collaborated with and supported LOSAUK since 2011 to improve the human rights situation of hijras in Bangladesh. In 2009, LOSAUK had already raised the issue of the rights of the hijras in the Bangladeshi Parliament and from there on had brought the matter to the attention of several ministries. In 2014, LOSAUK made an appeal to the High Court to demand that the government fulfilled its promises to create better welfare for hijras. Since the appeal, LOSAUK has made several follow-ups with the court demanding answers to the appeal.



Sri Lanka

# Working for LGBTIQ rights and equality

In an environment where marginalisation, harassment and violence against people on the basis of their sexual orientation and/or gender identity is considered normal, EQUAL GROUND is raising awareness of the rights of LGBTIQ persons and advocating for the decriminalisation of consenting same-sex conduct.

Text: EQUAL GROUND



“

The Human Rights Commission agreed to form a subcommittee that would oversee human rights violations committed against the LGBTIQ community in Sri Lanka.”

In Sri Lanka, Penal Codes 365 and 365A (1995) criminalise same-sex relationships, and the two laws are used to predominantly target the lesbian, gay, bisexual, transgender, intersex and questioning (LGBTIQ) people of Sri Lanka. There have not been many convictions under these laws, yet they have been exploited by the authorities to intimidate, harass and extort LGBTIQ individuals with threats of prosecution.

In spite of this hostile atmosphere, there has been a rise in civil society organisations (CSOs) that represent the needs of the LGBTIQ community. EQUAL GROUND is a local non-profit organisation that has been advocating for human and political rights for the LGBTIQ community of Sri Lanka since 2004.

EQUAL GROUND has worked with KIOS for two project periods from 2014 to 2017. The first project aimed at reducing the vulnerabilities of transgender people. Activities included establishing safe spaces for transgender individuals who are vulnerable and are potentially fleeing violent and dangerous circumstances. A transgender-specific counselling line was established. EQUAL GROUND

was also able to produce two documentaries, *I AM WHAT I AM* and *Invisible Stain*. These short film documentaries depict the personal stories, struggles, needs and future hopes of the LGBTIQ community. The documentaries were screened during workshops with the general public across cities in Sri Lanka as well as at the Colombo PRIDE LGBTIQ Film Festival.

The second project focused on research for advocacy purposes and conducting LGBTIQ awareness workshops across several districts in Sri Lanka. EQUAL GROUND also had the opportunity to collaborate with the Human Rights Commission of Sri Lanka to encourage procedural change at an institutional level.

### **Conducting research for advocacy purposes**

During the Office of the United Nations High Commissioner for Human Rights’ (OHCHR’s) 110<sup>th</sup> session on the International Covenant on Civil and Political Rights, EQUAL GROUND took the opportunity to submit a shadow report on the LGBTIQ situation on



Pride in Colombo.  
Picture by EQUAL  
GROUND, Sri Lanka.

the ground. The report outlined the various infringements of civil and political rights suffered by LGBTIQ people in Sri Lanka. The submission of this report saw the most direct line of questioning from the Human Rights Council and a clear response from the Sri Lankan government in terms of LGBT rights to date.

With support from KIOS, EQUAL GROUND was able to continue collecting information for advocacy purposes. The organisation conducted a situational analysis on 49 LGBT individuals, to document critical issues faced by the LGBT community. All the transgender persons who took part in this study stated that they had experienced police harassment. The lack of access to LGBT-friendly health practitioners was another concern that stemmed from the interviews.

### **Conducting LGBTIQ awareness workshops**

Over the years, EQUAL GROUND has utilised workshops to create awareness about the LGBTIQ community. As part of the KIOS project, EQUAL GROUND was able to conduct

workshops targeting health practitioners, teachers, community-based leaders and religious leaders. Feedback from the workshops shows that approximately 95% of participants felt that they were more informed and were more likely to change their stringent and negative attitudes against the LGBTIQ community.

### **Working with the Human Rights Commission of Sri Lanka**

In addition to working at a grass-roots level, EQUAL GROUND also wanted to create change at an institutional level. As part of the KIOS project, EQUAL GROUND met with the Human Rights Commission of Sri Lanka (HRCSL), which has the power and authority to monitor and advise the state on human rights issues, to discuss prevailing human rights violations and issues faced by the LGBTIQ community. EQUAL GROUND took this opportunity to inform the commission about the misapplication of laws by the police to particularly target LGBTIQ individuals. EQUAL GROUND also conveyed the need for an official procedure for transgender people

# 46

nurses at government hospitals learned about LGBTIQ rights and how to effectively tackle incidents of violence against LGBTIQ people in 2016.

# 15


officials of the Human Rights Commission of Sri Lanka took part in workshops about LGBTIQ issues in 2017.

# 51

students learned about LGBTIQ rights as part of their vocational training in 2016.

to change their gender to the one they identify with in personal documentation such as their national identity card, passport, birth certificates, etc.

Many positive outcomes followed this meeting. The Human Rights Commission agreed to form a subcommittee that would oversee human rights violations committed against the LGBTIQ community in Sri Lanka. In return, EQUAL GROUND agreed to conduct educational training sessions for Human Rights officials in Colombo and other regional offices, with the intention of better equipping Human Rights Officers across regional offices to handle reports of violence against LGBTIQ persons. This subcommittee was launched in July of 2017. It is now the main office that handles reported incidents of violence against LGBTIQ people. Other functions of this subcommittee include submitting observations and guidelines to government authorities and investigating documented evidence-based LGBTIQ rights violations.

With support from funding bodies such as KIOS, civil society is more capable of continuing its dedicated work towards changing negative attitudes about LGBTIQ persons. In doing so EQUAL GROUND hopes to create social change that will eventually lead to policy and legislative changes and to non-discrimination on the basis of sexual orientation and gender identity. 

## EQUAL GROUND


### Sri Lanka

EQUAL GROUND is the only organisation in Sri Lanka currently actively fighting for equal rights for the lesbian, gay, bisexual, transgender, intersex and questioning (LGBTIQ) community. Founded in 2004, EQUAL GROUND is also the oldest organisation of this nature functioning in the country.

EQUAL GROUND advocates for the decriminalisation of same-sex activity and the elimination of discrimination towards individuals on the basis of their sexual orientation or gender identity.

Its work revolves around raising awareness and engaging in high-level advocacy work.

KIOS has funded EQUAL GROUND since 2014. With support from KIOS, EQUAL GROUND has worked to reduce the vulnerabilities of transgender people and to raise awareness and engage in advocacy work for the rights of LGBTIQ people in Sri Lanka.



Uganda

## Utilising judicial activism to promote maternal health

Strategic litigation can be used to challenge violations occurring in health care systems. In Uganda, the Center for Health, Human Rights and Development (CEHURD) is addressing issues of maternal health through the courts of law. The courts' decisions can change the lives of the victims and lead to improvements in maternal health care practices throughout the country.

Text: Center for Health, Human Rights and Development (CEHURD)



CEHURD staff attending a court hearing. Picture by CEHURD, Uganda.



In 2012, Jennifer Musimenta was admitted to Uganda's Mulago National Referral Hospital to give birth. Although she expected to have one child, the midwives that attended to her noticed that she was having twins. They anaesthetised her and moved her up for a C-section. Subsequently, upon discharge she was given a single child in spite of the fact that her documentation indicated that she had given birth to two babies. Systemic violations in the health care failed her.

The Center for Health, Human Rights and Development (CEHURD) alongside the Musimentas filed a complaint with the High Court of Uganda against the Executive Director of the hospital for maternal health justice. The case raised questions on the quality of the movement of babies in Uganda's health care system. The court, in its decision in favour of the victims, ordered the government to offer psychosocial support to the family and pay damages. The court also made structural orders for maternal health justice, including allowing CEHURD to inspect Mulago Hospital and the hospital to give periodical reports to the court on systemic improvements on the movement of babies in the hospital.

This court's decision is life-changing for the successful plaintiffs and will be for families giving birth in Uganda generally. It is another case contributing heavily to the right to health jurisprudence not only in Uganda but across East Africa. Most impor-

tantly, it has the potential to create an additional national wave of maternal health care improvements.

### **Ensuring the security of mothers and babies**

KIOS funded the filing of the case and is now supporting CEHURD to implement the court's judgment and effect all court orders for the benefit of the public and the victims. To this end, CEHURD has adopted a multi-pronged approach, targeting the hospital system including the Ministry of Health, police interventions and community involvement.

Mulago Hospital has started implementing the court's judgment. They have shared with CEHURD a report on their newly developed regulations for medical personnel participating in child births. As additional measures, CEHURD has proposed that Mulago Hospital must ensure the mother and baby's security when a mother delivers a baby or when the mother becomes unconscious immediately after giving birth. In its first report, Mulago Hospital has initiated better training of its personnel regarding baby theft. They have now invested in innovative security technologies, such as cameras, to stop babies from being lost or taken from the hospital.

Overall, the Judge's orders allowed for an important dialogue between a care delivery system and an advocacy organisation that sought to create improvements in their prac-



61

community health advocates have been trained in health rights and supported to develop work plans in 2015-16.

4

strategic litigation cases have been filed on the violation of the right to health.

tices and hold them accountable throughout the process. The defendants have committed to paying the court-awarded general damages and providing the victims with psychosocial therapy.

#### Manuals for the police

The Uganda police is among the implementing institutions in the maternal health judgment. CEHURD held a national colloquium with police officers from different departments and rankings. There were deliberations on the Mulago case specifically and how to eliminate the practice of child theft from Ugandan hospitals. The police officers were also trained in health and maternal health rights and the broader issues of sexual and reproductive health and rights. There was consensus that the police force together with the state attorneys must have specific manuals for tackling baby theft.

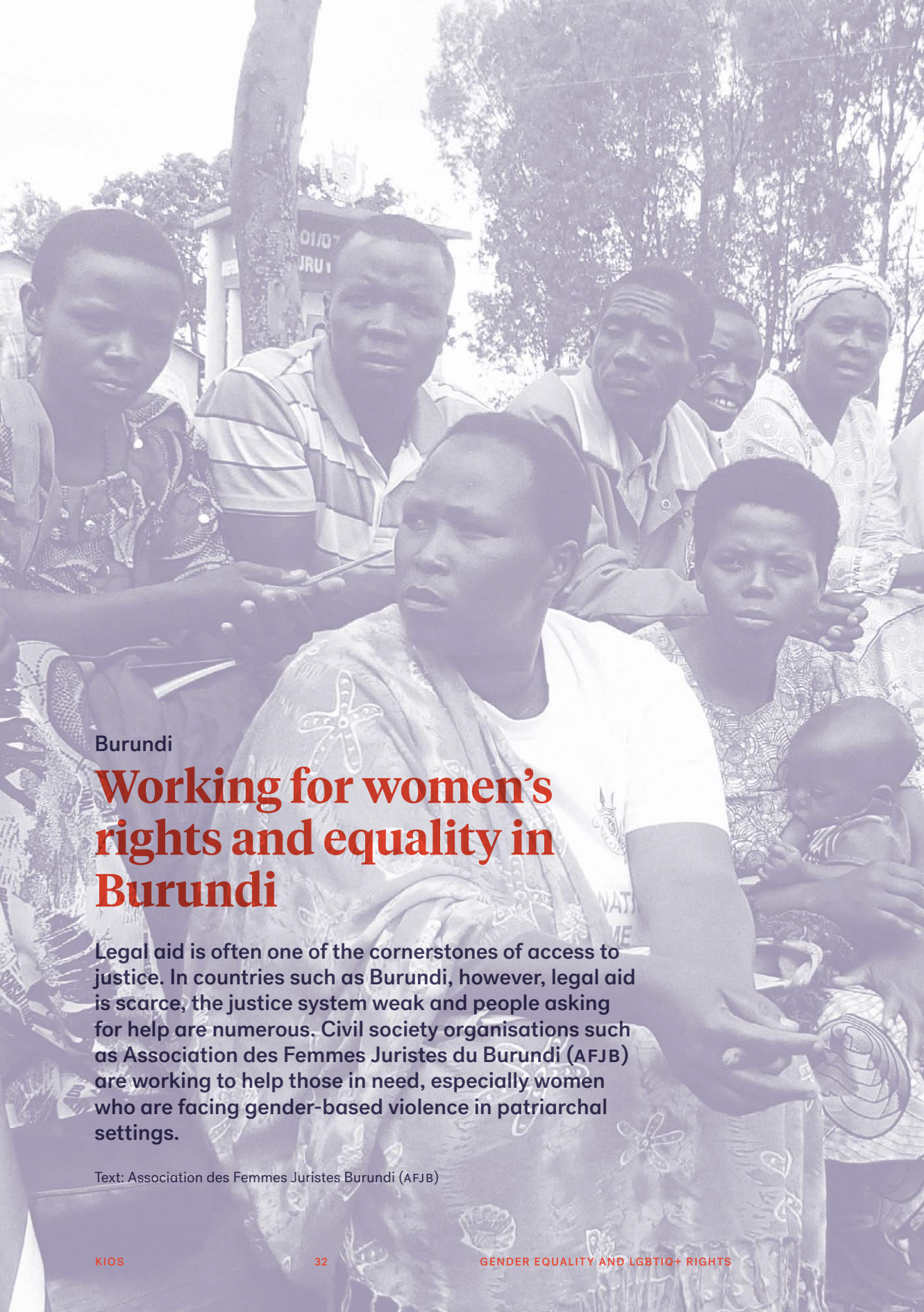
Judicial pronouncements from the court have a serious impact on the other health facilities in the country. This has provided an opportunity to address the current issues of family security and human rights in Ugandan hospitals. Similarly, the Ugandan judiciary has started to become responsive to maternal health claims and has demonstrated its capability to give decisions that provide legal and structural changes to systemic claims. [K](#)

## Center for Health, Human Rights and Development

### Uganda

The core focus of the Center for Health, Human Rights and Development (CEHURD) is on health and human rights. It was founded in 2007 in Uganda and is pioneering the justifiability of the right to health in the East Africa Region. CEHURD works to advance health rights for vulnerable communities through an integrated programme of litigation, advocacy and community empowerment.

KIOS has funded CEHURD since 2011 in their work claiming the right to health in Uganda. With support from KIOS, CEHURD has used strategic litigation and media engagement coupled with civil society activism to challenge violations occurring in Uganda's health care system.



Burundi

## Working for women's rights and equality in Burundi

Legal aid is often one of the cornerstones of access to justice. In countries such as Burundi, however, legal aid is scarce, the justice system weak and people asking for help are numerous. Civil society organisations such as Association des Femmes Juristes du Burundi (AFJB) are working to help those in need, especially women who are facing gender-based violence in patriarchal settings.

Text: Association des Femmes Juristes Burundi (AFJB)

over

**500**

victims of gender-based violence were given legal counselling in 2016–17.

**15**

victims of gender-based violence were given legal aid through the courts of law in 2016–17.

**T**he societies in Muyinga province, in north-eastern Burundi, are rather patriarchal. Women are often economically inferior to men. Women living in economic plight often resort to desperate means in order to survive. Many drop out of school. Some become servants to families, some start selling their bodies to get a daily meal. Many live dependant on their husband's economy and goodwill. In cases of divorce, women are often left with nothing. The societies embrace a silent approval of certain forms of gender-based violence, such as women's inferior economic status.

Many women and children need help, and few are there to help them. The political crisis in Burundi, which escalated in 2015, has restricted the work of local organisations. Donors have pulled out of Burundi and both NGOs and the government are left with less funding to work with. Food and other resources are scarce. The justice system, even more than before, is dependent on the assistance and contribution of NGOs. Judges as well as victims of human rights violations do not have sufficient funds for transport, thus justice is often blocked due to a lack of petrol.

At the grass roots, however, there is signif-

icant strength. One seed of hope at the grass-roots level is an organisation called Association des Femmes Juristes Burundi (AFJB). The organisation was founded in 1995 and has long been helping victims of gender-based violence. KIOS has supported the work of AFJB in the province of Muyinga, where the organisation has a legal aid and counselling clinic.

#### **Legal aid for divorced women**

Florence is one of the women who have benefited from the assistance of AFJB. Florence's husband abandoned her and their five sons and has already re-married. Florence's former mother-in-law treated Florence like an outsider. Florence was not allowed to grow crops on the family lands.

"With the help of AFJB, I won a case against my husband. Although we are still waiting for the judgment to be executed, I now have hope. I have hope for the future," says Florence.

Another beneficiary of AFJB, Sophie, tells us:

"The AFJB lawyer at the legal aid clinic in Muyinga helped me to proceed with my case. And with the court's verdict, our family belongings were evenly distributed between





Community members in Muyinga province, Burundi. Picture by Maarit Roström.

me and my husband. I now have a house of my own with my six children and we do not have to live in my brother's household."

#### Organisations lobbied for new law

There have also been positive legislative developments in Burundi when it comes to eradicating gender-based violence. A law specifically against gender-based violence and to help the victims was enacted in autumn 2016. The legislation now acknowledges the existence of gender-based violence as a fundamental problem and offers some tools to fight against it. AFJB was among the organisations who worked and lobbied for the legislation over a long period of time. The legislation is not perfect and the authorities are not always aware of its content or even existence. But acknowledging gender-based violence as a huge issue is a step forward in the battle to eradicate the violence. AFJB gives training to local authorities on the contents of the legislation.

AFJB continues to work in the context where help is most needed and those who help are few in numbers. The work for a better Burundi and equal rights continues in the most fragile of settings. [IKI](#)

## Association des Femmes Juristes du Burundi

### Burundi

Association des Femmes Juristes du Burundi (AFJB) is an organisation founded in 1995. AFJB has long experience in helping victims of gender-based violence, especially through legal aid and training. The organisation has been active in national advocacy work and has sought to address issues around access to justice affecting rural areas.

KIOS gave the first financial support to AFJB in 2012 to help victims of gender-based violence and this has been the focus of KIOS' support to AFJB since then.



**Equality and  
dignity for all**



# Mind the gap!

## – Reflections on our work for marginalised and vulnerable groups' rights



**Sandra Petersen**  
Executive Director,  
the Norwegian  
Human Rights Fund

In 2018 we celebrated the Universal Declaration of Human Rights; the document that laid the foundation of human rights work and norms for the past 70 years and secured a minimum standard of rights for all. The Declaration has kept the most vulnerable and marginalised at heart, and this year we have the opportunity to reflect on the developments for these groups over the last decades.

The Norwegian Human Rights Fund (NHRF), where I have worked for over a decade, and our sister-fund, KIOS, also marked anniversaries in 2018: 30 and 20 years, respectively. Our anniversaries reflect on decades of direct support to and partnership with local organisations at the forefront of the human rights struggle. In the past 30 years, we have seen and learned much from the developments in human rights when it comes to work on marginalised and vulnerable groups' rights. This was one of the key areas when the NHRF was founded; a people-centred approach that looked broadly on human rights and sought to support people in their struggle for economic, social and cultural rights, as well as the protection of civil and politics rights. This was a progressive approach in 1988; a time when many of the traditional human rights organisations focused mostly on the latter.

### No one left behind?

The latest development to impact the agenda was the introduction of the Sustainable Development Goals (SDGs). The global leap to embrace the SDGs without first bridging the important and ongoing work in the human rights field and the mission of the SDGs has created wide gaps where we often find marginalised communities and vulnerable groups. Thus, the language of human rights law and the robustness of the global human rights system remain unwaveringly relevant for organisations working with these groups. Although expansive, the language of the human rights system is still personal and can be easily localised on the scale of marginalised communities that are often overlooked and have difficulty

← Life in Mathare Village, Nairobi, Kenya. Picture by Holger Priedemuth.

being reached by the general targets of the SDGs. Support to local organisations mobilising against caste discrimination – 250 million Dalits in Asia – is an example of a large community that the NHRF has been working with for many years. There are many dimensions to the extreme inequalities faced by this community that require a multidimensional approach – an approach that combines the strength of the human rights system drawn from its legal foundation that backs claims for human rights and the SDGs that bring a renewed energy through global consensus to tackle inequality from 17 interconnected angles.

### **Power to the people**

SDG 17 focuses on global partnerships to create coherent policies that seek to address the issues of local communities and people and the international community. My experience is that partnerships and strong connections between the local, national, and international levels are an influential factor for positive change on the local level, but these partnerships must be driven and informed by the communities who are not only claiming their rights but building a secure foundation for the future. Coherence isn't achieved without the direct engagement, participation, and inclusion of the world's marginalised and vulnerable communities. But still, this is in many contexts just slogans and dreams.

However, the NHRF and KIOS share a belief that when marginalised and vulnerable groups have the resources and platforms to speak, to claim their rights, they can use their power to write their own script and shape their own narrative. Partnerships with other local, national, and international organisations can provide support to amplify voices from vulnerable communities and embolden movements to reach those who are obligated to fulfil their rights. The phrase “Nothing About Me, Without Me” is powerful and must always be with us in our human rights work.

### **Changed environment**

Unfortunately, a trend we have seen emerge in recent years is the shrinking space for the voices and actions of the human rights community and those who hold on to the standards encompassed by human rights and hold governments accountable. That community leaders are being targeted will most certainly affect the most marginalised and vulnerable groups they work with and for. Resistance to the status quo and “governance as usual” and advocacy for sustainable development is being stigmatised and criminalised. People who stand up for rights, human rights defenders (HRDs), who question and resist are being targeted for their advocacy, their mobilisation and their courageous work to claim the rights of the groups they represent. HRDs who advocate for land rights, the right

to livelihood and a healthy and clean environment are especially targeted with harassment, violence, disappearances, and in a more recent and disturbing pattern of suppression of resistance, murder.

With such a trend of hostility towards defenders, it must be recognised that many begin and continue in this work knowing and accepting the severe consequences that come with it. Their voices are critically needed, as they are often the only voices that stand out within communities to directly challenge inequality and human rights violations from state and non-state actors and from businesses. Now more than ever, we need to focus on that! Countering negative narratives about human rights defenders as criminal, against development, and trouble-makers, and celebrating their courage and the values they stand up for is needed more than ever.

### **Solidarity in action**

In many countries, marginalised and vulnerable groups may have space to claim their rights and work to correct inequalities, but the capacity and will for the implementation of change may be lacking. In such settings, the inexhaustible efforts of local organisations, coupled with international partner organisations like the NHRF and KIOS, can work together to find innovative solutions and to ensure that their communities are not overlooked by vast global agendas.

The marginalised and vulnerable communities make up a significant proportion of those living in extreme poverty and face multidimensional inequalities. As such, they represent the future of equality on all levels. They should be put first in line. Actors like the NHRF and KIOS in the human rights community must work to embolden their resistance, their promotion of positive progress and change for those stuck in the gaps created by global agendas, their challenge to the status quo, to highlight their role in the process of achieving the SDGs and moving the promotion of human rights forward. [K](#)





Pakistan

## Music that brought solace to troubled minds

In Pakistan, the children in prisons are a forgotten population. The Child Rights Unit (CRU) of the Dastak Charitable Trust is working to enhance the rights of children in the country. This has meant monitoring the situation of children in prisons, among other things. The following article gives a glimpse of their work, bringing music as solace to troubled minds.

Text: the Child Rights Unit CRU

Someone once called them “the children of a lesser God”. This is the largely neglected and forgotten population of children in prison. While several standard-setting initiatives have been taken at the international level for the treatment of children in conflict with the law, the plight of these children is yet to improve in many countries of the world. In Pakistan, a separate system of juvenile justice did not exist until 2000. There are still very few places of detention exclusively for children and the majority of such children are still detained in separate wings in adult facilities under conditions that are far from conducive to reformation.

The Child Rights Unit (CRU) of the Dastak Charitable Trust is working to improve conditions in prisons where children are held in pre-trial and post-sentence detention. The CRU has been working on child rights for the last two decades. It has been implementing programmes that reduce the children’s sense of isolation and give them confidence in their worth to society. In many prisons that are on our regular beat, the children have begun to

see us as friends who bring some relief to their dreary routine.

#### **Music for young minds**

On one such visit to a juvenile jail in Faisalabad, the jail authorities had organised a band to receive us. We noticed how delighted the children were with the music that the band was playing. Some of them had started to hum the lyrics of songs with the music played by the band. It was after this visit that the CRU decided to make music part of these children’s lives.

We spoke to a very popular band – the Lal Band, a group of socially conscious musicians who support human rights causes. They readily agreed to perform for these children in prison. The next step was to get official permission for such a programme to be held in the juvenile jail in Faisalabad. Never had such a programme ever been held inside a prison anywhere in the country. We knew that it would take a lot of persuasion to convince the prison authorities that such an activity would benefit the children. It was a challenge that we were prepared to take.

“

It was after this visit that the CRU decided to make music part of these children’s lives.”



Children enjoying music and dance. Picture by Dastak Charitable Trust, Pakistan.

We approached the Inspector General of Prisons, as we knew that it was beyond the authority of the Superintendent of that jail to allow us to hold this programme in his jail. After much argument and many visits to his office, the Inspector General finally granted our request, but on condition that we would not have any media presence or give out any public information on this event. We realised that in the environment of religious extremism in the country, he was putting his job on the line, so we deeply appreciated his cooperation.

“

The Band played popular songs and the children sang along.”

### **A sunny day in Faisalabad prison**


On a fine, sunny day, the CRU team together with members of the Lal Band set out for Faisalabad prison. When we reached it, the children flocked out into the reception area to receive the band with enthusiastic cheers. These were stars they had only heard about and this was their chance to see them and be entertained by them. The spirits were high and the right mood for such entertainment already set.



Annual reporting of children's conditions in Punjab's prisons.

A database on cases of children and their circumstances in prisons in Punjab since 2007.

The band played popular songs and the children sang along. They danced to many of the popular tunes. Throughout the programme we watched children gather around the musicians to ask questions about their instruments, many of them trying to play them. The environment had aroused their curiosity which the band had created with the entertaining music.

A few days after the event, the CRU gave the prison musical instruments. The CRU team also arranged with the police band to teach the children to play these instruments. The hope is that some of these children in that prison will form a band of their own and bring music to the prison as a therapy for themselves and others, for the duration of the time they remain incarcerated. 

## Child Rights Unit of the Dastak Charitable Trust

### Pakistan

The Dastak Charitable Trust is a non-profit foundation founded by the renowned AGHS Legal Aid Cell in 1996. AGHS is one of the leading human rights organisations in Pakistan. The Child Rights Unit (CRU) used to be one of the units of the AGHS Legal Aid Cell until it was transferred under the Dastak Charitable Trust in 2017. The main thrust of the CRU's programmes has been to contribute towards child protection. The Unit has chosen to work on the protection of children under especially difficult circumstances.

KIOS has supported the CRU in its child rights work since 2012. The CRU's work under KIOS' support has focused especially on children's access to justice, children's right to participation and work against child labour. Among other things, this has meant monitoring the situation of children in several prisons and documenting and reporting on this. With KIOS' funding, the CRU has also engaged in strong advocacy work against child marriage and child labour.



Nepal

# Proud of our culture and language – Ending the cycle of poverty with education

Nepal is a cradle of over a hundred languages spoken as mother tongues. The school system, however, is not always culturally sensitive, nor does it endorse multilingual learning. The Childspace Foundation is working to enhance a learning environment that is sensitive towards Tamang culture and language. This has decreased school dropout rates of Tamang children.

Text: Tasi Lama Tamang, Chair, Childspace Foundation Nepal







Extracurricular activities in Mahankal School. Picture by Childspace, Nepal.

I was born into an extremely poor village of farmers who lived in a remote hilly region of Nepal. These farmers were Tamang indigenous people, who have been oppressed for centuries.

As a schoolboy, I struggled to understand why community members were not encouraged to send their children to school. At the beginning, I thought poverty and school facilities were the reasons. After my university studies, I decided to go back to my community. I returned in 2001 and started to work as a schoolteacher. In 2003, I established a charity named Helping Society Nepal. I wanted to see better educational facilities for the underprivileged Tamang community. I wanted both the children and families from the indigenous Tamang community to have access to education and finally to be able to end the cycle of poverty.

During the years, I saw many improvements take place. Education, up to higher levels, was offered in schools. Basic-level schooling was free. There were good facilities and

infrastructure. However, there was still a lack of interest in education among the community. What I had imagined in the beginning was not correct. Poverty and school facilities were not the reasons for the low study rates.

### Root causes of marginalisation

After the Maoist civil war ended in Nepal in 2006, the peace process started. The constitution-writing process followed soon after. I took an active part in the public discussions through civil society organisations. It was during this time that I was exposed to international perspectives and practices regarding the rights of indigenous peoples.

A light bulb turned on – I became deeply aware of the cultural and linguistic reasons why the indigenous Tamang people did not send their children to school and why the Tamang community was so backward.

The Tamang people could not feel ownership of the Nepali education system. The educational environment and curriculum were not sensitive towards the Tamang culture and


language. The Tamang language was not used in schools. Gradually, the school environment detached the children from their culture and they were no longer proud of their roots. In fact, speaking Tamang in schools was a punishable act, due to which many Tamang children dropped out from their schools. This was one of the worst forms of human rights violations.

#### **Rising school enrolment and improved test scores**

At the beginning of 2013, KIOS started to support Childspace in creating culturally sensitive learning environments in schools. The work was multifaceted – it used media campaigning to create awareness, it lobbied government and education officials and it worked with schools to provide teachers with new resources and training. It produced exciting and tangible results – more Tamang children stayed in school and were learning better than ever. The test scores proved it.

Since then, KIOS and Childspace have undertaken another project to consolidate the work of the first one and change the lives of thousands of underprivileged children. Drop-out rates have been slowly diminishing and school enrolment continues to rise.

Economic pressure on Tamang youth is high as the community is still poor and not very well-educated. The Tamang people need to feel ownership of their education system and there are many other issues, too, that need improvement.

However, I am hopeful. The new constitution has provided a legal and political framework for creating a truly multilingual, culturally sensitive learning environment to meet the needs of our community in the ways that they need to be met. 

## 4

national advocacy forums in 2016 and 2017 in Kathmandu to discuss importance of multilingual and multicultural education.

## Childspace Foundation Nepal

### Nepal

The Childspace Foundation Nepal is an organisation founded by Tamang democracy and human rights activists in 2003.

The organisation was first registered as Helping Society Nepal and later on in 2011 as the Childspace Foundation Nepal. It seeks to enhance the situation and the rights of the Tamang minority – and the rights of indigenous people and ethnic minorities as a whole. The rights of children and the most vulnerable groups are particularly at the centre of the work of Childspace. KIOS has supported the work of the Childspace Foundation since 2014. With KIOS' support, the organisation has improved the linguistic and cultural rights of Tamang children.



Nepal

## Raising voices for access to services

The Informal Sector Service Center (INSEC) in Nepal has formed Human Rights Watch Groups to identify problems at the grass roots that prevent people from enjoying their human rights. Through a group voice, they can put pressure on the responsible authorities and create a space for dialogues between rights holders and duty bearers.

Text: Informal Sector Service Center (INSEC)





← Handprints on a wall in Nepal. Picture by Roosa Rantala.



The INSEC programme facilitator and Human Rights Watch Group facilitate the process of getting citizenship in Musahar community (left). Health workers providing service to a female community member at the safe health post (right). Pictures by INSEC, Nepal.

**T**he Health Post service of the Khaskusma village development committee in Banke district in the Mid-Western part of Nepal was delivering health care services in a building that was at high risk after the massive earthquake in Nepal in 2015. Medicines were not stored in a safe place and services were sometimes even provided to patients outside in the sun and rain. Hundreds of people of the community were deprived of getting quality health care services at the post.

The Informal Sector Service Center (INSEC) formed a Human Rights Watch Group in Banke district. The aim was that members would start to raise their voices to the local government for their fundamental rights. Members of the group identified the economic and social issues that need to be solved in order for community members to enjoy their basic rights. Through the Human Rights Watch Group, the community members could raise their voice to claim their rights, making the authorities responsive to moving towards an easy, effective and accessible service delivery system.

When the Human Rights Watch Group identified problems such as the health post

being in a building that was not safe, they organised meetings with local government, public representatives and social workers. They also submitted memorandums to the district-level stakeholders and engaged the media. Some months after the intervention, the local government moved the health post to a safe building nearby. The District Public Health Office provided essential medicines and equipment with regular health staff in the health post.

### Citizenship brings rights

Som Narayan belongs to a Dalit community, which is a marginalised and deprived group of people in Nepal. Som Narayan did not have citizenship and his parents had passed away. His parents had an inheritance citizenship, but because of lack of awareness, his birth was not registered with the village development committee. For many generations, the Dalit communities did not register their details of birth, marriage, death and migration due to a lack of knowledge. They did not apply for citizenship either. As a result they lacked citizenship cards and were deprived of the services and opportunities provided by the state.

Som Narayan participated in a discus-

sion programme organised by INSEC on the issue of citizenship. After the programme, the Human Rights Watch Group started helping him get citizenship. The group put pressure on the political parties and ward secretaries as well as the community and district police, and finally he was granted the certificate. Now, Som Narayan Mushahar has registered his name on the voter list.

### **Monitoring and advocating for human rights**

Human rights monitoring is central to INSEC's work. This involves the continuous monitoring of the human rights situation in the country and monitoring the status of the domestication of international human rights laws and their implementation. People's access to government services and justice is another theme included in INSEC's monitoring work.

INSEC also closely watches the functioning of democracy in general, such as the status of people's participation in election processes and marginalised people's access to the decision-making structures of political parties and other institutions. INSEC observes how people's voices are being heard and responded to, how political opposition is treated in general and whether ample space is available in which civil society can operate freely.

INSEC's efforts in human rights advocacy and campaigns range from the grass-roots to the national and international level. They include exerting pressure for the ratification of international human rights treaties, their domestication and the effective implementation of human rights issues at the national level. These efforts have resulted in many positive changes to national laws and policies and to the protection of the rights of disadvantaged and marginalised communities. [K](#)

# 2955

people's awareness of their economic, social and cultural rights has increased in 2017-18.

# 27


initiatives or claims to authorities on the rights to education, food and health in 2017-18.

## **Informal Sector Service Center**

### **Nepal**

When it was founded in 1988, the Informal Sector Service Center (INSEC) initially focused on cart pushers and other workers in the informal sector. Since then, its activities have expanded into the promotion and protection of all fundamental human rights, and it reaches into all 77 districts of Nepal. It is widely known across the country and the region as a key civil society organisation.

KIOS has funded INSEC since 2012 for its work to increase the access of local people to public resources and government services. As a result, local people's awareness of their right to education, food and health has increased, as well as their capacity to claim their rights. Access to services has increased as local authorities have responded to these demands.



Uganda

## Access to health care for pastoral and island communities in Uganda

There is no guarantee of access to adequate health care in Uganda. Those vulnerable communities who might need the help and care the most are left behind. The Initiative for Social and Economic Rights (ISER) is working to enhance the right to health, especially for the most marginalised. The organisation has mapped out the state of health care in remote places such as the Sigulu Islands and among the pastoral communities in Amudat.

Text: Initiative for Social and Economic Rights (ISER)





**O**n 5 April 2018, a team from ISER – accompanied by officials from the Equal Opportunities Commission (EOC) and media representatives – set out for the Sigulu Islands in Namayingo District to launch a research report entitled *Here When You Are Poor, You Die: Access to Healthcare on Sigulu Islands*.

A notable finding of ISER’s research, which was made possible by the funding support of the KIOS Foundation, is that access to basic health care remains an aspiration for communities on the Sigulu Islands, an amalgam of islands in Namayingo District, in Eastern Uganda.

Ms. Salima Namusobya, ISER Executive Director, observed: “We are failing to ensure health care for those who need it most -- the poor and the marginalised, who include island communities. ISER’s interactions with the people on the Sigulu Islands revealed a national health system that is consistently failing to fully protect and realise the human rights of persons in marginalised areas.”

### **Sad reality for the most vulnerable**

During the report launch, community members shared heart-wrenching stories of losing loved ones while trying to mobilise funds to transport them to the mainland or during the lonely journey across the waters to access treatment on the mainland. Some shared personal experiences of having to send expectant mothers to the mainland months before their delivery dates to avert the possibility of death on the islands resulting from a lack of emergency obstetric care. One resident recounted: “My wife got labour pains at 6:00pm and I rushed her to the Haama Health Centre II. She bled profusely while the medical personnel looked on and in the process she pushed out a dead baby. I decided to look for fuel and a boat so that I could take my wife to a hospital. It took me some hours to get fuel and a boat. My wife lost a lot of blood during the time I spent looking for the money for transportation [such] that before we could set off, she passed on.”

On average, residents part with 300,000 shillings (€ 70) to hire and fuel a boat and





← Women in the Hama Islands participate in focus group discussions on the state service delivery. Picture by ISER, Uganda.

Dilapidated Rabachi Health Centre II in the Sigulu Islands. Picture by ISER, Uganda.

secure a driver to reach a mainland health facility. To put into context how exorbitant this fee is, consider that the average nominal monthly cash income for this region (derived from all sources) is 222,000 shillings (€ 52) according to the Ministry of Finance, Planning and Economic Development.

Hon. Abott Ouma, the Member of Parliament for Bukooli Islands, Namayingo District who was present at the launch, noted: “The Sigulu Islands have been ignored when it comes to health care. My constituents continually appeal for the basics like emergency boats; but unless provided through the goodwill of politicians, many die, especially the poor, when trying to access healthcare.”

Health workers reported having to work under very poor conditions. This was observed at the report launch, which was hosted adjacent to the Rabachi Health Centre, a facility in a terrible state, characterised by a dilapidated building, a bat-infested ceiling and an unbearable stench. The condition of the Rabachi Health Centre was so bad that health workers opted to treat patients

under a tree. Ruth Achieng, a health worker at the Hama Health Centre II, noted during the report launch that although the Sigulu Sub-county has a Health Centre III, it is understaffed and ill-equipped, having neither power, nor water, nor a single delivery bed.

It is unsurprising, then, that Namayingo District, in which the Sigulu Islands are located, was among the districts registering the greatest decline in health care standards according to the Health Sector Annual Performance Report for the financial year 2016/2017.

### **Pastoral communities face the same challenges**

However, the situation in Namayingo is no different to that of pastoral communities in Amudat District in the Karamoja region. The National Population and Housing Census (2014) estimates the total population of Amudat to be 105,769 persons. Poverty levels are high in Amudat, as elsewhere in Karamoja, the least-developed region in the country. Since its establishment in 2010, Amudat has been the worst-performing district in terms of



We are failing to ensure health care for those who need it most – the poor and the marginalised, who include island communities.”

health.

Also with the funding support of KIOS, ISER researched access to health care in Amudat District and found major gaps in the realisation of universal health coverage for the people of this area. The research report, entitled *For Us, We Are Like Forgotten People: An Assessment of Health Services in Amudat District*, was launched on 9 August 2018. A notable finding of this research is that access to health services is limited due to a lack of health facilities. Members of communities consequently have to trek long distances to access health facilities, which places a tremendous strain on health care already compromised by critical shortages in medical supplies and staffing, invariably undermining the quality of that health care.

A resident shared, “The health centre is far: when a child falls sick, you have to look for a bodaboda that will cost you up to 50,000 shillings (€ 11) just to get to the Health Centre. If you cannot get a bodaboda, you have to go on foot to the health centre. There are people who rape people along the way, especially at night. It disturbs you psychologically. You keep pouring water on the child to bring the fever down, praying [to] God for the child to survive the night.”

Another woman narrated her ordeal: “I gave birth in January 2016. The child died in

the process. I wanted to go home and bury my child. The doctors at the private hospital, Amudat Hospital, said I could not unless I paid the hospital money. The child was dead. Why would they not let me bury him?”

The challenges highlighted above were found by ISER to be attributable to inadequate health financing, with the national health budget being grossly underfunded, ranging from 5-8% over the last five years, far short of the 15% Abuja Declaration target to which Uganda has committed itself. A further finding by ISER was that not only is Amudat the worst-performing district in terms of health, it is also among the districts that receive the lowest health financing: Amudat was allocated UGX 951,421,000 (€ 224,739) in the 2018/19 financial year.

### **Addressing the plight of the most marginalised**

ISER has noted that focusing on the most marginalised groups in society has been very effective in bringing the plight of these groups to the fore.

The Constitution of the Republic of Uganda provides that the State shall take affirmative action in favour of marginalised groups. Article 32 (3) of the Constitution provides for the establishment of the Equal Opportunities Commission (EOC), which is

# 115

people from different organisations in mid and northern Uganda given capacity-building training on monitoring and documentation as well as on identification of cases of strategic litigation in 2016 and 2017.

Over


# 650

participants in the 2018 annual seminar on economic, social and cultural rights.

mandated to eliminate discrimination and marginalisation against any individual or group of persons for the purpose of redressing imbalances which exist against them; and to take affirmative action for marginalised groups.

The EOC's Annual Report, launched on 14 November 2018, makes reference to ISER's research on access to health in pastoral and island communities, amplifying the issues requiring urgent attention since this report is formally tabled before Parliament for debate and action.

Furthermore, ISER has used its research as an evidentiary basis to petition the EOC to address discrimination in access to health services for island communities. ISER's research has also motivated the District Health Office to commit to prioritising the renovation of the dilapidated, bat-infested Rabachi Health Centre II and to enter into dialogue with stakeholders in Sigulu on the issues raised in the report.

A commitment by the government to truly realise universal health coverage requires a concomitant investment in the health-care infrastructure and personnel. Equity demands that this is prioritised for marginalised communities, including the island and pastoral communities noted above. 

## The Initiative for Social and Economic Rights

### Uganda

The Initiative for Social and Economic Rights (ISER) is a registered, not-for-profit human rights NGO in Uganda founded in February 2012 to address the gaps that exist in relation to the respect, protection and fulfilment of economic and social rights in Uganda and to improve government accountability for this category of rights.

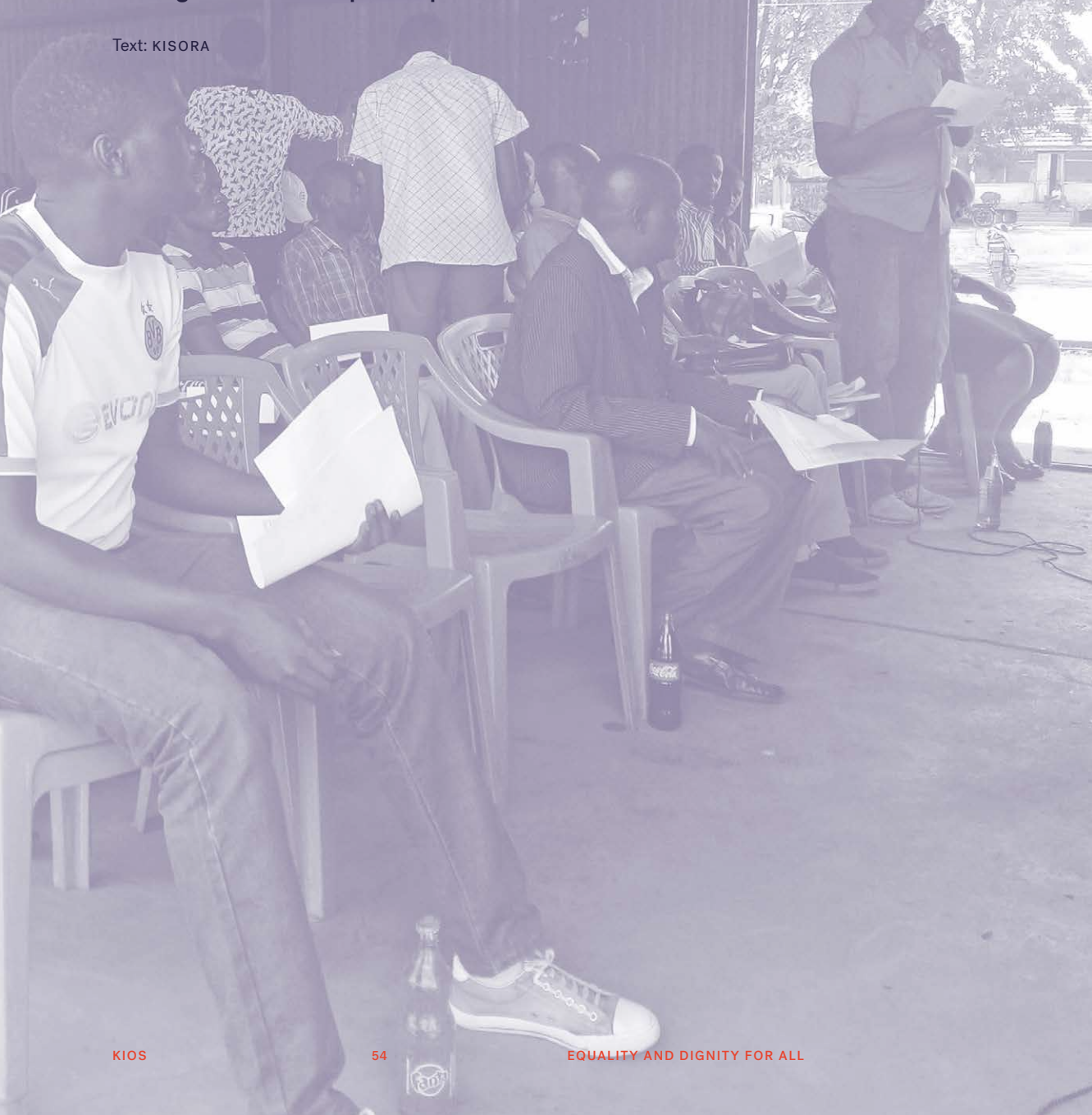
KIOS has been supporting the work of ISER since 2013. The work, with KIOS' support, has focused on enhancing the rights of women and on improving the realisation of universal health coverage in Uganda. ISER works through advocacy, training, campaigning, monitoring and reporting as well as through legal aid and strategic litigation.

Kenya

# Kisumu at the centre of human rights development

The new governance structures in Kenya give room for effective people's participation. People have the right to participate in determining the development plans of counties. In Kisumu, western Kenya, KISORA works with local communities in order to enhance economic and social rights through local development plans.

Text: KISORA







Community discussions in Kisumu. Picture by KISORA, Kenya.

**A**fter the promulgation of the new constitution of 2010, Kenya ushered in the new era of governance. The new era provides two levels of government: national and county government. Kisumu is one of the 47 counties with self-governance over specific mandates.

In the second term of county governance, the Kisumu County through its county assemblies has drafted and passed into law various policies and legislations that provide protocols for all-inclusive development. There is a strong focus on the principles of a human rights-based approach to development.

#### **More public engagement and improved services**

Kisumu County is currently experiencing significant improvements in the progressive realisation of people's rights. This is happening through well-organised forums and possibilities for the right to participation. There is public engagement in county government affairs. The Public Participation Bill that was

recently passed into law and the renewed passion and dedication by the county staff benchmarks these improvements.


The county is also experiencing improved economic and social stability – even though political tensions still arise from time to time. Upcoming infrastructural development is looming and there is tribal co-existence, fair trade, fair allocation of resources and less destruction of properties though evictions to begin with. Informal settlements are gradually experiencing improved services and security of people and properties. These developments are the result of successful regular inter-community dialogues as well as strategic and issue-based forums organised by KISORA and other partners.

#### **Kisumu CSOs come together for advocacy**

The new dawn of opportunities has increased the participation of civil society organisations in county affairs. The momentum has also decreased the advocacy fatigue that ruled the civil society sector for many decades. With KIOS' support, KISORA in partnership with

Hakijamii, a national human rights organisation, organised a joint Kisumu civil society organisations (CSO) forum. The county government of Kisumu was also invited to meet the CSOs and discuss how the CSOs can engage with county development and policy circles. This is the very first time the CSOs based in Kisumu County have come together to reason and champion a common goal.

The citizens have now had their doors of opportunities open, and it is incumbent upon the CSOs through their membership to empower citizens to participate and engage meaningfully. The people now have the possibility to speak up on issues that can have a positive impact on their economic, social and cultural rights. KISORA through its membership, partnerships and projects has always considered community empowerment as the cornerstone of its endeavours. Throughout its existence, KISORA has been promoting people-based advocacy.

As was once said, “one hand gives in the flashy lights of cameras and the other one takes it in the shadows”. The CSOs could be delighted by this opportunity, but if it is not well utilised in a structured manner, it could turn into a destructive point for CSOs. As it is common in Africa, and in Kenya in particular, “the government is the people”. However, in reality, the people have no or little say in government affairs. These are the issues the citizens of Kenya are trying to outdo through the opportunities provided by the new constitution. We expect citizens to be able to engage in the development projects and decision-making in a rebranded, synergised and sustainable manner. We expect to be informed about the results of the development projects and we expect the projects to be undertaken with a human rights-based approach to development. The communities are now regaining new energy in demanding and defending their rights. 

Over

**5 000**

local community members given capacity-building training in 2015–17 on issues related to the right to clean water and right to housing.

**10**

local organisations have increased their networking in 2015–17.

## Kisumu Social Rights Association

### Kenya

The KISORA (Kisumu Social Rights Association) Self Help Group is a network of grass-roots human rights lobby groups from informal settlements. KISORA was founded in 2007, through a KIOS-supported project implemented by Hakijamii. KISORA coordinates and implements people-led human rights campaigns. The network seeks to strengthen the capacity of communities to demand and work for the realisation of their economic and social rights. KISORA's work has focused on enhancing communities' awareness of the right to participation and of economic, social and cultural rights. KIOS has been supporting the work of KISORA since 2013.



**Corporate  
accountability  
now!**



# Corporate accountability – the orphan child of human rights in business



**Phil Bloomer**  
Executive Director,  
Business and Human  
Rights Resource Centre

← Phyllis Omidio from the Center for Justice Governance and Environmental Action (CJGEA). Picture by the Goldman Environmental Prize.

In the week prior to writing this article, our Weekly Update catalogued many alleged abuses including violence against women in oil palm plantations in West Africa; industrial salmon farms' destruction of livelihoods in southern Chile; and poverty wages for garment workers in Bangladesh.

Most of these allegations of abuse and calls for redress and justice will never be addressed by irresponsible companies and investors. Focused on the narrow interests of their shareholders, they see no commercial rationale to take into account the interests of their wider stakeholders. This sense of impunity is an expression of the profound inequality of wealth and power between big business and their workers or the communities where they operate. In too many instances, the gains to the company of tolerating abuse such as modern slavery or pollution in their supply chain outweigh the costs of remedy. As John Ruggie, author of the UN Guiding Principles for Business and Human Rights (UNGPs), wrote recently, "It is certainly no secret that access to judicial remedy remains the biggest challenge in the global business and human rights space. It is also the most difficult to resolve."

This is the reality of corporate accountability, as our societies and economies enter a period of intense transformations such as the transition to low-carbon economies and the introduction of artificial intelligence and automation in the workplace.

This is why the movement for corporate accountability will be so vital over the next decade. We must expand accountability to help re-purpose companies to deliver shared prosperity and shared security for workers, communities and shareholders and a safe environment for the next generation. Fortunately, there are clear reasons for optimism, alongside worrying signs of regression.



### **Increased efforts to demand accountability**

Civil society has redoubled its efforts to demand corporate accountability by exposing the abuses of irresponsible companies and heighten their reputation risk. Equally, the media is alert to the collapse of public trust in the global markets. This has led to more willingness to cover stories of abuse, corruption, tax evasion, the concentration of economic power and the need for effective corporate accountability. An example is the tech giants, Google and Facebook, who have undergone a reverse metamorphosis in the media: from the butterfly of democratic flowering, to the worm eating at the sacred fruit of privacy, rights and democracy. However, campaigns and media do not inevitably lead to justice for victims of abuse.

The UN Guiding Principles insist that companies provide access to remedy for when things go wrong. With notable exceptions, like Adidas, companies have generally ignored this responsibility. Our Corporate Human Rights Benchmark of 100 of the largest global companies gave an average score of just 14% for their Remedies and Grievance Mechanisms. This scale of neglect leaves victims of unpaid wages, pollution and land grabs around the world with only the courts by which to gain remedy. This is why the Business and Human Rights Resource Centre devotes a portal to tracking corporate legal accountability around the world.

Another reason for optimism is the recent French Duty of Vigilance law. This establishes parent companies' obligation to identify and prevent human rights violations resulting from the operations of all entities under their control, including subsidiaries and sub-contractors. This is ground-breaking. It not only insists that companies set out their efforts to prevent abuse in their operations and supply chains, but will also allow victims of abuse to take cases to the French courts for parent companies and their subsidiaries. The Swiss National Council has similarly been negotiating a bill looking to introduce mandatory human rights due diligence for parent companies.


### **Remedy through courts of law?**

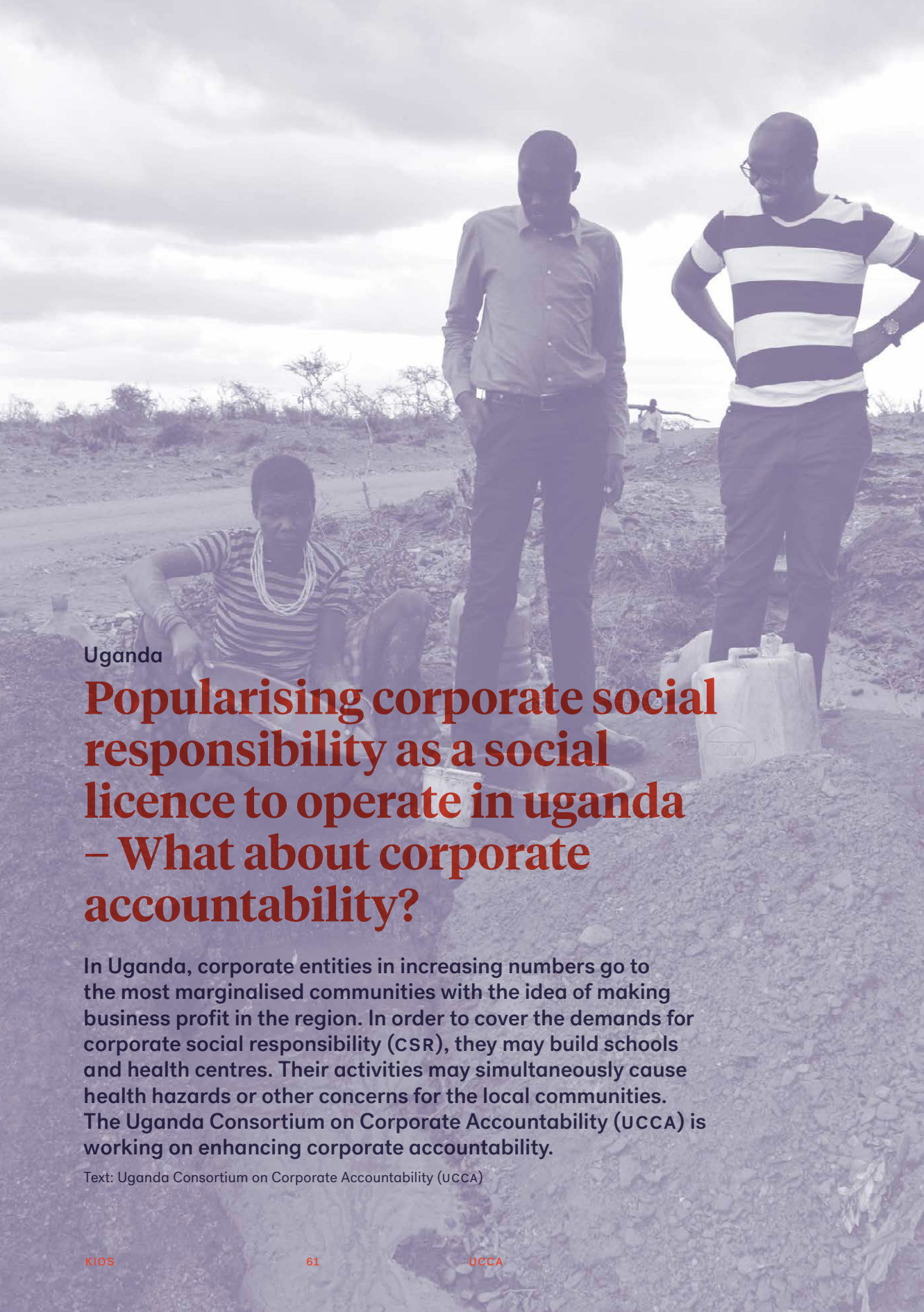
However, in most countries, a legal obstacle to redress for victims is the difficulty of 'piercing the corporate veil'. In essence, parent multinational companies set up subsidiaries, as separate legal entities, around the world. These subsidiaries are subject to national laws and human rights standards that are often far more lax and unenforced than in the parent company's jurisdiction. But when victims seek remedy from the courts in the parent companies' home country, the courts are often reluctant to 'pierce the corporate veil' that subsidiaries hide behind. In May 2018, for example, a US federal court decided that a case brought by Peruvian farmers

against Newmont and its local subsidiaries over alleged attempts to forcibly evict the claimants from their land should be heard in Peru instead of the US, even though the plaintiffs argued convincingly that they were unable to obtain justice in Peru. These obstacles are likely to worsen still further with changes in the US Supreme Court.

In contrast, in the European Union, foreign plaintiffs can bring a claim against a parent company domiciled in an EU Member State in the court of the country where it has “statutory seat; central administration; or principal place of business,” irrespective of where the damage occurred. In 2015 for example, a Dutch appeals court allowed a case against Royal Dutch Shell over damage from oil pollution allegedly caused by its Nigerian subsidiary to proceed in the Netherlands. These avenues are still to be further tested.

Finally, there are the tentative steps at the United Nations to establish an international treaty for human rights in business. This could substantially enhance the opportunity for corporate accountability, including extra-territorial obligations to provide remedy and justice in national laws. However, the treaty faces great opposition, and it will be an uphill struggle to deliver anything concrete in the next decade, if at all.

In conclusion, accountability for corporate harm to workers and communities remains an orphan of the UN Guiding Principles, through the inaction of most governments and companies. There are encouraging signs that a cluster of governments and companies are taking this obligation more seriously, perhaps spurred on by the loss of public trust in the global markets. Kofi Annan stated nearly twenty years ago that the social and environmental pillars of globalisation had to be strengthened. A year later, he added: “My friends, the simple fact of the matter is this: if we cannot make globalization work for all, in the end it will work for none”. Corporate accountability is one of the most powerful litmus tests of corporate and governmental willingness to direct markets to the common good and shared prosperity. At present, the litmus paper is showing a corrosive lack of attention. 



Uganda

## **Popularising corporate social responsibility as a social licence to operate in Uganda – What about corporate accountability?**

In Uganda, corporate entities in increasing numbers go to the most marginalised communities with the idea of making business profit in the region. In order to cover the demands for corporate social responsibility (CSR), they may build schools and health centres. Their activities may simultaneously cause health hazards or other concerns for the local communities. The Uganda Consortium on Corporate Accountability (UCCA) is working on enhancing corporate accountability.

Text: Uganda Consortium on Corporate Accountability (UCCA)





Corporate accountability has to be more than mere voluntary acts of good will. This is one crucial issue which the Uganda Consortium on Corporate Accountability (UCCA) wishes to highlight. The UCCA and partners have been undertaking activities geared at reinforcing corporate accountability.

In 2016, the UCCA conducted a baseline study and made a report on the effects and impact of corporate activities on human rights. The State of Corporate Accountability in Uganda report highlights the increasing conflation of corporate social responsibility (CSR) and corporate accountability. Many corporate entities operating in Uganda have employed the advancement of CSR undertakings as a social licence to operate within the most marginalised communities.

The quote below is one example of individual acts of corporate social responsibility, which make us forget the bigger picture of corporate accountability. It is a response from a company to UCCA's baseline study report. The report highlighted some corporate abuses attributed to the company's operations. The

company replied as follows (in its 80-page response):

*As a Ugandan-owned company, our contributions back to the society and environment are not only on par with some of the recognised multinationals operating in Uganda, but have received various accolades and praise from a range of underprivileged communities. Some CSR activities undertaken within the past two years [include] heart surgery operations, schools constructed, contribution of 20 million Ugandan Shillings towards construction of a Children's and Youth Centre project, Scholarships, [and] a donation to the Kampala School for the Physically Handicapped worth US\$ 5,000.*

#### **The positive and negative effects of corporate operations**

The 2016 report identified a number of companies, highlighting the effects of their operations on the enjoyment of human rights. One of the issues reported was the impact of





← Local community members and the UCCA team in Moroto. Picture by UCCA, Uganda.

Young children working on a sugarcane plantation in Luuka District. Picture by UCCA, Uganda.

stone-quarrying activities in Mukono District in the central region of Uganda. During the field study, the UCCA team interacted with the local government and the affected communities in the area. They both noted a number of positive impacts the companies have had, including employment opportunities and the provision of material support to residents in the construction of water sources, schools and burial sites. The primary school in the area also reported receiving support in terms of the connection of electricity to the school, provision of toys for children and financial contribution towards the construction of a water tank.

That notwithstanding, the community also noted a number of negative impacts at the hands of the stone-quarrying activities, including environmental degradation and air, noise and water pollution. The community also noted the unsafe, unhealthy and hazardous living conditions brought about by the continuous disruption of their lives due to periodic stone blasts that require all people to move approximately two kilometres away from the stone quarry. They also noted the

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Corporate responsibility and accountability are essential elements and key drivers to ensure economic and sustainable development. However, CSR cannot be used as a trade-off against corporate accountability.”

### 3

regional corporate  
accountability discussion  
platforms created in 2018  
to increase stakeholder  
dialogue.

damage their houses have faced due to the stone blasts. It was these issues in the report which triggered the 80-page response from the company.

#### **We must go beyond the idea of voluntarism**

CSR remains very popular in Uganda, especially within affected rural communities who find it difficult to access basic services in health, education and other infrastructural amenities. The failure of the State to ensure the provision of such services has often meant that private actors, in most cases, corporate entities, come in to fill the gaps. Furthermore, the private actors use these engagements to manipulate the affected communities away from holding them accountable in the case of human rights abuses. Corporate responsibility and accountability are essential elements and key drivers to ensure economic and sustainable development. However, CSR cannot be used as a trade-off against corporate accountability. To ensure the protection of, and respect for, human rights by business and corporations, accountability must go beyond voluntarism. 

## Uganda Consortium on Corporate Accountability

### Uganda

The UCCA was founded in August 2015.

The core of the UCCA's work is in enhancing and coordinating the multilevel advocacy and cooperation of different actors in questions of corporate accountability in Uganda. The consortium works especially through monitoring and documentation, research and advocacy, and through strengthening the human rights skills of grass-roots actors. The Ugandan Initiative for Social and Economic Rights (ISER) acts as UCCA's secretariat.

KIOS has supported the work of ISER since 2014 and the work of UCCA since 2017. UCCA's work supported by KIOS has the main goal of promoting the implementation of the UN Guiding Principles on Business and Human Rights. In addition, the work also enhances the capacities and awareness of UCCA members and other relevant stakeholders on issues of corporate accountability.

A group of four women are shown from the chest up, holding up copies of a newsletter titled 'ACTION'. The women are wearing headwraps and white t-shirts. The newsletter they are holding has the title 'ACTION' in large letters, followed by 'QUARTERLY NEWSLETTER FOR THE CENTER FOR JUSTICE GOVERNANCE AND ENVIRONMENTAL ACTION'. Below the title, there is a small photograph of a group of people. The background is a light, hazy sky.

Kenya

## Fighting for a clean and healthy environment

The constitution of Kenya guarantees the people's right to a clean and healthy environment. The realisation of these rights however, is seldom self-evident. In coastal Kenya, the local community of Owino Uhuru was exposed to lead poisoning from a nearby factory for several years. There was no redress for the local communities until the Center for Justice Governance and Environmental Action (CJGEA) initiated work on the case.

Text: Center for Justice Governance and Environmental Action (CJGEA)



**C**JGEA's first experience with KIOS as partners was in 2015 when we partnered on a project dubbed Media as a Tool for Environmental Justice and Socioeconomic Rights. By then, our young organisation had a vision of bringing an environmental class action suit to challenge the responsibility of the state and non-state actors towards the protection of the right to a clean and healthy environment. However, it was a major challenge, because the targeted corporation was backed by political power. This was a power that we could not really match. Our strategy was to get the state to carry out scientific tests in the community that would help to build our case of pollution and toxic chemical poisoning. We knew that if we got the media to act upon the issue, the media would in turn get the public to begin a discourse. We knew that winning public opinion would get us some political leverage.

#### **The media as a tool in promoting human rights**

The media engagement was a vital component of our environmental litigation. The media is one of the most efficient and trusted sources for disseminating information. We ensured that the media had relevant information on the CJGEA litigation and other cases of environmental impunity in Kenya. Through the media, we engaged the public. The public involvement in turn increased the

government's involvement. The senate and parliament both intervened and ordered the relevant duty bearers to investigate the case of Owino Uhuru. The state conducted independent prevalence tests as well as other toxicology tests in the environment and found out our claims had been very factual – severe cases of lead poisoning in the Owino Uhuru community were detected. This prompted an even louder outcry from the public.

#### **Going to court – facing security incidents**

Finally, we had enough evidence to present our case to court. However, going to court came with security challenges. The witnesses and environmental human rights defenders who championed the course for justice in Owino Uhuru were intimidated, harassed and trailed. In 2014, 2017 and 2018, the UN Special Rapporteur on Human Rights and the Environment called for the Kenyan Government to protect four environmental human rights defenders and members of the CJGEA who had been assaulted and subjected to death threats. Phyllis Omidio, founder of CJGEA, who shed light on the health consequences of the factory's activities, was still facing death threats in 2018 because of bringing the case forward.

#### **Are local voices being heard?**

The current situation has led to growing tensions between local communities which are negatively impacted by natural resource





CJGEA activities in Taita Taveta. Picture by CJGEA, Kenya.



CJGEA giving a presentation to environmental human rights defenders in Taita Taveta. Picture by CJGEA, Kenya.

extraction activities and the corporations who are undertaking these activities. This has also led to increased tensions between the communities and the government at both the local and national levels. The work of CJGEA has particularly addressed the issues facing the communities in the coastal region of Kenya.

CJGEA consulted the environmental rights defenders in order to find out what was needed the most in their line of work as defenders. The defenders identified issues

“

However, going to court came with security challenges. The witnesses and environmental human rights defenders who championed the course for justice in Owino Uhuru were intimidated, harassed and trailed.”

17

polluting metal smelters  
have been closed down  
in Kenya in 2015.

A network of

30

environmental human  
rights defenders has  
been capacitated since  
2017.

such as access to information, public participation and access to effective remedy as the main impediments to achieving the right to a clean and healthy environment. Furthermore, the defenders explained that when they sought to protect these participatory rights or exercise them, they faced many risks and attacks from both state and non-state actors.

In Kenya, ensuring public participation and access to environmental information is the role of the National Environmental Management Authority (NEMA). The legal measures for protecting environmental rights are available for Kenyan citizens. However, the awareness and capacity of locals to leverage and access effective remedy is lacking. CJGEA's work aims to fill the existing gaps by increasing local communities' access to information and empowering the local communities to litigate their case both in the media and before the court. 

## Center for Justice Governance and Environmental Action

### Kenya

The Center for Justice Governance and Environmental Action (CJGEA) is a community-based organisation founded in 2009. The organisation is working for the realisation of the human and environmental rights of the economically marginalised and ignored communities in the coastal region of Kenya.

CJGEA uses communications, litigation, advocacy and campaigning as some of its primary tools for achieving its goals. KIOS has supported CJGEA's work since 2015. The focus has been on enhancing the realisation of environmental justice and socioeconomic rights as well as on ensuring the empowerment of grassroots environmental human rights defenders. Because of CJGEA's work and media engagements and the reactions from the Kenyan public, 17 polluting metal smelters have been closed down in Kenya. In 2015, the founder of CJGEA, Phyllis Omidu, was granted the Goldman Environmental Prize for her relentless work.



Uganda

## **A journey of the weak majority: A case of communities defying odds to defeat institutionalised community evictions in Uganda**

Normally, evictions in Uganda target large numbers of vulnerable people settled over a wide area. Marginalised communities with limited ability to defend themselves against evictions suffer the most. In western Uganda, the Twerwaneho Listeners Club (TLC) mobilised communities in order to bridge power gaps and reclaim the rights of the people. The unity and power of the people created a basis for living a dignified life without fear of being evicted.

Text: Twerwaneho Listeners Club (TLC)





Community members during and after court in the Ferdsuit case, where communities won back access to their lake from a private company. Picture by TLC, Uganda.

**N**ormally, evictions in Uganda target large numbers of vulnerable people settled over a wide area. Marginalised communities with limited ability to defend themselves against evictions suffer the most. In western Uganda, the Twerwaneho Listeners Club (TLC) mobilised communities in order to bridge power gaps and reclaim the rights of the people. The unity and power of the people created a basis for living a dignified life without fear of being evicted.

An eviction is often all-encompassing, affecting the emotional, mental and physical health of those forced to leave their homes. Evictions disturb not only those forced to move, but also their support networks. Cumulatively, evictions can harm entire communities.

Traditional rural people in Uganda continue to live in remote, hard to access communities with limited basic services such as clean water, roads, education, security and medical facilities. Because of their remoteness and lack of knowledge, communities are susceptible to manipulation. They can be pushed out of their ancestral homes to accommodate developments.

### **Restored kingdoms as vicious landlords**

In 1967, the government of Uganda abolished kingdoms but in 1993, the government restored them as cultural institutions without political and administrative powers. The Tooro kingdom was restored in western Uganda covering the districts of Kabarole, Kyegegwa, Kyenjojo, Kamwenge and present-day Bunyangabu.

The stated cultural role of the restored Tooro kingdom was not observed. Culture was instead used as an instrument of political mobilisation for the ruling party. Freedom of expression and association were limited, the media was suppressed and access to information denied. Acts of impunity by royals and ruling party officials flourished and lack of accountability and transparency created a culture of conformity and silence.

Kingdoms like Tooro had powers over administering public land in trust of the indigenous people. Tooro Kingdom remains the biggest landlord of registered land in the Rwenzori region. With such large pieces of land, the kingdom became the second richest and most powerful institution after the central government. As the population increased, the value of land increased with the demand. The kingdom began mass evictions. The



queen mother of Tooro and the kingdom's administration evicted people with total disregard for land law and human rights. The land would later be sold to rich individuals and companies. The central government turned a deaf ear to the abuses in return for political support from the kingdom.

#### **Mobilising a critical vibrant civic mass**

The crackdown on activism was at its highest by October 2007 and communities had grown timid. Victims of unlawful evictions had nowhere to run, as police stations, courts and the Uganda Human Rights Commission had their doors closed to them. However, doors would open whenever the perpetrators called. The police and the army would support the kingdom in executing the evictions.

The Twerwaneho Listeners Club (TLC) began building a critical vibrant civic mass that would support community mobilisation. A collective voice where community problems would be amplified was needed. The intention of this work was to empower citizens in these communities to reclaim power to make the desired change and take charge of their own problems.

With KIOS' support, the TLC engaged in training trainers, facilitating seminars and

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The land would later be sold to rich individuals and companies.”

workshops and organising grass-roots activists into human rights advocacy groups. In addition, the TLC led litigative advocacy together with local communities, demanding their rights through the courts of law. The people were craving social justice and democracy. Through sustained organising, communities were able to begin challenging the acts that violated their rights. Members of the communities continued to use the courts of law, regardless of their shortcomings.

#### **Defending rights – facing regular charges**

The mobilisation and coordination of local communities came at a cost, as many TLC staff members were arrested and charged with unlawful assembly, defamation, spreading harmful propaganda and inciting violence, to mention but a few during their course of work. Between 2010 and 2016, TLC staff and community activists were arrested each and every year. In total, 23 activists had been arrested 18 times. Some activists had been charged with 56 criminal offences related to organising communities. The police and Tooro Kingdom continued to use the law against public meetings, the Public Order Management Act, to stop communities from organising on land-related conflicts.

# 96

radio talk shows on human rights in 2016 and 2017.

# 18 000


people from local communities regained access to lake water and fishing grounds.

The good news however, was that the communities drew lessons and courage. The arrests enabled communities to realise the hurdles they had to overcome. It was a moment for communities to break the chains of bondage and exercise their power by reclaiming their space in the public sphere. The people in Tooro rose up in large numbers to protest against the evictions.

### **Bringing evictions to an end**

The central government intervened in 2016 by mediating between the communities and the kingdom. A commission of elders and religious leaders was instituted by the President to investigate why communities had passed a vote of no confidence in the kingdom.

The clergy and elders found out that the kingdom was involved in indiscriminate unlawful evictions and physical attacks on citizens in their communities. The recommendations demanded that the kingdom stopped all forms of evictions in the region. The kingdom, in a gesture of trying to buy back community support, offered land ownership incentives to the tenants. The tenants reclaimed their powers and today live a dignified life without fear of being evicted the next day.

The communities' ability to organise and denounce a cultural institution paid off. This case created the basis for future community engagements that the TLC has continued to work on. 

## **The Twerwaneho Listeners Club**

### **Uganda**

The Twerwaneho Listeners Club (TLC) is an organisation which advocates, promotes and protects human rights. The organisation originates from local radio broadcasts by human rights activists. One of the TLC's significant strengths is the organisation's close connection to the local communities.

KIOS and the TLC have collaborated since 2010. With KIOS' support, the TLC has for instance carried out human rights monitoring and reporting, human rights radio talk shows and capacity-building in local communities.

Recently their work has had more focus on corporate accountability, which often has a strong link to evictions. With KIOS' support, the TLC filed a case against Fersuit Engineering Services Limited. Because of the company's activities, local communities had been denied access to their nearby lakes and traditional fishing. The court ruled the case in favour of the TLC and the local communities. Now, 18,000 people who live in 82 villages around the lakes have access to the lake waters again. In addition, another 19,000 people who indirectly depend on the lakes for tourism revenue, or eat or trade fish from the lakes, also benefit.



# What is KIOS?

**T**he KIOS Foundation strengthens the realisation of human rights by supporting the human rights work of civil society in developing countries. KIOS receives financial support for its activities from the development cooperation funds of the Ministry for Foreign Affairs of Finland. The starting point for KIOS' work is local need and local expertise. KIOS allocates funding to human rights projects planned and implemented by local organisations.

Currently the funding is channelled mainly to six focus countries or regions in East Africa and South Asia: Kenya, Rwanda, Uganda, Nepal and Sri Lanka and to Tibetan civil society organisations in exile. In some cases, support can also be channelled to Bangladesh, Burundi, Ethiopia and Pakistan. In Finland, KIOS also actively promotes

human rights through policy advocacy and communications.

During its 20 years of existence, KIOS has funded around 450 projects in almost 60 countries, which have made a difference at the individual, local, national, or international level. Some KIOS partners have changed individual lives by giving legal aid to the most marginalised. Some partners have pushed through improvements on national legislation and others have given statements at UN Human Rights Council sessions to influence the whole international community.

All the funded projects, from the grass-roots to the very top level, are unique, but what is common is the unyielding effort to defend human rights and make a lasting difference.

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## Founding members of KIOS

Amnesty International Finnish Section  
Disability Partnership Finland  
Finnish League for Human Rights  
Finnish Development NGOs – Fingo  
Finn Church Aid  
Finnish Refugee Council

Finnish Peace Committee  
Committee of 100 in Finland  
Finnish National Committee for UNICEF  
Finland National Committee for UN Women  
UN Association of Finland

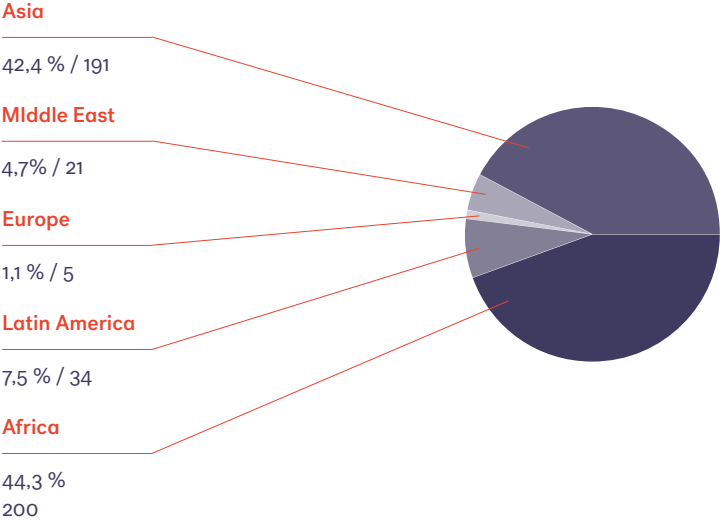
←Picture from Rwanda  
by Sakari Piippo.



# Focus on East Africa and South Asia



# Supported projects by region 1999-2017



# KIOS – Twenty years of important work on human rights



**Pekka Haavisto**  
Member of Parliament  
Minister of Development  
Cooperation 1995–1999  
and 2014–2015  
Finland

**W**hen I was younger – during the 70s and 80s – I Interrailed a lot. A month spent off the beaten track was always a relaxing break. My last Interrail journey was in 1985 – until in summer 2018, I decided to take one more Interrail trip.

During the summer, I kept comparing the Europe of now with 1985. In my youth, Europe was known for the Berlin wall, the Cold War, Baader-Meinhof terrorists, neutron bomb plans and the peace movement. Today I found a Europe of Brexit, xenophobia and my-country-first thinking. But I also met many people who are challenging these current negative trends.

These brave people reminded me of the years 1995–1999 when the Finnish Greens first came into government, and I had the privilege of being the first Green minister in Europe. My portfolio back then was the environment and international development cooperation.

This was at a time when we were able to start increasing Finland's development budget step by step. As a result, many Finnish NGOs were able to increase their activities around the globe, particularly in the least-developed countries.

These new activities of the Finnish NGOs also created new kinds of problems for our foreign service. When NGOs were more and more active, some officials in the traditional ivory tower of administration started to get very concerned. I remember what a big step it was for the administration when the minister also wanted to meet the critical local NGOs when travelling abroad, and also sometimes include active NGO participants in the official delegations.

The culmination happened then in Indonesia, a country in which the Finnish forest industry was active. At that time, we decided to help a local NGO which was critical to the forest sector plans and Finnish investments. The conflict was ready. The Foreign Ministry and the Green minister were accused of spoiling business opportunities by supporting a local NGO.

Now, I personally have nothing against our forest industry, and it is certainly one of the most ethical and environmentally friendly


of its kind on the globe, but, having an environmentalist background myself, I am fully aware that environment, indigenous rights and human rights are taken into account only when there is strong advocacy for these principles.

This conflict triggered new creative thinking in the Finnish Foreign Ministry. My special assistant Mr. Henrik Slotte – nowadays working for UNEP – was particularly helpful. We were able to establish three separate foundations to support civil society activities – Siemenpuu for environmental causes, Abilis for rights of people with disabilities and KIOS for advancing human rights.

In 2018, all of these organisations were turning 20 years old. I have to confess that we even tried to push a fourth foundation – for women – but we were maybe a little bit ahead of our time. Subsequently, there have been success stories like the Finnish Women's Bank, loaning microcredits to women, and Finland strongly advocated for the creation of the UN gender equality organisation UN Women.

Every time I meet people supported by KIOS, I feel extremely proud. Not for myself, for KIOS or for Finland. I feel proud of the people who are fighting for their rights in the most difficult circumstances imaginable. Again and again we see governments and local administration trying to silence the voices of human rights advocates and indigenous activists. These brave individuals and groups deserve our support.

My wish is that future Finnish governments will also come to recognise the important work of these three foundations, and reward their good work by raising their funding to support new activities.

With these words I congratulate the 20-year-old KIOS, and I also thank all of its personnel and people who have made these past years possible. I also wish a very good future to KIOS' partners all over the world! 



## **Defend human rights and donate!**

KIOS promotes human rights in the global South by funding human rights projects implemented by local civil society organisations.

Your support is channelled to human rights work in Asia and Africa.

Human rights are the foundation of sustainable peace and development.

**Defend human rights with us!**

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