

6.0 Developing work programmes for 2010

The work programmes for countries, as well as for different programme desks, needs to be formulated at the beginning of the year. The following are some considerations for assisting in their development.

6.1 Country programs

In some countries, such as China and Sri Lanka, particular programs have been already developed on the basis of past work, with the objectives accepted by partner organizations and others we work with. These programs are available for anyone to see and use as reference to develop programs for other countries.

In general, the following are some of the considerations which are useful in the development of country programs:

Firstly, our previous work. Having done some work in each of these countries, a review of what has been done in the past could be a good place to begin developing the work program for the coming year:

- a) What are the objectives that were pursued through the work in the previous year?
- b) What have been some of the achievements of the previous year, and the previous work?
- c) What are some of the lessons learned about the human rights problems in the country through the previous work?
- d) What are the contacts established through the work, which could be useful in future work development?
- e) What are some of the acute human rights problems in the country, and how can they be addressed?
- f) How best can our Urgent Appeals system, our human rights education program and other programs be utilized for the country's work in the coming year?

Having reviewed our previous work, the following considerations can be explored in developing programmes for the coming year:

- a) Identify the human rights issues that we should concentrate on. In doing so, we should consider what are the most acute human rights issues in the country, and what is our capacity in dealing with these problems.
- b) Having identified some issues, we can reflect on how communication capacities between individuals and local groups can be established so that we receive the necessary information for the development of our own country work.
- c) How can we develop stable partnerships with groups or individuals in the country, and what would these partnerships be engaged in?
- d) What assistance would the country desk require from programme desks in order to facilitate its work?

When deciding on issues to work on, it is necessary to focus on the problematic areas of human rights improvement in particular countries. In this, the following matters need to be considered:

a) What is the possibility for people who face human rights violations, either in the area of civil and political rights or in economic, social and cultural rights, to respond to the violations?

The question here is about the capacity of people to make complaints. In the political and civil rights arena, complaints are usually made to the police.

a) A consideration of the nature of the police in the country therefore, as well as the facilities available for people to make complaints to them, is essential.

Can complaints be made in a reasonably satisfactory manner? Will the police receive these complaints? Will there be speedy inquiries into these complaints? Who will make these inquiries? Generally, what is the impression of the people, particularly the victims known to us, about the complaint-receiving capacity and complaint-investigating capacity of the police in the country? What can human rights organizations do to facilitate complaint making by victims and others? How can they initiate a public discussion in the country, as well as within the international community, to achieve an improved system of complaint-making?

If this problem is considered carefully, taking into account our previous knowledge on it and seeking to improve this knowledge, many of the programmes for the coming period could be developed around this issue.

b) **Complaints should lead to legal redress.** This redress usually takes place through prosecutorial authorities and the judiciary. Once again, similar questions asked about the police can be asked of the prosecution and judicial systems: What is the experience of the victims with these systems? Do people have access to these institutions? What are the difficulties associated with such access? What is the relationship of the victims to their lawyers? Is the legal profession a recognized profession within the country, given the required liberties in order to function efficiently and perform their duty to their clients? Are there problems within the legal profession itself, such as exorbitant lawyers' fees, other systems of prejudice where ordinary folk may not have equal access to legal services? In particular, what are the possibilities of getting legal aid for the victims? Does the state provide legal aid, or are there means developed by human rights organizations to provide assistance to victims?

Is the judicial system fair and efficient in dealing with human rights problems? What is the status regarding delays in dealing with court cases? What is the prevailing attitude of judges regarding human rights problems and are human rights groups trying to deal with and improve these situations?

c) **What is the role of regional organizations in trying to raise people's awareness, locally and internationally, on these matters?** How far is the public opinion-making capacity being used by human rights organizations to deal with these problems? Are ways found to constantly raise these issues locally, as well as internationally?

d) **Is there a role for new technologies, including the Internet, to improve the work related to public opinion-making regarding human rights issues?** Have other human rights organizations utilized such facilities in their work? Have we utilized these capacities, and what are our experiences?

Having examined the above issues, we can then decide on the areas we should concentrate on the most. Is there frequent use of torture for instance? If so, what are the ways by which human rights

organizations are trying to deal with this problem? In which ways can we also take up this issue, not only in providing redress to victims, and improving the local capacity of organizations to deal with these problems, but also to improve the public opinion making process so this matter is brought to discussion constantly locally as well as internationally? What specific actions can we develop for this purpose? Can the Urgent Appeals system be utilized for such purposes? How can our human rights education work, both at the local and regional level, be utilized in order to raise some of these issues and make more lively interventions within the country?

Regarding **economic, social and cultural rights**, the following questions can be asked: Are there any areas relating to economic, social and cultural rights identified through our past work which we could take a greater interest in over the coming year? Particularly in the area of health, education and food, are there any acute problems known to us? Is there any research work done by human rights organizations into these areas? And are there ways by which we could contribute to creating greater awareness about these problems?

Gender-related human rights issues

In all human rights abuses, whether of a civil and political nature, or of the economic, social and cultural nature, the problem of discrimination against women, as well as gender-related issues, play a significant role. What methods can be used to improve this area of our work in the future?

6.2 Dealing with redress and reforms

One of the major aims of human rights programmes is to seek redress against violations of human rights. In dealing with issues such as illegal arrests, illegal detention, torture, denial of fair trial, deprivation of freedom of expression, publication and the like, the direct demands by human rights organizations are to have a credible investigation into the violation and to prosecute the offenders.

A key premise upon which the human rights system is based, is that proper investigations into rights violations, followed by prosecution, will on one hand deter future violations, while also providing the victim with the required redress. That the violators should be punished, and the victim should be restored to her position before the violation, with adequate compensation and rehabilitation, are essential components of human rights work.

While acknowledging the central importance of redress, those engaging in human rights work in countries where rule of law systems are defective, are faced with an often impossible task. Despite complaints being made, and pressures being brought on authorities, investigations into human rights abuses often do not take place. Depending on the degree of development and functioning of their rule of law system, different countries have different experiences regarding the difficulties involved in obtaining redress.

Victims of human rights abuse and the local community are fully aware of the problems associated with their systems. Believing therefore that nothing positive will come out of making such complaints, people do not usually take the trouble to complain about violations. It takes an exceptionally courageous person to come forward and complain in the face of severe abuse, intimidation and hassle. This of course also depends on individual countries. While in **some countries people may be unlikely to speak out against the violations they suffer, in other countries there might be more confidence in the**

system and in the possibility of redress. Attitudes towards making complaints are also related to personal safety; often, many victims feel that speaking out will endanger them and their families, and bring them further problems. They may also worry about the social response to making complaints, which will depend on the extent to which concepts of authority are entrenched within the society.

Women

There are many countries where women would be particularly reluctant to make complaints about any human rights abuse, due to the threat of sexual harassment by the police, as well as the element of gender discrimination and prejudice. A woman making a complaint of domestic violence in certain cultures for instance, may find herself ostracized by state agencies as well as the very family system and community within which she has to survive.

Attitudes to authority

Complaints against authorities are deeply discouraged within some societies, even when the authorities are in the wrong. Such sociological and psychological barriers against seeking redress need to be understood in depth by human rights activists if they wish to conduct their work effectively.

Combining redress with reforms

Many of the above stated concerns make the struggle for redress alone insufficient in combating human rights abuses. **Meaningful efforts seeking redress need to be combined with attempts to reform the system; only then can the potential for genuine remedies be realized.**

In fact, without a deep involvement in seeking reforms, the attempt to seek redress can become a negative experience. Activists who initially expend great effort to seek redress for some abuses may become frustrated and even cynical about their efforts after some time, due to the enormous obstacles faced. Those who take a keen interest in human rights should thus be made aware from the beginning that achieving redress is no easy task. They should also be encouraged to associate with efforts at reforming the system. Such a dual policy of work on redress and reform will be more likely to ensure that activists find their work meaningful, as well as create greater discussion regarding the nature of human rights violations and the system allowing them.

It is also important to remember that working for human rights improvement in countries where legal systems are less developed, does not consist purely of legal work -- while better developed legal systems may allow for rights violations to be dealt with through legal means, in countries with lesser developed legal systems, the issue of reforms should go hand-in-hand with all attempts to find redress. The combination of these two activities is essential to create meaning in the human rights field.

Shaping public opinion

Working towards reform involves constantly targeting public opinion. The ultimate barrier to redress is the negative public opinion existing in society, which is the result of past social experiences. If for instance, the system of authority within a country in the past was using violent means to control society and fighting against it proved difficult, negative opinions would hence be formed regarding the possibility of finding redress. Such opinion should therefore not be treated as a permanent barrier or

cultural impediment based on the nature of a particular society. Instead, pains should be taken to understand the system and its means of control; this understanding will lead to a stronger fight, which in turn will lead to more positive public opinion.

Sustainability and meaning

A successful human rights organization should always be concerned about 'meaning' within its work. Only a sense of meaning and satisfaction gives any human endeavor its sustainable capacity. Meaningful human rights work—which is then sustainable—must deal with problems related to both redress and reform.

6.3 Preparing work programs: Publicity as a fast remedy against bureaucratic blunders resulting in human rights violations

Many of the human rights violations reported from countries with weak rule of law systems are the result of bureaucratic blunders or certain systemic problems. When such cases are encountered by victims, they often look for relief outside the normal remedies that can be obtained through the legal system, which often take a long time.

When a person is illegally arrested by a police officer on mistaken identity for instance, or for the purpose of obtaining a bribe, the victim and his relatives would naturally want to remedy the situation as soon as possible. In such incidents, it is often the immediate officer engaged in the violation who is causing the problem, not the system as a whole. Therefore, if the issue can be brought to the attention of higher officers, it is quite possible to get immediate relief for the victims involved. When an appeal goes to higher officers, it is likely that they may call for the file and examine what has really happened. Also, if interventions are made to higher officers, their immediate superiors may also be questioned, which may activate a more serious enquiry than under normal circumstances. Publicity in these instances is thus a quicker remedy than seeking justice in courts, particularly in circumstances where the court system is beset with serious limitations and extensive delays.

The systems in many of the countries we work in are slower than we would expect, and some interventions to immediate officers may not receive the attention required for an effective remedy. It is therefore useful to communicate the details of the case to as many superior officers as possible, in order to ensure that someone or the other may take some action to safeguard a person's human rights.

Without extraordinary efforts taken by the individual or organization intervening into a particular case, simply by sending letters to as many officers as possible, and even to the central government, by making copies of whatever has been written some relief can be brought about on behalf of the persons involved.

There are some assumptions on the part of the intervening person or organization which can be detrimental to taking actions in such situations. Those of us used to expecting rational behavior on the part of bureaucracies may be reluctant to make such interventions, thinking that the type of error that has happened may not be true at all. The expectation of rational behavior from the bureaucracy is a product of living in places where the system functions well, or at least, better than what happens in most Asian bureaucracies. In order to assist individuals in countries where the systems are defective, the intervening persons should be prepared to abandon mindsets formed under different circumstances,

and instead make an effort to understand the functioning of bureaucracies in country they are working in.

The human rights movement suffers a lot due to its incapacity to appreciate the difficulties faced by ordinary folk living under backward and ineffective systems, where normal rational behaviour simply does not exist. Human rights organizations should therefore sufficiently prepare their staff in dealing with this. Lethargy and complacency caused by cultural assumptions can be a huge deterrence in dealing with human rights problems in Asia.

Publicity through media

Besides publicity through the system (by writing to higher authorities), interventions can also be made by resorting to publicity in the media. Today, there are many media options for organizations to make use of, in order to generate publicity on behalf of human rights victims.

Many backward bureaucracies pay considerable attention to adverse publicity due to their political impact. Bad publicity could bring up embarrassing questions in parliament or during elections for instance. A human rights organization should be able to gauge the compulsions that make a system work even under circumstances of neglect and apathy. To help victims of bad systems, it is essential to exploit all possible avenues.

Human rights work requires the ability to circumvent convenient thinking, which requires the constant examination of our assumptions of problems. It also means an examination of our knowledge about the way systems function in different parts of the world, under different economies, circumstances and cultures.

6.4 Development of work programs: Development of communication for local contexts

We have earlier discussed both the need for constant commentary-making on human rights issues, as well as the importance of focusing on a reforms approach if redress for human rights is to become a reality. This section will discuss how constant communication can assist human rights work to improve awareness about problems relating to reforms.

Institutional development is the permanent guarantee for improved human rights implementation in any context. Therefore, any reform work must begin with the understanding of the problems involved in developing an institutional framework for the protection of human rights.

Institutions and communications

In the modern social context, the working of public institutions can be very much influenced by those representing civil society organizations; all that is needed is the capacity to publish the concerns of ordinary people on a constant basis. When civil society organizations lack the capacity to let institutions know the adverse effects they are having on people because of their defects or malfunctioning, the institutions will naturally not take any steps at correction. However, if it is constantly made known to

the institution that its problems are understood and publicly discussed, the likelihood of corrective actions being taken is increased.

For civil society organizations to express their opinions to these institutions, they first need to have regular interaction with the people, so that their understanding and perceptions regarding the institutions can be documented. This means that civil society organizations must improve their capacity to interact with the people whose concerns they wish to represent.

Once again, modern communication systems have provided enormous opportunities for such actions. A civil society organization must have the capacity to constantly interview persons whose interests they wish to represent; if the group is interested in the eradication of torture or illegal detention for instance, it must be able to voice the concerns of those experiencing these problems. The group must train its activists to constantly talk to their clients, and record, transcribe and communicate their concerns to the centres of their organization. This information should then be analyzed and critiqued by the organization.

If the organization engages only in an abstract discussion of problems and principles, the research will not have a direct impact on the relevant public institution. For any discussion on torture to be effective for instance, it must combine the knowledge of the problem as faced by individuals together with the related legal and international principles.

In the past, most of the work of human rights organizations consisted of a discussion of UN and other principles. While the actual problems faced by people were brought up from time to time, there were no regular or worthy interactions between activists and victims. There were many reasons for this, one of which was the expense of such interactions, as well as other communication problems.

Today however, with voice recorders, telephones, computers and other forms of quick transmission, what someone says in the remote corner of a village in a particular country, can easily be known to an organization half way around the world from there. It merely requires a conscious effort to improve one's communication capacity—the grassroots level contact capacity, as well as the capacity to record, transcribe and transmit what is being heard to the organization centre.

The discussion about the interaction of activists with people on the grassroots level has gone on for a very long time; it has in fact become a cliché to talk about grassroots work. However, influencing changes at public institutions becomes possible only when there are deliberate attempts to organize contacts and communicate what is said at the grassroots level to the centres where work is being done, and have that information disseminated back to the grassroots in a dynamic fashion.

As communication develops, it will become deeper and more intense. What may begin as a casual conversation one day with an individual about a problem, can develop into a tremendous amount of knowledge about the problem within a few short months. This requires constant engagement, documentation and transmission.

To influence and reform institutions it is essential to have in depth understanding of the problems they are supposed to resolve, as well as what changes are needed for them to effectively deal with these problems. This cannot be done without intense communication with affected people themselves. Today,

a human rights activist should, above all, be skilled at not just communication, but also in obtaining information from the people.

6.5 What is institutional reform?

The promotion of human rights can only be achieved through the institutional framework of society. There may have been societies in the past where an organized institutional framework may not have been necessary, but it is an extremely important aspect in modern times. Today, the connection between human rights and social organization always needs to be kept in mind.

In modern societies with an effective human rights discourse, there has been a historical development of the justice administration system within the governance framework. The type of governance where the executive alone matters is not considered as governance in modern times. Today, while the executive is there for the basic task of governance, the entire framework is subjected to justice institutions, which ensure fair and just treatment of all citizens.

Rule of law systems

The basic justice institutions developed in the last few centuries within established and adequate rule of law systems are the police, prosecution and the judiciary. When we speak of adequate systems, we mean that there is a certain level of public satisfaction and people trust that these institutions can provide them basic safeguards.

An adequate policing system is one where people believe the officers will work within the accepted norms of the known law; the law sets the parameters within which the people and the officers operate. There is also a fundamental belief that a sufficiently capable inquiry system into crimes has been developed in order to safeguard some of the most fundamental aspects of life, such as the protection of people from murder and other forms of physical abuse as well as protection for their property. Where there is a threat to any of these basic rights, there is the belief that the policing system can rapidly investigate into the situation, punish the perpetrators and restore people's comfort and security level. In fact, the belief in rational criminal investigation is a key tenet of any modern society's security guarantee.

To ensure that the investigators have done their job within the legal framework and to ensure that any punishment is given after due process requires an adequate prosecution system. Prosecutors will examine the evidence gathered by investigators and accordingly develop accusations against perpetrators. On the one hand the prosecutorial system tries to avoid any neglect of investigations into crime, while at the same time it provides some basic fairness in dealing with the accused. The prosecutorial system also presupposes the existence of a legal profession, which will act on behalf of anyone accused of any crime, and ensure that their basic rights are protected.

The judiciary is the third institution that needs to exist, to adjudicate on the evidence collected by the investigators, raised by the prosecutors and challenged by the lawyers for the accused, thereby guaranteeing a fair and impartial observation of the law within a rational discourse.

After centuries of the development of these three institutions, there also developed the scheme of monitoring the process of governance—the parliamentary system. The very idea of a parliamentary system is to monitor the performance of justice institutions and ensure they operate in a rational standard acceptable to the population.

Besides this, since 1948 there had also been the development of human rights norms to ensure that both the democratic and administration of justice processes are subjected to certain standards.

Non rule of law systems

Let us compare the above analysis with the situation of countries where the rule of law and democratic systems have not been developed. In these places the police investigation systems will have been inadequately developed, with the inadequacies differing from country to country. One inadequacy is the lack of laws and their poor implementation. Insufficient funds and facilities to develop the necessary skills and competence of police officers allowing them to undertake their duties within the legal framework is another inadequacy. Without these tenets, the system will resort to many methods outside the rule of law framework. Police officers may use torture or other forms of coercion instead of collecting evidence in a rational manner for instance. In this way, there will be many opportunities for extortion and abuse of the whole legal process, resulting in little security for citizens.

Similar defects can exist within the prosecutorial system as well as the legal profession. If these two systems have not been adequately developed, they will also be prone to abuse, which again will affect people's rights.

Also, if the judiciary is not developed with independence, impartiality and competence, then once again there will be abuses of the process. In such countries, the parliamentary process of monitoring these institutions can also be defective.

At present the international human rights norms and standards are applied in both the developed and underdeveloped legal systems. However, while developed legal systems support these norms and standards, underdeveloped systems do not. For human rights organizations, it is not enough to merely talk about international norms and standards, they have to also engage in discussing how these norms and standards can be incorporated within their countries' existing institutional frameworks. Without this framework and the proper functioning of justice institutions, human rights organizations will not obtain the results they are hoping for.

What this means is that human rights organizations should develop their capacity to gather information about the state of these institutions. This information can help to create a conversation about these matters and thereby cause some improvements. In working on individual cases and helping victims, organizations should also use the cases to study the institutional defects which prevent citizens from realizing their rights. It is not enough for instance, to ask for the prosecution of the torturers in a case of torture; it is also necessary to work towards the elimination of conditions that allow or even encourage torture. If adequate funding is not put into the policing service, if officers are not properly trained and if there are no laws to prevent abuse, then torture will continue to take place despite the punishment of a few individuals.

Human rights groups should use a similar approach towards all public institutions. Adding this component to their work will help the victims, as well as the wider population, in both the short-term and long-term, in improving their institutions.