

## **The human rights folk school approach: An example from Indonesia**

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Human rights training or education is often understood as a one-way interaction activity where experts come for teaching and participants for learning. It is normally conducted so as to introduce various international human rights instruments. Those attending such meetings clearly know however, that these teachings will remain as teachings. They can hardly be made use of in practice by the participants in their locality. This failure stems from the idea that participants should learn first without taking their local wisdom into consideration. Indeed, this way of delivering so called 'knowledge' does not work in most countries of Asia, since the problems causing human rights violations are not addressed or discussed. Apart from that, the approach of delivering knowledge to local activists will give the impression that changes can take place only when there is a party from outside interfering—which is often the case. In fact, no lasting change can be made from outside or from the top; it has to come from within the community itself, by firstly discussing the problems amongst themselves.

Keeping in mind the limitations and ineffectiveness of such a 'knowledge delivery' approach, the Asian Human Rights Commission (AHRC) has been implementing the 'folk school' methodology in its human rights training programmes for the past many years. This methodology generally consists of three important stages: the identification of human rights problems, discussion amongst those who have similar problems, and sharing knowledge and ideas amongst each other in order to find a solution.

### **Identify the problems in your area**

The first stage in the folk school approach requires participants to identify the human rights problems they have in their area. Whereas it is essential for the organisers of the training to get an overview on the state of human rights in a particular area, there should not be any strict assumption on the type of human rights problems that the participants perceive to be the most important. Giving the participants the opportunity to identify the problems not only develops their understanding and critical thinking regarding ongoing situations, but will also lead the discussion to be more solution oriented. In particular, the end solution will be more relevant to their own context. The main role of the organizers at this stage is simply to facilitate the discussion and to encourage participants to analyze the cause of problems taking place. It is not necessary to provide academic analysis or research on the problems; rather, through this process, the participants are encouraged to conduct their own analysis.

The AHRC recently conducted a human rights meeting in Padang, West Sumatra in cooperation with Padang Legal Aid Institute (LBH Padang). From the beginning it was understood that the meeting would focus on the issue of torture. Why and how torture is such an issue in West Sumatra, however, was something that was left for the participants to discuss. Through this discussion, we were able to identify some of the causes. Some were quite general and can be found in other countries, such as the low rate of torture complaints due to the fear of further reprisal, the absence of any law criminalizing torture, and corruption within the police and judiciary. Some other factors, however, were relatively unique due to the strong influence of culture, tradition and religious belief in the area. A participant from Aceh, for instance,

highlighted that torture cases in which the victim had died are unlikely to be brought to the court as most Muslims in Aceh believe that there should not be any fuss made over dead people, as otherwise they will not rest in peace.

By focusing on one case of human rights violation, participants can approach or understand the case from various perspectives: legally, practically or socially. The main problems that the participants identified during the meeting, leading to torture, in the context of Indonesia and particularly West Sumatra are as follows:

- Difficult access to facilities where liberty is deprived at;
- Ineffective witness protection mechanism;
- Schedule of court hearings not informed to defence lawyer;
- Police offer money to settle torture cases;
- Lengthy criminal procedure results in the dropping of torture complaints;
- Misapplication of law against perpetrators;
- The role of the police to enforce torture victims to sign a peace settlement;
- Lenient punishment is meted to the police compared to the gravity of the crime committed;
- Issues on torture and human rights abuses are hardly taken up or discussed by the media or public;
- Torture victims usually come from a poor socio-economic status;
- Police torture doesn't always leave any marks;
- Torture victims are intimidated and threatened, as well as portrayed in a negative manner;
- Quota/case target phenomenon by the police;
- Fabrication of cases;
- Poor police recruitment system and lack of proper training, not only on human rights but also on interrogation and investigation methods;
- Rampant corruption by the police;
- Deliberate disregard of autopsy report on torture victims;
- Lack of forensic scientists.

The findings above are only the gist presented by participants when they identified the problems or obstacles they face while dealing with cases of human rights violations in their area. Our role as facilitator was simply to listen carefully and ask for clarification when required.

### **Discuss with others who have similar problems**

Once one participant started identifying a problem, other participants began sharing their own problems. While the human rights violations they deal with may differ, they have common understandings and problems in their area. Participants actively asked each other questions, and once a common area was identified, the discussion was in fact led by the participants themselves. Again, the role of facilitator was only required for clarification of the discussion or in a situation where too many participants wanted to discuss at the same time. This approach allowed the participants, who all have varied and different experiences, to learn from each other.

Not only did this meeting provide a platform for local activists to share their perspectives and difficulties, but it also provides the possibility of building new networks.

### **Find ways to solve them**

An important message delivered to the participants was that nobody will know about the human rights problems they face if they do not voice them to the public. There is no shortcut to solve such problems unless a strong request is made by the people. For such a request to be made, it is first necessary to create and influence public opinion, which can be done only if people know about the problems.

During the meeting, the AHRC introduced its urgent appeals programme to the participants. A brief explanation on the human rights mechanisms within the UN was also given, with heavy emphasis on how civil society can make the most use of them. Two important things needed to be highlighted to the participants at this stage: first, that international human rights mechanisms have limitations, and are in no way a substitute to domestic or local advocacy. Secondly, given the lack of mechanisms to enforce international law, the best result that can be expected from international human rights mechanisms is the creation of public opinion.

Good documentation plays an important role in creating public opinion. For this reason, after identifying and discussing the problems they face, the participants were divided into groups to discuss and prepare documentation on a specific human rights case. The documentation was later presented by a representative of each group. To ensure the documentation is clear and carries adequate information, participants from other groups were given the opportunity to ask questions and give suggestions to the presenting group.

One particular obstacle in creating public discourse on human rights issues is their invisibility in mainstream media. Even in instances where a human rights issue is reported by the mainstream media, support from the general public usually lasts only for a short period of time. Their interest quickly shifts elsewhere. Furthermore, realizing this trend, government officials and the police often deliberately distract the public with other news. Maintaining public interest and discussion was one of the difficulties identified by participants.

#### Challenges in advocating and litigating torture cases as identified by participants:

- Absence of torture preventive mechanism;
- Absence of law criminalizing torture;
- Unwillingness of torture victims to submit complaints;
- Police lack of understanding on human rights and proper investigation techniques. This problem is partly caused by the poor recruitment system of the police;
- High cost of being police officers (as one has to bribe, etc.) encourages them to extort money from people and take financial advantages from cases they are dealing with;
- Prevalence of ‘quota/cases target phenomenon’ leads to the fabrication of charges and framing by the police;
- Non transparent proceeding under Propam, the police’s internal disciplinary mechanism;
- State commissions such as the Witnesses and Victims Protection Agency (LPSK) and National Human Rights Commission (Komnas HAM) still do not work optimally;
- Law enforcement officials are not independent: (1) cooperation on bad practices, e.g. corruption, amongst them; (2) torture committed by military officers are tried by Military Tribunal;
- Charges imposed by law enforcement officials on perpetrators of torture are too light;
- The difficulty to prove torture allegation before the court: (1) the difficulty to find witnesses willing to testify; (2) scientific proofs such as medical/autopsy report is

### **Closing remarks**

An important principle underlying the folk school approach implemented by the AHRC is that local organizations and activists are in a better position to judge the situation and problems in their area. Therefore, it is not the approach of the AHRC to come to the community and lecture them. The relationship between the AHRC and the organizations or individuals it meets is not a subordinate one; rather, we meet with them to learn and understand the challenges they face in advocating human rights cases and to provide assistance upon their request and need, in ways we are capable of.

Having meetings and discussions on human rights issues, and brainstorming solutions are alone insufficient to end all the problems a community is experiencing. The next challenge will be how local organizations, using the findings above, raise the matters both to local and international communities. The aim of this meeting was merely to open the gate of possibility in accessing those communities.

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