United Nations
Educational, Scientific and
Cultural Organization

Documenting Emerging Lessons Learned for Human Rights-Based Programming: An Asia-Pacific Perspective

Practice Note

United Nations
Educational, Scientific and
Cultural Organization

Documenting Emerging Lessons Learned for Human Rights-Based Programming: An Asia-Pacific Perspective

Practice Note

Documenting emerging lessons learned for human rights-based programming: An Asia-Pacific perspective. Bangkok: UNESCO Bangkok, 2007.
16 p.

1. Human rights. 2. Information processing.
3. Asia and the Pacific.

ISBN 92-9223-118-9

Cover photo by Ann-Katrin Schneider
International Rivers Network
1847 Berkeley Way, Berkeley, CA 94703, USA

© UNESCO 2007

Published by the
UNESCO Asia and Pacific Regional Bureau for Education
920 Sukhumvit Road, Prakanong
Bangkok 10110. Thailand

Printed in Thailand

The designations employed and the presentation of material throughout the publication do not imply the expression of any opinion whatsoever on the part of UNESCO concerning the legal status of any country, territory, city or area or of its authorities, or concerning its frontiers or boundaries.

APL/07/EP/028-1

Acknowledgements

This practice note – the first in a series of practice notes that will be developed – is an initiative of the Asia-Pacific United Nations (UN) Inter-Agency Lessons Learned Project (LLP) on the Human Rights-Based Approach (HRBA) to Development. The note has been written by Upala Devi Banerjee, the LLP Coordinator. The Project is housed at the United Nations Education, Scientific and Cultural Organization's (UNESCO) Asia and Pacific Regional Bureau for Education, Bangkok, Thailand, and is a collaborative endeavor of agencies like UNESCO, the Asia Regional Governance Programme of the United Nations Development Programme's (UNDP) Regional Centre in Bangkok, the Asia-Pacific Gender Mainstreaming Programme of UNDP's Regional Centre in Colombo, the United Nations International Children's Education Fund's (UNICEF) East Asia and Pacific Regional Office, the South-East Asia Regional Office of the Office of the High Commissioner for Human Rights (OHCHR), the Swedish International Development Agency (Sida) and the New Zealand Agency for International Development (NZAID).

The LLP wishes to extend its appreciation to Sheldon Shaeffer (Director, Asia and Pacific Regional Bureau for Education of UNESCO) for providing guidance and institutional support to this initiative. A note of thanks is also extended to Johan Lindeberg (Asia and Pacific Regional Bureau for Education of UNESCO), R. Sudarshan (UNDP Regional Centre, Bangkok), Roohi Metcalfe (UNDP Regional Centre, Colombo), Joachim Theis (UNICEF East Asia and Pacific Regional Office), Johan Hallenborg (Sida), Lynn De Silva and Beverly Turnbull (NZAID) for providing valuable comments and inputs to various drafts of this note.

The author remains responsible for all views expressed in this note; in no way do these represent the official position of any of the organizations who are partners of the LLP.

List of Abbreviations

AAN:	Action Aid Nepal
AIDS:	Acquired Immune-Deficiency Syndrome
CCJD:	Centre for Community Journalism
CHR:	Commission of Human Rights
CLC:	Community Learning Centre
CSO:	Civil Society Organization
EGA:	Employment Guarantee Act
EGS:	Education Guarantee Scheme
FCI:	Food Corporation of India
FGD:	Focus Group Discussion
GB:	Great Britain
HIV:	Human Immuno-deficiency Virus
HRBA:	Human Rights-Based Approach
IDS:	Institute of Development Studies
INGO:	International Non-Governmental Organization
IP:	Indigenous Peoples
LLP:	Lessons Learned Project
M&E:	Monitoring and Evaluation
MDMS:	Mid-Day Meal Scheme
MKSS:	Mazdoor Kisan Shakthi Sangathan
NAM SAAT:	Centre for Environmental Health and Water Supply
NCW:	National Commission of Women
NGO:	Non-Governmental Organization
NHRC:	National Human Rights Commission
NZAID:	New Zealand Agency for International Development
OHCHR:	Office of the High Commissioner for Human Rights
PA:	Participatory Assessment
PBN-DZGB:	Radyo Veritas Legazpi Program
PICs:	Pacific Island Countries
PIL:	Public Interest Litigation
PPA:	Participatory Poverty Assessment
PRRP:	Participatory Review Reflection Process
PUCL:	People's Union for Civil Liberties
REFLECT:	Regenerated Frerian Literacy through Empowerment Community Technique
RRRT:	Regional Resource Rights Team
Sida:	Swedish International Development Agency
TVE:	The Visayas Examiner
UDHR:	Universal Declaration of Human Rights
UK:	United Kingdom
UN:	United Nations
UNDP:	United Nations Development Programme
UNESCO:	United Nations Education, Scientific and Cultural Organization
UNICEF:	United Nations International Children's Education Fund
UNIFEM:	United Nations Development Fund for Women
USA:	United States of America
UTs:	Union Territories
VDC:	Village Development Council
WLHAs:	Women Living with AIDS

Table of Contents

Acknowledgements

List of Abbreviations

I) Background to the Note 1

II) Human Rights-Based Approaches: The Preponderant Approaches Utilized 2

III) The Role of Building Blocks: Techniques Used for Securing Realization of Rights 6

IV) Capacities to Effectively Utilize the Building Blocks:
Some Strategies for Human Rights-Based Programming 13

V) Annex 1: Select Bibliography 16

Boxes

Box 1: Support for Post-mobilization Dialogue and Negotiation Essential 3

Box 2: "Courts and Community Dialogue" in Fiji Helps Facilitate Citizens' Access to Duty Bearers 8

Box 3: The Application of Participatory Assessments as a Building Block 9

Box 4: Participatory Review Reflection Process Used by Action Aid Nepal 10

Box 5: The Use of Public Hearings to Influence Policy 11

Box 6: Using the Media to Effect Change. 15

I ▶ Background to the Note

This note is based on lessons learned from documenting experiences and programmes that incorporated human right-based approaches (HRBAs) in several Asia-Pacific countries from the year 2004 to the present time. The initial observations of such experiences and programmes resulted in the documentation and publication of fourteen case studies in countries as diverse as Bangladesh, India, Nepal, Cambodia, Indonesia, Laos, Viet Nam, the Philippines and Fiji under the aegis of the Asia-Pacific UN Inter-Agency Lessson Learned Project (LLP) on the HRBA to Development.[1]

After completion of documentation of the case studies, there was a need to decipher what lessons could be learned for future developmental programming. There was also a need to comprehend what "the value-added" would be in practically implementing a programme which incorporates HRBAs at all phases of project implementation – from planning to delivery of outputs to documentation – and which would involve all stakeholders at all stages. Thus, in 2006, the LLP partnered with civil society groups, UN agencies, quasi public sector organizations like National Human Rights Commissions (NHRCs) and select line Ministries in various countries to undertake such an exercise. Six pilot projects were initiated in mid-2006 in Afghanistan, Laos, Viet Nam, Fiji, Mongolia and Thailand. The projects focus on various sectors like the media, mining groups, the informal justice sector, and ethnic minorities.[2]

These pilots are ongoing, and quite a few lessons have already been gleaned from testing the applicability and value of implementing programmes that use HRBAs (since documentation of the pilot project activities from the planning to implementation to results/outcomes are a vital aspect of the pilot projects' activities). Such documentation allows for a constant analysis of the approaches used; it also provides invaluable programming lessons for all stakeholders involved. For the communities, such documentation provides an opportunity to undertake evidence-based advocacy with the State and service providers and provides a framework wherein they can further their dialogue with diverse stakeholders. For development agencies, this documentation feeds into the process of sustainable change and capacity development on rights-based programming through a deeper practical understanding of the relationship between human rights and development and the means/know how to operationalize that relationship on the ground. Such an exercise also ensures that knowledge is shared and retained by all stakeholders.

Targeted at HRBA practitioners – especially those involved in HRBA programming – this note aims to present lessons in terms of the approaches used in claiming rights, the tools used in the process, and the role of targeted capacity development strategies to effectively utilize such tools. It is hoped that this note will contribute towards the larger global discourse on practical examples on the application of HRBAs in development programming.

1 To access the volume of case studies documented, visit the "Case Studies" section of the website at: http://www.unescobkk.org/appeal/llp

2 To access the list of countries where the pilot projects are currently operational, visit the "Countries" section of the website at: http://www.unescobkk.org/appeal/llp

II ▶ Human Rights-Based Approaches: The Preponderant Approaches Utilized

A review of the documented case studies and the ongoing pilots reveals that the preponderant rights-based approaches underpinning them are:

- *Social and interest group mobilization* that rely on communities coalescing around a particular issue; and,
- *Legal and quasi-legal approaches* based on internationally accepted human rights principles/standards and reliant on the formal justice system.

If these were to be designated as the limits of a continuum, most of the cases and the ongoing pilots show evidence of approaches that fall between the scales in some combination of the above. To posit the same argument from another perspective, the evidence suggests that these "hybrid" approaches – if they may be called that – demonstrate clear areas of good practice as well as capacity gaps that need to further addressed as future programming challenges. The approaches are explored below:

i) ***The use of social mobilization approaches – pros and cons:*** Where social mobilization has occured, there has been a preponderance of the use/implementation of various tools that offer some good results in the form of *demonstrated levels of self-sustainment and buttressed empowerment levels*. Evidence for this is documented in the case studies from India on advocating for the right to information to be passed as a justiciable right;[3] on claiming the right to food for hungry millions, also as a justiciable right;[4] on women living with Human Immuno-deficiency Virus (HIV) and Acquired Immune-Deficiency Syndrome (AIDS) – WLHAs – agitating for anti-discrimination policies to be passed at the policy level;[5] and, on the mine workers who are campaigning for higher wages and for the right of their children to attend school.[6] The strategies used under the REFLECT (Regenerated Frerian Literacy through Empowerment Community Technique) model by Action Aid Nepal (AAN) to mobilize groups belonging to the *dalit* castes;[7] the approaches used by a non-governmental organization (NGO), Nijera Kori, in Bangladesh to mobilize landless farmers to claim their right to land and livelihoods;[8] and, those

3 Case study on *"UNDP India: Strengthening Access to the Right to Information Via Using a Demand-Supply Capacity Development Programming Strategy in the Access to Information Projects,"* by Upala Devi Banerjee, with Vinay Naidoo and Colin Gonsalves, 2005. Accessible in the LLP Volume of Case Studies from the "Case Studies" section of the website at: http://www.unescobkk.org/appeal/llp

4 Case study on *"The Right to Food Campaign in India: A Case Study of Entitlement-Oriented Strategies Used to Reclaim the Right to Food for Vulnerable and Marginalized Groups,"* by Upala Devi Banerjee, Vinay Naidoo and Colin Gonsalves, 2005. Accessible in the LLP Volume of Case Studies from the "Case Studies" section of the website at: http://www.unescobkk.org/appeal/llp

5 Case study on *"Using Rights-Based Strategies Towards Building Gender-Sensitive Responses for Women Living with HIV/AIDS: The United Nations Development Fund for Women (UNIFEM) South Asia Partnership with the Positive Women Network, India, and Centre for Advocacy and Research in India,"* by P. Kousalya, Shyamala Shiveshwarkar, Akhila Sivadas and Suneeta Dhar, with technical inputs from Upala Devi Banerjee, 2005. Accessible in the LLP Volume of Case Studies from the "Case Studies" section of the website at: http://www.unescobkk.org/appeal/llp

6 Case study on *"Accessing Primary Education – The Sankalp and Madhya Pradesh Educational Guarantee Scheme Models: Case Studies of Rights-Based Approaches to Designing an Educational System for Marginalized and Vulnerable Children in India,"* by Upala Devi Banerjee, 2005. Accessible in the LLP Volume of Case Studies from the "Case Studies" section of the website at: http://www.unescobkk.org/appeal/llp

7 People belonging to the lowest strata of society under the Hindu case system. For more information on some strategies used to combat caste discrimination, please refer to the case study on *"Using Rights-Based Approaches to Mobilize for Social Justice: The Action Aid Nepal RELECT Process,"* by Upala Devi Banerjee, 2005. Accessible in the LLP Volume of Case Studies from the "Case Studies" section of the website at: http://www.unescobkk.org/appeal/llp

8 Case study on *"Using Social Mobilization Strategies to Secure Land Rights for Poor and Vulnerable Groups: The Nijera Kori Experience in Bangladesh,"* by Upala Devi Banerjee, Vinay Naidoo and Colin Gonsalves, 2005. Accessible in the LLP Volume of Case Studies from the "Case Studies" section of the website at: http://www.unescobkk.org/appeal/llp

adopted by OXFAM Great Britain (GB) in Indonesia to empower central Javanese farmers to enable them to participate in participatory budgetary exercises[9] also demonstrate this to a large extent.

However, *challenges arise since pure mobilization efforts appear to invite resistance from duty bearers and sets up confrontationist relationships between rights holders and duty bearers*. So, the opening of dialogue and negotiation spaces must sequentially follow mobilization. *This is an area that HRBA programming should take note of, i.e. support for post-mobilization dialogue and negotiation spaces/ forums and facilitation of such dialogue should be provided for* (see Box 1).

Box 1: Support for Post-mobilization Dialogue and Negotiation Essential

Such support from multilateral agencies and NGOs has been evident, to an extent, via the support provided by UNDP India to facilitate public hearings and forums under the right to information.[10] Similarly, country-wide networks of civil society organizations (CSOs) are facilitating state-wide public hearings to pressure duty bearers to fulfill their obligations in response to the Indian Supreme Court judgment on the right to food.[11] The UNIFEM South Asia Office is supporting forums at a country-wide level to bring duty bearers and WLHAs and concerned CSOs to a common platform to advocate for policy changes.[12] OXFAM GB's interventions in Indonesia also demonstrate how, in line with the agency's belief that the right to be heard is inherent in achieving desirable outcomes, it started developing poor farmers' capacities to participate in district parliamentary hearings and district government hearings. In this way, the farmers were able to interface at various levels about the problems faced by them.[13] Public audits and community media dialogues via radio have been supported by CSOs in the Philippines to enable citizens to dialogue with local officials to ensure accountable governance.[14] In all these cases, the forums have provided vital space for duty bearers and rights holders to interface, discuss, dialogue and, ultimately, influence policy change.

Similarly, mobilization tends to raise expectations among rights holders and, therefore, makes them vulnerable unless backed up by concomitant ability to provide for incentives, to influence the delivery of services, or to influence the enabling policy context. AAN and Nijera Kori[15] as well as Taungya[16] (the other case study documented from Bangladesh on the use of rights-based strategies by an NGO to mobilize indigenous peoples (IP) groups to manage their forest domains) list the sustenance of mobilization efforts related to the above as dominant challenges. So, *a challenging area for further research and intellectual pursuit is the reconciliation between the need for mobilization fervour and managing expectations*. An understanding of this is key to successful HRBA programming.

ii) ***The application of legal approaches – positives and negatives:*** At the same time, purely legal approaches that rely on accessing and petitioning a country's justice system and that use international human rights principles and standards as a basis for the attendant delivery of justice as a matter of entitlement for its citizens – though it has resulted in some positive outcomes – often poses challenges as far as "access" is concerned. *Purely formal legal structures continue to be beyond the reach of the large*

9 Case study on *"Ensuring Sustainable Livelihoods – Using Rights-Based Mechanisms for Implementing Pro-Small Farmers' Oriented Policies in Klaten District, Central Java, Indonesia – An OXFAM Great Britain-Indonesia Case Study,"* by Upala Devi Banerjee, 2005. Accessible in the LLP Volume of Case Studies from the "Case Studies" section of the website at: http://www.unescobkk.org/appeal/llp

10 Ibid. Refer to footnote no. 3.

11 Ibid. Refer to footnote no. 4.

12 Ibid. Refer to footnote no. 5.

13 Ibid. Refer to footnote no. 9.

14 Case study on *"Promoting Media-Community Action for Shaping Desired Outcomes: The UNDP Philippines and Centre for Community Journalism and Development Partnership in the Western Visayas Region,"* by Upala Devi Banerjee, 2005. Accessible in the LLP Volume of Case Studies from the "Case Studies" section of the website at: http://www.unescobkk.org/appeal/llp

15 Ibid. Refer to footnote nos. 7 and 8, respectively.

16 Case study on *"Lessons Learned from the Application of Human Rights-Based Approaches in the Indigenous Forestry Sector in the Chittagong Hill Tracts, Bangladesh: A Case Study of the Village Common Forest Project implemented by Taungya",* by Sadeka Halim and Raja Devasish Roy, 2005. Accessible from the "Resources" section of the website at: http://www.unescobkk.org/appeal/llp

majority of rights holders surveyed under the LLP case studies. These range from price barriers (too expensive to access the justice system); low expectations of fairness (high levels of corruption amongst justice officials in many countries and inconsistencies in meting out justice); capacity constraints (low levels of capacities of duty bearers to deliver on their obligations); simply too complex (lack of awareness and education that makes many illiterate citizens find recourse in unwritten customary law); and, cumbersome (long delays in receiving justice). The evidence is in, for instance, from the Pacific Island Countries (PICs),[17] from Laos[18] and from Cambodia[19] – these countries have nascent forms of legal frameworks that are not well-equipped to respond to claims made on them. Such challenges also deter the landless communities studied under the Nijera Kori case from using the formal justice system too widely. Similarly, it has been well documented that though improving access to justice for Indonesian citizens is an essential precondition for sustained human development and to help raise people out of poverty, pressing political, economic and social issues present major challenges in accessing the formal justice system. Thus, the informal, community-based mediation, negotiation and reconciliation methods that have marked Indonesian *adat*[20] systems have historically played a central role in meting out justice to many citizens.[21]

Clearly then, a paradigm of peoples' justice needs to be constructed. This is a large area of future programming because it is immensely nuanced. Such as the fact that traditional justice systems do have their merits (like dispensing speedy justice or in ending tribal wars in Afghanistan), but often militate against the Universal Declaration of Human Rights (UDHR) "non negotiables". These mechanisms therefore cannot always provide the most balanced approach to dispute resolution, wherein citizens can claim access to justice to reconcile disputes as a matter of right. Indeed, for many, traditional norms serve to bolster local biases and prejudices without adequate checks and balances. Women in particular, under such systems, frequently fail to secure the fair and impartial consideration required for lasting dispute resolution. The ongoing participatory assessments in Afghanistan that are being conducted under the LLP pilot project to decipher the hurdles citizens face in accessing formal justice systems clearly highlight that a major challenge is the unquestioned power that the *jirgas*[22] have in settling disputes. Such disputes often involve honor killings and exchange of women and young girls as resolution mechanisms. Hence, it is not only a case of designing new peoples' justice mechanisms, but also of launching effective advocacy and reform to usher in necessary modifications in the manner in which the justice systems operate.

iii) ***The intersect between social mobilization and legal approaches – an effective strategy for claiming rights:*** The third emerging theme is the nexus of mobilization and legal redress, which relies on the usage of a combination of tools that are employed under both the social mobilization and legal approaches; for instance, combining social audits and public hearings along with filing public interest litigations (PILs). In the cases documented on securing the right to information and the right to food in India as well as on the experiences of Indian WLHAs in advocating for anti-discrimination policies[23], *it is evident that mobilization yields, or can yield, the best results where there are appropriate*

17 Case study on *"Using Rights-Based Programming Principles to Build Capacities to Claim Rights: The Regional Rights Resource Team UNDP Project in the Pacific Island Countries"*, by P. Imrana Jalal, with contributions from Regional Rights Resource Team (RRRT) staff, 2005. Accessible in the LLP Volume of Case Studies from the "Case Studies" section of the website at: http://www.unescobkk.org/appeal/llp

18 Case study on *"Adopting Rights-Based Programming Strategies Towards Developing Capacities for Accessing Sustainable Water and Sanitation Facilities: The NAM SAAT/Sida/UNICEF Partnership in Luang Prabang Province in Laos – A Case Study"*, by Upala Devi Banerjee, 2005. Accessible in the LLP Volume of Case Studies from the "Case Studies" section of the website at: http://www.unescobkk.org/appeal/llp

19 Case study on *"The UNSECO-initiated Education for Peace and Development Project in Kampot Province, Cambodia: Using Education as an Entry-point in Conflict-Prevention and Resolution,"* by Upala Devi Banerjee, 2005. Accessible in the LLP Volume of Case Studies from the "Case Studies" section of the website at: http://www.unescobkk.org/appeal/llp

20 Traditional.

21 Case study on *"United Nations Development Programme Indonesia: Strengthening Access to Justice and the Rule of Law in Conflict-Affected Provinces – Process Lessons Learned while Designing a Rights-Based Approach to Programming,"* by Upala Devi Banerjee, Chris Morris and Ewa Wojkowska, 2005. Accessible in the LLP Volume of Case Studies from the "Case Studies" section of the website at: http://www.unescobkk.org/appeal/llp

22 Tribal councils.

23 Ibid. Refer to footnote nos. 3, 4 and 5, respectively.

legal and judicial systems and corresponding infrastructure to provide redress on grievances/complaints at both the local and national levels. These may range from relatively informal or local effective dispute resolution mechanisms (like the forging of alliances with the Commission of Human Rights (CHR) in the Philippines that pushed for the enactment of rights-based local codes for children in all cities and provinces of the Western Visayas region)[24] to the completely elaborate, societal, PIL-type avenues for redress (as was evidenced in case studies on the right to information and the right to food[25] and in the recent Indian Supreme Court ruling as a result of intense social mobilization wherein the right to education has now become a legally enforceable right).

As the background to the cases documented and the ground realities under which the LLP pilots are currently operating demonstrate, the fact that rights are not being realised by poor and highly marginalized groups highlights two vital issues. Firstly, merely possessing rights (as codified by international conventions and treaties, and reinforced by countries' constitutions and legal frameworks) have not led to these groups realizing these rights. Secondly, it is often difficult to access these rights without using an entitlement-oriented approach. It is against this background that the nexus of mobilization and redress can be juxtaposed – that there is a body of evidence (as corroborated via the case studies and the ongoing pilots) that reaffirms that such a nexus or intersect is often the only means available for people to communicate with the State and service providers and enforce their needs/claims/rights. Such approaches highlight the shift from the language of mere policy to the language of rights (which are hence enforceable).

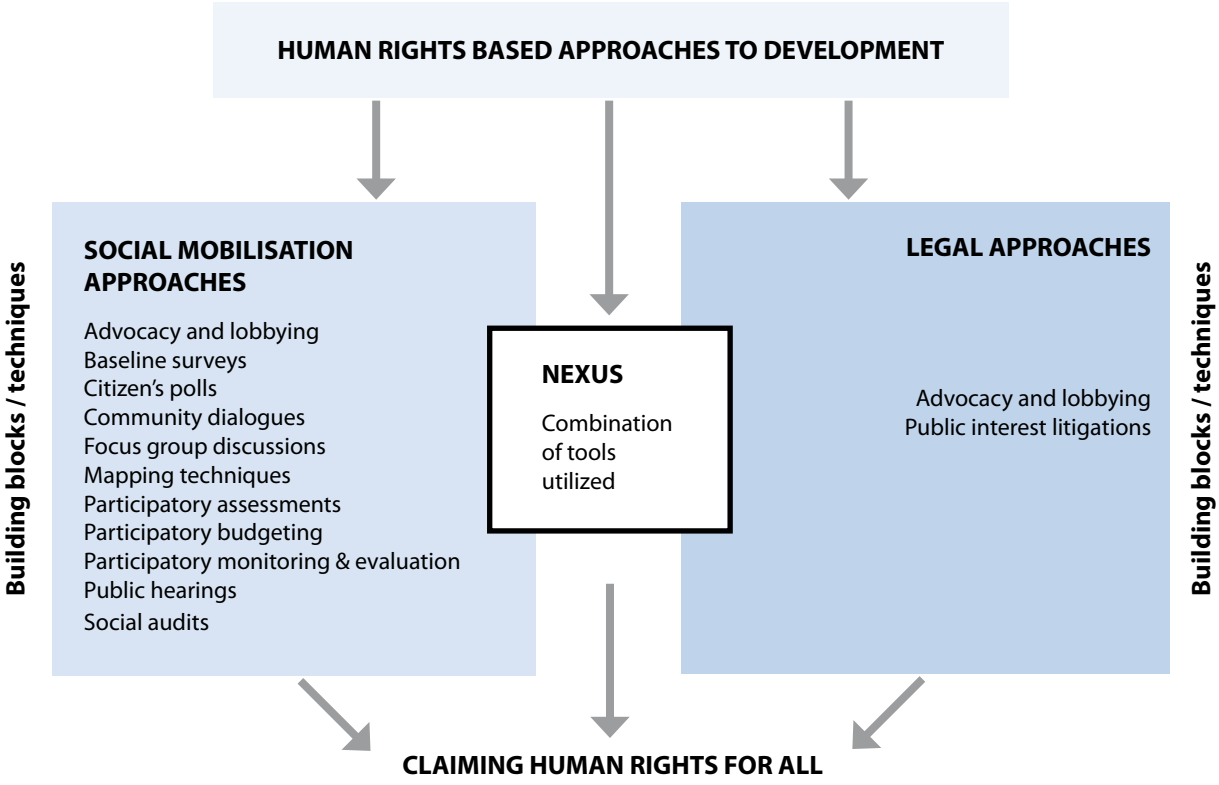
Policy implementation history – as far as the realization of rights are concerned, when not complemented by legislation – have often been punctuated with failures as there is no consequence on the State or other duty bearers (service providers like public sector delivery officials, for instance) in the case of non-fulfillment of the policy provisions. However, if these are enforced via legislation, the duty bearer is accountable for their implementation. Courts and legal judgments also evoke significant interest in the media. In India, for instance, it has been seen that all successful PILs have triggered powerful responses in the media and have helped evolve, sensitize and mobilize public opinion and ultimately, the concerned decision-makers – often the judges or the policy-makers/ legislators/politicians – on the particular issue. Conversely, many of the cases documented and the pilots implemented (like, in the case of Mongolia) have developed strategic partnerships with the media to publicize and highlight their campaigns, especially those concerning courts and litigation. The fact that such social and judicial activism has been the greatest mobilizer of the public – including duty bearer opinion - is often underscored. Therefore, the efficacy of conceiving rights as a matter of entitlement, particularly in areas that require urgent concentration and action, should be highlighted and should be a fundamental focus in HRBA programming.

24 Ibid. Refer to footnote no. 14.

25 Ibid. Refer to footnote nos. 3 and 4, respectively.

III ▶ The Role of Building Blocks: Techniques Used for Securing Realization of Rights

The approaches detailed in the preceding section are implemented through well-established building blocks – variously called techniques/ tools in this note (see diagram below). *It is interesting to note in this context that conventional developmental tools that solicit participation of communities have been used to optimal impact to secure rights in as much as those that can be termed "rights-based" tools which are being employed to directly influence policy and target unequal power relations.*



While such conventional tools include baseline surveys and village mapping, focus group discussions (FGDs)/ community dialogues, participatory assessments (PAs) and participatory monitoring and evaluation (M&E), the "rights-based" tools encompass those related to advocacy and lobbying, citizens' polls/citizens' report cards, participatory budgeting, PILs, public hearings and social audits. In almost all the case studies documented and in some of the LLP pilots currently being implemented in Afghanistan, Mongolia and Thailand, there is evidence of the use of/or the combination of the use of these techniques or building blocks.

i) ***Advocacy and lobbying:*** Advocacy and lobbying – whether it be for social mobilization purposes to create spaces for the poor or for awareness and pressure-building to impact upon policies – is one of the most important building blocks used. *Almost all the cases documented as well as the current pilots being implemented bear testimony to the usage of such a tool.* Advocacy in the form of protests,

campaigns, blockades and *gheraos*[26] has been widely used for impinging on duty bearers to undertake proper application of the existing laws and for undertaking joint initiatives with multi-stakeholders for resolving local problems. The campaign spear-headed by Nijera Kori against commercial shrimp-farming; the hungry millions campaigning for the successful passage of the PIL in the Indian Supreme Court to deliver justiciability on their right to food; the large groups of mineworkers in the northern Indian state of Uttar Pradesh squatting to end exploitation and child labor and demanding that they paid fair wages so that their children can go to schools[27] – all bear testimony to successful advocacy efforts and in ensuring reciprocal accountability.

ii) ***Baseline surveys and mapping techniques:*** Globally, baseline surveys and mapping techniques are used as developmental tools to guide programme implementation. In the LLP cases documented, however, it was found that such techniques were also employed to secure rights. For instance, in the case study on claiming the right to education for poor, interior rural communities in Cambodia, UNSECO Phnom Penh helped develop the capacities of local community members in the villages to undertake such surveys. Realizing that these people did not possess the capacity to undertake surveys, UNSECO prepared the questionnaire, taking care to ensure that the survey reflected issues that were representative of the communities. Thereafter, capacity development in the form of survey training was conducted for literacy facilitators, village supervisors and commune supervisors, who prepared plans for primary data collection. These people were also trained to write up the results of the village surveys.[28] Such surveys are also being undertaken in the community learning centre (CLC) sites in northern Thailand under the LLP pilot project. These surveys are designed to ascertain the status of implementation of the current policies that are the subject of intervention – *they better assist the project implementers to design strategic areas for focused interventions.*

Likewise, village mapping techniques have been utilized in Laos by the residents of Houay Hid village in Luang Prabang province. Undertaken in collaboration with district water and sanitation officials, such mapping enabled the Centre for Environmental Health and Water Supply (NAM SAAT) officials and UNICEF Laos to obtain village data relating to religious profiles, ethnic minority composition profiles, history of migratory patterns of the villagers and so on. *Data generated thus proves invaluable in designing appropriate community-focused and community-led interventions.*[29]

iii) ***Citizens' polls/citizens' report cards:*** *Participatory surveys and opinions highlighting citizens' concerns can help in mapping out such concerns in a story form and can help influence policy-level issues*. In the Philippines, the Centre for Community Journalism (CCJD) – the media organization whose strategies were the subject of study – and one of its partners, the Radyo Veritas Legazpi Program (PBN-DZGB) Broadcasting Network in Bicol province, polled citizens in one *bangaray*[30] that expressed concerns about a cement plant which was to be set up in that area. Such polls led to a series of discussions that ultimately led to the citizens (in participation with the local government officials) developing a series of guidelines under which the plant could operate in that municipality.[31]

iv) ***Focus group discussions/community dialogues:*** Meso (middle)-level duty bearers like NGOs and media groups use community dialogue that allows them to mix with communities and carry out conversations with them without being too probing and intrusive. In Kidapawan City in the Philippines, radio reporters started engaging local citizens in conversations to address issues about which they really care. They developed a daily programme called *Pulso Ng Bayan* (Pulse of the Town) based on these insights.[32] In Laos, community dialogues provided the key entry points wherein communities could put forward their demand to NAM SAAT officials for the supply and the subsequent owning, using and maintenance of water and sanitation services.[33]

26 Spontaneous protests in which a large number of people besiege an institution to gain redress against a perceived injustice. From: Livelihoods Connect, Chars Organizational Learning Paper 3, *"The Voice-responsiveness Framework: Creating Political Space for the Extreme Poor"*, Institute of Development Studies (IDS), University of Sussex, United Kingdom (UK), March 2004. Source: http: //www.livelihoods.org/lessons/Asia/Chars3.doc.

27 Ibid. Refer to footnote nos. 8, 4 and 6, respectively.

28 Ibid. Refer to footnote no. 19.

29 Ibid. Refer to footnote no. 18.

30 Municipality.

31 Ibid. Refer to footnote no. 14.

32 Ibid. Refer to footnote above.

33 Ibid. Refer to footnote no. 18.

Box 2: "Courts and Community Dialogue" in Fiji Helps Facilitate Citizens' Access to Duty Bearers

In 2005, for the first time ever, the entire Magistracy and Judiciary of Fiji (including the Chief Justice and President of the Court of Appeal) sat down to a one-day "Courts and Community Dialogue" with representatives of CSOs. This event was organised by the Regional Resource Rights Team (RRRT) and involved a female judge who works on judicial education. RRRT is a project that works in the PICs to capacitate vulnerable groups to demand and claim rights using various strategies. It has taken RRRT and its partners many years of advocacy and dialogue to get the judiciary to agree to participate in such a process. This landmark event enabled members of the judiciary to listen to concerns of the community in areas relating to gender, poverty, disability, children, minorities and governance and their perceptions of justice. The evaluation of the event revealed that the judiciary was extremely receptive to this process because it enabled them to obtain a first-hand account of the manner in which citizens perceived the justice system. Although it is too early to tell whether the dialogue will translate into any significant changes at the policy and grassroots level, the process, in itself, enabled groups to gain access to influential decision-makers.[34]

Combining FGDs with community dialogue allows for more targeted discussions on issues with stakeholders in the communities. The Visayas Examiner (TVE), a newspaper based in Iloilo City in the Western Visayas region in the Philippines, used FGDs to develop stories that eventually led to advocacy and campaigning for targeted issues. Through these FGDs, communities that considered themselves indigenous started organizing themselves with support from the local CSOs against the construction of a dam that was being planned by a multinational corporation. The dam, if constructed, would have displaced these people from their lands because the areas upriver would have then been used as watershed areas. Thus, in opposition, none of these communities signed the affidavit that would actually have given them land in other areas in order to move from their current land.[35]

The Mongolia LLP pilot project partners have used FGDs and dialogues to design a public debate on the implications of the new mining legislation for the communities concerned. The results of such debates will be used as evidence-based advocacy materials while filing a PIL in the national court against exploitative practices employed by many mining companies.

v) ***Participatory assessments:*** Locally-appropriate PAs using various strategies is another block that has been utilized. *The most common form of PAs that are used are the participatory poverty assessments (PPAs). These are being undertaken by various developmental agencies and CSOs to plan and implement developmental projects with the primary focus of enlisting the views and opinions of various stakeholders – and to give the communities opportunities to participate – in decisions that affect their lives*. In the Nepal REFLECT process, while PPA tools like social and resource maps and preference ranking have been used in the political literacy process, the process – while promoting political literacy and developing a situational analysis – has gone a step further and used seasonal calendars, song writing, myth and story-telling to enlist community participation. The use of such locally-appropriate PA tools helps to structure the analysis in a systematic way (see Box 3).[36]

34 Ibid. Refer to footnote no. 17.

35 Ibid. Refer to footnote no. 14.

36 Ibid. Refer to footnote no. 7.

Box 3: The Application of Participatory Assessments as a Building Block

In the Saptari district, through such situational analysis conducted by AAN and a local NGO, the Saraswati Community Development Forum, *dalit* discrimination was identified as the primary area of concern during the initial work that was undertaken in four village development councils (VDCs) in early 1998. Local *dalits* raised issues relating to education, landlessness, local governance, and citizenship – lack of documentation of citizenship places obstacles in these people accessing the legal systems and public services – as areas of concern. The process and outcome of the situational analysis strongly supported the formation of a social movement/organization to represent the *dalits*.[37]

In Afghanistan, the ongoing LLP pilot is using participatory assessments to decipher the obstacles that hinder people's access to formal justice systems. Such assessments will help UNDP Afghanistan to develop and design a larger "Access to Justice Programme" in which peoples' perceptions and needs are reflected in programming.

With the objective of gathering evidences, which will be collated and then presented as a complement to the PIL that will be filed in the Mongolian national court on banning exploitative mining practices, the ongoing LLP pilot is undertaking such assessments in various sites to gather evidence-based perceptions of mining communities that are being impacted by such practices.

vi) ***Participatory budgeting:*** An important building block used is the tool of participatory budgeting. Citizens' participation in analyzing and formulating national budgets has a strong rights-based component as it demonstrates how such partnerships increase accountability and transparency in public expenditure planning and monitoring. In Indonesia, the poor farmers identified the need to start work on participatory budgeting in collaboration with the district officials. Farmers groups participated in the process to successfully increase allocations in the District Annual Development Budget Plan and the 2002-2003 District Government Development Budget in Klaten district, Java. *Earlier, the budgetary allocation for the agricultural sector comprised 20% of the overall budget; the process of participatory budgeting led to this allocation to now comprise 30% of the overall budget.* [38]

vii) ***Participatory monitoring and evaluation:*** Many of the cases documented recognize the role of participatory M&E in ensuring that not only the results of interventions lead to realization of rights, but also that the process itself is rights-based. In Bangladesh, the NGO, Taungya, demonstrates how they involved IPs to undertake ongoing monitoring to ascertain whether the project's objectives are being met through the activities undertaken.[39] In Nepal (see Box 4), such ongoing monitoring – called the participatory review reflection process (PRRP) – involves the communities at all stages.

37 "REFLECT in Nepal"; PowerPoint presentation by Khemraj Upadhyaya at the joint UNDP/OHCHR Nepal workshop held in Kathmandu, Nepal, in March 2005.

38 Ibid. Refer to footnote no. 9.

39 Ibid. Refer to footnote no. 16.

Box 4: Participatory Review Reflection Process Used by Action Aid Nepal

This process is an ongoing one and is used by the rights holders throughout their involvement under the REFLECT process in Nepal. This process develops community capacity to view changes and outcomes analytically and to internalize the impact of such outcomes. The "real" qualitative change perceived by the poor and excluded rights holders is the main objective of this process. Many of the process activities that the communities undertake as a part of the REFLECT strategies have this ongoing monitoring process inbuilt. The following activities/tools (or a mix of these) were adopted in the REFLECT PRRP process:

a) Social mapping by the community members

b) Mapping of resources, programme benefits, etc.

c) Community meetings – of both male and female rights holders

d) Learners'achievement test in non-formal education/other alternative schools

e) Visit by government officials to sites of physical assets/programmes created by the project

f) Discussions with community members who have been imparted training in RELFECT methodologies

g) Discussions with the community members who have been left out by the project

h) Discussions with the government teacher/any employee who could be easily contacted in the village during the exercise

Going beyond traditional participatory M&E, such monitoring has also spilled over to ensure accountability of duty bearers on claims made. In the case of monitoring the Mid-Day Meal Scheme (MDMS) – a nationwide government-sanctioned school food voucher programme – a regular system of monitoring the provision of a daily meal in the government-run schools has been developed and is being used in quite a few Indian states. In the central Indian state of Chhattisgarh, one member organization that is part of the campaign to secure the right to food is trying to ensure regular monitoring of meals in a large number of schools by using a simple questionnaire. Such a system entails a visit to the local primary school *without prior announcement*, and enquiring about the mid-day meal from the teachers. The monitoring is done at the time the mid-day meal is served, and the process is observed to ensure whether the food served has passed through several quality-control measures. All these questions are included in the simple questionnaire that the monitor fills out during the visit.[40]

viii) ***Public hearings:*** *Public hearings have been used as a building block in various countries to mobilize communities around specific issues*; to create awareness amongst local communities about the various services that the State at different levels should provide; to document and highlight specific instances of denial of such services; to present testimonies that detail the instances of denial to public officials and expert panelists; to emphasize the structural deficiencies in facilities underlying such cases; and finally, to present the larger structural deficiencies related to the system, based on surveys and analysis of key issues (see Box 5).

40 Ibid. Refer to footnote no.5. For a copy of the Mid-Day Meal monitoring questionnaire, visit: http://righttofood.tripod.com/research/BGVSmonitoring.html.

Box 5: The Use of Public Hearings to Influence Policy

In Indonesia, public hearings provided the vital space for farmers in Central Java to interface, discuss and dialogue with policy makers and ultimately, to influence budgetary increases in allocation for poor farmers' needs.[41]

In India, *jan sunwais* (as they are called) have been used to optimal effect. Such hearings, held nationwide, have proved invaluable in submitting PILs and in successfully lobbying the Indian Supreme Court to pass judgments on the right to information and the right to food.[42] Public Hearings facilitated by UNIFEM South Asia and the National Commission of Women (NCW) – attended by decision-makers, government representatives from the Departments of Health, Education and Social Welfare; public and private medical professionals; and, NGOs – have been held in the states of Tamil Nadu, Karnataka and Kerala. *For the first time ever, in the context of HIV/AIDS, public hearings in India were held to bring together stakeholders in a constructive manner*. WLHAs deposed at these hearings and spoke of the stigma and discrimination in health and educational settings, denial of property, and discrimination by various members of society.[43]

ix) ***Public interest litigations:*** *The legal tool of PILs have been used to optimal impact in India in making the government accountable on internationally agreed-upon human rights standards and in setting a global legal precedent as far as the right to food is concerned*. Against the backdrop of the Indian state not fulfilling its basic obligations to its citizens in relation to realization of the right to food, an informal coalition of Indian CSOs and individuals committed to the realization of this right came together and started the "Right to Food Campaign" in 2001.[44] The Campaign is an outgrowth of the Supreme Court hearing on the right to food, held in response to a writ petition filed in April 2001 by the People's Union for Civil Liberties (PUCL), a human rights NGO, in the north-western Indian state of Rajasthan. This case is technically and popularly known as "PUCL Vs. Union of India and others (Writ Petition [Civil] No. 196 of 2001)." Briefly, the petition demands that the country's gigantic food stocks should be used without delay to protect people from hunger and starvation. Initially, the case was brought against the Government of India, the government-run Food Corporation of India (FCI), and six state governments, in the specific context of inadequate drought relief. Subsequently, the case was extended to address the larger issue of chronic hunger, with all states and union territories (UTs) as respondents. Interim PILs submitted from time to time by PUCL advocate the introduction of nation-wide (combined with social security) arrangements for those who are unable to work and have further enlarged and consolidated these demands. In the process, it has succeeded, to a large extent, in making the right to food justiciable by lobbying to get the Employment Guarantee Act (EGA) and other related food-security programmes passed and in lobbying the Supreme Court – the highest legal authority in the country – in holding the state governments accountable if this right is not met. The methods used have also helped poor, vulnerable and marginalized groups realize other rights, like the right to education, the right to a livelihood and the right to information.

x) ***Social audits:*** Social audits are increasingly used worldwide to make duty bearers and organizations accountable for the objectives and activities that they are supposed to perform. *Strategies surveyed under the case studies found that such audits were used to solicit not only accountability of duty bearers, but also organizational – for instance, an NGO's – accountability mechanisms towards stakeholders (the communities it works with)*. In India, the Mazdoor Kisan Shakthi Sangathan (MKSS) used social audits to draw attention to the underpayment of daily wage earners and farmers on government-run projects, and more generally, to expose corruption in the state of Rajasthan. Conducted by local villagers, these audits were used as hard documentary evidence in *jan sunwais* to hold public officials to account on government-run development projects. They were successful in drawing public and media attention

41 Ibid. Refer to footnote no. 9.

42 Ibid. Refer to footnotes nos. 3 and 4, respectively

43 Ibid. Refer to footnote no. 5.

44 Ibid. Refer to footnote no. 4.

to corruption and in exposing leakages in the system. These audits and the resultant *jan sunwais* were largely responsible for heralding in the nationwide movement on the right to information and in the subsequent passing of the Right to Information Act by the Indian Parliament in 2005.[45]

AAN used such social audits to emphasize the *periodic review of results* against plans and their consequences, and to assess degrees of accountability and transparency. Such audits help ensure that communities have the right to be informed about policies and programmes that impact them.[46] Such a process also helps AAN to review its own accountability systems, solicits instant opinion and feedback for immediate action and attracts communities' ownership over any initiatives undertaken, which eventually leads towards demonstrating effectiveness, efficiency, relevance, impact and, ultimately, sustainability of outcomes.

45 Ibid. Refer to footnote no. 3.

46 Ibid. Refer to footnote no. 7.

IV ▶ Capacities to Effectively Utilize the Building Blocks: Some Strategies for Human Rights-Based Programming

The analysis in this section is not linear in that it is simply not a question of "developing capacities of rights holders and duty bearers" under a programming framework to use or participate in the processes captured under the building blocks as documented in the preceding section. The initial key issue to address is that of the *constraints on developing capacities*. Based on the purview of the cases documented and the pilots being implemented, these can be captured as follows:

- ***Incentives and sustaining motivation:*** Sustaining the motivation levels of the communities poses constraints in developing capacities. *The nature of poverty within communities means that most residents are earning subsistence incomes where a single day's loss of income translates into a day without food. Both case studies from Bangladesh demonstrate such constraints.*

  In the Nijera Kori case study, it was found that in situations where landless groups have been struggling for many years without much success and where many have had to face arrest and even imprisonment, it is not surprising that individuals leave and groups become demoralized. The fact is that operationalizing a HRBA – without using any service delivery/incentive components in a strategy – while at the same time, encouraging poor and vulnerable groups to break with past relationships of dependency on patrons and to stand up for themselves (often at some personal and economic cost) can have contradictory implications for those who join its groups and who stay within them. On the one hand, it can lead to a process of self-selection in that it is unlikely to have a great deal of appeal for the better-off sections of society. On the other hand, the absence of immediate economic gains may discourage the longer-term participation of the very poor, particularly if group membership jeopardizes precarious day-to-day survival strategies that depend on maintaining the patronage of powerful sections of village societies.[47]

- ***Heterogeneous nature of groups:*** The heterogeneous nature of community groups, coupled with often fractious sub-group loyalties among rights holders and relationships of power within cohorts (including elite capture of mobilization goals) are a major challenge in developing and sustaining capacities. Evidence of this has been documented, for example, in the case studies from Fiji, Cambodia, Nepal, and Bangladesh.[48] *Moreover, elite capture of local power structures can pose a challenge to the resistance put forward by community members*. The extent to which the local configuration of power is dominated by, say, a few powerful landlords or tribal chiefs, membership of kinship groups, divisions based on gender and so on can seriously undermine capacities to mobilize on a sustained basis.

- ***Limitations in working with meso-level duty bearers:*** Major limitations also exist within meso-level duty bearers – NGOs, other CSOs, international NGOs (INGOs), the UN, and donor agencies – that work with communities and the primary duty bearers in developing capacities to claim rights and to discharge obligations respectively. *The existence of too many NGOs in one operational area (both geographical and issue-based) can place a constraint on the selection process of the most "suitable" ones and on developing their capacities*. NGOs – with conflicting and incoherent ideologies, interests, internal hierarchies and the competition for donor funds – are also seen as pushing "donor-driven" agendas or as performing "watchdog" functions in some countries. Such in-country sensitivities and internal

47 Ibid. Refer to footnote no. 8.

48 Ibid. Refer to footnote nos. 17, 19, 7 and 8, respectively.

conflicts amongst NGOs, coupled with a crowded operating space, often makes it difficult for other meso-level duty bearers like donor agencies to bring NGOs together on a common platform and to develop networks and capacities to pursue a reasonable HRBA-focused agenda in their interventions. Moreover, low internal capacities in terms of resources, both financial and technical, within donor agencies hinder such agencies to initiate and sustain HRBA-focused programming.

- ***Low receptivity levels of duty bearers:*** *There is the added factor of the low levels of sensitization or receptivity of duty bearers to respond to demands on claims made*. It has only been in the case of the Education Guarantee Scheme (EGS) in India that duty bearers set up people-friendly policies that hinged on stakeholder participation and accountability mechanisms to deliver education to children belonging to IP communities living in remote locations.[49] In most other cases documented, duty bearers often responded only after public pressure or after efforts were made to adequately sensitize or engage them in stakeholder dialogues and programming initiatives. This has been evident in the case of UNICEF Laos, wherein it focused its efforts to work with the NAM SAAT officials to develop their capacities to design, implement and manage sustainable community water systems in collaboration with the communities).[50] Targeting low receptivity and sensitization levels without being overtly overbearing or patronizing is therefore a major capacity development constraint.

The response to all of the above is thus the use of focused capacity development strategies that targets various levels to effectively use the building blocks. This will be dealt with as follows:

i) ***The first level of the strategy*** could address *specific community sub-group capacity needs:* e.g. Java farmers requiring capacities to participate in budget allocation dialogues; Mongolian civil society capacities developed to sensitize the formal justice system to be responsive or even pro-active; Afghan and Cambodian village community members capacities being enhanced to participate in local-level surveys; Uttar Pradesh miners requiring capacities to form unions; the capacities of *dalits* in Nepal being developed to fight oppressive social practices and to participate in social audits; Thailand CLC members requiring capacities to actively participate in drafting local-level budgets; HIV-positive Indian WLHAs capacities being developed to advocate for gender-specific policies; the Indian poors' capacities enhanced to participate in *jan sunwais*; IP communities' capacities in the Philippines being built to organize after participating in FGDs and so on.

ii) ***The second level of the strategy***, which is a specific area of focus within the capacity development response, *is the role of the catalytic nurturer or the meso-level duty bearer*, such as the locally based CSO or NGO. These agencies are organically linked within the community, hold longer-term stakes and can be effective repositories of high levels of capacity, sensitivity and outreach ability. They are also important programming channels for other meso-level duty bearers like INGOs, the UN and donors. There is evidence of berthing and nurturing new ideas and in building effective coalitions and networks that can sustain mobilization at various levels. The evidence is based on the role of NGOs and other meso-level duty bearers as documented in the right to information and food cases, the Sankalp case, as well as the HIV/AIDS case from India; the Nijera Kori case from Bangladesh; the Philippines case; or, in the case study from Fiji.[51] These roles need to be strengthened and supported.

iii) ***Finally, at the last level***, as the Fijian and Indonesian case studies on access to justice[52] and the pilot in Afghanistan demonstrate, *while there is no moving away from the nation of a receptive and supportive system of state institutions, there is, at the same time, a need to take into consideration the role of informal institutions in affecting outcomes that lead to the realization of rights*. This dual form of capacity development indicates the need to remain engaged in advocacy and sensitization aimed at both formal and informal state structures and functionaries. Such dual capacity development measures could thus involve, for instance, not only working with the Afghan and Indonesian formal justice court systems to effectively and efficiently dispense justice; it would also entail working with the traditional *jirgas* and the *adat* justice systems to enable them to deliver justice that, while rooted in traditional Islamic customs and norms, are gender-friendly. Similarly, it would mean developing the capacities of Fijian local village chiefs so that they become sensitized in order to design and implement local-

49 Ibid. Refer to footnote no. 6.

50 Ibid. Refer to footnote no. 18.

51 Ibid. Refer to footnote nos. 3, 4, 5, 6, 8, 14 and 17, respectively.

52 Ibid. Refer to footnote nos. 17 and 21, respectively.

specific gender-sensitive policies. Various forms of elite capture and unequal power relations could also be addressed in such a process.

In all of the above, the involvement of media (and private sectors, to an extent) cannot but be over-emphasized. These actors can strategically apply pressure to solicit public sector accountability and to influence policy-level changes and public/citizen behavioral norms. This has been aptly demonstrated in illustrations from the Philippines case study[53] or from the Cambodia case study (see Box 6 below).[54]

The key is to engage individuals within these sectors with significant spheres of influence who can play the role of champions and conveners.

Box 6: Using the Media to Effect Change

Realizing the positive role that community radio can play as a tool in undertaking advocacy, the UNESCO Phonm Penh-initiated project – "Conflict Prevention and Resolution through Education: Education for Peace and Development" – used an indigenous radio channel, Radio Kampot, as an advocacy tool to publicize the activities and related outcomes under the project. Hearing their own achievements broadcasted via the radio served to encourage the local communities and the public officials in the two communes to participate more pro-actively in the programme activities. It also made public officials at the central level aware of the project activities and outcomes, and of how accessing the right to education and training under a "culture of peace" (and other such associated activities) can help previously rights-unaware communities proactively participate in developmental processes.

In conclusion, it can be seen that while the merits of using the approaches as analyzed in this note are many and have led to the securing of a process wherein rights in a given sector are being realized at varying levels, it is crucial to not undermine the challenges involved in implementing such approaches. At the same time, the use of the building blocks and associated capacity development strategies that target various levels of stakeholders are vital and need to be recognized. It is thus imperative to analyze in more details the key role capacity development can play in the rights realization process, as well as how such capacity development strategies could be integrated into all phases of programming under an HRBA framework. This could be a topic for further inquiry.

53 Ibid. Refer to footnote no. 14.

54 Ibid. Refer to footnote no. 19.

V ▶ Annex 1: Select Bibliography

http://righttofood.tripod.com/research/BGVSmonitoring.html

http://www.unescobkk.org/appeal/llp

Livelihoods Connect, Chars Organizational Learning Paper 3, *"The Voice-responsiveness Framework: Creating Political Space for the Extreme Poor"*, Institute of Development Studies (IDS), University of Sussex, United Kingdom, March 2004. Source: http://www.livelihoods.org/lessons/Asia/Chars3.doc.

United Nations
Educational, Scientific and
Cultural Organization

UNESCO Bangkok
Asia-Pacific Programme
of Education for All (APPEAL)

920 Sukhumvit Road, Prakanong, Bangkok 10110, Thailand
www.unescobkk.org