

HUMAN RIGHTS ROUND TABLE

1. Leveraging the power of money

Money is a powerful agent — for or against change. Following the money trail can provide ideas for how money can be leveraged to create change. Banks — from national banking institutions to the World Bank — as well as shareholders of financial institutions, have the power to withhold investment in corporate or government ventures that violate human rights or agreed mandates for operation.

Featured Tactic: With a “right to food” framework, leveraging public investment bank decisions to change local company behavior

Food First Information and Action Network International (FIAN) uses a human-rights-based approach to confront investors with the negative effects of their investments in large gold mining companies. The goal is to either prevent investments in new mines or mitigate the impact of existing mines. FIAN targets mines that severely affect the livelihoods of communities near the mine and cause human rights violations and environmental destruction. Working in close cooperation with affected communities and local organizations, FIAN and its partners investigate the human rights problems of specific mines. FIAN then works with investors to solve the problem, finding viable solutions that will have a positive impact on the communities. The investor approach makes it harder for companies to go ahead with new mines that don't respect affected communities and environmental issues, or can at least lead to stricter operating conditions. While this tactic has worked in specific cases, it has not resulted in the incorporation of human rights into the general policy of investors. When using this tactic, it is important to analyze the role of investors and lenders in the particular case or sector; the tactic works better in sectors that are capital-intensive. The tactic uses money as leverage to influence companies to change their behavior at the community level.

Complementary Presentation:

Members of the Interfaith Center on Corporate Responsibility (ICCR), including 275 U.S. religious institutions, examine the social and environmental performance of the companies in which they invest. Rather than selling the stock of companies whose practices are harmful, ICCR uses their shares to pressure for change. As shareholders, ICCR members place resolutions on social issues such as human rights, access to health care and environmental responsibility on shareholder ballots. In many cases, these resolutions open the door for direct negotiations between religious investors and management.

Complementary

As one condition of a World Bank Special Structural Adjustment Loan in 1998, the Argentine Government committed to maintaining budget allocations for a list of ongoing social programs. Beneficiaries of one of those listed social programs — the Pro Huerta Program — along with lawyers from CELS successfully used the World Bank Inspection Panel mechanism to pressure the Argentine government to reinstate money the government tried to remove from the project, threatening its continuity.

2. Monitoring business practice standards

Businesses are recognizing that adherence to human rights standards is good business practice. Cooperative efforts with and within the business sector have led to creative ways to monitor business practices and uphold standards of practice.

Featured Tactic: Contracting with multinational corporations to monitor labor conditions in their factories

The Commission for the Verification of Corporate Codes of Conduct (COVERCO) monitors corporate codes of conduct for working conditions in Guatemalan factories and in the agricultural export industry through intensive, long-term independent monitoring. The organization first establishes a relationship with the corporation, then contracts with it to monitor their factories for a fee. COVERCO maintains a steady presence in the factories it monitors, rather than conducting short-term visits and filing one-time reports. Monitors, who are often former factory-workers themselves, visit the factories as frequently as once per week, meet with workers both during and outside of normal business hours and maintain a telephone hotline to ensure workers full access to monitors. Interviews are conducted in Spanish and are kept in strict confidence. Monitors seek to verify workers' claims of poor treatment and always include management reaction to claims in their reports, taking note of situations where claims cannot be substantiated. COVERCO's monitoring and reporting have been effective in pressuring management to address individual workers' complaints. For example, COVERCO found that the Liz Claiborne factory was not collecting parental permission slips for minor workers, as required by Guatemalan law. When COVERCO raised the issue, the company began ensuring that they had parental permission for all minor workers.

Complementary Presentation: The Rugmark label identifies and promotes carpets made without child labor, providing consumers with the information they need in order to avoid contributing to human rights abuses while simultaneously increasing awareness of the problems associated with a particular product, creating demand for products that are produced and moved to market humanely. The Rugmark Foundation awards licenses to carpet exporters who agree not to use child labor and voluntarily submit to a monitoring system.

3. Using unarmed accompaniment to protect threatened human rights defenders

A big challenge in expanding people's participation in human rights efforts in repressive or conflict-ridden societies is protecting human rights defenders from threats, arrest, imprisonment, torture and death. Nonviolent, unarmed accompaniment — ranging from foreign volunteers to strategic institutions — can deter violence and discourage potential perpetrators.

Featured Tactic: Accompanying human rights activists to protect them from danger

Peace Brigades International (PBI) sends international observers to accompany human rights activists who are threatened by the government or paramilitary organizations. They serve as a reminder to perpetrators of human rights abuse that the international community is watching. In the event of an abduction, the observer alerts authorities in the country, their own native government and activists around the world. This brings the influence of the foreigner's government and international contacts to bear on the perpetrators.

Although the volunteers are the most visible symbol of the accompaniment tactic, the success of the approach depends on an international awareness of the situation through an extensive support network of concerned individuals and supporting organizations. This network is ready to apply special pressure in crisis situations involving PBI volunteers and the people they are protecting. Through e-mails, faxes and letters sent to authorities in the country in which the crisis is occurring, the recipients are made aware that the eyes of the international community are upon them. In selective situations, PBI also uses a high-level alert network of influential political and diplomatic authorities when it wishes to apply potent pressure. These are people who have especially strong influence on the government authorities in the country concerned.

Kenya: The Kenya Human Rights Commission has played this role of protecting human rights defenders who are threatened in their work.

4. Engaging the public through petitions to increase participation and create change

Petitions have been successful in expanding democratic space, influencing public perceptions and participation, and changing legislative processes and policies. Whether public generated or government sanctioned, lessons can be learned from the creative and effective use of petitions for hunger relief, voter registration and building social investment in a peace process.

Featured Tactic: Engaging the public through petitions to increase participation and create change

In 2002, Poder Ciudadano (Citizen Power) collected signatures on two petitions that, through a constitutional provision, obligated the Argentine Congress to consider community-proposed legislation. The constitutional provision requires the congress to deliberate over any proposed legislation brought before it by community members or organizations, but such legislation must bear the signatures of 1.5 percent of Argentine citizens in at least six of 24 districts.

Using this tactic, Poder Ciudadano focused its efforts on two problems that have had widespread effects in Argentine society recently—pensions of privilege, a system of excessive retirement benefits for former government officials, even those known to be corrupt, and most recently, the problem hunger, especially among children and pregnant women. Poder Ciudadano recruited 250 volunteers from around the country who met at markets, bookstores, pharmacies, newsstands and phone booths to collect the signatures. As petition pages were completed, volunteers returned them to Poder Ciudadano so that the organization could present them to the congress en masse. Both of the initiatives were very well received by Argentine citizens and Poder Ciudadano presented each to the congress. By late 2002, both proposals were passed by the congress with some modifications.

Kenya: The Shame Movement has started collecting signatures to press the government to sack corrupt ministers

5. Building collaborative relationships with governments

Explore how to cultivate working relationships and partnerships with governments in order to provide support and convince them to implement reforms—including standards of practice, government participation and legislative reforms—to advance human rights.

Featured Tactic: Building collaborative relationships with governments for prison reforms

The Rule of Law Unit of the OSCE/ODHIR used a system of allies who worked together to bring about changes in the prison systems in Central Asia. The OSCE/ODIHR encouraged competition among neighboring countries in the area of prison reform. (Some reforms—such as moving the prison system from the jurisdiction of the ministry of interior to the ministry of justice—were already requirements for membership in the Council of Europe, which these countries hoped to join.) As Kazakhstan made progress, including making some legislative changes advocated by NGOs, other countries in the region began to take note. Additional allies were found among other prison systems in OSCE participating states, including Poland, Sweden and the USA. Trainers were brought in from these prisons and were respected by their counterparts. These trainers visited prisons or pre-trial detention centers and through this personal contact were able to point out specific violations of international law and failures of minimum practice standards. As a result of these efforts, most countries of the former Soviet Union have now moved their prisons to the jurisdiction of the ministry of justice and have taken many additional steps to raise standards of practice.

Complementary

The Ministry of Justice has collaborated with European countries to develop a highly successful program providing training and exchanges for judges, prosecutors and penitentiary officers that help them develop an understanding of and expertise in international human rights standards that they can then share with their colleagues. More than 9,000 people have been trained in the largest program of its kind in Turkey.

Kenya: IMLU and the Oscar Foundation conducts training for prison officers in Human Rights

Historical sites: Using the power of place

Sites of past human rights abuses can be transformed into active sites of conscience that encourage dialogue among diverse groups. Historical sites can be powerful places to bring divided people together to shape a better future by remembering the lessons from the past.

Featured Tactic: Using the power of place (historical sites) for human rights education and dialogue

Recreating an 1897 apartment and dressmaking shop, the Lower East Side Tenement Museum brings together representatives from conflicting sectors of the garment industry to discuss what needs to be done – and by whom – to address the problem of sweatshops today. The Tenement Museum restores apartments where more than 7,000 immigrants lived between 1863 and 1935 and tells the stories of their struggles in America. The museum has created a center where people in the garment industry can exchange ideas about how to solve problems. For its first meeting, it invited representatives from Human Rights Watch, UNITE! (the garment workers' union), Levi's and Eileen Fisher (clothing brands) and more. Packed in an intimate circle, these leaders of what

are often considered opposing sectors of the garment industry listened to the story of how an immigrant family slept, ate, lived and turned out hundreds of dresses in a tiny 325-square-foot space.

In conjunction with this meeting, the group held a day-long summit about the new perspective to be gained by looking at the garment industry's past, and the new ideas it suggested for preventing sweatshop conditions in the future. Since the first meeting in 2002, the museum has hosted similar dialogues with dozens of garment industry groups.

Complementary

The District Six Museum seeks to stimulate the recovery and development of different forms of knowledge of the city, its identity and its communities. It uses these in debates, discussions and policy development initiatives around diversity, difference, inequality, injustice and the future of the city. The Museum's Public Education Program aims to create a space for dialogue around these themes, going beyond presenting knowledge in a one-directional way and engaging the public in such a way that they are empowered to generate knowledge.

Complementary Presentation:

The Liberation War Museum was established to commemorate the struggle and history of Bangladesh's war of independence. It also runs Dialogues for Democracy – programs that help visitors draw connections between the past and the present by using histories of sites to inspire new conversations and actions on contemporary issues. Outreach includes a “mobile museum” – a bus filled with photographs and traveling interactive exhibitions – that hosts meetings and seminars for students throughout the country.

Kenya: Nyayo House- the government has resisted any attempt to have Nyayo house to be converted to a national museum of Shame. This has been view either as a political attempt to defeat the status quo But it's a healing process for those who were subjected to its treatment and can assist in reconciliation.

6. Maintaining and making the most of vibrant coalitions

Coalitions often arise with a specific issue or campaign – and then disappear when it disappears. Lessons can be gained from coalitions that have survived far beyond single issues to remain ongoing, vibrant forces, maintaining or expanding their membership and adapting to constantly changing political environments.

Featured Tactic: Building a coalition of human rights organizations in a country to speak with one voice against abuses

The National Coordinator for Human Rights is a coalition of 63 of Peru's leading human rights groups. Founded in 1985, it has survived because of its ability to unite member organizations and adapt to a constantly changing political environment. Its mix of both urban and rural members has enhanced the group's legitimacy throughout the country and internationally, while constructive engagement of government officials has contributed to its power as a political player. The success and strength of the coalition is due to a number of factors:

- *Clear principles of internal functioning:* Those organizations that do not adhere to these principles are not allowed to be part of the coalition.
- *Decision-making by consensus:* This creates a sense of common agreement and solidarity.
- *Representing the collective:* The internal process of selection and agreement on a representative for the organization gives legitimacy to this person and to the organization.
- *Agreement on priorities:* Every two years, members come together in a national assembly to decide which topics they will address as a coalition.

By coordinating the efforts of many organizations, the Coordinator efficiently and effectively mobilizes people on a national scale, having a much greater impact than individual organizations or a temporary coalition.

Complementary Presentation:

Forum Asia uses its influence as a coalition, along with local partners, to promote the ratification of the International Criminal Court (ICC) among government representatives in Asia. In those countries that have ratified the ICC, Forum Asia assists and trains the member organizations of the coalition in understanding and utilizing it. If the country has not ratified, Forum Asia sets up a working group within the country to provide support and training to mobilize the process.

Kenya: The Kenya Human Rights Net work has proved it can emerge as a strong coalition and support each other to confront the challenges in human rights work.

This Network has a challenge of addressing consensus and setting strategic agendas

7. Empowerment through participatory education

Participatory education can create space and structure to release individual and community potential for effective leadership and civil society participation, which can have an effect on government and nongovernmental institutions at all levels.

Featured Tactic: Empowering indigenous communities to exercise their human and civic rights through participatory education

Education for Life Foundation (ELF) uses an accelerated learning system approach with grassroots educators and leaders. Many of its learner-graduates are active in governance, human rights, peace and sustainable development programs.

Through active citizenship, grassroots communities can make governments more responsive and eventually make them more representative. Leadership is critical at all levels and grassroots leadership is a key factor in the empowerment of communities. ELF builds leadership capacity through the use of living language and lively methods of life-long learning, transforming learners into leaders. Through active learning—building from the base of one's own real life experiences, skills and gifts, learners become companions to other learners and take on increasingly active roles in their communities. Many have answered the call from their communities to participate in local government elections and winning these positions at the local level. ELF is helping to build community leadership that not only is concerned with politics and economics, an organization or a project but also seeks life-long learning in all areas of life including self, family, ecology, inner life, gender, culture and work.

Complementary

The Holocaust Centre initiated participatory education workshops with police through which they could talk about difficult issues such as race, xenophobia, gender and other forms of discrimination. The Holocaust in Germany provided a powerful basis for discussion about how violence is created from the kinds of divisions that were created by both the German and South African regimes. Police officers discussed how they themselves can have an impact on racism and xenophobia. The Holocaust Museum has also held these workshops with correctional facility personnel.

Complementary Presentation:

The Culture and Free Thought Association in Gaza Palestine has established youth centers, run by youth parliaments, to teach adolescents about the democratic process and provide them with positive life experiences. The youth centers are now governed by the elected members of the youth parliaments. The centers illustrate the democratic process for young people who have never witnessed it. Many youth in Palestine have experienced violence, and the youth centers and parliaments help combat the feeling of helplessness, which may come with being in a society in such constant turmoil and violence.

Kenya: this can be seen with the youth Parliament which mobilizes the youth in the area of democratic participation

8. Reparations: Acknowledging abuse and addressing impunity

Legal mechanisms and nationwide processes can be used in innovative ways to acknowledge abuses and provide reparations to victims. They can also help tackle the difficult and contentious issue of impunity for abusers.

Featured Tactic: Using civil suits to gain reparations and addressing impunity

The Center for Justice and Accountability (CJA) helps victims of torture by using United States Federal Laws to bring charges against their torturers, regardless of country in which the torture took place. This tactic shows that redress can be sought against perpetrators of torture. In creating and applying these kinds of laws, governments show a commitment to justice for victims and to exposing those who are guilty of crimes against humanity.

U.S. courts have recognized that severe human rights abuses such as torture violate the “law of nations” and that claims for such abuses therefore could be brought under this statute. The Torture Victims Protection Act gives U.S. citizen plaintiffs the right to bring claims against individuals acting under “actual or apparent authority, or color of law, of any foreign nation,” for torture and extrajudicial killing. Under both laws, the perpetrator must be physically within the United States in order for the court to have jurisdiction.

The CJA has sought the deportation of perpetrators as a redress for its clients, but enforcing any damages awarded has been difficult because the money is often located in accounts overseas. However, this tactic has proven successful in prosecuting torturers and finding them guilty of human rights violations. It has also been successful in gaining public acknowledgement of the wrongs committed.

Complementary

The International Center for Transitional Justice (ICTJ) has recently completed extensive research on the many ways in which countries around the world are addressing issues of reparations and impunity. ICTJ assists countries in pursuing accountability for past mass atrocities or human rights abuses through the development of strategies for transitional justice comprising five key elements: prosecuting perpetrators, documenting violations through nonjudicial means such as truth commissions, reforming abusive institutions, providing reparations to victims and advancing reconciliation. ICTJ provides comparative information, legal and policy analysis, documentation and strategic research to justice and truth-seeking institutions, nongovernmental organizations, governments and others. ICTJ works with local actors to gather information and analysis to assist them in designing and implementing effective transitional justice programs in order to formulate and implement transitional justice strategies before there is an urgent need to deal with issues just as a transition is unfolding.

Kenya: Efforts to force the government to establish a truth, Justice and Reconciliation Commission have failed and the government has increasingly shown resistance to any possibility to form the commission

9. New applications for fact-finding methods

Fact-finding methods have been the backbone of human rights work for decades. Explore examples of how tried and true methodologies have been adapted to emerging human rights issues and can give others ideas for exploring new territories.

Minnesota Advocates develops practical and sustainable strategies for adapting human rights monitoring methods to emerging human rights issues. With the help of hundreds of volunteers, Minnesota Advocates has monitored human rights conditions and produced more than 50 reports documenting human rights practices in more than 20 countries. Minnesota Advocates uses traditional human rights monitoring methods to document human rights abuses, but has made a practice of adapting the methodology to address cutting-edge human rights issues. Its findings on violence against women in Mexico, Nepal and 12 countries in Eastern Europe and the Commonwealth of Independent States have been published in reports that include analyses of each country's legislation related to women's rights and of the local law enforcement system, as well as recommendations on bringing laws and practice into conformity with international human rights obligations. Minnesota Advocates has recently adapted the methodology it uses overseas to investigate and document the difficulties that refugee and immigrant women in Minnesota face in gaining services and protection from domestic violence.

The Legal Defense Bureau for National and Ethnic Minorities in Hungary uses a method of testing to collect evidence when there is an allegation of discrimination in order to bring a court case. Testing involves sending out two job applicants with similar characteristics and qualifications but of different ethnicities. The applicants record questions that were asked at the interview and how they were treated. The test coordinator can then evaluate whether or not discrimination has taken place.

Complementary Presentation: Renato Alves, Human Rights Observatories Network, Brazil
Developed in Brazil and Venezuela, the Human Rights Observatories gather qualitative information on human rights in communities affected by violence and poverty. Through community groups, the project trains small groups of young observers to write reports about day-to-day violations, the local impact of public policies and possible local measures to solve the problems. Including community groups in human rights work helps empower communities and opens broader venues for disseminating information about human rights.

11. Budgets: Tools for accountability and transparency

Budgets and expenditures should not be kept a secret. They provide a unique and concrete way to monitor everything from government policies to development infrastructure to bureaucratic corruption. Following the money—what was allocated, what was spent and where it was spent—is an effective way to establish accountability and transparency.

Featured Tactic: Examining budgets to reveal social and economic inequities and persuade the government to rectify them.

The Children's Budget Unit (CBU) at the Institute for Democracy in South Africa (IDASA) uses national and provincial budgets to reveal whether the government is meeting its commitments in protecting the rights of children and to make recommendations for changes. South Africa's constitution states that every child has the right to basic nutrition, shelter, health care and social services. However, millions of children go hungry, do not have the material means to attend school or receive health care, and find it impossible to live healthy and secure lives.

The CBU first determines the government's obligations based on the constitution and international commitments. It then measures the extent of child poverty. This is followed by a comprehensive analysis of budget allocations and expenditures and of the delivery of key services to children, revealing the government's fiscal priorities. This analysis and compilation of the budgetary facts allows CBU to clearly illustrate where the national, provincial or local government is not meeting its obligations. It also provides solid facts and data from which to make recommendations and strongly pressure for change. In some cases, local governments do not even collect this data and welcome the information that IDASA provides as a way to improve their own work.

Complementary Presentation: India (MKSS) holds the government to its promises by organizing public hearings on public expenditures. MKSS activists and residents of the area conduct investigations into allegations of corruption in a particular district and submit application requests for copies of the relevant official records. Once obtained, the accounts are cross-checked through site visits and interviews. MKSS then holds public hearings, attended by villagers, the press, government officials and those suspected of corruption, in which the documents are contrasted with what really happened.

Kenya: transparency International and Institute for Economic Affairs would use a citizens participatory method to hold government accountable especially with the CDF fund which has shown high level of abuse by state officials. Citizens can be encouraged to conduct public hearings on accountability

12. Training local-level human rights monitors

Laws protecting the human rights of citizens may not be implemented at the local level for a variety of reasons, including discrimination, lack of knowledge and lack of structures for recourse. Training people at the local level to monitor and document human rights abuses empowers communities to change local understanding and practices of human rights while holding governments accountable for their human rights commitments.

Featured Tactic: Monitoring Human Rights Commitments at the Local Level

The League of Human Rights Advocates (LHRA) in Slovakia has developed a network of volunteer human rights monitors within the minority Roma population to ensure that international human rights treaties are implemented at the local level. The monitors learn, often for the first time, about their own rights under national and international law and then work with the LHRA to enforce those rights in their own communities. As a result, a range of human rights abuses occurring at the local level have been exposed.

Uganda: In Uganda, the Foundation for Human Rights Initiative (FHRI) trains local leaders to help community members with legal complaints in a way that avoids the problems and frustrations of using the formal judicial system. FHRI teaches these leaders how to educate their communities about their constitutional and human rights. It also gives them paralegal skills, enabling them to provide mediation, counseling and advice so that citizens can obtain redress for abuses and enjoy the full advantages of their human rights.

Kenya: Gap-Kenya trains local level monitors to help document and follow up on grave cases of civil and political human rights violations. Monitors may include individual victims of human rights, their relatives, parish workers, residents in the area, local government committees or organizations that are based in the area or that provide services in the area. GAP- Kenya trains them on methods of collecting and recording information and integrates them into GAP-Kenya's work to ensure that monitors feel that they are a critical part of the human rights movement.

13. Building relationships with police for education and training

When law enforcement professionals have direct experiences that give them a solid understanding of why we must protect human rights and what that means, it helps to improve community relations and encourage empathy for new migrants and suspected criminals.

Feature tactic: Pairing police and refugees/immigrants to develop understanding and empathy

While the pairing concept was originally used with new language learners, the International Centre for Culture and Languages is now using it to build empathy for immigrant populations among police officers. Police officers attend seminars on human rights, racism and discrimination, communication and conflict management. They also pair with an immigrant partner who participates in five of these seminars. Officers sit with their partners, do role-plays together and have personal conversations about human rights. They get the chance to confront their own stereotypes of immigrants by meeting ordinary people from, for example, Africa, Turkey, Hungary and the former Yugoslavia, and learning how they live lives not very different from the officers' own. At the same time, immigrants can also confront their stereotypes of the police and have an opportunity to share their own life experiences with them. The pairs meet together outside the course context and are expected to work together on a project—cooking, artwork or some other shared interest.

Complementary Presentation:

The Police Academy used a video of the court cases of police officers accused of human rights violations as part of a larger strategy to educate police candidates about interrogation procedures that do not violate the human rights of the accused. When candidates watch the video, they learn that officers can be prosecuted for human rights violations. It also helps candidates understand that all accused—including, potentially, themselves—should be afforded human rights protections.

Kenya: In the Mbai Murder trial, police officers were accused of torturing suspects. This allegation was verified in court when a videotape of the interviews was presented. The police officers were charged with the offence, but also the journalist and a police officer were charged for handing the tape.

Human rights organizations engaged in documenting human rights violations could learn a lot from this strategy and use it in its advocacy

The organization Promotion for the Development of Legal Infrastructure and Legal Education in Kyrgyzstan trains police to teach law to adolescents in local schools. The goal of this approach is to improve perceptions and communication between police and adolescents. Minors learn from police officers the substantive information about their rights and responsibilities, resulting in reduced crime. Police officers become less abusive towards juveniles in the community.

14. Mass actions for public participation

Simple actions—like turning lights on and off, banging pots and pans, honking horns—can inspire millions of people to share their desire for change in a relatively safe but public manner. These simple actions, while they are often limited in to a particular issue or point in time, can send a powerful signal about public sentiment.

Featured Tactic: Mobilizing citizens to turn off their lights every day to protest corruption Darkness to Light Campaign, in Turkey

The Citizen Initiative for Constant Light mobilized 30 million people in Turkey to turn off and on their lights to demand that the government act against corruption. The action resulted from public outrage after a car crash revealed connections between the government, the police and organized crime. The scandal offered the potential to raise a public outcry and push for change. The Citizen Initiative for Constant Light began planning a simple, risk-free action that could involve the largest number of people possible. Citizens throughout Turkey began turning off their lights off at 9 p.m. every night until the members of the crime syndicate in parliament were brought to justice. Spreading the word required media support and an alliance of grassroots organizations that would alert their members. A spontaneous chain of communication took advantage of all the formal and informal connections among different sectors of the population. On February 1, 1997, at precisely 9 p.m., the lights started to go out in Istanbul and other cities. By February 15, an estimated 30 million Turkish households were participating in the biggest public protest against corruption in Turkish history. Their actions forced judicial investigations, and contributed to a long-term groundswell of active concern about corruption.

Kenya: in the Anglo Leasing corruption scandal the Shame campaign has proved that it can mobilize citizens participation to shame and hold those implicated in corruption accountable. This has led to street protests and eventually ministers in government have resigned for alleged involvement in corruption.

Complementary Example:

Oasis Forum in Zambia mobilized a massive public response to the president's attempt to change the constitution to grant himself a third term in office. Members of Parliament wore green ribbons and the public lent their support by honking their horns every Friday at 5:00 p.m. This showed the government that the population as a whole—not just NGOs or a select group of church leaders—rejected his proposal to extend his term. This overwhelming public response contributed to his proposal's failure and the president subsequently lost the election.

Complementary Presentations: Evans Wafula, consultant Oscar Foundation will present examples of how activists and civilian populations in a number of countries have harnessed civilian-based power to fight human rights abuses and change systems that use repression.

15. Investing in Strategy Building

Learn about the strategic use of national laws to build legal cases in many countries throughout the world to confront businesses violating human rights.

This session examines the strategic use of national laws to give victims of human rights abuses by corporations more opportunities for redress. This can send a powerful message to both national and transnational corporations that they will be held responsible for violations facilitated by their business ventures, while at the same time raising awareness among the general public.

The International Labor Rights Fund (ILRF) has successfully used the Alien Tort Claims Act (ATCA) to bring legal cases against multinational corporations complicit in human rights abuses. Dating back to 1789 and created to provide legal relief for violations of the "law of nations," the ATCA is a U.S. federal statute allowing foreign nationals to bring civil actions against U.S. citizens and corporations. ILRF's first ATCA case, for example, was brought against the energy company Unocal on behalf of Burmese refugees for the use of forced labor on a natural gas pipeline in Burma. If the refugees had complained in Burma, they might have faced imprisonment, torture or death, since it is against the law to provide information to foreigners about the government. The ATCA, however, allowed the Burmese to bring the case to the United States. For a case to be considered there must be evidence that the corporation knowingly participated in or aided and abetted the rights violation; the ILRF is working to prove this. In addition to the case against Unocal, the ILRF has brought cases against Coca-Cola, Exxon-Mobil, Drummond and Del Monte. None of these cases has yet been concluded. The ATCA was the subject of a legal assault by the U.S. Attorney General's office and the organized business community in the United States. Recently, the U.S. Supreme Court, in *Sosa v. Alvarez-Machain*, held that the ATCA does permit suits for violations of the law of nations. The session will also examine the prospects for asserting universal jurisdiction in the courts of other nations to seek relief for violations of universally recognized human rights norms.

While legal tactics have long been used to provide redress for human rights, the use of national laws within one's own country as well as laws that may be accessible in the country where the business is headquartered has not been fully explored.