

Strengthening Civil Society for Promotion of Human Rights in Odisha



CENTRE FOR THE SUSTAINABLE USE OF NATURAL AND SOCIAL RESOURCES (CSNR)

Background

Trócaire has supported the strengthening of civil society to promote and defend human rights in the State of Odisha, India through its partner organisation the Centre for the Sustainable Use of Natural and Social Resources (CSNR) since 2012. The programme has included strengthening of a state level civil society forum on human rights, capacity building of human rights defenders to take up fact-finding, documentation of human rights violations and use national human rights bodies, training of trainers and facilitation of campaigns on state level issues.

The cases of human rights violations against minorities, tribal, dalit¹ and women have been increasing year by year and it is observed that most of the victims/survivors are either not getting justice or left waiting for years. On the one hand, the complicity of government officials, politicians and corporate agents in such violations of human rights is increasing and on the other hand, cases of faulty investigation, impunity and acquittals are also rising at an alarming rate. To address these trends, CSNR began to build a wide-reaching human rights' forum involving a cross section of people and civil society actors

BOX 1: HUMAN RIGHTS DEFENDERS

According to United Nations Office of the High Commissioner for Human Rights, Human Rights Defenders is a term used to describe people who, individually or with others, act to promote or protect human rights. They can be community leaders, journalists, lawyers, trade unionists, students or members of human rights organizations. There is no specific definition of who is or can be a human rights defender. The Declaration on Human Rights Defenders refers to "individuals, groups and associations, contributing to the effective elimination of all violations of human rights and fundamental freedoms of peoples and individuals."

calling for constitutional protections and provisions. This important work needs to continue. Advocacy campaigns at state level and district level also need to continue to address problems related to housing and property compensations confronted by survivors of communal violence in particular and by tribals and dalits in general.

¹ Term used for a section of Indian society traditionally considered 'untouchable'. The Constitution of India recognises them as 'Scheduled Caste'.

Strategies

Building a platform and alliance to address human rights concerns in a unified and systematic manner

The first strategy used in the programme was for CSNR to bring different civil society organisations and various human rights defenders from across the State of Odisha together to form a state level Civil Society Forum on Human Rights to respond to human rights issues in a unified and systematic manner. In parallel, a consortium of four² NGOs was formed, which steered the Forum, with CSNR at the helm.

CSNR played a key role in building up this platform and alliance with organisations engaged in the promotion of human rights. This included assiduously sharing information, experiences and strategic ideas among the different member organisations and individuals, and other alliance-building measures, in addition to building legitimacy and credibility through the production of **research and documentation** on human rights. A series of reports, training manuals and booklets were published during the programme, which also served to strengthen and complement other programme strategies and components such as **advocacy** and **engagement with statutory human rights bodies at national and state level**.

Selection of Human Rights Defenders for Fellowship Programme

The member organisations and individuals of the Civil Society Forum on Human Rights as well as related networks helped CSNR to identify 300 human rights defenders (HRDs) - from 30 districts in Odisha; 260 men and 40 women who were already working for the protection and promotion of human rights in their respective districts were chosen to undergo intensive training and capacity building as part of the programme.

Training and Capacity Building of Human Rights Defenders

Specific assessment forms, identifying their thematic area of intervention, strengths, weaknesses, training needs, etc. were filled in by the identified human rights defenders and sent to CSNR. With this information CSNR was able to better adapt the training and capacity building programme, which included modules on

human rights law vs. practice, how to monitor and document human rights violations (fact finding), file complaints and use national and international advocacy mechanisms. At least 35 HRDs underwent training of trainers and now have the necessary knowledge and skills to effectively conduct human rights training sessions at local, block and district level.



▲ District level training on human rights monitoring, 28-29 March 2014, Koraput

Human Rights Monitoring and Advocacy

After receiving training and after the Civil Society Forum on Human Rights had been strengthened and was functioning well, at least 65 of the trained human rights defenders started to actively monitor the human rights situation, documenting and filing complaints regularly and providing information and updates to 500 HRDs associated with the Civil Society Forum on Human Rights. Fact finding missions were organised and information on four cases has been collected from various sources and documented. Some HRDs collectively raised issues and carried out advocacy calling for a policy on compensation for property damage due to violence in Odisha, as well as leading a debate on the accountability and role of the Odisha Human Rights Commission and the National Human Rights Commission.

Engagement with statutory human rights bodies at national and state level:

Regular complaints were filed with the National Commission for Protection of Child Rights, National Human Rights Commission (NHRC), Odisha State Human Rights Commission (OHRC), National

² CSNR, Jana Vikas, NAWO and SFDC.

Commission for Women, Odisha State Commission for Women, National Commission for Minorities, National Commission for Scheduled Tribes and the National Commission for Scheduled Castes. CSNR filed 267 complaints and members of the Civil Society Forum on Human Rights filed 1,000 complaints focusing on human rights violations against marginalized communities. About 40% of cases were accepted by the concerned bodies and in 11% of the cases filed, those victims/survivors obtained a positive response.

CSNR succeeded in involving the National Human Rights Commission, the Odisha Human Rights Commission, Odisha State Commission for Women, Odisha State Commission for Protection of Child Rights(OSCPCR), and Odisha State Commission for People with Disability (OSCPWD) representatives to increase understanding and accessibility of community representatives to public authorities. In collaboration with Odisha State Commission, the training programme on fact-finding and documentation of sexual assault cases was conducted twice.

Results and Impact

After three years of implementing this programme, the improvement in human rights monitoring in Odisha is

▼ State level training



notable. There has been a 50% increase in complaints submitted to the National Human Rights Commission and the Odisha Human Rights Commission between 2012 and 2013-2014 and an almost 40% increase in complaints filed in 2013-2014 compared to 2010-2011³. Cooperation between civil society organisations and statutory human rights bodies has increased through participation of representatives of the statutory human rights bodies in human rights training organised by the Civil Society Forum on Human Rights. At least 65 HRDs (50 men and 15 women) associated with the Civil Society Forum on Human Rights have been involved in documentation, fact-finding, filing complaints regularly. 10 trained HRDs facilitated regional and district level training in different areas, facilitating a multiplier effect.

“It feels good when people get justice with my help. Thousands of people from marginalised sectors have got justice. People now feel empowered to fight for their rights through the various human rights institutions. CSNR’s support to me in this regard was very timely and it helped me to enhance my skills and capacities for effective human rights monitoring. Till now I have filed more than 300 complaints with 200 positive results.”
Akhand, HRD, Puri District.

³ CSNR’s data compilation from the news paper clipping from 2010 to 2014 shows that 4,241 complaints were filed in 2013-14 compared to 1137 in 2010-11

The impact achieved has been enabled by the growing legitimacy and credibility of the Civil Rights Forum on Human Rights through the production of a number of important studies, training manuals and booklets:

- Assessment study of damage to household items of survivors of the Kandhamal violence.
- A handbook for human rights defenders on fact finding and documentation of human rights violations developed and published.
- A handbook for HRDs on fact finding and documentation of sexual assault cases developed and published.
- A booklet on health care as a human right developed and published.
- Study on the function and role of the Odisha State Human Rights Commission for women published.
- Study on the functioning of the Odisha Human Rights Commission published.
- A training manual on human rights monitoring developed by trained HRDs on the basis of their training experiences.
- Seven articles published in fortnightly magazines.
- 1000 copies in both English and a regional language of a fact-finding and documentation manual circulated among HRDs and associate members of Civil Society Forum on Human Rights during regional training courses and on other occasions.

Due to the human rights monitoring and advocacy work as well as the research and reports produced, several cases were reported in the press and on social media. About 50 news items were published in various print and electronic media outlets based on fact-finding reports, workshop/meeting reports, and letters of concern submitted to various authorities.

Abhisekh Kumar Dash from Nuapada is a Human Rights Defender who has benefitted from the programme. Through regular interaction with and guidance from the Civil Society Forum on Human Rights, he is regularly involved in fact-finding and documentation of cases, filing of complaints, and facilitating training programmes to HRDs as a trainer. Till now he has filed 15 cases before different human rights bodies at both state and national levels, out of which eight cases have been

BOX 2: Some results of HRDs using human rights complaints' mechanisms

- 300 caste-based bonded labourers were released and rehabilitated from Brahmagiri Block, Puri District (NHRC cases: 1323/18/5/2014-BL, 998/18/2/2014-BL)
- 2,000 villagers benefitted after needed bridge was finally constructed in Malkanagiri (NHRC case: 1027/18/29/2014)
- 200 villagers of Kusumbhatta (Koraput) gained access to government welfare schemes (NHRC case: 1727/18/8/2014)
- 168 labourers from Bolangir District rescued from South India received compensation of 19,000 INR each in Bolangir District (NHRC case: 3982/18/2/2014-BL)
- Injured labourer received compensation of 300,000 INR in Puri (NHRC case: 2812/13/26/2014)
- Pranati Barik, aged 43, a contractual doctor of the government of National Rural Health Mission (NRHM) with cardiac illness, received compensation of 75,000 INR for her regular treatment after fact-finding visits and complaint filing with the National Human Rights Commission by CSNR. After the notice from the NHRC on dated 19th January 2015; the Chief Minister sanctioned an amount of 75,000 INR for the treatment of ailing doctor who was suffering from financial hardships. (NHRC case No. 4956/18/12/2014)
- Sadananada Barik, aged 17, who was assaulted physically and mentally by police in in Garvana village under Suhela Police station, Bargarh received interim relief of monetary compensation of 25,000 INR (NHRC case No. 3246/18/17/2012)

registered and clear instructions have been issued by the respective Commissions to the concerned authorities for further investigation.

“Earlier my activism was limited to organising public demonstrations and submitting letters to the local authorities demanding redress for

victims of human rights abuses. But after attending the training programmes on law and human rights monitoring by the Civil Society Forum on Human Rights, I have become active in complaint filing, fact-finding using the appropriate human rights mechanisms, and imparting training to future HRDs. I am very thankful to the Civil Society Forum on Human Rights for its constant guidance and support which made me more confident and feel more capable of fighting for justice.” - Abhisekh Kumar Das, Nuapada District

Similarly, Sarfraz Nawaz from Puri has filed more than 200 complaints on human rights violations before different Human Rights Commissions. More than 75 complaints have been registered so far out of which more than 20 complaints have been investigated with successful results. He is one of the few HRDs who has been consistently filing complaints in Odisha. He also attended a Camp Court organized by National Human Rights Commission in Bhubaneswar on 10 – 11 November 2014, in which he dealt with two cases bearing successful outcomes.

“I came in contact with CSNR in December 2013. After that I never missed the different training courses organized by them. It feels great when I see affected people getting compensation, public officials being held to account and children rescued and rehabilitated because of my intervention. I am grateful to CSNR for the guidance and support.” - Sarfraz Nawaz, Puri District.

▼ Training on Fact Finding and Documentation



Challenges

Managing expectations of HRDs regarding the scope of the programme:

Some of the HRDs expected the programme to support victims/survivors in all respects while the programme primarily aimed at building the capacity of the HRDs to be able to use existing monitoring and complaints' mechanisms as well as building up a state level human rights alliance. To address this, the role and limitations of the programme were reiterated to the Human Rights Defenders in question.

Irregular or non-involvement of some trained HRDs in human rights monitoring:

Some of the HRDs who participated in the programme subsequently did not regularly use the mechanisms they had been trained to use. To address this, CSNR ensured there was regular communication with HRDs in order to motivate them and track their work.

Restricted civil society space:

The government uses surveillance by the National Intelligence Bureau to try to curb the activities of human rights NGOs such as CSNR. This remains a major challenge.

Difficulties in raising funds for human rights activities:

Wrong perceptions about human rights activities and surveillance of organisations engaged in the promotion of human rights distract donors and CSNR is going through constraints.

Lesson Learnt



- **Victims/survivors and their cases can be competently handled by local HRDs:** CSNR facilitated and supported the HRDs to improve their capacity for dealing with victims/survivors and their cases. Generally victims/survivors have directly contacted CSNR staff in the past. However, the learning from the four year programme showed that HRDs can be trained to independently intervene efficiently in the cases of human rights violations.
- **Prioritising gender in the programme:** CSNR tried to work toward gender mainstreaming in the organization as well as in the programme. However, with no clear gender mainstreaming strategy, these efforts were piecemeal and did not bring about lasting changes. This shortcoming needs to be addressed through training to help develop staff knowledge, skills and leadership.

- **Documentation:** As an advocacy organisation, keeping a record of all proceedings of workshops/training/meetings and other information is necessary to keep an archive of evidence ready for advocacy purposes and for future reference of government officials.
- **Working in association with statutory institutions:** Working in association with national and state level human rights bodies can lead a better functioning of these bodies and increased benefits for victims/survivors.
- **Addressing tension created when human rights violations are linked to government:** Since CSNR and the Civil Society Forum on Human Rights also address human rights violations where the State is responsible or complicit, there is a threat and risk to the State, causing tension in the relationship between the human rights organisations and government bodies. To address this, CSNR and the Civil Society Forum on Human Rights seek to use non-threatening language and be actively engaged with the government, in addition to using adequate mechanisms to comply with statutory requirements.



▲ Launch of study during CSFHR Annual Convention on 6-7 February 2014, Bhubaneswar, Odisha.



▲ Fact Finding

Conclusion

Today, human rights violations are being documented by HRDs in different parts of Odisha. Survivors are able to access information regarding their cases and the number of complaints being filed are increasing. It is strategic to increase the credibility and legitimacy of the Civil Society Forum on Human Rights and CSNR among government officials by involving reputed individuals and organizations in the forum. The Civil Society Forum on Human Rights cooperates and

receives guidance from experts in the field of law, advocacy and research both within and outside the state of Odisha and who can help and facilitate the process of constructive involvement with government officials. This will further improve the position and credibility of the forum as a human rights platform and help seek assistance from the government when required. Collaboration with the National Human Rights Commission and the State Human Rights Commission will also be strengthened towards overall strengthening the human rights situation in Odisha.

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