



Advancing birth registration for ethnic minorities
in Myanmar through the Universal Periodic Review.
Photo: LWF/C. Kästner

Local to Global: Rights-Based Approach

Annual Report 2016



THE
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Overview

LWF World Service has a track record over many decades of working with rights-based approaches (RBA). Human Rights vocabulary is firmly part of LWF's identity and self-understanding, LWF World Service is community-based and rights-based. Rather than focusing on delivery of aid and services, we support people to organize and empower themselves, and to claim their rights. This community-based, rights-based approach has been applied in humanitarian response, in long-term development, and in action and advocacy for justice and human rights at local, national and global level. LWF's presence in Geneva with its United Nations Economic and Social Council (ECOSOC) status provides it with unrestricted access to the International Human Rights Mechanisms. Through its Office for International Affairs and Human Rights (OIAHR), LWF has been known for bringing authentic voices from the communities to the UN and it has established links with other important international players in Geneva.

Beginning in 2014, LWF has developed two global initiatives to support implementation, dissemination and mainstreaming of its RBA across country programs from Local to Global level (RBA L2G). The two global initiatives focus on 1. Livelihoods/land rights, 2. The Universal Periodic Review (UPR). Both use a project model to link local level action for change to national and international level advocacy, and in 2016, new thematic priorities

have been included such as climate justice and women's rights following the same project model and adding new countries.

Within LWF, cross-departmental ownership is essential to implementing these initiatives. LWF World Service is working jointly with DTPW (Department for Theology and Public Witness) and DMD (Department for Mission and Development), and notably with the Office for International Affairs and Human Rights.

From the very start, these initiatives have been jointly designed and owned with partners: close collaboration with related agencies and international partners has been crucial. So far, concrete engagement and resources have come from Bread for the World, Church of Sweden, the Finnish Evangelical Lutheran Mission (FELM), Finn Church Aid (FCA), the European Instrument for Democracy and Human Rights (EIDHR) and the Swiss embassy in Myanmar. Collaboration with others across the ACT Alliance and beyond is a key part of the approach, and new partnerships have been developed which have brought added-value to this engagement, in particular with the Business and Human Rights Resource Centre (BHRR). In this report, where we say 'we did ...' we intend it to be understood that this has been achieved as a result of this kind of collaboration.

In 2017, LWF World Service is considering its future strategic direction, including the potential for RBA L2G to become a key feature for our strategic approach moving forward.

Countries engaged in land rights/livelihoods projects in 2016

Countries engaged in UPR projects in 2016



Our RBA L2G project models: Land rights and UPR

Portfolio of RBA L2G projects in 2016:

- Land rights Mozambique – Promoting sustainable livelihoods through supporting land rights of rural smallholders
- Land rights Angola – Livelihoods, land Rights and UPR
- Land rights, ethnicity and peace Colombia
- UPR Myanmar – Human Rights Advocacy via Policy Dialogue
- UPR East and Horn of Africa – Achieving impact
- UPR Mozambique – Achieving impact
- UPR: Nepal – Supporting National Human Rights Commission for the development of a monitoring framework for UPR recommendations; Advocacy on rights of dalits



Watch our five-minute video presenting the Rights-Based Approach Local to Global initiative on land rights, with material drawn from projects in Mozambique and Colombia.

www.lutheranworld.org/content/colombia

Our Local to Global approach

These initiatives are in no way separate from other LWF programmatic work: they overlap, reflect, draw on and feed into it. They do serve however, to make this RBA local to global approach more visible, better resourced, and capable of strengthening LWF's wider programming as it is mainstreamed. These initiatives allow us to work more intentionally at linking local rights-based activity to national and global advocacy.

- With our focus on impact in the community this national and international level advocacy is

directed towards reinforcing local impact, rather than engagement in global policy debate for its own sake.

- Our advocacy is simply amplifying the voice of the communities themselves: it grows out of development / emergency contexts, meaning that the people themselves become agents of change and advocacy.



SECURING LAND RIGHTS OF THE MOST VULNERABLE

1. Land rights of rural communities and women's access to land in Angola



LWF has worked with three municipalities in Moxico province to raise awareness on the importance of land registration, and accompanied 24 villages in their process to legalize and thereby protect their land in 2016. 1175 farmers were able to start the legalization process and 54% of them have already had their land demarcated. LWF has trained the community, through their Village Development Committees, to be able to advocate for their right to land and to hold relevant duty-bearers accountable at provincial level.

LWF also takes care of improving women's access to land deeds, as it provides a form of protection and security in a traditionally patriarchal society. LWF has been integrating gender dimensions across all project activities and has held specific consultations to challenge and mitigate discrimination. Women also benefitted from literacy classes and were able to register land specifically for their women's groups. Their vegetable gardens provide an additional source of income for their families' basic needs, as well as for their children's education.

"Land is so important to us, all our rights come from the land. Having land ensures our right to eat, to dress... all our lives depend on the land. Before, we did not know about our land rights or the delimitation process, we did not know the land belonged to the state. We were asleep but now we have woken up."

— Joao Tchamuanalunga, president of the Farmers' association in Chinganga Moises Village, Angola



Land rights are a major issue in Angola today. In 2004 a law was passed, making it mandatory for everybody to register their lands by mid-2010. Unfortunately, there is little state guidance or official authorities involved in the process, making it difficult to actually implement that law. To date, 90% of the land remains unregistered. With increased demand for agricultural land, subsistence farmers and rural communities are in danger of having their land grabbed by big agricultural and mining companies, losing their entire livelihood with it.

Three cases of land grabbing were reported in Moxico province where LWF works, and we are committed to further investigate these cases in 2017 to provide communities with relevant support at local, national and international levels if needed.



LWF Angola is

joining the national platform on human rights, composed of Angolan CSOs and will be working on the Universal Periodic Review, as a mean to leverage concerns on access to land at local level.

2. Defending the collective land rights of the marginalized in Colombia

The department of Chocó is located in the western part of Colombia and is inhabited in large majority by Afro-descendants and indigenous peoples. Chocó is one of the most biologically diverse places on the planet and rich in natural resources, however, it is also the poorest department in Colombia.

Approximately 96 % percent of the land in Chocó is subject to collective land titles, belonging to either indigenous peoples or Afro-descendant communities. Since 1997, these communities have experienced a series of military and paramilitary offensives, which have caused unprecedented human rights violations and forced displacements from their ancestral lands. Multi-national



Women's groups were encouraged to register their own piece of land, here in Mwapezo (Angola). Photo: LWF/S. Oftadeh

corporations benefit from the government's policies, as many requests for mining titles were granted in collectively owned territories of indigenous and Afro-descendant communities, without complying with the obligation of carrying out a free prior informed consent process.

NATIONAL The special relationship of the indigenous peoples with their ancestral lands or territories is acknowledged under the 1991 constitution of Colombia; the significance of land for Afro-descendant communities is also recognized. It asserts that the communal lands of the indigenous and Afro-descendant communities are "inalienable, inextinguishable and immune from seizure." Based on domestic legal instruments, communities from Alto Andaguada and Cocomopoca, Chocó, demanded collective land rights and applied for land restitution.

LOCAL As a result, in 2014 an emblematic case law recognized the collective land rights of approximately 8,000 indigenous persons living in Alto Andaguada. Despite this progressive legal framework, communities continue to face several challenges with regard to their land rights since the court orders are not respected by private actors nor enforced by government authorities.

INTERNATIONAL LWF and its partners have been supporting Indigenous and Afro-Colombian communities in their efforts to protect their land including through close monitoring of judicial orders and their application. Community leaders have been trained in land rights and their concerns have been brought to the attention of international stakeholders, including the UN Special Rapporteurs on right to environment, right to health and food security.

3. Fighting land grabbing in Mozambique: engaging with key partners and businesses

LOCAL In Mozambique, in the central province of Sofala, LWF is supporting communities to protect their right to land in 36 villages. Through this grassroots work, LWF uncovered a case of alleged land grabbing in the locality of Grudja in Buzi district, where a company called NiQel Lda has started exploiting land since 2008 for jatropha plantations, which are primarily used for biofuel production.

NiQel Lda claims that it has legally acquired 8,000 hectares of community land in Grudja from the local government at provincial level in Sofala. However, the local communities allege

Solving local land conflicts through community empowerment

In Chibabava district, LWF identified a case of land grabbing by a private farming investor. The investor first agreed to remove the fence he had placed along the land of Jirome, thus giving back seven hectares of community land. The community of Chitove was also able to negotiate with this investor, who agreed to remove a second fence he had set up along the Revue River, allowing 500 families to recover their land.

that NiQel Lda has not adequately followed the legal procedure of community consultations when it began to implement this investment, and that consultations were deeply flawed. To explore these accusations, LWF Mozambique set up the Sofala Working Group with local community-based and faith-based organizations. The working group has been conducting consultations with the affected communities and drafted a case study. According to community members, NiQel Lda has been responsible for confiscating land belonging to local families, holding meetings with individual community members to buy their land at low prices, and building roads through community land, leading to displacement of families.

In April 2016, a meeting was facilitated by the Sofala Working Group, supported by LWF Mozambique. The meeting brought together community members, victims, government representatives and a senior management team from NiQel Lda.

NATIONAL INTERNATIONAL

To reinforce and strengthen the efforts of local communities and community-based organizations around this case, LWF started collaboration with the Business and Human Rights Resource Centre, an organization working to advance human rights in business at global level. The BHRRRC contacted NiQel in August 2016 sending the company a copy of the case study, and offering them a chance to respond to the allegations. The first response from the company manager used a threatening and aggressive tone, denying the accusations, but as LWF and its partners at national level, such as ASCUT, the Mozambican Alliance Against Land Grabbing, pursued the dialogue by inviting the company to engage, a much more positive response was given by the company management. As this engagement continues in 2017 with the company in Mozambique and possibly its shareholders in the Netherlands, LWF is hoping to see concrete results of its advocacy efforts for the affected communities.

ACHIEVING IMPACT THROUGH THE UNIVERSAL PERIODIC REVIEW

1. Ensuring inclusion of refugee children in the national education system in Kenya

INTERNATIONAL

Every child has a right to education. As a signatory to the 1951 Refugee Convention, Kenya is obligated to provide education to all children irrespective of their nationality and origin and has, in this regard, enshrined the right to education for all children in the Constitution of Kenya (2010), operationalized through various legislations.

NATIONAL

However in 2015, an assessment report of admission of non-citizens into Kenyan institutions established that some segments of the population face challenges in accessing quality education. This group of people include: children from hard to reach areas, children with special needs, refugee children and other immigrants. Some of the factors of exclusion include a lack of recognizable identification documentation or academic qualifications from countries of origin, leading to difficulty in admission and appropriate placements in school. The report also indicated that in spite of the existence of a legal framework on the right to education, the Ministry of Education, Science and Technology was yet to develop comprehensive policy guidelines on the admission of non-citizen students to Kenyan learning institutions.

Following this recommendation, LWF Kenya-Djibouti conducted a two year broad consultative process, together with seven other state and non-state agencies including UNICEF, UNHCR and the Government of Kenya. As a result, the Guidelines for Admission of Non-Citizens to Institutions of Basic Education and Training in Kenya were developed to enhance access to quality education and training and improve security and stability in Kenya and the region.

LWF Kenya-Djibouti has ensured that the Guidelines form part of the key indicators within the UPR Kenya Implementation Matrix, by which the Government of Kenya will be reviewed on improved access to education for all children, and particularly the vulnerable and marginalized children. Monitoring the implementation of these Guidelines by the Government of Kenya provides an opportunity to position the refugees' rights to education from local to global platforms.

LOCAL

LWF is currently documenting successes achieved through the use of these Guidelines, showing concrete results for refugee children accessing education in specific project areas.

2. Raising the voice of refugees and post conflict communities in Uganda

In Uganda, LWF is a key player in providing humanitarian assistance to 250,000 refugees from South Sudan, Democratic Republic of Congo, Burundi and Somalia in 2016, the country being the third largest refugee hosting country in Africa with roughly a million refugees as of early 2017. This is the reason why LWF decided to focus on the rights of refugees and post conflict communities for its contribution to the Universal Periodic Review, thus raising the voices of one of the most vulnerable populations in the country.

LOCAL

NATIONAL

LWF joined the existing national UPR coalition of civil society organizations, and was selected to lead the new refugee cluster. Through its grassroots presence in refugee settlements (Rwamwanja and Adjumani) and post-conflict communities of Northern Uganda (Kitgum and Pader), LWF conducted extensive consultations with the local communities, to ensure their concerns and priorities would be reflected in the national process.

INTERNATIONAL

As a result, the alternative UPR report signed by 30 civil society organizations was timely submitted to OHCHR in March 2016 and LWF invited two representatives of local civil society to an advocacy visit to Geneva and Helsinki.

Improving child protection in Uganda

Abam is a village known for its high number of child abuse cases, as well as early marriages resulting in a high rate of school dropouts. After participating in consultations to generate the alternative UPR report, the community and their opinion leaders launched an action plan which included forwarding all defilement, rape and Gender Based Violence cases to the police and sensitizing communities.

"I never expected that the UPR consultations would spark fire to this level", said Otim Quinto, a clan leader, "because something that started small within the community has grown big to the district level. Now there is a large team of Child Protection Committees, NGOs, and political leaders working with us to advocate for proper service delivery in Lamwo District." As a result, already 6 children were taken back to school.



LWF has been a key player in working for the rights of South Sudanese refugees in Uganda in 2016. Photo: LWF/C. Kästner

For the first time, Uganda accepted three specific recommendations on the rights of refugees during its UPR session at the UN, one of them being the LWF recommendation on improving the livelihood of refugees and IDPs by undertaking measures aimed at further improving the health care system in refugee settlements.

After the review, Ugandan civil society gathered to work on a common action plan, to move towards follow up and implementation of these recommendations on the ground.

3. Strengthening access to fundamental rights for refugees in Ethiopia

The Somali refugee situation is among the most protracted in the world, according to UNHCR, it is now in its third decade with a third generation of refugees born in exile. It is estimated that close to 1 million Somali refugees are granted asylum and hosted in the neighboring countries. Like other protracted refugees, Somalis living in neighboring states are suffering from confinement in camps located in remote and poor places, decreasing international attention and funding, high dependency on humanitarian assistance, and restricted freedom of movement and work.

NATIONAL Under the UPR project, LWF Ethiopia is aiming to increase access to fundamental rights for Somali refugees, whilst taking into account the highly restrictive context in Ethiopia. Indeed, LWF Ethiopia is registered as a foreign charity, and under Ethiopian law, foreign charities are not allowed to engage in a number of activities, including advancement of human rights, promotion of rights of children or advocacy with national civil society. LWF Ethiopia has thus made the choice to focus on working with duty-bearers to improve implementation of UPR recommendations, particularly for the affected refugee populations.

INTERNATIONAL In September 2016, the Government of Ethiopia made pledges to improve the lives

of refugees in the country during the Leader's Summit on Refugees in New York. These pledges include commitments in areas such as right to education and right to work, with possibility for local integration, as well as development of out-of-camp policy.

LOCAL These commitments made at a high-level event provide a unique momentum for LWF to support and engage with the Government in ensuring that the pledges make a difference on the ground in improving refugees' living conditions. LWF has thus shown its interest in working with duty-bearers in specific project areas where LWF is already present, particularly in issues related to right to land, right to work and right to food of Somali refugees.

4. Building capacity of duty-bearers in Myanmar




NATIONAL As the most important part in the UPR process is follow-up, LWF Myanmar focused its attention on how to make the best use of the government commitments made in 2016. In the phase following the announcement of the 166 accepted recommendations of the Government of Myanmar, LWF opened spaces for civil society, academics and other stakeholders, such as lawyers, religious leaders as well as government departments to come together in country in order to reshape advocacy plans reflecting the new position of the government.

A strategic partnership with the Myanmar National Human Rights Commission (MNHRC) resulted in the government deciding to set up an inter-ministerial committee that would draw out an Action Plan for the implementation of the recommendations that civil society can take as a roadmap for holding the government accountable.

INTERNATIONAL In 2016 LWF Myanmar worked to expand the pool of human rights defenders that are regularly engaging at the national and international level with the UN Human Rights Monitoring Mechanisms, as well as in policy dialogue with the government at national level. Five Myanmar human rights defenders that have been advancing topics on the protection of human rights defenders, religious freedom, women's rights and land rights in a non-confrontational modus operandi travelled to Geneva to advocate on the advancement of policies required to advance sensitive human rights concerns in Myanmar.

LOCAL In collaboration with MNHRC, LWF is raising awareness among duty-bearers at village and township level regarding the government commitments to the 166 accepted recommendations, allowing for debates to take place between villagers and local authorities. All in the effort to close the gap between rights holders and duty-bearers in Myanmar.

Examples of Impact in 2016

	Key processes	Key achievements
LOCAL 	Communities are made aware of their land rights in Angola and Mozambique and are supported to start their land registration.	27 villages in Mozambique and Angola had their land demarcated and 24 more villages have started the legalization process.
	Rural communities in Angola and Mozambique are empowered to successfully demand accountability to relevant local duty-bearers through advocacy and human rights trainings.	11 initiatives were channeled through the Village Development Committees in Angola to demand support from authorities. In Mozambique, 500 families recovered their land in Chitove.
	In Myanmar, LWF produced a tool to support civil society to understand the 166 accepted UPR recommendations (translated in Myanmar language).	LWF Myanmar is supporting communities to ensure they successfully receive a birth registration for their children as well as supporting farmers to register their land.
NATIONAL 	LWF Kenya actively participated in the validation and launch of the Government of Kenya UPR Implementation Matrix.	LWF was able to ensure the incorporation of an indicator to monitor the implementation of Guidelines for Admission of Non Citizens in Institutions of Basic Learning in Kenya.
	In South Sudan, LWF supported civil society to work as an effective coalition and empowered local level actors to shape the national alternative report for the UPR.	A national workshop organized by LWF resulted in the successful submission to the UN in March 2016 of the first alternative report ever submitted by civil society for the UPR of South Sudan.
	As LWF Nepal submitted a UPR report in 2015 advocating for the rights of the most marginalized and vulnerable groups including dalits, women, people with disability, and religious minorities, activities in 2016 focused on strengthening monitoring for the implementation of UPR recommendations.	LWF collaborated with the Nepal National Human Rights Commission in developing its framework to monitor implementation of UPR recommendations. LWF Nepal engaged in follow-up of the UPR by conducting a study on gaps in reporting, investigating and prosecuting cases of caste-based discrimination and violence.
INTERNATIONAL 	LWF entered in a key partnership with the Business and Human Rights Resource Centre regarding the Grudja land grabbing case in Mozambique, which led to the BHRRC contacting the company and asking them for a response on the case allegations.	Following a first aggressive response from the company on this case, follow-up by LWF and BHRRC led to a revised positioning of the company, which is now showing willingness to engage and has committed to supporting community rights in the area where it is exploiting land.
	Local level actors were able to carry out international advocacy activities around the UPR pre-session on Uganda in October 2016, to ensure recommendations on refugee rights are accepted by the Government.	For the first time, Uganda accepted three specific recommendations on refugees, one of them being a LWF recommendation regarding refugees' livelihood and health care.
	Cross learning and experience sharing was strengthened among all RBA initiatives and partners.	A global RBA workshop was organized successfully with the participation of LWF staff from 11 country programs and five key partners.
	A high-level event on South Sudan was organized in Geneva with the Graduate Institute on "Peace-building from below", with participation of key stakeholders such as the South Sudan Council of Churches.	Commitment was made by the South Sudan Diplomatic Mission in Geneva to support work on UPR and good relationships enable LWF to continue activities on UPR in 2017 with a focus on peace and reconciliation.

Overall funding for the RBA local to global projects (2015–2018)



2016 expenditure for the RBA local to global projects

