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*Experience*

*IN DETAIL*

# Mediation on Human Rights Violation Cases



HORIZONT  
3000

AUSTRIAN ORGANISATION  
FOR DEVELOPMENT COOPERATION

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## List of Abbreviations

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CBO	Community-Based Organisation
DELTA	Development Education and Leadership Teams in Action
DESECE	Development Education Services For Community Empowerment
NGO	Non-Governmental Organisation
SOLWODI	Solidarity with Women in Distress
WINDOW	Women in National Development of Women

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## 1. General Information

DESECE (Development Education Services for Community Empowerment) aims to reduce poverty and promote self sustainability through sustainable organic agriculture, civic education and the promotion of human rights. For example it promotes leadership training through WINDOW & DELTA methodologies and outreach programs to groups on HIV/AIDS and gender.

In this document, DESECE presents the experience made with the mediation on human rights violation cases.

Human rights violations are affecting each and every person DESECE works with in one way or the other and need collective ideas and ways of dealing with both parties i.e. the complainant and the accused and other people close to them. This affects the organization in a crucial way, because if there is no peace, no development work can be done. This experience is different from the justice system where one is accused of wrong doing and punished according to the law. In this process, however, one is made to understand the wrong that he/she has done and be able to ask for forgiveness and still go back in harmony without having painted the picture of being a bad person. It thus enhances peaceful coexistence.



Chart 1 Localization of the Experience

## 2. Context of the Experience

Increased cases of human rights violation with no lasting solutions from different government bodies made the office see reasons of starting a program to intervene in the cases that were breaking many families apart and increased cases of child abuse. During field work, DESECE field officers came across several cases of human rights violations and in most cases it became a challenge to move on with empowerment and education in groups when

there were people involved in domestic affairs cases. This proved to be a challenge to development and called for an alternative strategy to handle the problems holistically. Hence mediative sessions and the establishment of a human rights desk were realized to handle cases of human rights violations.

The experience has been part of the organisation's activities since the year 2010 and continues being applied with several changes on how the cases are handled according to emerging trends. When the program began it was meant for residents of Bungoma county and parts of Trans Nzoia and Kakamega counties but we have also attracted cases from Nairobi, while others are referred back to the office from senior administrative offices hence it demands better strategies to be applied in mediating upon such cases.

Since the beginning gender and HIV/Aids aspects were part of the initial challenge. Bungoma county is characterised by patriarchy where women are perceived as weaker sex and demanded to be submissive to their husbands. Hence they are less involved in decision making and are not entitled to property ownership unless in rare occasions when their husbands die. Children have also suffered the consequences since in most cases it's always the women who take care of the children. Additionally women bore all the burden associated with rising HIV/AIDS infections and were frequently sacrificed and sent out of their matrimonial homes by their husbands and in-laws and children suffered the latter. The rising levels of poverty affect women and children more than it affects men. The rights of women are at stake because of domestic violence, property deprivation, rape and early pregnancies of girls.

## 3. Main Characteristics of the Experience

The experience originated from members of the community because every time the field staffs were on their routine duties they encountered cases of violations which prompted action. Based on long interactions and discussions with beneficiaries and the organization, it was resolved that, for sustainable development,

peace must prevail for communities to settle down and work on development initiatives. This necessitated for a special unit in the organization manned by a profession to take care of the violations.

The main objective is to improve family and community relationships and promote respect for human rights in the society, peace and sustainable human development.

When cases are reported to the human rights office, they are processed through coded case intake sheets, that are then filed. Summon letters are sent to both parties involved to report to office. Mediation begins when all parties report to the office and are informed of the case at hand. The mediation process involves notifying the clients of constitutional provisions and violations, handling the case and offering solutions. At times referrals are necessary, whenever the case involves criminal offences that require legal attention beyond the capacity of the office.

#### **4. Beneficiaries and Stakeholders – Roles and Responsibilities**

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The main beneficiaries of the practice are women, children, people with disabilities and other marginalized people.

Families benefit through reconciliatory talks and children through education and the promotion of children rights. Institutions participate in motivational speeches to boys and girls in both primary and secondary schools.

Women report cases of domestic violence and neglected children and this bring men on board to provide for their families, as well as local administration who give their views concerning the cases.

#### **5. Resources**

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Resources needed to carry out the experience: Training materials for human rights awareness creation, transport for follow-ups and court session attendance, legal fees for lawyers, salaries for human rights officer and resource persons.

#### **6. Impact of the Experience/ Practice**

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More than 1000 families have been reconciled through family mediative sessions. The reporting of rights violation cases has improved because of a broader awareness. Human rights violations have reduced due to constitutional understanding of human rights. Also the accessibility to property ownership by women and legal ownership through title deeds has improved resulting to increased development initiatives by the communities.

Women and youth now understand their position in the society and have come out at large to fight for their financial provisions and political positions in leadership as well as for a fair threatment by their male counterparts in general.

#### **7. Lessons Learned and Recommendations**

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Peace and harmony is a pre-requisite for any sustainable development. The community members always have solutions to their problems but require direction in dealing with the problems. Respect of human rights is what defines a state without which all efforts for development are useless.

#### **8. Challenges**

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Some cases are overwhelming hence require legal aid which the organization cannot sustain with the limited resources.

Another challenge is the corruption and lack of support from other collaborating offices leading to drop off some cases due to frustration. To address this challenge, the organization has approached several collaborating offices and improved the collaboration such as with the sub-county children offices, the Kenya police service, the administration police and the local and county administrative offices.

However, the organization requires a standby lawyer to take up cases that demand legal aid and attend court sessions in order to ensure that justice is served for the victims in cases like defilement, rape and other serious forms of domestic violence.

## **9. Sustainability**

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Elements that need to be put into place for the practice to be institutionally, socially, economically and environmentally sustainable, are: working on appropriate policies to deal with human rights violations; engage men, women and youth into active movements to advocate for respect of human rights; integrate human rights in school syllabuses and classroom work to provide grass root approach to human rights

## **10. Experience Sharing/ Up-scaling**

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Concerning the conditions, that need to be in place for the practice to be replicated, it is

crucial that a proper legal procedure is followed to ensure credibility of the organization. Additionally networking and collaboration is imperative to seek for support from other relevant stakeholders - from the county level down to the grass root levels.

There are other organizations who have made similar practices, such as the Catholic Justice and Peace Commission of the Diocese of Kisii, SOLWODI - Solidarity With Women In Distress (SOLWODI), as well as Hequeendo CBO. The experience could be interesting to any other organisation that is venturing into the same kind of program as DESECE.

## **11. Bibliography**

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SOLWODI. (n.d.). *Solidarity With Women In Distress*. Retrieved October 2015, from <http://www.solwodi.de/791.0.html>