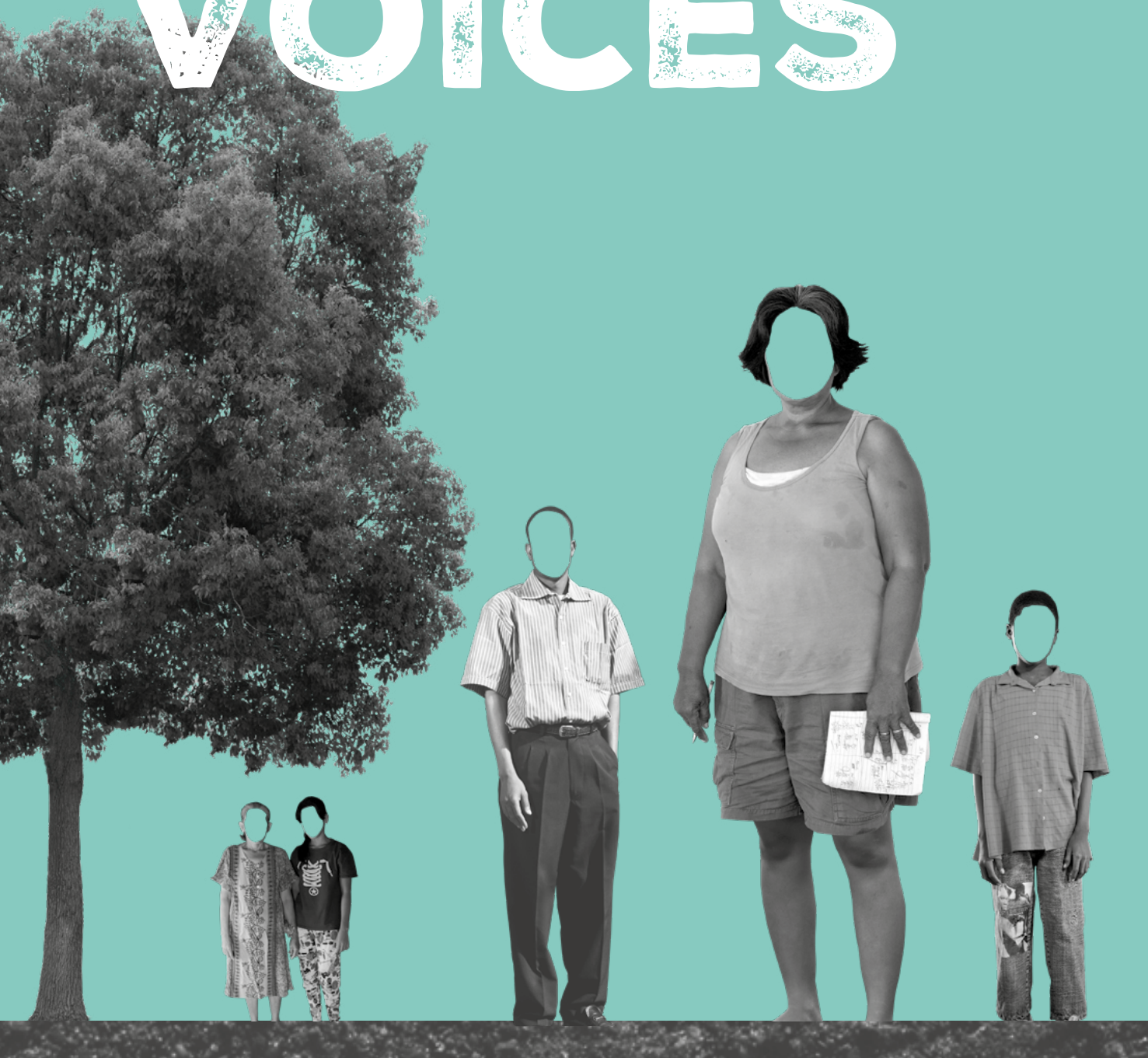


# EXPLORING VOICES



GLOBAL CONTEXT ANALYSIS  
JUNE 2017



# INNOVATIVE GRANT FACILITY

Voice is an innovative grant facility that supports people that are the most marginalised and discriminated in ten low- and lower-middle income countries in Africa and Asia. It aims to amplify and connect unheard voices in an effort to leave no one behind.

Voice is an initiative of the **Netherlands Ministry of Foreign Affairs**, executed by a consortium, made up of **Oxfam Novib** and **Hivos**.

For more information please check [www.voice.global](http://www.voice.global).

For further inquiries [hello@voice.global](mailto:hello@voice.global).



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## PART 1

# VOICE 2016-2017

This report – “Exploring Voices” – is a consolidation of baseline studies conducted in ten Voice focus countries. It has some startling findings, namely, as global economic inequality deepens and the space for civil society shrinks, the most vulnerable find themselves being more marginalised and discriminated against. The voices of people living with disabilities, LGBTI groups, women facing exploitation, abuse and violence, age-discriminated groups, indigenous people and ethnic minorities are being diminished or, at worst, not being heard. These groups are losing confidence and self-esteem; they are being deprived of their social and economic status as well as their right to claim essential services such as health care and education. They cannot engage with society at large. They are being left out.

Strengthening the legitimacy of the most marginalised groups, accelerating networking among community based organisations, nurturing creativity to change societal perceptions and investing in the production of “real” human-centred research data are all strategies that are vital to building a more inclusive society.

# SCOPE AND STRUCTURE OF THIS REPORT

“Exploring Voices” is a synthesis report based on independent baseline studies conducted in the ten Voice focus countries. It is reinforced by a comparative review of global-level issues faced by the five groups, as prioritised by international Civil Society Organisations and other key state and non-state actors. Due to the limitations associated with primary data collection in the focus countries, this baseline report does not aspire to be all encompassing by covering every issue in great detail. The findings are intended to provide a context in which the Voice programme can operate, aiming to support initiatives that will improve the inclusion of identified target groups in each focus country. Its primary aim is to highlight the vision, experiences and priorities of the Voice target groups through the context analyses at the country level. This report has been compiled to bridge the gap between the inception and the implementation phase of the programme and to provide qualitative and quantitative data that will allow the mid-term and final evaluators to assess whether and how Voice interventions have advanced towards fulfilling its longer-term goals and vision.

This report has three parts: **Part 1** provides an overview of the Voice Global Theory of Change,<sup>1</sup> its geographical coverage, thematic scope, outline of the target groups and the rationale behind their selection. The programme overview is followed by a short synopsis of the methodologies, data aggregation process and limitations associated with the scope of this report. It also includes the Monitoring & Evaluation for Accountability and Learning (MEAL) section and summarises the mechanism, measures and methodological tools selected to track progress against programme results, and assess advancement against impact targets.

**Part 2** provides a global view on key issues faced by the five Voice target groups worldwide, including an overview of some key international stakeholders that directly influence the Voice programme and to whom the Voice coordination team is accountable.

In **Part 3**, the report presents summaries of the ten Voice focus countries’ context analyses captured in the last quarter of 2016. All findings have been shared with, commented upon and endorsed by National Communities of Stakeholders.<sup>2</sup>

<sup>1</sup> A schematic representation of the global ToC for Voice is provided in Appendix 1.

<sup>2</sup> A description of the CoS’ mandate and function is found in the CoS Terms of Reference available upon request.

# INTRODUCING THE VOICE PROGRAMME

In its manifesto on the Sustainable Development Goals, the United Nations (UN) pledges that “no one will be left behind [in the collective journey to end poverty and inequality]. In addition, the most marginalised will be prioritised. We shall endeavour to reach the furthest behind first.”<sup>3</sup>

To strengthen its commitment to “leave no one behind”, the Netherlands Ministry of Foreign Affairs designed the Voice programme. Its main objective is to strengthen the ability of the most marginalised and discriminated groups to access productive and social services, as well as to increase their political participation. Voice is an integral pillar of the Ministry’s overall Dialogue and Dissent policy framework,<sup>4</sup> which aims to strengthen the capacity of civil society organisations to lobby and advocate in low- and lower-middle-income countries enabling these countries to participate in mainstream development processes. This multi-country programme brings together a portfolio of projects in three thematic areas, across three continents, in ten low- and lower-middle income countries in Africa and Asia. Throughout its five-year lifespan, Voice plans to support 400 informal groups, 128 organisations and 76 networks by providing small, medium and large grants and by developing a global Linking and Learning infrastructure.

Both Oxfam Novib and Hivos have supported more than 2750 civil society organisations across the world to defend the rights of people facing poverty and injustice. It has learned that raising the voice of the most marginalised is difficult and there are many barriers. Research on these “intersecting inequalities”<sup>5</sup> has identified core dimensions of marginalisation that overlap and reinforce each other, namely:

## **Social exclusion (groups or individuals) – no voice, no position, no friends, no self-respect.**

- Marginalised citizens are often ostracised even by their families and peers; they face stereotyping, negative attitudes and stigma. Within certain religions, these groups can be seen as embodying evil
- They often have low self-esteem, self-censorship, fear and a sense of guilt for being who they are
- They are often lonely, not feeling connected to society or having solidarity with likeminded people.

## **Economic exclusion – no job, no money, no future, no social or economic status, no right to speak.**

- Most marginalised groups have higher levels of poverty and are poorly represented by mainstream civil society (e.g. trade unions) that can lobby governments on economic and labour policies
- There are very few opportunities for marginalised people to get out of poverty
- Formal job opportunities are limited. Labour is often informal and exploitative (e.g. male sex workers from the LGBTI community, subsistence farming amongst remote ethnic groups)
- Limited access to productive resources including finance (micro credit), land rights and education
- Limited access to information technology (ICT), making it hard to participate in society, learn and connect with others.

<sup>3</sup> <https://sustainabledevelopment.un.org/post2015/transformingourworld>

<sup>4</sup> <https://www.government.nl/binaries/government/documents/parliamentary-documents/2015/07/01/voice-the-accountability-fund-and-the-participation-of-civil-society-organisations-in-theme-based-calls-for-proposals/letter-to-parliament-on-voice.pdf>

<sup>5</sup> The Participate Initiative; Work with us, 2015. IDS; Can the MDGs provide a pathway to social justice? The challenge of intersecting inequalities, 2010. GSDRC; Social Exclusion Topic Guide, 2015 and PARTOS; Leave No one behind, 2015.

### Spatial exclusion – cannot engage with society at large.

- Some groups face physical obstacles to participation (e.g. lack of access to buildings for people with disabilities)
- Many marginalised people live in hard-to-reach areas, either in remote rural areas or in slums
- Some cannot travel freely (e.g. women in traditional societies).

### Political exclusion – cannot vote, cannot participate politically and cannot influence policy.

- Many marginalised people face indifference or repression from those who hold power and from decision makers
- Political leaders negatively portray or scapegoat some marginalised groups, e.g. LGBTI people
- Mainstream media often reproduce and reinforce existing stereotypes and attitudes
- Marginalised groups are often invisible in official data, e.g. birth registration
- CSOs representing marginalised groups face financial and capacity challenges
- Some mainstream (I)NGOs have a blind spot when it comes to working with certain marginalised groups.

### Gender-based exclusion

Women and girls suffer marginalisation acutely. Traditional views of women and their role in society exacerbate their isolation. Abuse and exploitation, coupled with limited or no access to economic resources, are common. Their voices are hardly heard in civil society and decision-making fora. Development actors often see them as passive recipients rather than actively helping to make their voices heard.

Based on a review of Oxfam and Hivos' country and regional strategies in ten countries and three continents, the following criteria were developed to facilitate the selection of target groups:

- Groups most affected by poverty or making least progress towards the Millennium Development Goals (MDGs)
- Groups most affected by social, economic, spatial and political exclusion
- Groups that are currently ignored or not reached by development actors
- Groups and their representatives at risk of repression or violence for speaking out for their rights.

Based on the above criteria, Voice will focus its interventions on the following groups:

- 1 People living with Disabilities (PWD)
- 2 Lesbian, Gay, Bisexual, Transgender and Intersex (LGBTI) people
- 3 Women facing Exploitation, Abuse and/or Violence
- 4 Age-discriminated vulnerable groups, notably the young and elderly
- 5 Indigenous groups and ethnic minorities.

Spatial difficulties and other social and cultural sensitivities prevalent in numerous country contexts demand the use of **innovative, human-centred approaches** to strengthen influencing capacities and empowerment. A Linking and Learning platform encourages the sharing of lessons learned and provides space for mutual learning and empowerment of the most marginalised and discriminated groups.



## DEVELOPING A GLOBAL BASELINE

This report, based on the aggregated findings from ten Voice focus countries, provides a global view of the state of affairs of the target groups around three thematic areas:

- A** Access to (productive) resources (finance, land and water) and employment: This is a barrier to economic inclusion particularly for women, youth and indigenous groups; many are in exploitative or vulnerable employment; and people with disabilities face barriers to accessing work.
- B** Access to social services, health and education: Quality services are often inaccessible to marginalised and discriminated groups because of language barriers (e.g. ethnic minorities), distance (rural populations) or neglect. Youth and women, who often lack the information and tools to demand better services, are acutely affected.
- C** Space for political participation: Globally, the space for civil society is under threat. Marginalised and discriminated groups often face obstacles to participation in public debates, e.g. lack of information or organisation. Indigenous groups and LGBTI face most repression.

### Sampling approaches

The country-level context analyses were compiled using a diverse set of data collection methodologies, namely:

- A** Desk-based literature review: A pro-active search through available regional and country level reports and data relevant to all Voice target groups and themes on the legal framework (laws and their compliance with international human rights law obligations), policies and gaps thereof, statistical data.

- B** Participatory data collection: Countries used various tools to capture qualitative data around the target groups' perceptions of, and coping mechanisms against the various dimensions of exclusion (social, political, economic and spatial) as well as power relations between the various stakeholders. Methods included snowball sampling, technical working group interviews, target group discussions, key informant interviews and site-specific visits.

## Co-creating Voice: The inception phase

The consortium started in April 2016 with a five-month inception phase to lay a solid foundation for a successful launch in September 2016. One of the key deliverables during the inception phase was an in-depth context analysis at country level on the situation and policy environment for the Voice targeted groups and people.

During the initial stage of the baseline development, the Voice consortium focused on collecting disaggregated data on the state of affairs of the five target groups in the ten focus countries in relation to the five dimensions of exclusion. In their respective countries, Hivos and Oxfam country offices (steered by the Voice coordination team) launched a competitive process of commissioning short-term consultancies to conduct in-depth analyses of the current situation and policy environment of all five target groups. Between October and December 2016, ten context analysis reports were compiled and used as the primary source of input to the global Voice baseline. Summaries of all country reports were shared with the Voice Advisory Board as well as the Ministry of Foreign Affairs in the Netherlands.

Wherever possible, the context analysis process has been conducted in collaboration with the Netherlands Embassy (especially in Mali, Uganda, Kenya and Indonesia) to inform the Accountability Funds.<sup>6</sup> Findings will need to be validated and shared with stakeholders at national level including, but not limited to, the Netherlands Embassy.

Whereas the methodologies per country varied, all country reports covered the following aspects:

A closer look at the target groups: Where are they? Where in society and where in social status? Where are they geographically? How does that impact on the people? What (geographic) areas should be covered to reach the most marginalised and discriminated people in the country? How do the five dimensions of exclusion (social, economic, spatial, political and gender) play out for the different target group(s)? Include a historical analysis as needed. How does the policy context affect the target group(s)? What challenges do they encounter and what opportunities exist for them? What are the risks to the target group(s) as well as the Voice programme and the managing organisations Hivos and Oxfam Novib, in creating a financial and learning opportunity? What are the needs, rights and aspirations of the target group(s), in other words, what do they want and what are their priorities?

Power analysis: Target group(s) specific power analysis as well as cross cutting (intersecting) marginalisation.

Relationships with the State, Market and Civil Society: List and describe the different institutions and their policies and practices as they impact on the target group(s); a social power analysis including the gender and age dimensions (including attitudes and beliefs); an economic, political, social and spatial power play as it relates to the target group(s).

### Key questions that formulate a risk assessment are:

- 1 What are the key civil society security and reputational risks in reaching out to the target group(s) or for the people working for or with them?

<sup>6</sup> Accountability Funds are a local funding stream managed by the Netherlands Embassy as part of the overall Dialogue and Dissent Framework.

- 2 What are the risks experienced by others while addressing social marginalisation and exclusion issues that Voice intends to work on?
- 3 What are potential future scenarios that can affect Voice programme implementation (positively and negatively)?
- 4 What are the potential challenges and opportunities for the three different types of grants?

Important alliances (individuals and institutions): Mapping of the individuals and institutions considered key for reaching and working for or with the targeted populations.

## Refining the baseline: The implementation phase

Significant attention was given to making the process as inclusive and participatory as possible. In the substantiation process of the country findings, Communities of Stakeholders played an instrumental role. Country-level context analysis findings were discussed, debated, enriched and finally validated through ten participatory workshops (one per country) organised by Hivos and Oxfam country offices and attended by the National Communities of Stakeholders and additional representatives of the target groups and members of local Embassies of the Netherlands.

Baseline data will be complemented with project-level information from organisational capacity assessments, local civil society partners and grantees (to be conducted in the implementation phase), resulting in 1) prioritising groups, thematic and geographic areas; 2) identifying key stakeholders, their influence and options for collaboration and alliances; 3) assessing marginalised and discriminated groups' current voice raising capacity.

Results from surveys and research studies (e.g. integrated in the medium and large grants) on citizen's voice, norms and attitudes, in relation to the most marginalised and most discriminated people in one or multiple grants, will also feed into the context analysis findings and further strengthen the knowledge base of the programme.

## Limitations of this report

Capturing the contexts of exclusion across five target groups that are diverse and geographically dispersed is challenging. There have been limitations regarding differences between regional and local contexts, as well as comparability of data across the different countries. Furthermore, the geographic reach of key informants as well as the breadth of the information and depth of analysis was limited by the time frame of the study.

Budget and time constraints: the majority of countries reported challenges of collecting primary data and transcriptions of field interviews. While the study would have liked to incorporate the voices of socially excluded groups from remote (rural) areas within the time frame of the study, this was particularly challenging. Language barriers and spatial challenges, particularly in relation to remotely based indigenous and ethnic communities, combined with constant government oversight, were further inhibitory factors to getting a full picture of the groups' current state of affairs. In Laos, for example, state actors were translators and hence controlled the content of the studies.

The issue of invisible and/or unreliable data has been a challenge in all country contexts. Available credible sources are limited to UN documents and databases, and key informants' confidential and published reports. While these may appear clear within domestic legal frameworks, the findings are not understood or widely accepted at all levels of national governments and societies. The validity of the available content is, in many cases, questionable as governments routinely review reports and suggest amendments before anything can be published.

Negative public sentiment against particular target groups renders primary data collection challenging in terms of getting the right quality and in terms of putting staff and stakeholders involved at risk. Data concerning women facing exploitation and abuse are scarce, unreliable and often contradictory in nearly all ten focus countries. Lack of consistent data concerning specific groups (e.g. people with disabilities) and lack of reliable data gathered by government entities was a major impediment for all consultants involved in the country context analyses.



## MONITORING AND EVALUATION FOR ACCOUNTABILITY AND LEARNING

Primary Deliverables of the global Voice MEAL framework:

- 1 To build a programme learning system based on continuous reflection
- 2 To develop a Theory of Change and regularly question its assumptions
- 3 To design a multi-country external evaluation process with critical stories of change

### An overall approach to MEAL

The focus of Voice is on long-term and collaborative processes of social transformation. Voice interventions can catalyse across three regions, ten countries and five target groups. Monitoring, analysing and documenting these changes are particularly challenging to do in way that is systematic and harmonised. To overcome these difficulties, a two-fold methodological approach to results measurement is being used:

- i Measuring progress against an overall goal, impact statement or a set of planned outcome areas that will inform an overall framework of our desirable results.
- ii Voice will employ a range of qualitative analysis tools, Outcome Harvesting, Stories of Change and Voice Diaries (based on generating and analysing personal accounts of change) to verify, examine and interpret unintended/unplanned outcomes in project contexts where relations of cause and effect are not fully understood. This will enable a better explanation of how and when change comes about.

Voice will also assess the capabilities of participating organisations, networks, and groups to relate, commit and act, deliver on development objectives, adapt and self-renew, and maintain coherence. Oxfam Novib and Hivos use this framework which was developed by the European Centre for Development Policy Management in other programmes. The results will define the plan for capacity strengthening

### 1.4.1 Voice Outcome Areas

Based on the global Theory of Change, the expected Voice outcomes have been clustered into two sections: 1) Capacity Strengthening and 2) Learning and Innovation. From a global perspective, Voice will look at three sub-categories of targeted outcome descriptions per area of outcome. Within each subcategory, results will be observed and measured with the use of one or more of three principle methodologies. Additional research activities zooming into a specific theme, target group and/or emerging question will be commissioned by Hivos or Oxfam country offices, the global coordination team or Voice grantees where interest or need for closer enquiry arises.

An overview of the outcome areas and the corresponding minimum methodology that will support their monitoring and evaluation is depicted in the global results framework that is provided in the Annex.



## Outcome Harvesting

The complexity of programming contexts that target strengthening civil society's influencing capacity demands more flexible, agile and out-of-the-box methodological tools to capture results. Outcome Harvesting was selected as a principle MEAL method for Voice due to its participatory nature. It is designed in a way that enables project stakeholders, intermediary organisations and Voice programme staff to collect evidence on what has changed. It has been proven to be useful in complex situations when it is not possible to define concretely what an intervention aims to achieve or even what specific actions will be taken over a multi-year period. Outcome Harvesting is well suited to monitor change in dynamic, uncertain, complex situations. Through Outcome Harvesting, we intend to collect ("harvest") evidence of what has changed ("outcomes") for Voice grantees and stakeholders' communities and then determine whether and how Voice interventions (grants, Linking and Learning) have contributed to these changes.

Outcome statements that are harvested through this process are defined as wider behavioural changes (actions, relationships, policies, practices) of one or more social actors influenced by an intervention. Outcome Harvesting is not intended to measure progress towards predetermined objectives or outcomes, but rather collects evidence of what has changed and then, working backwards, determines whether and how an intervention contributed to these changes. The outcome(s) can be positive or negative, intended or unintended, direct or indirect, but the connection between the intervention and the outcomes should be plausible.

## Stories of Change (impact measurement)

Further insights into how marginalised and discriminated groups' influencing capacity is strengthened – by the creation of safe spaces, alliances and network building, development and use of new and existing lobby and advocacy tools, as well as the implementation of a Linking and Learning infrastructure – will be collected using Stories of Change. This qualitative approach (tested and refined by Oxfam's Impact Measurement Team) is a vehicle to help evaluators see whether stakeholders relate the change they perceived in their own lives to a result of the programme. Reflecting on these stories improves our understanding of how change takes place and how to stimulate change. This approach combines quantitative (surveys) and qualitative (filming, art co-creation, photographic story telling) tools and emphasises the active participation of all stakeholders in the data collection, analysis and dissemination process.

## Voice Diaries

While the Theory of Change and context analysis are providing essential information to the Voice Country Teams as a baseline, it has been recognised that the voices of the target groups themselves could be strengthened. This is in the spirit of "Nothing about us without us" that helps to create ownership, to measure changes over time as well as to inform the influencing strategies at local level.

The Voice Diaries idea draws heavily upon *The Portfolios of the Poor*, a microfinance research that takes a deep dive into the fundamental question of how the poor make ends meet (Collins, Murdoch, Rutherford & Ruthven, 2009<sup>7</sup>). An alternate version of this approach, adapted to the context of the Voice target groups, will be used to shed more light onto the five dimensions of social exclusion. Target group representatives will be invited to keep a regular diary over four to five months and explore the extent and expressions of marginalisation and discrimination they face in their daily lives, where and whom they turn to for support and if/how they, as individuals, practice lobbying or influencing. Depending on the target group and the level of literacy, different forms of artistic expression (e.g. drawings, photos, audio) will be employed to ensure compliance to Voice's commitment to being inclusive and participatory.

<sup>7</sup> Collins, Murdoch, Rutherford & Ruthven (2009). *Portfolios of the Poor: How the World's Poor Live on \$2 a Day*. Princeton

Diaries will be trialled with the first batch of eight Empowerment Grants in at least three Voice focus countries, preferably covering each region [West Africa (preferably Francophone), East Africa and Asia]. Data collection will be facilitated through the provision of smart phones and/or tablets to the diary keepers (and potentially organisations) to allow for note keeping, photography and audio, and drawings in case of illiteracy.

A total of 45 diaries will give a wealth of information on how marginalisation and discrimination affects people's daily lives. These diaries can contribute to the Stories of Change methodology, serve as a baseline and an end line for measuring (informal) group members' capacity to work on their own empowerment through building safe spaces, creating confidence and skills, as well as informing the national influencing strategies and hence future grants.

## Organisational Capacity Strengthening Evaluation Process

Capturing the characteristics of marginalised and discriminated groups and (informal) organisations will take place on two levels:

- i Assessing the internal organisational capacities of organisations or networks that will be awarded a Voice grant. The Voice consortium will use the Oxfam and Hivos assessment procedures, facilitate this process where necessary and complement it by collecting information on the changes achieved through their lobby and advocacy activities. Outcome Harvesting will be used to collect information from organisations and external stakeholders on the correlation between strengthened organisational capacity and social change.
- ii Phase two will be centred on civil society space, which is the enabling environment regarding access to justice, bureaucratic barriers, repression or threats, access to funding, freedom of association, public dialogue and censorship. Country-level priorities identified throughout the baseline development process will inform wider organisational lobby and advocacy and strategic planning.

*"We challenge each other on learning and hold each other accountable"*<sup>8</sup>

### 1.4.2 An overarching learning strategy

Linking and Learning is a pivotal part of the Voice Fund. It seeks to boost collaboration, connectedness, sharing, listening, innovation and the use of new knowledge.

The basic characteristics of the Linking and Learning within Voice are:

**Linking:** Members of the target groups, their representative organisations and networks, Voice grantees, power holders, duty bearers and other entities in a position to change the situation of most marginalised and discriminated groups come together. They meet online or offline and are connected through communities of stakeholders, communities of practice, innovation labs and events. These encounters allow for **Learning** at different levels and with different (stakeholder) groups. Voice will also actively promote learning within the grants.

<sup>8</sup> Voice co-creation workshop participant, Istanbul, June 2016

The different elements of learning interact at local, national and global levels. Locally, the project based monitoring and evaluation will help understand local change dynamics and how these are reflected in the change agendas of the Voice target groups and projects. Learning will be based on concrete evidence and tacit knowledge from participants. At national level, the monitoring includes testing assumptions on social change while enriching understanding of different dimensions of exclusion and existing power dynamics. People with similar questions and challenges will draw mutual lessons and come to new ideas in creative learning events. And globally, the experiences within Voice will allow for comparative analysis and serve as input to policy development, advocacy and campaigning on exclusion and the rights of the people left furthest behind.

## Learning agenda

Some key learning questions identified in the design phase of Voice (see below) will be joined with questions emerging from the context analyses and at the level of the different target groups and their representative networks. The learning agenda seeks to:

- Bring coherence, quality and flexibility to learning within and from the Voice programme. The learning agenda is applied as a tool to focus, coordinate, and facilitate real learning that has sufficient depth and reach.
- Respond to new insights and opportunities (e.g. when a new grant is developed or when grant-making, empowerment or influencing practice needs new solutions).
- Input into the Learning Agenda using the context analysis and related Theory of Change (at various levels). What are the assumptions that lie underneath the global, national and locally driven learning questions that are developed by stakeholders?

## Initial learning questions

### A. Reach: What are the successful experiences that emerge from reaching out?

The baseline zooms into policy processes that exclude the most marginalised and discriminated groups. What are some successful experiences of reaching out to these groups and how have they contributed to transformative change? What are the experiences of these groups who own their lobby and advocacy strategies? Have these enabled them to narrow the social differences or exclusion?

### B. Strategy: What can be defined as innovative and effective lobby and advocacy strategies for particular groups?

What are innovative and effective strategies for marginalised and discriminated groups that enable more equal enjoyment of rights, better access to appropriate services and a say in formal decision-making processes in society? Answers to this question will inform the global Theory of Change, empower-amplify-influence pathways and capacity development activities.

### C. Scale: What are the transformative strategies for scaling programmes up (or down) and for innovating?

Several organisations have explored approaches to reach and empower marginalised and discriminated groups. There is however limited information available about strategies to bring them to scale and linking them with lobby and advocacy. Bringing successful approaches to scale will also be pursued proactively by involving strategic partners in the L&L process at different levels.





PART 2

# GLOBAL VIEW

The Voice fund was launched in a time of shrinking space for civic engagement and active citizenship. The ten context analysis reports look at the situation of most marginalised and / or discriminated groups in Mali, Niger, Nigeria, Tanzania, Kenya, Uganda, Cambodia, Indonesia, Philippines and Lao PDR. They reveal important issues of social exclusion, quality of data, policy making and challenges to overcome. In this chapter we present a global overview of emerging issues and the state of affairs of the Voice target groups.

# GLOBAL OVERVIEW OF EMERGING ISSUES

“All around the world, active citizenship is under attack and the space for civic engagement is closing – not just in countries that have struggled under repressive or autocratic governments, but also in democracies with longstanding traditions of supporting freedom of expression. There are many different reasons for this shrinking of the public space. In some countries, especially newer democracies or countries undergoing political transitions, those in power are fearful of civic activism. In other countries, including France and the United States – partly in response to the fear of terrorism – well-established civil liberties have been suspended or cast aside in the name of security.”<sup>1</sup>

“The closing of civic space is not just about people’s right to organise or protest in individual countries. The 2016 [Global Risks Report of the World Economic Forum](#) looks in detail at the risks posed by threats to governments clamping down on fundamental civic freedoms. The report points out that a new era of restricted freedoms and increased governmental control could undermine social, political and economic stability and increase the risk of geopolitical and social conflict.”<sup>2</sup>

“A recently launched civil society-related data monitoring tool developed by [CIVICUS Monitor](#) shows that more than 3.2 billion people live in countries in which ‘civic space’ is either closed or repressed. It also shows that conditions in very few countries – 16 out of 134 with verified data – are genuinely open. This means that the scope for citizen action is constrained and getting worse in much of the world, including some countries where one might least expect it. The spill over effect to other countries also cannot be understated.”<sup>3</sup>

It is in this setting that the Voice fund was launched.

The ten context analysis reports reveal important issues of social exclusion, quality of data, policy making and challenges to overcome, as follows:

## 2.1.1 Leaving no data behind: The issue of “invisible” statistics

The Overseas Development Institute, in its 2015 report, describes the data revolution as

*“an explosion in the volume of data, the speed with which data is produced, the number of producers of data, the dissemination of data, and the range of things on which there is data; from new technologies such as mobile phones and the internet and from other sources, such as qualitative data, citizen-generated data and perceptions data.”*

1 <https://www.opensocietyfoundations.org/voices/why-space-civic-engagement-shrinking>

2 World Economic Forum. 2017. *The Global Risks Report 2017*. [online] Available at: <https://www.weforum.org/reports/the-global-risks-report-2017> [Accessed 30 May 2017].

3 [Srisikandarajah](#) contribution to the open Global rights debate on [closing space for civil society](#).

However, we think what we know about the world is uncertain and a so-called data revolution is not a guarantee for credible and coherent information. Being exposed to a plethora of official and alternative sources of statistics presents both advantages and challenges. Official development statistics are often expensive, infrequent and tend to miss the extremes of the distribution. In the “Missing Billion” report, for example, the number of people living in extreme poverty has been grossly understated and there is limited understanding of how poverty is impacting those spatially and socially excluded. In **Kenya**, the lack of consistent and accurate statistics of ethnic minorities has led to their further marginalisation. A consequence of this is communities having low levels of literacy due to their exclusion from accessing basic education. Likewise, data on gender-based violence and abuse remains largely invisible. In **Nigeria**, although gender based violence is highly prevalent, there is no reliable data. Where there are reports of rape cases and harassment – in schools, workplaces or at home – they remain unpublished and hence inaccessible.

In most instances, existing official data on political, social and economic exclusion of the most marginalised is scarce, unreliable and often contradictory.

The lack of quality and uniformity of available data sets means organisations are impeded from planning, designing, advocating and promoting their work. In **Indonesia**, for example, aside from data on youth (15-24 years), figures related to “exclusion” of the other Voice target groups were filled with contradictions and limitations throughout the sourced literature.

All ten Voice focus countries report that data processed and managed by state institutions (e.g. National Statistics Offices) do not meet internationally recognised standards. National Statistics Organisations (NSOs) in low and lower middle-income countries are under-capacitated and under-resourced. Understaffing, coupled with rising and shifting populations has significantly impacted their ability to collect quality data. Statisticians are often pressured by government officials and/or INGOs to provide numbers that satisfy their assumptions and agendas (PARIS 21, 2015). Not to be overlooked is the issue of political interference in national statistics development and how it impacts data availability and quality. Poverty-related data is inherently political and may be a means for stronger political positioning and power balance, rather than investigating facts.

In many countries, state actors are used as translators and hence can have control of content. Furthermore, terms such as discrimination, although clear within the context of domestic legislation, are not widely understood or accepted by all levels of government and society. The validity of the studies’ content might also be questionable as the government routinely reviews reports and suggests amendments before anything can be published. In many instances, credible sources of data are limited to UN documents and databases, key informants’ confidential documents and unpublished reports.

In response to these shortcomings, various INGOs and other CSOs have launched initiatives that involve data collection by citizens but all ten country analyses highlight the lack of data on those considered most marginalised. Their voices are notably absent from all reports. Spatial exclusion often prevents ethnic minorities from being reached. Similarly, the fear of stigmatisation and entrenched social norms and behaviours prevents members of LGBTI communities worldwide from articulating their needs, fears, hopes and dreams.

## 2.1.2 Recognition, a stepping stone to inclusion

Recognition of ethnic minorities, indigenous persons and the subsequent safeguarding of their human rights is not a given. **Tanzania** is made up of 125 different ethnic minorities; only four of those have been able to acquire recognition as Indigenous People by various international instruments and have been included in national policies.

In **Kenya**, the lack of nationwide recognition of ethnic minorities hinders the preservation and protection of traditional land rights for these communities leading to a primary form of economic exclusion.

Of the three Voice focus countries in Asia, the **Philippines** officially uses the term “Indigenous Peoples (IP)” (Asian Development Bank, 2010)<sup>4</sup> in its legal and political affairs.<sup>5</sup>

However, there are still major contentions as to who really constitute the IPs.

Community members often find official definitions to be problematic as they fail to take into account the various nuances and expressions on the ground, especially in communities that have adopted external influences. “In so far as the 2010 census is concerned, the ethnicity variable had been considered, but six years after, the results have yet to come out.”<sup>6</sup>

In **Uganda**, there is no specific definition of indigenous persons – they are identified according to their distinct characteristics, leaving plenty of room for interpretation by political representatives. The lack of legal recognition of ethnic minorities has contributed to the failure of the Ugandan government to promote and preserve the cultural rights of indigenous people and ethnic minority groups.

Women facing exploitation and violence are also victims of non-recognition, as abuse and manipulation can take different forms and shapes and is, in many cases, considered a commonly accepted practice. Moreover, the lines between poverty, violence and marginalisation are far from linear and the relationships between cause and effect are complex.

In **Laos**, workplace inequalities and systematic harassment of female employees is “business as usual” despite the existence of anti-discrimination labour laws. A 2013 baseline study (Rossetti, 2014)<sup>7</sup> showed that abuse of female workers is rampant in garment factories, prostitution vis-à-vis entertainment/beer shops and domestic labour.

In **Tanzania**, (potential) employers typically coerce sexual acts from women or girls in return for employment or promotion of not only women in the formal workforce, but also domestic workers, cross-border traders and students, mostly girls.

In **Cambodia**, ethnic minorities, indigenous and LGBTI people are not fully recognised by the state or given full autonomy to live freely. While this manifests differently for each group and creates varying types of exclusions, both experience tension, mistrust and sometimes violence from local duty bearers. Indigenous people/ethnic minorities who participated in the baseline study see themselves and are seen by others as separate from mainstream Khmer society. There was a sense from indigenous people/ethnic minorities of not belonging to Khmer society but also a desire to be separate and practice their own customs and traditions. Members of LGBTI community expressed similar feelings of not belonging and, in fact, being ostracised by family and community even though they had a strong desire to be accepted and be part of Khmer society.

4 Asian Development Bank (2002). Indigenous Peoples/ Ethnic Minorities and Poverty Reduction. Pasig City, Philippines

5 as defined in the Republic Act 8371 or the Indigenous Peoples Rights Act (IPRA).

6 Key informant of the Philippines Voice context analysis

7 Rossetti, S. (2013). Baseline Study for PACMUW project in Vientiane province. CARE International

### 2.1.3 The spill-over effects of marginalisation: How social exclusion impacts societies at large

More than 41 Key Informant Interviews and Focus Group Discussions pinpointed the obvious (yet sometimes understated) fact that the potential effects of discrimination and marginalisation of individuals and/or smaller communities does not only affect the immediate lives of those people, but has a much broader impact on the society as a whole.

Silencing violence against women has a knock-on effect on the physical health status and mental wellbeing of their children. Rates of infant mortality are higher in areas where violence and abuse against women is more frequently reported. Fear and stigma against particular minority groups worsens relationships between people of differing cultures, gender, ethnic and sexual orientation, consequently fuelling conflict and reinforcing a vicious circle of violence. It also contributes to declining trust in government authorities and eventually to opting out from realising equal participation in the political sphere. Political participation by minority groups can strengthen state cohesion, accountability and achieve democratic governance. Unfair political representation of minorities prevents state actors from inciting broad-appeal policies that maximise development potential (UNDP, 2010).<sup>8</sup> Markets that function based on a system of unfair manipulation, working for the benefit of dominant groups whilst discriminating against minorities, achieve less inclusive growth and discourage those marginalised segments of society from investing fully in their human capital potential for production. (UNDP, 2010)

Systematic and discriminatory social exclusion of people and communities impacts on peoples’ ability to make informed choices and on their economic prosperity. The domino effect is the loss of human capital, creativity and skills which leads to declining cultural diversity, reinforces the circle of violence and perpetuates discriminatory stereotypes.

Indigenous communities are still viewed as backward and unwilling to engage with a developing and modernising **Indonesia**. They are often viewed as an “attraction” – something to be stared at and noted for their differences, not valued for their diversity.<sup>9</sup> With the increase in nationalist sentiments, indigenous communities are also increasingly being separatist and are not willing to identify with or engage with the idea of a single, united country (Aman, 2012).

Gradual stigmatisation and social exclusion of ethnic minorities and indigenous people results in deteriorated public health rates. Access and the quality of health and education services for indigenous Indonesians is still comparatively low and is linked to a range of elements related to other indigenous struggles such as land rights. Pollution and land degradation form key components that impact health and livelihoods of local people. Poor health fuels vulnerability for indigenous communities, contributing and escalating the cycle of poverty.

In **Uganda**, indigenous communities are, to a large extent, described by the mainstream population as “backward”, “uncivilized”, “primitive”, “uncultured” and an embarrassment to the modern African state. The wealth and depth of the cultural and social norms of approximately 34,142,417 people, is pushed to the margins.

The loss of land is also a major cause of decreased health and stress, especially when the access to traditional medicines is also constrained. HIV/AIDS cases have soared in **Papua** and **West Papua**, for example, which are populated by indigenous people. Child/mother malnutrition rates as well as pregnancy problems are also extremely high. The lack of access and infrastructure to these regions creates obstacles for economic development which, in turn, has a negative impact on local poverty.

8 UNDP (2010) Marginalised minorities in development programming: A UNDP resource guide and toolkit. UNDP, New York.

9 AMAN. (2012). Country Technical Notes on Indigenous Peoples’ Issues: Indonesia, Rome: International Fund for Agricultural Development.

Finally, excluding the voice of youth in local and national decision-making processes leads to silencing young people's real needs and a significant loss of human potential, creativity and human-centred innovation.

**Indonesia** is an example of a modernising nation experiencing a “youth paradox”. It is a society where people aged between 15 and 26 are seen as entrepreneurial, technologically engaged and inspiring with a deep connection to the nation and religion. At the same time, the youth are also perceived as “immature” and not yet full members of a productive social realm.

## 2.1.4 Blind spots in mainstream development processes

In the last decade, we have witnessed a global shift in institutional commitments to include those traditionally excluded groups in the international development agenda. In Agenda 2030 (Sustainable Development Goals or Global Goals), people with disabilities, for instance, are included with at least 11 references in a wide commitment to “leave no-one behind”. Disability is also included in the Sendai Framework for Disaster Risk Reduction, the Addis Ababa Action Agenda and the latest draft of the World Bank's social and environmental safeguarding mechanism (Wainwright, 2015).<sup>10</sup>

However, moving from broad global commitments to more participatory development processes remains challenging. Due to their geographic isolation and the lack of baseline data (amongst other factors), ethnic minorities and indigenous people experience low levels of participation in the planning and design stages of development programming.

The inability to have all voices around the table heard and to capture the needs of marginalised people leads to less impactful development projects and programmes, unequal funding allocations and less investment in human capital. Unsuccessful efforts to safeguard the participation of ethnic minorities in decision-making processes that affect them is a mark of inadequate attention to those communities' issues in national development dialogues, with subsequent negative effects for minorities and for development prospects in general (UNDP, 2010). For example, the World Bank highlights that “growth is more sustainable where access to political power is more evenly distributed, thus producing development decisions that are more likely to benefit all rather than a select few” (World Bank 2005, p. 124).

In **Tanzania**, most of the Voice target groups are actively engaged in civil society which progressively shapes the advocacy agenda and approaches. Some of the groups are able to benefit from engagement with mainstream civil society while others remain on the margins of the sector. The fear of reprisal from the state has considerably affected the ability of mainstream civil society to accommodate and include the concerns of some of the most marginalised groups in society.

In **Uganda**, LGBTI organisations face the challenge of operating under the continuous threat of being shut down. Many also struggle with insufficient funding which then hampers effective delivery of services to LGBTI persons. Some of these groups operate informally without systems for accountability. Limited resources and the fear of being associated with sexual minorities means LGBTI organisations struggle with attracting professionals to work with as well as to approach international organisations and donors for funding.

**Cambodia** has a large number of civil society organisations working on a variety of issues. There is some concern of a shrinking operational environment as the government implements new regulations but, in most cases, organisations still operate freely. Organisations that address human rights face the greatest threat as they are seen to be challenging the government. While many groups are working on human rights issues, their funding is limited. Most funding is targeted for

<sup>10</sup> Tim Wainwright. “Four Years On, The World Has Changed on Disability”, *From Poverty To Power* [weblog], <http://oxfamblogs.org/fp2p/four-years-on-the-world-has-changed-on-disability/>.

service delivery, with less going towards advocacy and raising people's voices. However, there are networks of people, often organised by NGOs that serve as strong mechanisms to promote inclusion and increase the voice of the groups.

Significant research has been conducted on each target group, driven by donors and not the academic community. Media has both positive and negative impacts – it can perpetuate negative images of the groups, but can also be used to raise awareness about laws and policies.

In the **Philippines**, although opportunities and space for participation in local governance and the inclusion of marginalised groups have emerged, the experiences of women – be they victims of violence, trafficking or HIV – varies.

## 2.1.5 From state recognition to effective implementation of laws and policies

In **Nigeria**, there have been various gender specific law reforms at national and state level. While this is positive, in most cases, the systems to implement and make them operational remain weak or non-existent.

In **Laos**, despite the fact that anti-discrimination laws protecting People with Disabilities (PwD) exist, harassment and abuse is frequently reporting by the people themselves. The acceptance of PwD being “less than” is grounded in family structures, ethnic beliefs and societal norms. In rural Lao PDR, it is believed that if you are or have become disabled, it is a punishment for past transgressions in a previous life. In general, PwD respondents described leaving their rural homes for Vientiane as a positive decision with no desire to return. In Vientiane, “people are generally not interested in judging people.” Contrary to Lao PDR's international obligations, there are no positive measures counteracting this widespread exclusion.

In an attempt to tackle abusive behaviour and trafficking practices in **Mali**, a law was put in effect in 2012 addressing (amongst other acts) sexual exploitation and forced service provision. Trafficked women of young age are highly vulnerable to contracting HIV/AIDS and STIs. A 2003 study already revealed HIV rates of 31,9% amongst female sex workers and 10% amongst truck drivers. (Demographic and Health study Mali, 2003)<sup>11</sup>

The **Philippines** is one of the only Voice countries where sexual diversity is not penalised by the national legal framework.

In **Cambodia**, people with disabilities, older and younger people are prioritised through government policies and protections. This prioritisation and recognition by the state makes building alliances with these target groups and local duty bearers easier. However, state recognition does not automatically result in effective implementation of the laws and policies. Many of the policies created for these groups have not been implemented, nationally or locally, due to low or lack of budget, support, resources and/or trained or available human resources.

In **Indonesia**, decentralised governance poses a threat to effective policy implementation at the local (district) level, aimed at safeguarding minority groups' rights. Decentralisation process across districts and over 6,500 sub-districts created visible difficulties, inconsistencies and bureaucracy in the implementation of public policy and legislation. In simple terms, it can be said that most national legislation or policy is guidance only and it is up to the processes of the provinces, particularly the district governments, to design and implement procedures that mirror those at a national level.

<sup>11</sup> [http://www.ilo.org/wcmsp5/groups/public/---ed\\_protect/---protrav/---ilo\\_aids/documents/legaldocument/wcms\\_125762.pdf](http://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---ilo_aids/documents/legaldocument/wcms_125762.pdf)

## 2.1.6 Increased visibility

Over the past two decades, important international Conventions and policies have been adopted in favour of the recognition and legal provisions for some of the Voice target groups. United Nations Convention on the Rights of Persons with Disabilities<sup>12</sup> **was signed in December 2006 by 160 signatories**. The purpose of the Convention is “to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect for their inherent dignity” (article 1). Most countries have developed local laws and policies for the implementation of the agreed actions. The context analyses give examples of policies and procedures for the participation of people living with disabilities in electoral processes, special health care provisions, (specialised) primary and secondary education, transport and resources to ensure full participation. In many countries, people with disabilities have become more visible as a group with rights and specific needs. Their movement has also grown and become more vocal. In the Philippines, disability icons mark priority rows at the airport and public buildings.

The Convention on the Elimination of all Forms of Discrimination Against Women (**CEDAW**) is an international treaty adopted in 1979. Since 1991, the **16 Days of Activism Against Gender-Based Violence** are commemorated around the world to raise awareness and trigger action on violence against women and girls.<sup>13</sup> These events have helped to put women’s rights on the global agenda, setting in motion some positive changes. 2007 saw the adoption of the **United Nations Declaration on the Rights of Indigenous Peoples**, confirming their right to their own cultural identity and self-determination. As well as their rights to resources and land:

*“States shall provide effective mechanisms for prevention of, and redress for: (a) Any action which has the aim or effect of depriving them of their integrity as distinct peoples, or of their cultural values or ethnic identities; (b) Any action which has the aim or effect of dispossessing them of their lands, territories or resources; (c) Any form of forced population transfer which has the aim or effect of violating or undermining any of their rights; ...” (Article 8.2).*

Despite increased visibility, improved legislation and policies, on the ground however, many indigenous people struggle with land issues including invasive and extractive industries supported by government. Implementation of laws and policies remains weak in most instances. Legislation is not translated into action or made available to local governments and service providers. Yet their **international movement has grown and is supported by a network of specialised organisations**.

Apart from LGBTI people, all Voice target groups have gained visibility and legal protection. The aim is to translate increased visibility in improved circumstances and services.

<sup>12</sup> Persons with disabilities include those who have long-term physical, mental, intellectual, or sensory impairments, which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others (Article 1).

<sup>13</sup> <http://www.unwomen.org/en/news/in-focus/end-violence-against-women/2011>

## 2.1.7 Dilemmas

The many stories shared reported impossible dilemmas – to live life fully, free and in dignity; to have the courage to fight the perpetrators of abuse and violence; to confront those who discriminate; or to raise one’s voice and be heard. In many instances, speaking out can have countless unforeseen consequences – including invisibility, insecurity and violence. The high level of rejection, discrimination and abuse in the family and wider community is mentioned as a key factor in the exclusion from education, health, employment opportunities, support systems and love. Not being able to trust the support of family or community makes it hard to stand up for your own rights.

In most Voice focus countries, people living with disabilities are still considered objects of charity and, in countries like Mali, Southern Nigeria and parts of Indonesia, they are given a status of shame, called bad spirits, or regarded as payment for sins in this or an earlier lifetime. Most people with mental or physical impairments depend on their families for their mobility. With many state services concentrated in the larger cities (especially in West and East Africa) and information being generally scarce, access to basic specialised services like transport, health care and schooling are not given.

The illiteracy rate amongst Tanzanians with a disability is 48% compared to 25% for people without a disability. Other countries report similar data. LGBTI persons (in Tanzania, Uganda, Nigeria and Kenya) who fight for their rights risk discrimination at work, dismissal, abuse and legal persecution, and imprisonment. Young LGBTI are often kicked out of their parents’ houses and out of school. All over, sex workers face huge stigma and difficulty finding appropriate health services and dignified treatment.

The creation of alternative families is an example of a condition that helps people to come out and live life as they choose. For instance, between people with disabilities and transgender or gay sex workers in Mali, transgenders in Cambodia or elderly transgender women in Indonesia who set up alternative homes for old age combined with a beauty and hair parlour. But what if you do not have such initiatives around you?

Among others in Indonesia, Kenya and Mali, communities of stakeholders underlined the importance of working at community level and influencing the dominant narrative to a more inclusive one.

Voice will learn from successful empowerment processes adapted to the specific needs of each group, people-led approaches to sensitise and engage family and community members, and inclusive practices. At the same time, Voice will be seeking further insights in what motivates people to fight their own marginalisation and discrimination, despite the consequences.

What makes members of the Voice target groups act? And what do they need to do so? Having a deeper understanding could inform the type of influencing processes Voice seeks to support. What makes people safe and strong enough to engage with others to improve own conditions and those of others who are similarly left behind?

## 2.1.8 Intersecting inequalities

This context analysis focused on five groups: people with disabilities, LGBTI persons, women facing exploitation, abuse and/or violence, age discriminated people, indigenous people and ethnic minorities.

In all countries, some people or subgroups stand out by their degree of marginalisation, isolation and discrimination based on a combination of factors. An indigenous woman living with a disability, for example, faces discrimination within

her own community as well as in the rest of society. A young transgender woman facing exploitation and abuse in her home and work environment has few options but to go into sex work. All oppressions are thus inter-connected.

**Intersectionality** refers to the compounding effect of multiple forms of exclusion and discrimination. It is a key element across the groups targeted by the Voice programme. The identity and often multi-identities of each group leads to multi-dimensional vulnerability, resulting in multi-dimensional discrimination. Our findings show they are hardest hit by acts of intolerance and limitations in their access to work, services and participation in public life. They are left furthest behind. All ten countries recognise the increased vulnerability and layer of discrimination imposed on women, girls and elderly women.

Based on the country level research, the priorities in each Voice country are outlined below:

In **Kenya** the Voice programme will focus on women and girls in all their diversities. They continue to suffer economically, socially and politically from gender inequities. The situation is grave for minority, indigenous and LBT women and girls who are at the crossroads – they are discriminated against on multiple levels. Transgender and Intersex persons have continually fallen through the cracks of the LGBTI movement due to a lack of public understanding of sexual orientation and gender identity. People with disabilities face economic and social exclusion especially in accessing employment, health services and being integrated into society. Youth and children under 18 years include: orphans and vulnerable children, street children and girls facing female genital cutting, early and forced marriages.

The **Ugandan** context analysis highlighted a number of intersectional issues that contribute to exclusion: poverty, gender, spatial isolation and social stigma.

**Gender:** Across all groups, women suffer the greatest marginalisation compared to their male counterparts. One's gender alone can put an individual at an increased risk of sexual exploitation and trafficking. Sexual violence towards women with disabilities is very common and indigenous women experience high levels of spousal violence.

**Poverty:** Those who are poor are already disadvantaged and suffer the most acute marginalisation that puts groups at a higher risk of poverty. For example, LGBTI people and people with disabilities suffer exclusion from education and employment which leads to higher levels of poverty within these groups.

**Spatial Isolation:** Where one lives can deepen one's level of marginalisation. Geography is a major contributor to the marginalisation of ethnic and indigenous groups such as the Batwa in South Western Uganda. Likewise, rural women are more vulnerable to abuse and violence as are people with disabilities who face the challenges of being shunned by their families and communities.

**Social Stigma** is a form of marginalisation. It increases one's risk to other forms of exclusion within the family, workplace and society in general.

Stigma surrounding LGBTI persons deprives them of legal recognition within Ugandan law, even though the constitution of that country promotes human rights and equality. Stigma and harmful superstitions about women with disabilities exposes them to sexual violence. Similarly, stigma towards indigenous people excludes them from participation in Uganda's political life, especially elective politics.

In **Indonesia**, three main elements of intersectionality – gender, disability and age – have emerged from the research. Gender is an overarching and a cross cutting issue within Indonesian society. Women are excluded from all aspects of Indonesian society, with extra vulnerability faced by women who live in the rural areas.<sup>7</sup>

Gender identity adds an extra dimension within a nation that still prescribes gender as “male” or “female” throughout all aspects of its social and political systems. Those who identify as transgender experience stigma and discrimination in every aspect of their public and private lives. Disability and age discrimination adds to the vulnerability of women facing exploitation, abuse and/or violence, in particular, in remote rural areas of Indonesia. Voice will particularly grant initiatives by or with women facing multiple forms of exclusion who are currently not adequately supported.

**Cambodia** also recognises Gender as a key issue. Older women face more economic hardship and health problems than older men. Girls have less access to education than boys, while indigenous women are less likely to hold leadership positions or have decision making powers. Transgenders and lesbians face more violence than gay men and disabled women are more likely to experience non-spousal abuse than disabled men.

**Poverty and Lack of Economic Opportunity:** Although income poverty has fallen drastically in Cambodia over the past decades, vulnerability to poverty is increasing, especially for those living in urban settings (Asian Development Bank, 2014). The literature and interviews reveal an intersecting vulnerability to poverty being experienced among all groups.

**State Recognition and Prioritisation:** Cambodia is committed to gender equality and has passed significant laws and created policies to protect women and provide for their rights (See Annex 1. Legal and Policy Framework).

Of the various discriminated groups, three have been prioritised by the state. Older, younger and people with disabilities are prioritised through government policies and protections. This prioritisation and recognition by the state makes building alliances with these target groups and local duty bearers easier. However, as in other countries, state recognition does not always result in effective implementation of the laws and policies. This lack of implementation has resulted in the intersection of exclusions for each group.

Indigenous people/ethnic minorities and LGBTI persons are not fully recognised by the state or given full autonomy to live freely. This manifests differently with each group and creates different types of exclusions – both experience tension, mistrust and sometimes violence from local duty bearers.

**Migration:** Young adults are migrating to the urban areas in record numbers. Children are increasingly being cared for by older people or are being taken out of school for work. Jobs and opportunities are drawing people to urban areas or out of the country. Conversely, people in indigenous communities also feel the impact of migration as people migrate to their traditional lands in search of resources or to work in plantation farming as the forests are destroyed.

**Stigma and Discrimination:** Each group experiences stigma and discrimination based on its status.

In **Lao PDR**, another form of discrimination reported is class hierarchy – between and within the ethnic groups. The tribes from the Mon-Khmer group are often referred to as “Kha”, or slaves, because of their dark skin. There is a widespread sentiment that the Hmong cannot be trusted due to past political relations and this impacts their access to education and employment. Many of the respondents expressed being “looked down on”.

In the **Philippines**, Voice applicants are using a multidimensional approach to address intersectional themes: lack of access to legal protection and justice, social discrimination/stigma, abuse and violence, poverty and discrimination in employment, inadequate and poor social services and social protection, political exclusion and clientelism, lack of comprehensive and disaggregated data, and spatial exclusion.

In Niger, Mali and Nigeria, the stigma faced by people with disabilities is heavy and starts from birth leading to multiple dimensions of exclusion and discrimination. They are often excluded from mainstream development initiatives and lack



a voice in national organisations. Programmes seldom have specific activities or strategies to meet the needs of the most excluded and marginalised, hence creating an opportunity for the Voice programme.

The instruments used in the Voice programme (different grants and Linking and Learning) are developed based on the Theory of Change and its underlying assumptions. Including the idea that increased self-esteem and self-confidence, skills and level of organisation will lead to people-led action, to influence public opinion or to lobby and advocate for policy and practices to be inclusive and just. Yet, part of the Voice target groups has faced multiple layers of discrimination for many years. What can we learn about the effect of long term severe exclusion on the willingness and ability of people to engage in influencing? And what can we do to respond better to that situation and the needs of these groups and organisations?

## 2.1.9 More Youth and Elderly

In 2012, 50.5% of the global population was aged 30 years or below. This was previously 62.1% in 1980. The actual number of people aged below 30, however, continues to increase and reached 3.5 billion in 2012, up from 2.7 billion in 1980.<sup>14</sup> By 2015, there were 64.6 million elderly people in the world. This figure is expected to rise to 103 million in 2030 and, by 2050, we should have over 205 million elderly people (UN, 2002).

These two global trends are translating into a very challenging reality. With life expectancy extending and more children reaching five years of age, most Voice focus countries have both a very young and a fast-growing older population.

In Uganda, Mali, Niger, Indonesia, Laos and Cambodia, the majority of the population is below 30 years. In Laos, Indonesia and Cambodia, more than 60% of the population is younger than 25 years. Niger, Uganda and Mali<sup>15</sup> have the youngest populations in the world. In Kenya, 78% of the women are younger than 30 years. This trend poses challenges for governments and society. A relatively small portion of adults has to support many children, young people and older people. In economic terms, a substantive and vibrant young population represents opportunities for growth. This is especially true if they are educated and well connected to social media and Internet like in South East Asia. But for those born in poorer or more traditional families, the possibilities are often limited. Although the exact conditions differ considerably in the ten countries, some of the common challenges faced include:

- Most young people aged 15 and above generally enter the labour market via the informal sector. Few have access to education or (financial) resources.
- Girls often have no choice. **Tanzania**, for instance, records one of the highest child marriage rates in the world.<sup>16</sup> On average, almost 40% of girls will be married before their 18th birthday.
- Poverty drives many girls and boys into prostitution (e.g. in Indonesia, 30% of sex workers are below 18 years old). In Mali, it seems more common to see parents “allow” prostitution as a survival strategy.
- Besides child marriage, other challenges in a girl’s process of self-determination and economic interdependency include Female Genital Mutilation (practiced to different degrees in Kenya, Uganda, Nigeria, Niger and Tanzania) and all the associated health risks. Child labour is common, for both boys and girls, in agriculture and industry, informal business and begging (by physically challenged family members).
- Children and young people, in particular girls with disabilities, LGBTI or Indigenous Persons report reduced access to education due to distance and reduced mobility, poverty, shame,

stigma and tradition. Their situation also leads to limited access to information such as Sexual and Reproductive Health Rights and other basic health services including family planning. All these limit the control of their lives and the ability to make informed decisions.

- Children and youth are poorly represented in national and local governments and other decision-making fora. The children’s parliament gets some attention at national level, but politics remains the domain of adults (men).

In most countries, the elderly are a relatively small group (5%). But, as life expectancy and the population increases, poverty and migration to the cities is also becoming common and older people are increasingly expected to take care of grandchildren, economically and socially.

In **Tanzania**, the elderly is a rapidly growing group, making up over 6% of the population. This group is, on average, poor and also prone to disability. In **Indonesia**, life expectancy is expected to reach 70.5 years by 2020.<sup>17</sup> This will bring a host of new issues related to an ageing population. By 2020, 29 million people, or 10% of Indonesia’s population, will be 60 years or above.<sup>18</sup> Stigma is an obstacle both for society in general as well as the elderly. Many see the elderly as “useless” because they are beyond their productive years and capacity to work.

The elderly are the fastest growing population group in **Cambodian** society (Zimmer & Khim, 2013). In 2008, 6.34% or 848,911 persons were 60 years-old and above. This is projected to increase to 11% or 2,204,171 persons by 2030 (National Institute of Statistics, 2012). Due to migration, many older people have become heads of households of so-called ‘skip’ homes (where the middle generation is missing) and are left to care for children and grandchildren even though they lack time and energy to participate in primary income generating activities.

In **Niger**, traditional solidarity systems are still in place but fading. Eighty-five percent of the elderly live in rural areas and a majority are still working. The government is planning to initiate a social protection scheme for those who have no income or are unable to work. Like elsewhere, the elderly, as a growing group, is falling out of the solidarity system. Their only options are begging and poverty. Interviewees mentioned the challenges of accessing the labour market and conditions that could help avoid isolation thereby improving their situation.

None of the ten Voice countries have sufficient plans or policies in place to deal with the needs of this growing population.

Voice will focus on youth and elderly within the other Voice target groups and promote consideration for their specific challenges. The context analyses in all ten countries evidenced that the most vulnerable people are women and girls living with disabilities, indigenous people and LGBTI people. They face a higher percentage of exploitation, abuse and/or violence, isolation and multiple forms of exclusion and discrimination.

<sup>14</sup> <http://blog.euromonitor.com/2012/02/special-report-the-worlds-youngest-populations-.html>

<sup>15</sup> Niger had the lowest median age of 15.4 years in 2011, followed by Uganda (15.7 years) and Mali (16.2 years).

<sup>16</sup> United Nations Fund for Population (2014) Child Marriage Fact Sheet

# STATE OF AFFAIRS OF VOICE TARGET GROUPS

## 2.2.1 People with disabilities

The International Disability Alliance describes disability as “a condition or function judged to be significantly impaired relative to the usual standard of an individual or group”. It refers to individual functioning and impairments – physical, sensory, cognitive or intellectual, mental illness and various types of chronic diseases. These can have an effect on the body structure and function (and impairment thereof), activity (and activity restrictions) and participation (and participation restrictions).<sup>17</sup>

*“People with disabilities are the largest minority group, the only one any person can join at any time.”<sup>18</sup>*

Higher life expectancy and chronic diseases count for the growing number of people with disabilities worldwide. According to the World Health Survey, there are around 785 million (15.6%) persons 15 years and older living with a disability, while the Global Burden of Disease estimates a figure of around 975 million (19.4%) persons. Of these, the World Health Survey estimates that 110 million people (2.2%) have very significant difficulties in functioning, while the Global Burden of Disease estimates that 190 million (3.8%) have a “severe disability” – the equivalent of disability inferred for conditions such as quadriplegia, severe depression or blindness. Only the Global Burden of Disease measures childhood disabilities (0-14 years) which is estimated to be 95 million (5.1%) children, of whom 13 million (0.7%) have a “severe disability”.<sup>19</sup>

Statistics provided in the countries under study are often considerably lower than international averages. The 2010 census in the Philippines showed that there were 1,443,000 persons with disabilities. This means that 1.57% of the population has some form of disability. The case of Kenya is interesting; there are very low numbers of people with disabilities but different impairments are revealed. The study identified 1,330,312 (3.5%) persons with disabilities. In terms of specific forms of disabilities, there are 366,811 (0.95%) persons with a visual disability, 236,491 (0.62%) persons with a hearing disability, 204,438 (0.53%) persons with a speech disability, 505,028 (1.31%) persons with a physical/self-care disability, 155,874 (0.41%) persons with a mental disability and 120,3017 (0.31%) persons with a disability defined as “other”. The Indonesia report identified that 15% of Indonesians face their daily lives with some form of disability. This prevalence was significantly higher for women, especially in rural areas. The highest rates of disability are found in older groups, where the effects of ageing are noted.

<sup>17</sup> <https://www.disabled-world.com/>

<sup>18</sup> [http://www.un.org/disabilities/documents/egm2014/EGM\\_FINAL\\_08102014.pdf](http://www.un.org/disabilities/documents/egm2014/EGM_FINAL_08102014.pdf)

<sup>19</sup> World report on disability, WHO & WB, 2011

The importance of the numbers is significant; the difference between 3% and 10% of people who need some sort of special attention and health care is significant for government, public institutions and all organisations working in that field. Equally important are the types of disabilities considered by a state and the level of preparedness of health and education facilities to respond to the special needs of adults and children. In most countries, care for the mentally infirmed is non-existing and mental diseases are overlooked. In West and East Africa, people with disabilities, in particular the physically impaired, are seen as charity cases. In Nigeria and Mali, they often live in rural areas with grandparents or other family members. In all countries, target group members with disabilities confirmed the difficulties faced when trying to get a job or earn an income. Discrimination in the family and in the work place is rampant. Many of the persons with disabilities live in extreme poverty as social, spatial and economic exclusion takes its toll.

Disability in **Indonesia** is still heavily stigmatised. Difabel (differently abled people) are seen as a “burden” and are often “hidden” within the family home. Many are never offered opportunities to venture outside their family circles. Some local cultures believe that difabel are born into a family as punishment for previous sins or mistakes and they therefore hide them so as not to be shamed in the community.

In **Uganda**, myths and stereotypes against people with disabilities abound in society leading to discrimination in schools and in local communities. For example, disabled children are often seen as a burden to their families and/or are kept hidden from the public because of shame. Only about 9% of children with disabilities of school going age attend primary school, compared with a national average of 92%.

In Southern **Nigeria** and in **Mali**, people with disabilities are also regarded with shame leading to them being hidden away and excluded from participating socially. Most children with disabilities, hidden out of shame and stigma, become fully dependent on their families and are unable to influence their own lives.

People living with disabilities face discrimination, marginalisation and multiple dimensions of exclusion. Social exclusion promoted by family, community and state is a dynamic and multidimensional process that differs within one country or place, depending on socio-cultural habits and norms. For example, in Indonesia, the negative views regarding disability are often upheld and internalised by difabel themselves who believe they are incapable of living an independent and meaningful existence. This internal subjection to exclusion results in a lack of self-confidence, lack of engagement and overall lack of understanding of people’s capabilities and rights. Also, spatial exclusion caused by the lack of infrastructure or transport services has a strong effect on the people living with disabilities and contributes to their isolation and their possibilities for work.

An important success for the movement of people with disabilities is the United Nations Convention on the Rights of Persons with Disabilities and its Optional Protocol, adopted in 2006 with 82 signatories.

*“It takes to a new height the movement from viewing persons with disabilities as ‘objects’ of charity, medical treatment and social protection towards viewing persons with disabilities as ‘subjects’ with rights, who are capable of claiming those rights and making decisions for their lives based on their free and informed consent as well as being active members of society. It adopts a broad categorisation of persons with*

*disabilities and reaffirms that all persons with all types of disabilities must enjoy all human rights and fundamental freedoms.”<sup>20</sup>*

The Convention on the Rights of Persons with Disabilities represents a shift in the understanding of disability from a medical to a social model that recognises the limitations created by a disability, not as a problem of the person, but rather a problem of barriers in society.

In all Voice countries, legislation in favour of the rights of people with disabilities has been enacted and participation structures created at all levels. Organisations or unions of People with Disabilities are organised in networks to engage in decision-making processes and to demand better services and visibility. In Lao PDR and Cambodia, international organisations play a key role in service provision and capacity development.

Most countries report that the improved legal framework is no guarantee of implementation. The reasons for this include: limited dissemination of laws, little understanding of the specific needs of people with disabilities, hardly any recognition of services for mental impairments and strong social discrimination and rejection in the family, at schools and at work. Specialised and accessible health care services and access to employment or other income streams are pressing issues in most countries.

Key international players include: Disabled People International and the International Disability Alliance (IDA), both networks of organisations of people with disabilities. Their members include organisations for the visually and audio impaired, and survivors of psychiatry and disability forums from all over the world. Other stakeholders specialise in certain interventions or in a specific impairment. Voice will partner with Handicap International, Dutch Coalition on Disability and Development, Light for the World, the Lepira Foundation, Liliane Fund and others that are represented at global and country levels.

Sub-groups that face overlapping forms of exclusion and discrimination are often invisible in general organisations that focus on a specific characteristic (disability, sexual orientation, origin/ethnicity or age). For instance, some have specific needs and divergent situations while others have their own organisations working on the intersection of multiple factors of exclusion, like the [Indigenous Persons with Disabilities Global Network](#) or the women and girls with disabilities campaign of the IDA.

## 2.2.2 Lesbian, Gay, Bisexual, Transgender and Intersex people

The International Lesbian and Gay Association (ILGA) report of 2016 sets the stage highlighting the realities faced by the LGBTI community in the ten Voice focus countries:

*“We witnessed human rights violations continuing unabated in all parts of the globe, hate preachers trying to pit minorities against each other with their messages of intolerance, extremist movements subjecting people to*

<sup>20</sup> <http://www.internationaldisabilityalliance.org/resources/convention-rights-persons-disabilities>

*horrific violence. And yet, 2016 was also a year to celebrate for the LGBTI community. The human rights of LGBTI people continued to take centre stage at the United Nations, where the first-ever Independent Expert on the protection against violence and discrimination based on sexual orientation and gender identity was appointed. A handful of countries and territories made marriage equality the law of the land, while others recognised civil unions for same-sex couples. Members of the LGBTI community were elected to their country’s parliaments. Historic gender identity laws were approved. International human rights experts called for an urgent end to human rights violations against intersex children and adults.”*

The landscape for many LGBTI people is changing rapidly in some of the Voice countries. In Mali, a public campaign was started by Islamic fundamentalists against an organisation supporting health care access for the LGBTI community and Men having Sex with Men (MSM). They accused the organisations of promoting homosexuality. Similar actions are taken against health care and HIV/AIDS support for LGBTI people and MSM in Indonesia, Tanzania and Nigeria.

The ILGA Sexual Orientation map of 2016 shows that, in Tanzania, Uganda, Nigeria and Kenya, same sex relationships are criminalised with high risks of imprisonment. Only the Philippines and Indonesia afford LGBTI persons some level of protection and laws for non-discrimination in employment. The National Human Rights Institution is said to include sexual orientation in its human rights work.

Overall, globally, the LGBTI movement is growing and becoming more vocal and visible. In the last 10 to 15 years, LGBTI people have successfully organised their own constituencies within the global and national organisations. Transgender people, in many instances, have successfully lobbied to be seen as they are, with specific circumstances that ask for adequate and respectful services. The International Trans Fund launched in December 2016 aims to increase the capacity of the trans movement to self-organise and advocate for trans people’s rights, self-determination and wellbeing.

Hardly any information was included on the situation of intersex people. Voice will actively seek to understand and to promote inclusion in outreach and granting activities for them.

## 2.2.3 Women facing Exploitation, Abuse and/or Violence

Defined by the World Bank as a “global pandemic that has or will affect 1 in 3 women in their lifetime”, violence against women and girls in multiple shapes and forms is one of the most systematic and widespread human rights violations. In the past decade, numerous research papers have been published that shed light on the causes and types of gender-based violence. Civil society based women’s organisations have placed ending gender-based violence high on national and international agendas, yet the voices of women facing exploitation and abuse remain largely unheard by policy makers. Women and girls continue to be the recipients of physical and emotional violence, cutting across all segments of income, culture and class in their daily public and private spheres (MoWA, 2014). The spatial range of the phenomenon is broad; exploitation, abuse and violence are experienced at home, in the workplace, in public spaces and in both rural and urban settings. Moreover, the types, causes and consequences of violence against women and girls are numerous, multidimensional and complex.

The Voice programme seeks to find innovative solutions that will amplify the voices of women who are the most vulnerable and invisible in mainstream development processes. The purpose of this context analysis is not to identify the root causes of violence faced by the female population in the ten countries, but to pinpoint particularly vulnerable groups amongst those women and emphasise frequently observed issues in relation to their access to social services, resources, employment and political voice.

## Human trafficking, triggered by economic exclusion remains a lost battle

UNODC defines human trafficking as

*“the recruitment, transportation, transfer or receipt of persons by means of threatening, use of force or other forms of coercion, of fraud, of deception, of the abuse of position of vulnerability or of giving or receiving of payments or benefits to achieve the consent of a person having control over another person for the purposes of exploitation”.*<sup>21</sup>

Globally, it is estimated that between 600,000 and 800,000 persons are trafficked across international borders each year.<sup>22</sup> Adult women account for almost half of all human trafficked victims detected globally. Women and girls together account for about 70%, with girls representing two out of every three child trafficked victims.<sup>23</sup>

In **Kenya**, 60% of trafficking is for external “human trade” purposes; 40% being domestic such as forced commercial sex work and domestic slavery. Human trafficking is highly profitable and an emerging transnational activity, generating an estimated US\$10 billion per year worldwide.

In **Uganda**, the trafficking of women and girls takes the form of sex tourism, child sacrifice and abduction to participate in armed conflict. In the **Philippines**, dire poverty faced by rural women<sup>24</sup> remains a critical push factor for women to migrate and even become victims of trafficking; poverty is also the cause of the re-victimisation of some women.

Sexual violence against women and girls can be defined as the act of:

*“being physically forced to have sexual intercourse against their will; having sexual intercourse out of fear; or being forced to perform a degrading or humiliating sexual act”.*<sup>25</sup>

21 United Nations Office of Drugs and Crime platform on human trafficking : <http://www.unodc.org/unodc/en/human-trafficking/what-is-human-trafficking.html?ref=menuaside>

22 The US report 2005, on human trafficking

23 UN facts & figures: Ending violence against women and girls

24 There is no marked difference in the proportion of women who experienced physical and sexual abuse in urban and rural areas in the Philippines. But since a large majority of poor women (72%) are in the rural areas, more poor women are being subjected to abuse and violence. Poverty, coupled with low educational attainment, render women vulnerable to various forms of abuse and exploitation.

25 (Kabeer, 2014). In Indonesia, sexual assault towards women and girls formed over 60% of community-based violence in 2015.

## Eliminating domestic violence requires intensive, collaborative efforts

According to a 2013 global review of available data, 35% of women worldwide have experienced either physical and/or sexual intimate partner violence or non-partner sexual violence. Nearly one billion women will experience intimate partner violence or non-partner sexual violence in their lifetime. Globally, as many as 38% of murders of women are committed by an intimate partner (The World Bank, 2017).<sup>26</sup>

In **Tanzania**, women are obstructed by the denial of education, FGM and early marriages, non-recognition of their rights to property and domestic violence.

In **Cambodia**, despite having a legal and policy framework that addresses gender based violence, women still face violence and exploitation in the home and in their communities. Implementation remains weak and is an ongoing challenge.

Existing data shows that women with a lower socio-economic status are more likely to experience some form of physical and/or mental abuse. UN CEDAW<sup>27</sup> recognises the specific problems faced by poor women in rural areas when countering discrimination, violence and exploitation.

Women’s capacity to establish, direct and participate in poverty alleviation programmes that empower and enable leadership roles will counter the systemic violence and exploitation that poverty creates. In **Kenya**, due to poor working and living conditions (especially working in cold weather without protection and standing for long hours) in the tea and coffee plantations, women tea or coffee pickers, in many instances, are forced to engage in transactional sex in order to make a living. Many live a dangerous and exploitive life as they have to leave their families in the rural areas as the housing conditions on the plantations are squalid and cannot sustain their families economically.

In **Laos**, lack of economic security and mobility coupled with little to no education (in Lao or Thai language skills) prevents women from seeking formal employment opportunities and heightens their risk of experiencing violence, abuse and exploitation – including trafficking.

## Combatting unequal, abusive working conditions while making ends meet is a vicious cycle

In **Indonesia**, the workplace is an area in which women have found it difficult to understand or defend their rights, particularly due to systemised and long-standing exploitative practices.<sup>8</sup>

A research study on women’s rights at work conducted in **Laos** pinpointed that salaries and compensations are not being paid accurately with respect to overtime and night shifts.<sup>28</sup> Unequal treatment of female workers is particularly evident in rural areas. Focus Group Discussions conducted in the **Philippines** highlighted that women workers’ issues revolve around difficulties of finding decent work and discrimination in the workplace (if hired). This is due to the history of being engaged in prostitution and the lack of employment opportunities for teenage mothers who are unable to finish school.

26 Violence Against Women and Girls

27 UN CEDAW. 2005. Combined fourth and fifth periodic reports of States parties: Indonesia. Geneva: CEDAW.

28 Rossetti, S., July 2014. “Baseline Study for PACMUW Project in Vientiane Province”. CARE International.

## Discriminatory social norms and attitudes trigger violence and social exclusion

*“People think that because we work in karaoke we are sex workers. They look down on us and think they can do whatever they want to us” (Female Focus Group Discussion Participant, Cambodia Voice context analysis)*

Traditional social norms that disadvantage women are deeply rooted in most cultures. In **Cambodia**, women’s failure to follow Chbab Srey, a traditional “law for women”,<sup>29</sup> can result in some form of social sanction, including discrimination against them and their families.

In **Indonesia**, the influence of religion in an increasingly conservative environment is adding to general harassment and violence experienced by women, particularly within their communities. Commonly accepted social norms that dictate that women should not go out at night can limit women’s opportunities. Several Focus Group Discussion participants in the vast majority of the ten Voice focus countries indicated that (technical and vocational) training can improve women’s economic opportunities, but providers report that it is much easier to provide training to males than females because they can “go out at night” and have “fewer competing home responsibilities”.

## The relationship between “cause and effect” of violence targeting women is far from linear

Emotional abuse can be defined as the act of:

*“being insulted or made to feel bad about oneself; being humiliated and belittled in front of others; being intimidated or scared on purpose; or being threatened with harm.”<sup>30</sup>*

Despite the limited availability of data and great variation in measurement patterns of emotional violence across different cultures, existing evidence shows high prevalence rates. Looking at the EU alone, 40% of women in 28 member states have experienced some form of psychological violence by an intimate partner in their lifetime.

Feminist scholars have depicted violence against women as a product of unequal power relations between men and women, manifested in asymmetries in the gender division of productive and reproductive labour, paid and unpaid work, material resources, social recognition and the distribution of authority and decision-making power (True 2012<sup>31</sup>, Dobash

& Dobash 1979<sup>32</sup>). Persistent gender inequality is measured by the Gender Inequality Index, which captures the lack of achievement in reproductive health, empowerment and labour market participation.

Economic deprivation is recognised as a contributing factor as well as a consequence of violence. World Bank evidence suggests that impoverished, unemployed or socially excluded men are more at risk of propagating violence, as a result of anger and frustration. Violence against women and girls is exacerbated in conflict, post-conflict, fragile states and collapsed economies, and amongst displaced populations where poverty and insecurity prevail.<sup>33</sup>

Ample research conducted on gender-based violence points to the scope and intensity of violence on women’s individual, social and political spheres and to the wellbeing of their immediate social circles, their immediate community and the country at large. Women’s basic human right to bodily integrity and freedom from fear is invaded, basic human capabilities are overstepped and their ability to participate as equal citizens in the economic, political and social life of their communities is at risk. The costs of marginalisation of women through violence and abuse does not only affect their individuality, but it has a knock-down effect on the wellbeing of their children, families and the wider society, formulating a grave obstacle to “the achievement of the broader goals of equitable and sustainable human development” (Kabeer, 2014<sup>34</sup>).

In **Nigeria**, women face systematic marginalisation in education, health care, employment and control of assets. Being poor translates to little protection from violence and having no role in decision-making. Poverty is feminised in Nigeria with women representing 70% of Nigeria’s poor.

*“We can’t even get a loan from the bank because they will ask us to get our car papers or land papers. We don’t have cars or land; men have them. So how can our businesses grow?” (Key Informant from southern Nigeria – Nigeria Voice context analysis).*

## Women facing Exploitation, Abuse and/or Violence

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29 Chbab Srey is a moral guideline which sets forth through normative poems “proper” behaviour for “respectable” girls and women in Cambodian society.

30 Kabeer, 2014

31 True, J. 2012. *The political economy of violence against women*. Oxford: Oxford University Press.

32 Dobash, R. E., and R. Dobash. 1979. *Violence against wives: A case against the patriarchy*. London: Open Books.

33 World Bank press release, October 2016: “World Bank Launches Global Task Force to Tackle Gender-Based Violence”

34 Kabeer, N. 2014. *Violence against Women as ‘Relational’ Vulnerability: Engendering the Sustainable Human Development Agenda*.

## 2.2.4 Ethnic Minorities and Indigenous People

*“Indigenous and/or ethnic minorities have different cultural practices, migration history and patterns, means of living, and sense of identity” (Kirchner, 2015).*

Due to the breadth and complexity of defining these terms, this report does not seek to provide an in-depth analysis of the legal framework (and its implementation) concerning ethnic and indigenous groups globally. Neither does it aspire to provide an exhaustive analysis of the different dimensions of the term “minority”. The purpose of this synthesis report is to highlight emerging issues and trends faced by ethnic minorities and indigenous groups globally that are validated through the baseline studies conducted in the ten Voice focus countries.

When working with ethnic minorities, the United Nations considers that the principle of self-identification under a minority status should be based on:

- an objective set of criteria (such as non-dominance in terms of numbers and/or political power and possessing distinct ethnic, cultural, religious or linguistic characteristics)
- a subjective set of criteria for self-definition (i.e. a will on the part of the members of the group in question to preserve these distinct characteristics).

Throughout the SDGs agenda, indigenous people are directly mentioned six times, particularly in relation to small-scale farming and indigenous children’s education. The overarching inclusiveness of the goals is also believed to be strong for indigenous people as they encompass many of the issues identified within the UN Declaration on the Rights of Indigenous Peoples.

To determine and highlight context-specific issues and needs for the purpose of this report, it is important to point out the differences between the terms “ethnic” and “indigenous”. In the human rights’ system of the United Nations, **ethnic minority** refers to any “national or ethnic, religious and linguistic subgroups as outlined in the United Nations Declaration on the rights of persons belonging to national or ethnic, religious and linguistic minorities,<sup>35</sup> with the following generic elements (UNDP, 2008)<sup>36</sup>:

- A special relationship to land and the environment;
- Individual political and social institutions, including customary legal systems and laws, cultural traditions and health practices;
- Distinct positioning on development priorities, traditional management of resources and other knowledge.”

35 General Assembly resolution 47/135 of 18 December 1992 and in Article 27 of the International Covenant on Civil and Political Rights, a declaration that also applies to indigenous peoples, in addition to the United Nations Declaration on the Rights of Indigenous Peoples (General Assembly resolution A/61/L.67 of 13 September 2007).

36 Promoting inclusive parliaments: The representation of minorities and indigenous peoples in parliament: Frequently Asked Questions on the Representation of Minorities and Indigenous Peoples in parliament December, UNDP 2008.

Even though the two categories are, by (a relative) definition, described with similar characteristics, a distinction between the two terms should be highlighted mainly because of the legal consequences of being recognised as one or the other. Considering the diversity across the different indigenous peoples, an official definition of **indigenous** has not been adopted by any UN-system body.<sup>37</sup> The UN has endorsed the approach of declaration (rather than definition) based on the criterion of self-identification.<sup>38</sup> The UN system has developed a modern understanding of the term based on the following:<sup>39</sup>

- Historical continuity with pre-colonial and/or pre-settler societies
- Strong link to territories and surrounding natural resources
- Distinct social, economic or political systems
- Distinct language, culture and beliefs
- Form non-dominant groups of society
- Resolve to maintain and reproduce their ancestral environments and systems as distinctive peoples and communities.

The baseline context analysis studies conducted in the ten Voice focus countries looked into the variant shapes, forms, definitions, struggles, legal rights and stakeholders related to ethnic minorities and/or indigenous people.

*“Indigenous peoples have vital contributions to make in addressing the contemporary challenges to renew ecological and social ethics and relationships, and in the fulfilment of peace, human rights and sustainable development.”<sup>40</sup>*

### The issue of self-determination and the clash of definitions

Despite the existence of an international legal framework set up to safeguard social justice and human rights of indigenous populations, the self-identification factor triggers a plethora of complexities. The recognition of a group’s minority status in some countries is restricted not only by the domestic legal framework but also by local social constructions. Most constitutions acknowledge certain groups as minorities but the legal definitions used are often quite narrow. Socially and politically, the concept of an ethnic minority is not fully recognised in many country contexts and the term might not even exist in local languages.

In such cases, substitutes like “excluded groups”, “marginalised communities” or “vulnerable groups” is utilised, with the precondition that sufficient attention will be given to the groups’ ethnic, cultural, religious or linguistic characteristics.

37 UNESA factsheet: [http://www.un.org/esa/socdev/unpfii/documents/5session\\_factsheet1.pdf](http://www.un.org/esa/socdev/unpfii/documents/5session_factsheet1.pdf)

38 United Nations Declaration on the Rights of Indigenous Peoples: [http://www.un.org/esa/socdev/unpfii/documents/DRIPS\\_en.pdf](http://www.un.org/esa/socdev/unpfii/documents/DRIPS_en.pdf)

39 United Nations Declaration on the Rights of Indigenous Peoples: [http://www.un.org/esa/socdev/unpfii/documents/DRIPS\\_en.pdf](http://www.un.org/esa/socdev/unpfii/documents/DRIPS_en.pdf)

40 UN (2009) *State of the world’s Indigenous Peoples*, New York: United Nations.

Definitions attributed to ethnic minorities often differ from how international institutions define them and how the groups define themselves. Groups that identify as minorities, aiming to access legal and/or social protection offered by international standards, may encounter problems when claiming rights as ethnic minorities per se domestically (UNDP, 2010).<sup>41</sup>

In **Kenya**, at least 21 ethnic groups have a population of less than 100,000 and at least five indigenous groups face exclusion as they fall within larger ethnic groups while they have a unique culture and traditions coupled with poor road infrastructure and telecommunication services. In **Cambodia**, 24 groups of indigenous people and/or ethnic minorities are spread over 15 provinces. In **Nigeria**, the government does not specifically refer to any group as indigenous – it rather identifies all people as being part of ethnic groups (ILO, 2009<sup>42</sup>).

### Geographical isolation equals to limited or no access to essential services and resources

The World Social Situation Report (UNDESA, 2016) focuses on the exclusion dimensions of the poorest and most marginalised groups. It highlights that indigenous peoples and ethnic minorities are amongst the groups that face most barriers to accessing essential health care, education, employment opportunities and political participation.

It also concludes that, in order to tackle the divergent obstacles faced by individual members of ethnic minority groups, “universal social policies complemented by special or targeted measures” are needed. Access to public services and markets tend to be a critical issue for ethnic minorities in various countries as groups often reside in communities that are under-developed, with poor – if any – infrastructure.

Additionally, such communities tend to be geographically far from urban centres and social services, such as schools and health facilities. Poor roads and long distances all present barriers to accessing services. In **Kenya**, the 42 major ethnic tribes (as acknowledged by national statistics) have barriers to accessing essential or core life services. The road infrastructure serving these communities is poor. The groups are not easily accessible by service providers and, at the same time, the groups struggle with marketing their products. Moreover, telecommunication – mobile phones, TV and Internet – is limited due to the remoteness of their natural habitats. These communities are therefore excluded from accessing sufficient information from external sources.

### Fulfilment of land access rights results to wider impact on local communities at large

Ethnic minorities’ and indigenous peoples’ access to land, or lack thereof, has been researched and reported on by a plethora of scholars, development practitioners, campaigners and activists. Access issues to traditional land is perhaps the key element that impacts indigenous groups, having a ripple effect across a wide number of other issues related to poverty, identity and access to services.

This report reinforces the general sentiment that safeguarding access to land is a top priority for ethnic minorities and indigenous communities across ten countries and three continents. It highlights that economic opportunity of indigenous people is highly dependent on access to land and rights. Representatives of minority communities interviewed for this

report indicated that the consequences of land access go far beyond the realms of economic exclusion spilling over to cultural identity and access to services.

In **Indonesia**, large tracts of traditional land have been bought and used by industry, particularly for mining, palm oil and other natural resource extraction. There have been many cases of violence and intimidation of indigenous people as businesses and corporations attempt to obtain and use their traditional lands. Many indigenous groups have noted the negative impact such land use has had on their communities with pollution and land degradation forming key components that impact health and livelihoods of local people (Amman and Aipp AMAN 2016<sup>43</sup>). Poor access to public services due to spatial exclusion and deprivation of land rights are contributing factors to the lack of basic health infrastructure, higher rates of HIV/AIDS and high infant mortality rates amongst indigenous communities in Indonesia.

In **Cambodia**, government-led privatisation and land-grabbing has led to indigenous people losing their land. They also experience loss of cultural diversity as their ability to engage in their own social practices to maintain their own identity is denied.

The majority of land in Africa is claimed and managed by indigenous people and local communities. However, most governments fail to recognise the rights of these customary land-owners, making their land vulnerable to grabbing and occupation.

Poverty amongst ethnic and indigenous groups is often overlooked in most development processes. Land alienation and dispossession in order to establish national parks, conservation areas and large-scale commercial enterprises has, in some cases, led to ethnic minorities being excluded from economic activities.

In **Uganda**, for instance, levels of poverty, illiteracy and mortality rates are much higher than the national average in indigenous communities yet there is inadequate implementation of poverty-reduction policies.

In **Tanzania**, policy makers tend to ignore the local knowledge possessed by these communities including their adaptation and conversation techniques. This exclusion means policies are formulated without sufficient input from the very communities they affect. Their economic contribution to the national output and income has also not been duly appreciated leaving them on the margins of economic policies. Both hunter-gatherers and pastoralists have protested against land alienation and have filed lawsuits with limited success.

### Spatial exclusion creates barriers to political participation

Accessing social services is a challenge for many ethnic indigenous communities. Their members generally reside in remote areas where they cannot access services such as health care or support for women who experience gender based violence.

In **Cambodia**, the target groups highlighted geographical disparity as a barrier to building connections with local authorities and even gaining national support. Indigenous groups have a deep mistrust of the government due to the history of land conflict and are less likely to vote in elections or give their endorsement to any political party. NGO workers described political exclusion among this group as being “forgotten by the government” unless a group’s land is valuable. They also reported that the government does not see human capital among indigenous people because they are less likely to participate in elections. They only see their land as capital and belonging to the state.

41 UNDP (2010) Marginalised minorities in development programming: A UNDP resource guide and toolkit. UNDP, New York.

42 Country Report of the Research Project by the International Labour Organisation and the African Commission on Human and Peoples’ Rights on the constitutional and legislative protection of the rights of indigenous peoples: Nigeria: [http://www.chr.up.ac.za/chr\\_old/indigenous/country\\_reports/Country\\_reports\\_Nigeria.pdf](http://www.chr.up.ac.za/chr_old/indigenous/country_reports/Country_reports_Nigeria.pdf)

43 AMAN & AIPP (2016) Joint Stakeholders’ Submission on The Situation of Human Rights of Indigenous Peoples in Indonesia, Submission Prepared for 3rd Cycle of Universal Periodic Review of Indonesia and 27th Session of the Human Rights Council (Apr-May 2017).

In **Uganda**, despite constitutional guarantees on the rights to participate in decision-making processes, the participation of ethnic minorities and indigenous people remains weak due to their small population numbers, limited exposure and relatively low levels of education. Ethnic minorities suffer from limited political representation especially at district and national levels.

### **Social norms and values lead to further stigmatisation, discrimination and violence**

In many instances, the term “indigenous” has negative connotations and some people may choose not to reveal or define their origin. Others must respect such choices while, at the same time, working against the discrimination of indigenous peoples. In **Indonesia**, violence and discrimination towards ethnic minority groups is not an infrequent occurrence. Although there is no shortage of documented cases of violence towards individuals and minority communities, with some still ongoing today, attacks on places of worship or gathering points are common and often such attacks are perpetrated by hard-line Islamic groups or even the communities that live within the vicinity of minority groups (HRW, 2013).<sup>44</sup>

In **Tanzania**, incidents of violence are regularly reported between ethnic minorities and other communities. Discrimination is rife and violent human rights abuses, loss of lives, inhumane and degrading treatment, punishment by state institutions (police, etc.) and theft of livestock occur regularly in connection with eviction cases. Discrimination and conflicts between indigenous communities also occur and access to justice is hampered by the high costs of legal services.



<sup>44</sup> Human Rights Watch (2013) *In Religion's Name: Abuses against religious minorities in Indonesia*, accessed online at: <https://www.hrw.org/report/2013/02/28/religions-name/abuses-against-religious-minorities-indonesia>





## PART 3

# COUNTRY ANALYSES

The global view highlights some important gains and how they manifest in terms of greater participation of Voice target groups. At the same time, we see a back lash of globalisation, increased rights for women and other vulnerable groups, and the demand for a more pluralist society that seems to have unleashed defensive and exclusionary reactions.

Several of the Voice focus countries are facing political turmoil and growing contradictions. In some countries, the programme cannot support all Voice target groups especially when marginalisation and discrimination is legislated or when addressing their issues could lead to strongly negative socio-political reactions and insecurity.

The country context analyses provide a rich and detailed image of the situation of the different groups in each of the ten countries. The summaries presented below are an overview of the key findings, the way different dimensions of exclusion affect the Voice target groups and what that means for priority changes and actions they (want to) advocate. The summaries highlight those subgroups facing multiple intersecting inequalities and reinforced dimensions of exclusion for belonging to more than one of the Voice target groups.

Most of the groups are invisible in mainstream development. Each country identified (sub) groups facing intersecting inequalities and multiple forms of discrimination and, where possible, key influences and learning issues are mentioned.

The countries are presented in regional order, from West Africa, East Africa and then to South East Asia.

# MALI

POPULATION IN 2016

**17.994.837**

SIZE

**1.240.000 KM<sup>2</sup>**

HDI RANKING 2016

**175/188**

INEQUALITY ADJUSTED HUMAN  
DEVELOPMENT INDEX 2016

**0,293**

GENDER INEQUALITY INDEX 2016

**0,689**

CIVIC SPACE (CIVICUS MONITOR 2017)

**OBSTRUCTED**

**HDI** - Human Development Index and its components, ranks countries by HDI value and details the values of the three HDI components: longevity, education and income.

**IHDI** - Inequality-adjusted Human Development Index - IHDI looks beyond the average achievements of a country in longevity, education and income to show how these achievements are distributed among its residents. An IHDI value can be interpreted as the level of human development when inequality is accounted for.

**GDI** - Gender Development Index, measures disparities on the HDI by gender. The table contains HDI values estimated separately for women and men; the ratio of which is the GDI value. The closer the ratio is to 1, the smaller the gap between women and men.

**Civic space** - The CIVICUS monitor assigns each country a rating on civic space based on constant analysis of multiple streams of data on civic space. The rating is open, narrowed, obstructed, repressed or closed. <https://monitor.civicus.org/Ratings>

## Introduction

Mali, officially the Republic of Mali, is a landlocked country in West Africa. It is the eighth largest country in Africa, and shares a long border with seven countries. 48% of the estimated population in 2012<sup>1</sup> was below 15 years old. Its capital is Bamako. The country's economy centres on subsistence agriculture, cotton, and salt. It is also the third largest producer of gold in Africa.

In recent years, Mali has been plagued by insecurity, conflict and violence, particularly in the north, following a coup in 2012 combined with fighting between Tuareg and Islamist rebels. In response to Islamist territorial gains, the French military launched an operation in 2013 and has since had a strong military presence in Mali combined with a UN Peacekeeping Mission. A fragile peace has prevailed with intermittent attacks on refugee camps and military bases in the north as well as terrorist attacks in the capital.

Voice in Mali is managed by Oxfam and focuses on the following target groups:

- 1 People living with disabilities, especially small/little people, albinos, people with a mental disability and people with visual and hearing impairments. As most governmental programmes focus on people with physical disabilities, Voice intends to prioritise other disabilities.
- 2 Women facing exploitation, abuse and/or violence, particularly in the rural areas. Due to their level of marginalisation and discrimination, Voice will prioritise commercial sex workers, widows, domestic workers, women and girls working in the informal sector and women living with HIV/AIDS.
- 3 Age-discriminated vulnerable groups (youth and elderly).

Voice in Mali is particularly interested in supporting those groups that face double or triple discrimination such as young women with disabilities or girls from an ethnic background who do commercial sex work in rural areas. This way, we can address and support all five target groups within Voice.

The emphases with these target groups will be:

- Access to productive resources and employment;
- Access to basic services, namely, health and education; and
- Citizen participation.

Voice works in the following regions: Kayes, Koulikoro, Sikasso, Segou, Mopti and Bamako district.

## State of affairs

Mali's legislative framework guarantees equality between all citizens as well as specific rights for the Voice target groups. The reality however is very different. All the target groups experience exclusion from public life, discrimination and marginalisation by state institutions and from the community.

## People living with disabilities

People living with disabilities make up 10% of the population and, like elsewhere, experience challenges seeking employment, accessing social services, stigma and discrimination within the family and by society at large.

There is no legislation promoting the economic, social and cultural rights of people living with disabilities and their employment is predominately in the informal sector. Aside from select government departments, there are very few private businesses that employ people living with disabilities, exacerbating their economic vulnerability. The private sector, while being an essential actor, contributes little in terms of its commitment to people living with disabilities.

In addition to high levels of stigma and shame associated with having a family member living with a disability, there are many myths associated with two people living with disabilities getting married and pregnant women living with disabilities. The latter are often denied medical care and support.

In many instances, Mali has failed to ratify or conform to international conventions that protect the rights of people living with disabilities. This deficiency in the regulations, together with poor enforcement, increases the vulnerability and lack of protection for people living with disabilities. These shortcomings result in low political representation of people living with disabilities in community decision-making processes at local, regional and national levels. While the state remains a key player in the development and enforcement of policies, its commitment and engagement sadly remains very weak.

In contrast, civil society plays an important role in social mobilisation and communication for behaviour change by providing psychosocial, medical, legal and economic support to people living with disabilities. Organisations working with and for people living with disabilities have an important role in advocating for equitable rights and for challenging and holding government to account.

## Women facing exploitation, abuse and/or violence

Voice will focus on women and girls engaged in the informal sector with limited financial and material resources who face the risk of exploitation, abuse and/or violence. These include domestic workers, street vendors, commercial sex workers and those working in agriculture. This group is also characterised by low levels of education and literacy, poverty and the lack of vocational training qualifications and opportunities.

Family 'maids' or domestic workers occupy the lowest status in society. They are expected to stay home and devote themselves to cooking, doing laundry, washing dishes and child-care, among other duties. A study conducted in September 2011<sup>2</sup> on domestic workers and HIV/AIDS/STI in the urban centre of Sikasso highlighted the following demographics: 86% of domestic workers were between 15 and 19 years, 10% were between 20 and 24 years and 4% were between 25 and 29 years. Most get up early in the mornings and work very long hours. Many experience physical, verbal and sexual abuse, and violence. They often do not receive a national minimum wage, known as SMIG (Salaire Minimum Inter-professionnel Garanti) and struggle to access sexual and reproductive health services which exposes them to rape, unwanted pregnancies, etc.

Commercial sex workers are most often young girls from very poor families and/or daughters of divorced women. The business of sex work, or prostitution, is known in all areas and is especially rife in cities, mining sites, holiday resorts/hotels and border areas. Social attitudes towards sex work have shifted considerably over the years. Today, sex work is increasingly accepted by society as a means to circumvent the economic difficulties of families. In some instances,

<sup>1</sup> Perspectives of the resident population of Mali, 2010-2035/ DNP

<sup>2</sup> The Sikasso branch of the executive secretariat of the National High Council to fight AIDS (SER/HCNLS); the Centre for training and support for local development (DELTA C) and the department of public health of the Medical School of Bamako.

parents accept the situation without seeking other alternatives. This was articulated by a 16-year-old girl who took part in a target group discussion organised by Voice during the context analysis:

*We must meet our needs and help our parents. We must eat and provide for our own clothes. What should we do? My parents are aware of what I am doing and they don't discourage me. Nobody opposes it. Because it is thanks to my business that I am able to solve the problems of my family ... the main thing is to NOT steal or beg.*

Sex workers are however excluded from participating in political and civic life by the very nature of their activity.

The vast majority of informal street vendors are women. Many travel to the capital, Bamako, from the rural areas seeking a livelihood. They, too, work long hours making little money due to low profit margins from selling perishable items such as fruit and vegetables.

### Age-discriminated vulnerable groups

While 48% of Mali's population may be under 15 years of age, young people are marginalised and excluded from accessing land, equipment and resources, and from citizen participation and decision-making processes. They also have limited access to information about sexual and reproductive health rights, which remain taboo subjects within the family. Young people are absent from all levels of government; they are expected to enforce or implement decisions made by other political entities. Politically, young people hardly have a voice, thereby reducing their participation in civic life. Over 74% of Malians live in the rural areas where education and employment opportunities are limited. Many young people migrate to the cities, mining sites or to other countries in the hope of a better future. Those in formal employment tend to have the lower paid jobs.

Despite the fact that, in Malian culture, the elderly are respected and traditionally supported by the extended family, there is an emergence of nuclear families with elderly people being left out. Old people often lack financial support both from the government and from their families. The cost of health care also puts them at a disadvantage. Inactivity and low or no income increases their economic vulnerability. Given the issues with health and mobility, they are often unable to support themselves from their personal income/pension. Despite efforts by the Malian authorities to provide the elderly with priority passes in public places, they struggle to access health and social services.

Within the political spectrum, sex discrimination is rife. Older men dominate the political scene and women are almost absent from proceedings and decision-making bodies. Older women are required to manage daily family life and the social activities of their households.

### Role of civil society and government

In Mali, civil society has an important role to play in sensitising and raising awareness of the situation of people living with disabilities, domestic workers, street vendors, sex workers, the young and the elderly. Civil society organisations are an important voice and provide valuable direct support services such as training and funding for income-generating activities. They also influence the social dialogue between the target groups and the state. They have a moderate status in the monitoring of policies and give meaning to the actions of the target groups.

The state guarantees the framework for training and creation of jobs for young people. It is a powerful ally for Voice but it lacks support for the informal sector due to weak taxation. The state has a medium-level influence because of the legalistic choices in the economic governance of the country relating to the informal sector. Despite its low commitment to making improvements in the informal sector, the state remains an indispensable and essential player for Voice and a key player in the change process.



# NIGER

POPULATION IN 2016

**20.672.987**

SIZE

**1,270,000 KM<sup>2</sup>**

HDI RANKING 2016

**188/188**

INEQUALITY ADJUSTED HUMAN DEVELOPMENT INDEX 2016

**0,253**

GENDER INEQUALITY INDEX 2016

**0,695**

CIVIC SPACE (CIVICUS MONITOR 2017)

**OBSTRUCTED**

**HDI** - Human Development Index and its components, ranks countries by HDI value and details the values of the three HDI components: longevity, education and income.

**IHDI** - Inequality-adjusted Human Development Index - IHDI looks beyond the average achievements of a country in longevity, education and income to show how these achievements are distributed among its residents. An IHDI value can be interpreted as the level of human development when inequality is accounted for.

**GDI** - Gender Development Index, measures disparities on the HDI by gender. The table contains HDI values estimated separately for women and men; the ratio of which is the GDI value. The closer the ratio is to 1, the smaller the gap between women and men.

**Civic space** - The CIVICUS monitor assigns each country a rating on civic space based on constant analysis of multiple streams of data on civic space. The rating is open, narrowed, obstructed, repressed or closed. <https://monitor.civicus.org/Ratings>

## Introduction

The Republic of Niger is a landlocked country named after the Niger River, almost the largest country in West Africa. The Sahara Desert covers over 80% of the country. Over 78% of the population lives in rural areas. Its population is very young, with 47.5% being under the age of 15 years and is concentrated in the regions of Maradi, Zinder and Tahoua.<sup>3</sup>

The country is constantly threatened by periodic droughts and desertification. The economy is concentrated around subsistence with some commercial agriculture in the more fertile south and the export of raw materials, especially uranium ore.

The country has ratified most international human rights treaties and has also adopted several sector policies to ensure that indigenous people, those with disabilities, the youth, the elderly and women are protected. The implementation of policies is weak due to a lack of financial resources and/or policy decisiveness in a country where cultural and religious values and traditions gravely affect the living conditions of women and other vulnerable groups.

Voice in Niger is managed by Oxfam and will focus on:

- 1 Strengthening the legal framework and its implementation, in particular, laws for social protection against child marriages and alike;
- 2 Access to basic services such as adequate and inclusive education, health services and infrastructures;
- 3 Sexual and Reproductive Health and Rights and access to land for women and other gender identities;
- 4 Enabling the participation of members of the Voice target groups, and;
- 5 Engagement of decision makers and duty bearers in advocacy processes and implementation.

## State of Affairs

The Constitution adopted in 2010 sets out the legal and institutional framework in Niger. This text guarantees the rights and liberties for all citizens and specifically prohibits all forms of discrimination against women, youth and people living with disabilities. It also ensures the right to education for children, social protection for the elderly and equal opportunity for people living with disabilities toward their promotion and/or social reintegration for people living with disabilities.

### People living with disabilities

According to the 2012 general census, people living with disabilities made up 4.2% of the total population. People with physical disabilities are generally not rejected nor feared. Instead, they are most often granted compassion and empathy. The traditional culture puts people living with disabilities on the priority list when it comes to public assistance.

Having said that, attitudes are shifting and increasingly people living with disabilities find themselves being victims of social exclusion, stigmatisation, negative perceptions and beliefs. Sometimes they are feared or isolated and perceived as being violent based on their impulsive or unpredictable behaviours. They are economically challenged and denied public assistance, and do not fully benefit from the essential basic services (health, education, etc.). Access to work, vocational training and other economic opportunities are also very limited. As for spatial exclusion, most public buildings (hospitals, schools, etc.) are not designed to facilitate access. The same pattern can be noted in public transportation. In politics, the views of people living with disabilities are not considered in decision-making processes. Politically, people living with disabilities have limited engagement in civic participation.

<sup>3</sup> National Statistics Institute, Comprehensive figures, 4th Census - 2012

People living with disabilities articulate the following demands:

- To enhance and ensure access to health services;
- To target more people living with disabilities when implementing projects and programmes that assist vulnerable groups;
- To fight against stereotypes through the media and community meetings.

Finally, gender-based exclusion strengthens all other forms of exclusion for women and girls living with disabilities. It is difficult for women living with disabilities to access sexual and reproductive health services. In addition, women/girls living with disabilities are unable to fully engage with their communities because they are marginalised and discriminated against both by their own family and the society.

### Sexual Minorities – Lesbian, Gay, Bisexual, Transgender, Intersex (LGBTI)

In Niger, unlike other countries in West Africa (such as Senegal and Ghana), there is no specific legislation against LGBTI people. Similarly, the law does not protect the LGBTI community and/or same sex couples either. The criminal code does not refer to any specific offence for those who engage in consensual same sex practices and relationships, especially among men. However, the text refers to offences that can be regarded as “public indecency”. People convicted of such offences can face between three months and three years’ imprisonment and a fine of XOF 10,000 to 100,000 (between 15 and 150 Euros) (Article 276 of the Criminal Code).

Like elsewhere, statistics on the number of people who identify as LGBTI are absent. What is clear is that socially, they adopt a low profile. They usually meet in private homes or other discreet places that do not publicly expose their sexual orientation or gender identity. Men (“yan daoudou” or “yan loutou” in Hausa) tend to attend social ceremonies and mingle with women in traditional musical groups. Lesbians (“yan madigo” in Hausa) are less visible due to additional discrimination and other forms of abuse.

According to the 2012 report by the U.S. State Department on Human Rights in Niger, “although there were no known cases under the above law, gays and lesbians however were subject to discrimination and stigma”. Sexual minorities struggle to assert themselves largely due to deep religious intolerance. The clerics and Islamic associations against sexual minorities openly express their radical opposition in mosques and during cultural events such as the International Festival of African Fashion.<sup>4</sup> The government’s response to dissolve several Islamic associations has not stopped the Islamist lobby, which continues to maintain its radical discourse against sexual minorities.

Intolerance from the population is made public; bar and restaurant owners in Niamey, the capital, are known to deny LGBTI people access after protests from customers. In terms of public policy, the national HIV and AIDS Strategic Plan 2013-2017 takes into account the needs of Men having Sex with Men (MSM) and there are informal groups emerging to increase awareness and carry out peer education.

### Women facing exploitation, abuse and/or violence

In Niger, gender based violence and early marriage is based on traditional practices, patriarchy, religion and high economic dependency ratios. This is highest in Maradi and Zinder regions. Based on the information gathered in the 2006 UNDP Human Development Report, the following violations are listed: discrimination based on marital status, men’s

<sup>4</sup> CULTURE-NIGER: Government to Ban Islamic Groups Opposed to Fashion Festival, Saidou Arji and Noel Tadeignon. NIAMEY, Nov 15 2000 (IPS): <http://www.ipsnews.net/2000/11/culture-niger-government-to-ban-islamic-groups-opposed-to-fashion-festival/>

veto for their spouses to participate in public events including political meetings, the difficulty for women to run for any elective positions despite the law on quotas about women's elective and administrative representation, etc.

Girls face many obstacles including economic injustice, physical abuse and lack of access to education. The gross school enrolment rate in the 7-12 year age group is 57.6% among girls compared to 68.7% for boys. These disparities show the real need to bridge the gap at the elementary and high school levels. This situation is even worse in rural areas where very intelligent young girls are often unable to continue their studies due to lack of opportunity and because of family tradition.

Access to and ownership of land is a real issue for women in Niger. This is because neither the customs nor the legislation promotes equal access to such rights. According to the customs, women cannot be landowners, but they can use plots made available to them by men. According to the Islamic law, after a husband passes away, his wife/wives are entitled to inherit half of what their husband has, but this provision is not systematically implemented<sup>5</sup>. This deprives women from being empowered while perpetuating their dependence on their husbands.

The social exclusion of women victims of abuse, exploitation and/or violence, is based on traditional practices, biased interpretation of religious texts and economic dependency ratios. Women are also barred from undertaking economic or political activities without the permission of their husbands. Confinement of women occurs, especially in Hausa speaking and in upper social classes, and is regarded as a source of prestige. Within polygamous households where confinement is the rule, there is usually hierarchy between women, based on the order of entry into the home. The eldest or the first one has a certain right of precedence over others

### Age-discriminated vulnerable groups

In Niger, Voice has identified children aged from 7 to 12 years (elementary level) as the most vulnerable. They face issues of non-attendance at school, family abandonment and having to live on the streets. These children are exposed to various risks including drug addiction, disease and crime. There are many children under 18 years of age serving time in prison for petty crimes.

Other cases of rights violations are children (aka *talibes*) under the guardianship of Islamic instructors or *marabouts*. These children are usually from rural families who send them to live with other families in the hope of receiving an Islamic education. Many *talibes* are exploited and neglected and have to provide for themselves. This means many end up begging for food and clothing, compromising their learning and education.

Education for children living with disabilities remains a significant problem in Niger. There have been numerous unsuccessful attempts at creating special education programmes for the deaf and the blind. Instead of providing positive outcomes, such approaches further isolated and stigmatised these children. NGOs are now advocating for the promotion of an inclusive education concept with Handicap International, the Niger EFA coalition and the Niger Network for the Development of Education as major players. The main obstacle remains the lack of competent teachers to meet the needs of children living with physical or mental disabilities.

Young people (15-25 years) also face stigma, especially in rural areas. For example, because of their age, young people are not trusted to take on certain social responsibilities. There is a huge disparity when it comes to young people's access to education, employment and economic opportunities. This economic exclusion is reinforced by the fact that most of them are not enrolled in school and their families abandon them exposing them to risks such as drugs, prostitution, crime and begging. Young people in rural areas lack opportunities when compared to those who are in cities. In politics, there is no

youth involvement in key policy decision-making processes even though these decisions may affect them directly. Very few young people are represented in the government and within political parties.

In Niger, there is political commitment to meeting the needs of the elderly, defined as people over the age of 60 years. On paper, government programmes exist to ensure the elderly are supported and protected through various initiatives built around respect. Most of these are not implemented or effective. At the village level however, solidarity and support for senior citizens is even less visible. There is systematic and implicit exclusion from actively participating in community activities although their wisdom and advice is often requested about certain topics such as funerals and traditional weddings, to name but a few. They face stigma and exclusion and are considered "incapable" and "out-dated" in their ways of thinking and doing. Older people often lack income to meet their basic needs. The phenomenon of older people begging, particularly in urban centres and accompanied by young children, is increasingly common. This situation is exacerbated by the lack of any social/health protection schemes. There is limited participation of older people in political affairs except those who have some influence because of their educational level, economic status or knowledge of the system. The elderly lack space for leisure activities and personal hobbies. There is discrimination between educated seniors who have more influence and who live in urban areas compared to those who are uneducated and living in the countryside. There are few structures to support or promote the rights of this part of the population.

### Engaging with civil society

Civil society organisations are working through networks and grassroots interventions and groups to improve the living conditions of the Voice target groups. Most organisations are engaged in providing direct services in urban centres (vocational training, income generating activities, networking efforts) and less on advocacy. There is a need to reach out to other social groups/layers, which do not benefit from any NGO or association support. Grassroots community groups need to be identified and supported in order to contribute to significant changes in the Nigerien society. Similarly, to strengthen the advocacy ability and interaction between organisations, existing networks need to be reinforced in terms of use of information communication, social media and/or technology.

There are two important structures working with the youth, namely, the National Youth Council and the Youth Parliament. These two organisations can become key allies in advocacy but their close ties with the government may alter their power to advocate on critical issues. This is especially true regarding the National Youth Council whose configuration/composition varies according to the sitting government cabinet. Therefore, any engagement with these structures should be subject to a deeper context analysis to assess their independence and their ability to carry out advocacy for the rights of the youth.

Working openly with the LGBTI community is risky in Niger due to the social hostility towards them. Discretion and keeping a low profile is of utmost importance.

<sup>5</sup> Rural women and agricultural land in Niger in written contributions from participants: Dimitra partners and FAO colleagues, Ali Abdoulaye, Coordinator, NGO VIE Kande Ni Bayra.

# NIGERIA

POPULATION IN 2016

**185.989.640**

SIZE

**923,768 KM<sup>2</sup>**

HDI RANKING 2016

**152/188**

INEQUALITY ADJUSTED HUMAN DEVELOPMENT INDEX 2016

**0,527**

GENDER INEQUALITY INDEX 2016

**0,847**

CIVIC SPACE (CIVICUS MONITOR 2017)

**OBSTRUCTED**

**HDI** - Human Development Index and its components, ranks countries by HDI value and details the values of the three HDI components: longevity, education and income.

**IHDI** - Inequality-adjusted Human Development Index - IHDI looks beyond the average achievements of a country in longevity, education and income to show how these achievements are distributed among its residents. An IHDI value can be interpreted as the level of human development when inequality is accounted for.

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## Introduction

The Federal Republic of Nigeria lies on the Gulf of Guinea and borders four countries in West Africa. Known as the 'Giant of Africa', having the largest economy on the continent, Nigeria is a multinational state with over 500 ethnic groups, languages and cultures. Since independence in 1960, Nigeria has alternated between military dictatorships and democratically elected civilian governments.

In 2015, Nigeria was the world's 20th largest economy. It has a mixed economy with an abundant supply of natural resources, well-developed financial, legal, communications and transport sectors, and the second largest stock exchange in Africa.

Oxfam in Abuja, the capital city, manages Voice in Nigeria. The Voice contextual analysis revealed varying degrees of marginalisation and discrimination against all five target groups, but identified people living with disabilities and women facing exploitation, abuse and/or violence as the most affected. Voice in Nigeria will focus on these two groups while observing the intersectionality and 'inclusiveness' of all the others.

Applications will be considered from organisations working in at least one of the following states: Lagos, Enugu, Port Harcourt, Federal Capital Territory, Bauchi State and Katsina.

## State of affairs

### People living with disabilities

In July 2016, the Nigerian Senate passed the *Discrimination against Persons with Disabilities (Prohibition) Bill*. This bill seeks to provide social protection for people living with disabilities and is a safeguard against any discrimination they may face. It also established a National Commission to ensure their right to: education, healthcare, social and economic participation, as outlined in the 1999 Constitution.

People living with disabilities are amongst the poorest and socially most excluded group, facing stigma and discrimination in all walks of life. The Voice contextual analysis revealed significant differences between regions of Nigeria. In the southern parts, disability is seen as being shameful. Parents often seek medical help and resort to traditional practices. When these efforts fail, children living with disabilities are hidden from public view, which prevents them from attending school. It is also common practice for children living with disabilities to be left with their grandparents in rural areas while their parents reside in a city.

Conversely, in the northern regions, people living with disabilities are accepted from birth with the belief that disability is a person's providence and thus not shameful. Respondents spoke of children living with disabilities being accepted by their family members and by the community. One participant living with a disability in Kano spoke about having never suffered any form of discrimination from her husband or in-laws in 10 years of marriage.

Most policy makers and the general public view people living with disabilities as those needing charity and welfare. Likewise, the media are not very knowledgeable and thus fuel dispelling myths and misconceptions held by the public. The lack of any social protection schemes exacerbates their marginalisation and exclusion.

Economically, over 70% of people living with disabilities are residing in extreme poverty. This is due to multiple levels and types of deprivation, namely, the lack of education, support from family and caregivers, spatial rights, employment opportunities and special services.

Many people living with disabilities recount experiences of being denied employment opportunities despite having the right qualifications and skills.

People living with disabilities in Nigeria also experience high levels of exclusion in political and public decision-making processes. The 'Leave No One Behind: Disabilities Votes Count Campaign' afforded policy makers an opportunity to appraise hindrances faced by persons living with disabilities during elections. This led to the inclusion of two people living with disabilities to be recruited as election observers in Edo and Ondo States.

### Lesbian, Gay, Bisexual, Transgender, Intersex (LGBTI) people

Like the majority of other African countries, Nigeria criminalises consensual same sex practices and relationships, especially among men. LGBTI persons live under the constant threat of harassment, violence or being arrested. On 7 January 2014, the President of Nigeria signed his assent to the Same-Sex Marriage Prohibition Act, which prohibits marriage between persons of the same sex and criminalises organisations and persons who, directly or indirectly, aid or abet such a union. The Act defines marriage to be a legal union between persons of the opposite sex in accordance with the marriage act, Islamic law, or customary law.

The Act however contravenes the spirit of the 1999 Constitution Chapter II section 17 (1), (2) (a-c) which states that social order is founded on the ideals of freedom and equality and that every citizen shall have equal rights, obligations and opportunities before the law, and shall uphold the sanctity of every person, enhance human dignity and ensure that all governmental actions shall be humane (The Telegraph, 2014).

In short, LGBTI persons in Nigeria face many legal challenges. Some politicians, public officers and observers persist in their expressions of homo and transphobic intolerance. Notwithstanding declarations of collective democracy and minority rights concerns, political parties still exclude LGBTI rights, which are not considered in the immediate or long-term agenda. Parties are pragmatic; when Nigerians demand their leaders to be more accountable, LGBTI people and LGBTI related news is used to score political points, diverting attention from more pressing national issues like unemployment, insecurity and the lack of basic services.

Under the Nigerian National Birth and Registrations Act, it is almost impossible to change names on any grounds. Transgender persons hence have the greatest challenge in changing their gender markers.

Religious, political and cultural leaders hold very strong moral standpoints against LGBTI people and this informs the way people relate to them. There is a growing crusade against them. Indiscriminate arrests, harassment and human rights' violations, even from the security agencies that are supposed to protect them, are common. There are ample examples and evidence of rejection by family, neighbours and friends, which compounds social exclusion, stigma and discrimination. Many go as far as seeing homosexuality as a Western imposition that should be fought against like the crusade against colonisation. The mainstream media promotes this by equating paedophilia to homosexuality.

Lesbian, bisexual and other sexual minority women face the stigma of being women in a highly sexist, patriarchal, religious and conservative society and for possessing a sexual orientation and gender identity contrary to societal norms. When things get tough, Nigerians generally run to their families and churches for support, however, these two institutions are usually the bedrocks of stigma and homo and transphobia.

Nigerian institutions, including the private sector, punish any appearances or likeness associated with LGBTI. Persons who are 'openly LGBTI' struggle to find employment, are often dismissed once their sexuality is known and have limited support to turn to.

## Women facing exploitation, abuse and/or violence

Over the years, Nigeria has ratified numerous international charters and conventions in relation to gender based violence and the promotion and protection of women's and girls' rights. These include:

- The Universal Declaration on Human Rights, International Convention on Civil and Political Rights, Convention on Elimination of all Forms of Discrimination Against Women, Rome Statute of the International Criminal Court and the United Nations Declaration on Violence Against Women
- 2004 - The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (African Women's Protocol).
- There have also been several gender specific acts, bills and reforms at national and state level such as:
- 2003 – The Child Rights Act, prohibiting marriage under the age of 18. In the northern states, there has been fierce resistance to the Act, with many people portraying it as anti-Islamic.
- 2015 – The Violence Against Persons Prohibition Bill, prohibiting multiple forms of gender-based violence including economic abuse, female genital mutilation and depriving persons of their liberty.

While much needed legislation regarding the rights of children and women has been formalised, the systems for implementation remain weak or are non-existent.

Social humiliation is the most common type of abuse faced by women in Nigeria. Most stakeholders believe that marginalisation and violence against women and girls is driven by the preference of male children over female children.

These are further aggravated when a widow does not have a male child. She is then often forced to choose between re-marriage to a family member to ensure that her husband's name does not die out or to face eviction from her matrimonial home. Male relatives see the widow as part of the property they inherit from their late brother.

Female Genital Cutting, a gross violation and violence against girls/women, is highly prevalent and commonly practiced for cultural and aesthetic reasons. The desire for acceptance in society is a compelling reason; women/girls are forced to pass through the procedure as a 'rite of passage' that invites the community's stamp of approval. Also bound up with this is the belief that the practice checks premarital sexual experiences, preserves virginity and discourages promiscuity and other sexual misdemeanours by limiting the sexual stimulation of women and girls.

The northern region of Nigeria has one of the highest rates of child marriages in the world. Nearly half of all girls are married by the age of 15. Most girls are raped on their wedding night, an experience the majority take to the grave due to a culture of silence.

Women make up 70% of Nigeria's poor; they bear an unequal burden of Nigeria's poverty because of the systematic marginalisation they face in education, health care, employment and control of assets. Being poor often means that women have little protection from violence and no role in decision-making processes. Access to loans or credit facilities is hampered by requirements that are usually beyond a woman's capacity. Women living with disabilities encounter double challenges – compounded by ageism, illness, poor education, abuse and exploitation.

When a woman's role is relegated to the domestic sphere, it leaves little or no space for political participation. In Nigeria, this is changing at a slow pace due to a number of factors including: an emerging policy framework which reinforces the need for women's access and engagement; high level advocacy and mobilisation by the national gender machinery; on-going advocacy; enlightenment campaigns and training by civil society; and partnerships and collaborations between the national gender machinery, civil society and international organisations.

To sustain this momentum, a number of strategies have been put in place, for example, the National Gender Policy provides a 35% minimum threshold for women's participation in politics – in appointed or elective positions. A Nigerian Women's Trust Fund has been established to provide technical and other resources to female political aspirants. Women's political empowerment offices have also been set up in each of the country's six geopolitical zones for the purposes of on-going interface with and support to women politicians in the states and rural areas.

## Age-discriminated vulnerable groups

Nigeria has the largest number of elderly people (those over 60 years) south of the Sahara. Since 2002, there have been policy frameworks at the regional level:

- African Union Policy Framework and Plan of Action on Aging (2003);
- National Policy on Care and Wellbeing of the Elderly (Draft 2003);
- National Policy on Aging (Draft 2006); and
- United Nations Economic Committee for Africa: The State of Older People in Africa (Draft 2007).

None have been developed for Nigeria specifically. The burden of care rests squarely on family members despite the provisions in the 1999 Constitution, Section 14, 2(b) which states: 'The security and welfare of its people shall be the primary purpose of the government' and Section 16, sub-section 2(d) promises 'that suitable and adequate shelter and suitable and adequate food, reasonable national minimum living wage, old age care and pensions and unemployment, sick benefits and welfare of the disabled are provided for all citizens.'

The only social policy in place is for retirees from formal employment as outlined in the Reformed Pension Scheme of 2004. Employees and employers in both public and private sectors contribute 7.5% of their salaries (military personnel contribute 2.5%) while the government contributes 12.5% to a State pension fund. This however has been abused due to widespread corruption in the system resulting in retirees facing untold hardships and delays getting their pensions (Iproject, 2016).

The need for a functional social policy is more urgent than ever in Nigeria because of the growing number of elderly people.

Younger family members are known to take advantage of the incapacities of the elderly in the family by taking over the lands of their parents. The high cost of litigation in these matters has increased the levels of poverty. In response, many elderly are turning to begging in the streets. There is no national social security; only Ekiti state has been known to give the elderly N5,000, or \$15 per month, as welfare. There are only a few government owned homes for old people and most are reliant on charity for their survival. Gender inequities continue in old age – poor older women feel more isolated and get labelled as witches. Older widows are also disinherited with impunity.

Nigeria passed the Child Rights Act in 2003 to protect children's rights but this has not led to any positive and visible changes in how children are treated. In Nigeria, the government has relinquished its responsibilities to protect children. Almost all the states that have passed the Child Rights Act are not implementing it. This situation is worse in the northern regions of Nigeria where there is a strong issue of child brides condoned by traditional and religious leaders.

Children make up a significant number of the poor and extremely poor. Those living in the poorest households are most likely to be engaged in child labour. They are also most likely to suffer serious deficiencies in nutrition, shelter, clothing and other basic needs. This adversely affects their mental wellbeing and physical development. They are also more likely to be out of school, compromising the rest of their lifetime choices. They are at greater risk of exploitation, violence and

abuse, including child labour and trafficking. In many instances, they resort to hawking in the streets and doing domestic work.

Socially, in some parts of Nigeria, children are branded as witches and made to pass through untold hardships and terrible practices. In recent years in North East Nigeria, there have been cases of schools being attacked and children abducted and killed by terrorist groups.

There is an ever-increasing surge of child abuse in Nigeria. In Lagos state alone, 192 sexual and child abuse cases were recorded in 2016. Of these, 89 were domestic violence cases, 62 defilement cases, 18 rape cases, six attempted rape, 10 child neglect and seven child abuse cases. Only 92 cases were heard in court (Daily Post, 2016).

### **Indigenous groups and ethnic minorities**

The Nigerian government does not specifically refer to any group as indigenous – rather it identifies all people as being part of ethnic groups. Indigenous people often identify themselves as minorities. The Ogonis and Ijaws in the Niger Delta, for example, have claimed self-identify as indigenous peoples. Over the years, these groups have been at the centre of every conflict about nationhood, fairness, justice and fair distribution of resources (specifically oil). They have also been deprived of their territorial, economic and political autonomy, and customary beliefs and values which once unified them and their communities.

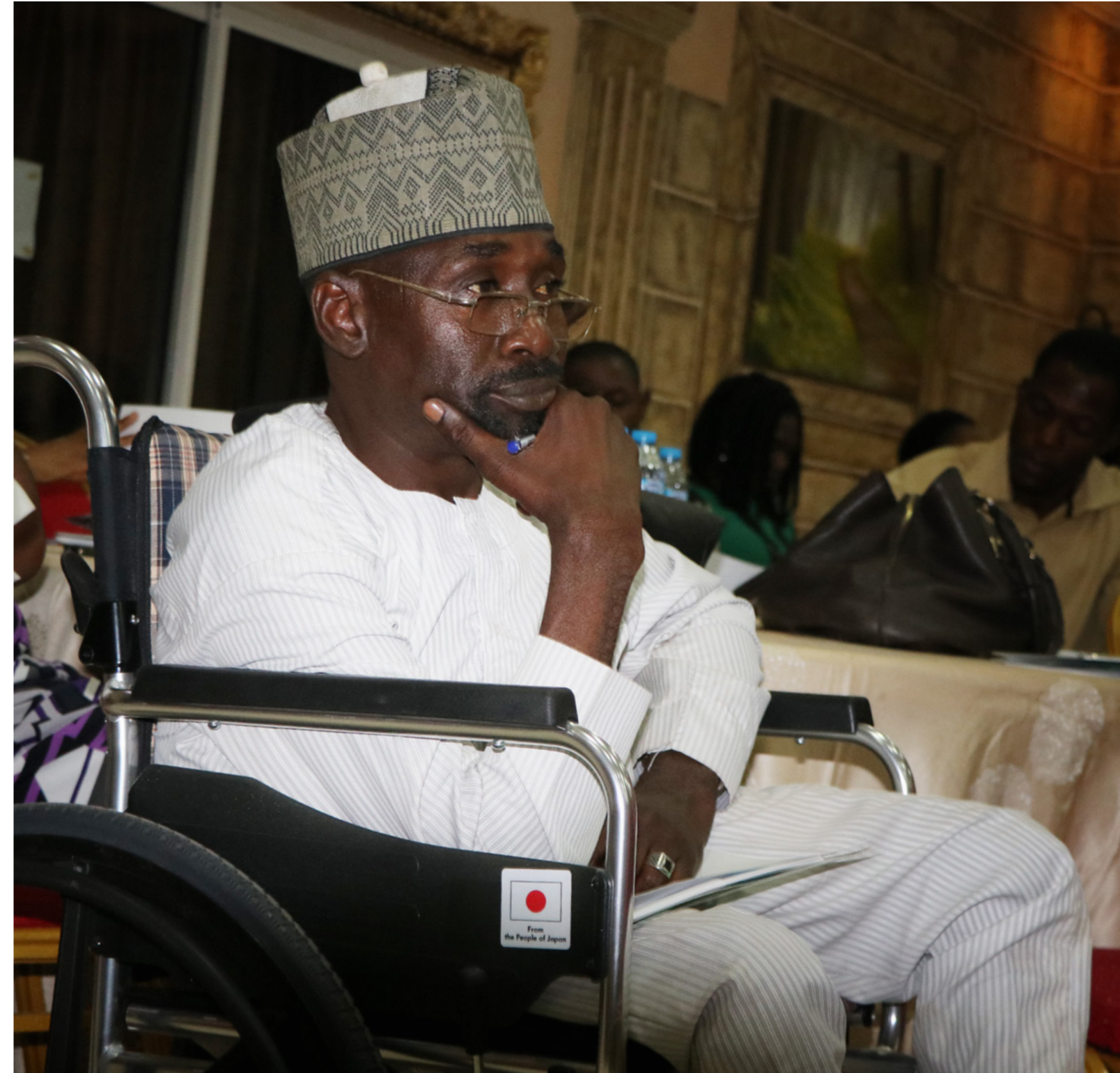
The conclusion after hearing all participants in the Voice South – South Forum is that the resources at the disposal of the government and the oil companies weigh against the people. This has been documented to a great extent in the media and communities have tried to exert their rights by pursuing legal claims against companies such as Shell, both in the United Kingdom and in the Netherlands. Nationally, the people face overwhelming barriers in asserting their rights due to long-lasting legal processes in an overcrowded court system. This is coupled with an inadequate record of enforcement of court orders due to corruption, especially under military dictatorships. It is clear that the status quo needs to change if the nation desires an end to insurgencies. Government continues to act as a super power while the indigenous groups remain voiceless with little power.

### **Stakeholder analysis**

Civil society organisations are a prime catalyst for promoting inclusivity of marginalised citizens in Nigeria. They have the capacity to play this role on diverse levels and for different kinds of excluded groups. Most of these organisations use a bottom-up approach with these groups because of their linkages with community-based groups within their coalitions and networks.

They have learned to work with the media and government ministries, departments and agencies. With adequate funding and partnerships, they can engage on a larger, sustainable scale with policy formulation and advocacy. Cross-cutting potential allies are key federal and state ministries such as the Justice, Education, Health, Labour and Productivity, Planning Commission, and the Ministry of Women Affairs and Social Development. Others are legislators at the federal, state and local government levels.

Although civil society organisations have experienced relative freedom of assembly and association, in 2016 regulations pertaining to civil society registration and funding are trying to limit that space.



# TANZANIA

POPULATION IN 2016

**55.572.201**

SIZE

**945,087 KM<sup>2</sup>**

HDI RANKING 2016

**151/188**

INEQUALITY ADJUSTED HUMAN  
DEVELOPMENT INDEX 2016

**0,396**

GENDER INEQUALITY INDEX 2016

**0,544**

CIVIC SPACE (CIVICUS MONITOR 2017)

**OBSTRUCTED**

**HDI** - Human Development Index and its components, ranks countries by HDI value and details the values of the three HDI components: longevity, education and income.

**IHDI** - Inequality-adjusted Human Development Index - IHDI looks beyond the average achievements of a country in longevity, education and income to show how these achievements are distributed among its residents. An IHDI value can be interpreted as the level of human development when inequality is accounted for.

**GDI** - Gender Development Index, measures disparities on the HDI by gender. The table contains HDI values estimated separately for women and men; the ratio of which is the GDI value. The closer the ratio is to 1, the smaller the gap between women and men.

**Civic space** - The CIVICUS monitor assigns each country a rating on civic space based on constant analysis of multiple streams of data on civic space. The rating is open, narrowed, obstructed, repressed or closed. <https://monitor.civicus.org/Ratings>

## Introduction

The United Republic of Tanzania is an East African nation within the African Great Lakes region. Parts of the country are in Southern Africa. It is surrounded by eight countries and has a long coastline along the eastern border, hugging the Indian Ocean. Tanzania's population is diverse, comprising several ethnic, linguistic and religious groups. The population is growing rapidly at 2.7% per annum.

Women constitute 51.3% of the population with the vast majority (70%) residing in the rural areas.

The number of registered civil society organisations (CSOs) in 2013 stood at 19,489. The number of active CSOs however is estimated to be much smaller (2013 CSO Sustainability Index for Sub-Saharan Africa).<sup>6</sup>

Space for civil society is shrinking. This is due to the state limiting freedom of speech, association and assembly in a manner not witnessed in other places in recent years. While acutely affecting the Voice target groups, it has also raised the alarm within civil society, creating new opportunities and an impetus for collaboration – to remain relevant and legitimate – in advancing the advocacy issues of their constituents.

The fear of reprisal from the state has considerably affected the ability of mainstream civil society organisations to accommodate and include the concerns of the most marginalised groups in society particularly the LGBTI community. LGBTI organisations and groups hence operate on the margins of society, in secrecy and in isolation.

Despite these growing concerns, pockets of opportunity are opening up through initiatives such as the 'Leave No One Behind' campaign that promotes the Sustainable Development Goals (SDGs) in Tanzania. Through a multi-stakeholder national platform, a monitoring framework has been established with government for the implementation of the SDGs. This initiative may provide new opportunities for the Voice target groups to further their advocacy agenda and ensure their inclusion in national policy processes.

Voice in Tanzania is managed by Hivos and will include all five-target groups. Organisations from any geographic area will be eligible to apply for a grant.

## State of affairs

### Lesbian, Gay, Bisexual, Transgender and Intersex (LGBTI)

Social and political attitudes are very hostile towards LGBTI people in Tanzania. Sexual minorities face widespread discrimination, which limits their access to health care, housing, employment and justice. Tanzania criminalises consensual same sex practices and relationships, especially among men. In March 2014, a Member of Parliament proposed a bill to strengthen these laws, saying that the existing ones were inadequate and there was a need to punish people who 'induce others' to become gay or 'promote' homosexuality. In recent years, several high profile politicians and religious leaders have attacked the LGBTI community or those affiliated with it, which, in turn, has fuelled and legitimised the media and public to do the same.

LGBTI activists have been singled out and arrested for debauchery, branded 'prostitutes' and 'vagrants' and charged with being commercial sex workers under Section 176(a) of the Penal Code. Many have been assaulted by law enforcement agencies, detained for lengthy periods of time and denied bail. While existing legislation specifically outlaws homosexuality, there is no recognition of people who identify as transgender or intersex, which further marginalises

<sup>6</sup> Olungurumwa, O. (2016). The shrinking space of civil society in Tanzania.

them. Most media reporting has focussed on gay men in light of widespread public condemnation while limited attention has been afforded to lesbians or other sexual minorities.

'Mainstream' organisations working on LGBTI issues and rights are targeted by the political establishment for promoting homosexuality which they feel is tarnishing their image and reputation. The most recent example of this occurred in August 2016 when the Deputy Minister of Health stormed the offices of a well-known health organisation to inspect compliance of the recent ban on the importation and sale of lubricants. Others have been issued letters of intention to be deregistered on the grounds that they promote homosexuality through their health-rights projects. LGBTI groups in Tanzania cannot register as independent and legal civil society organisations. Consequently, many cannot operate legitimately or partake in recognisable platforms to address pertinent policy issues. LGBTI people commonly experience stigma in the workplace and in educational institutions. Forced eviction by house owners, loss of employment and discrimination from taking part in learning activities are common forms of exclusion.

### Women facing exploitation, abuse and/or violence

The basic poverty rate in Tanzania is 34% and women are over-represented among the very poor, putting them at severe risk of exploitation and abuse. Customs like female genital cutting are still prevalent increasing women's experiences of coercion and extortion.

While female participation in both formal and informal employment has increased over the last two decades (2.2% between 2001 and 2006, ILFS, 2014), the conditions under which women engage in these new economic opportunities remain oppressive with limited remedies to protect them from abuse and exploitation.<sup>7</sup> Besides gaining decent employment, women also experience marginalisation in accessing and controlling productive resources including land. Women own only 19% of registered land in Tanzania while the size of their plots is usually half of that of their male counterparts. In most rural settings where land is communally owned, women are unable to access any land as they lose such rights to ownership to their husbands and/or male siblings.<sup>8</sup>

Women's participation in the higher levels of public office as well in the democratic decision making institutions at national and local levels has been boosted by initiatives such as the National Strategy for Growth and Reduction of Poverty (MKUKUTA), reaching a target of 30%.<sup>9</sup>

### People living with Disabilities

The 2008 Disability Survey estimates that 6% of the Tanzanian population is living with a disability. The illiteracy rate among people living with disabilities is 48%, compared to 25% among able-bodied people. In ethnic minority communities such as the Maasai, disability is considered to be an abomination. Children with disabilities are invisible and denied basic services (such as health and education), consequently leading to higher infant mortality rates among children with disabilities.<sup>10</sup>

People living with disabilities experience notable challenges in the workplace, either through discrimination or inaccessible work environments, costing the government \$480 million every year – 3.76% of the country's GDP.

<sup>7</sup> In an interview with the Mwanza Gender Desk coordinator, it was reported that the desk finds it difficult to readily attend to women reported to have engaged in sex work even when they are victims of violence as sex work is itself considered illegal.

<sup>8</sup> Osorio, M., Percic, M. & Di Battista, F. (2014). Gender Inequalities in Rural Employment in Tanzania Mainland.

<sup>9</sup> Rehmattullah, S. (2010). Gender Analysis to inform the Oxfam Country Strategy.

<sup>10</sup> Feinstein (2014) explains: "Life for a Maasai with a disability is particularly problematic. Throughout history there has been a practice of killing and hiding mentally and physically impaired people. The Alaskan Inuits, the Woggeo of New Guinea, and the Maasai Tribe of Africa have routinely rid themselves of what they considered to be a burden to their community."

Within government, there are some people living with disabilities in higher political positions. Nevertheless, this is confined to urban areas and within central government; in rural areas, there are still high levels of marginalisation and exclusion from employment.

### Age-discriminated vulnerable groups

In Tanzania, life expectancy has grown from 43 years in 1960 to over 60 years in 2012. Over three million Tanzanians – or over 6% of the total population – are aged 60 and above. This number is expected to grow to 8.3 million people by 2050. This rapidly expanding group is also unfortunately more vulnerable than the rest of the population. Not only are elders poorer (by about 7%), but they are also more prone to disability (15.5% compared to 2.4% for those aged between 20 and 59. According to the International Labour Organisation, 73% of elders (aged over 65) were still active on the labour market in Tanzania, against 55% in Kenya.

Most elderly people live in villages and, in some parts of Tanzania, there have been reports of the killing of elderly women who were accused of witchcraft. The number is as high as 2,585 between 2004 and 2009 and stood at 630 in 2013, according to the Legal and Human Rights Centre. Old people are represented through elderly peoples' councils spread across the country, culminating in a national forum through which engagement and active policy debate with the government is pursued. The elderly peoples' forums are very active in engaging with local government authorities where some receive significant recognition. Recent policy reforms have offered an opportunity for old people to access medical health care freely.<sup>11</sup>

The Law of the Child (2009)<sup>12</sup> No. 21 classifies children as those under the age of 18 years. On the other hand, the 2007 National Policy for Youth Development<sup>13</sup> identifies youth as those between the ages of 15 and 35 years who constitute over 35% of the population and 65% of the labour force in the country.

With a rapidly growing urban population, Tanzania's towns and cities are becoming increasingly young as many young people migrate from rural Tanzania in pursuit of better economic opportunities. With a limited industrial economy, most young people engage in petty trade, transportation and in the hospitality industry in urban areas. Most of these jobs do not provide decent working conditions and often lead to violations of their rights.

As a result of declining opportunities for economic prosperity in the rural areas, the rate of human trafficking is also on the rise in Tanzania with many young men and women trafficked across towns and cities to undertake potentially exploitative work. In some cases, young people opt for sex work to complement the meagre income earned from petty jobs in the urban centres. Consequently, this leads to a higher risk of HIV infections among young people. In addition, this option exposes them to stigma from the community and the worst forms of abuse at the hands of law enforcement officers.

Tanzania records one of the highest child marriage prevalence rates in the world.<sup>14</sup> On average, almost 40% of girls will be married before their 18th birthday. About 37% of women aged 20-24 were married/in unions before age 18. A 4% decline since 2004 (41%) has been noted according to the Tanzania Demographic and Health Survey (TDHS 2012).<sup>15</sup>

There is no structure or coordinating mechanism to allow the youth to engage in strategic policy with the government despite the 2007 policy commitment to establish a National Youth Council. In March 2015, the parliament passed the act for the establishment of this Council<sup>16</sup> but little progress has been recorded thus far.

11 Daily News . (2012). Free Medical Care for the Elderly.

12 United Republic of Tanzania. (2009). Law of the Child Act.

13 United Republic of Tanzania. (2007).. National Youth Development Policy.

14 United Nations Fund for Population. (2014). Child Marriage Fact Sheet.

15 United Republic of Tanzania. (2012). Tanzania Demographic and Health survey.

16 Daily News. (2015). Tanzania: House Passes Youth Council of Tanzania Bill. Available at <http://allafrica.com/stories/201504020335.html>

### Indigenous groups and ethnic minorities

Tanzania is a multi-ethnic society made up of over 125 different communities. Four of these communities – the Hadzabe, the Akie, the Maasai and the Barabaig – identify themselves and have been recognised by various international instruments and some national policies as 'indigenous peoples'.

Incidents of violent violations of human rights are regularly reported including periodic conflicts with other communities. Discrimination is rife as is inhumane and degrading treatment and punishment by state institutions (police, etc.). Northern Tanzania (Arusha and Manyara regions), serve as home to most of the indigenous communities. The Maasai however are present in at least 15 districts across the country.

Indigenous peoples face many obstacles in political participation at the local and national levels, due to a lack of education, their mobile lifestyle, and discrimination. The move towards increased de-centralisation has opened new opportunities for the communities to engage in governance. However, despite the safeguards provided through a quota system in local government, women remain highly invisible.

Indigenous people have protested against land alienation and have filed numerous lawsuits with limited success. The passing of the Wildlife Conservation Act in 2009 has made it increasingly easy for the government to appropriate their lands. Indigenous communities often find themselves at the centre of intensive competing interests between agriculture, conservation and commercial hunting. The loss of ancestral lands, the fragmentation of rangelands and the restrictions to their mobility are, together with climate change and investments into extractive industries, undermining and irretrievably shifting the indigenous peoples' livelihood systems.

A major area of dispute is the granting of hunting licences (going back to 1992) to Otterlo Business Corporation Ltd (OBC), registered in the United Arab Emirates. In July 2009, the government evicted Loliondo residents from the area used for hunting by OBC. It is estimated that about 200 Maasai homesteads were burned, resulting in the loss of property including cattle and other livestock. It is alleged that up to 20,000 residents of Loliondo were impacted and up to 50,000 head of livestock were displaced from grazing and water sources.

### Influencing and learning agenda

For more effective advocacy by the Voice target groups, it is important to strengthen:

- The need and access to more credible data/accurate statistics on the demographics of the elderly, violence against children, access to justice for women, etc.;
- Forging partnerships beyond the traditional civil society groups in order to transform social attitudes towards the Voice target groups. Working in collaboration trade unions, the private sector and self-help groups, for example, can provide space for innovation within Voice;
- Working with mainstream organisations as a means to channel the concerns and for building legitimacy across the civil society spectrum;
- Working with national accountability institutions will build legitimacy, for example, the Commission for Human Rights and Good Governance which has oversight responsibility to hold government to account for its conduct with respect to broad and specific human rights concerns;
- Use of international agreements such as the Universal Periodic Review, the Convention on the Rights of Persons with Disabilities, the Convention on the Rights of the Child and UN Declaration on the Rights of Indigenous People. These instruments have provided useful opportunities for civil society to come together to hold government accountable against agreed standards. Civil society participation in the monitoring of Tanzania's commitment under such instruments has, so far, been very weak, which calls for more collective action;
- Working with others from similar contexts can help build resilience and skills necessary to advance the target groups' advocacy priorities. For example, the LGBTI community in

Tanzania can learn from their counterparts in Uganda, who have faced political onslaught and managed to build resilience and deploy strategic advocacy approaches;

- Working with relevant government ministries is critical to achieving policy and/or legal reform and to influence the implementation of these policies. Local government is much closer to the constituency and thus central for measuring results at the grassroots level.

### Engaging civil society

The overall capacity of civil society in Tanzania is fragile as most operate as informal movements. Those that are formal (with registration) struggle with organisational development issues and weak management skills.

Solidarity within the sector is limited to opportune moments and events as opposed to having a long-term strategic and sustained approach. LGBTI organisations and groups, in particular, also struggle to get support from mainstream organisations for fear of reprisal from the state.

The Voice target groups have established varying approaches to surviving the current context and avoiding state intrusion into their civic space.

In most cases, civil society organisations and leaders have chosen to negotiate their space with the state in order to retain their existence.

In other cases, litigation has been the preferred means for countering the overbearing role of the state in regulating civic space, for example, the ban of the Women's Council and the intention to deregister CHESA, an LGBTI friendly organisation. Both could be seen as potential grantees under the Voice Sudden Opportunity grant window.



# KENYA

POPULATION IN 2016

**48.461.567**

SIZE

**580,367 KM<sup>2</sup>**

HDI RANKING 2016

**145/188**

INEQUALITY ADJUSTED HUMAN DEVELOPMENT INDEX 2016

**0,555**

GENDER INEQUALITY INDEX 2016

**0,565**

CIVIC SPACE (CIVICUS MONITOR 2017)

**OBSTRUCTED**

**HDI** - Human Development Index and its components, ranks countries by HDI value and details the values of the three HDI components: longevity, education and income.

**IHDI** - Inequality-adjusted Human Development Index - IHDI looks beyond the average achievements of a country in longevity, education and income to show how these achievements are distributed among its residents. An IHDI value can be interpreted as the level of human development when inequality is accounted for.

**GDI** - Gender Development Index, measures disparities on the HDI by gender. The table contains HDI values estimated separately for women and men; the ratio of which is the GDI value. The closer the ratio is to 1, the smaller the gap between women and men.

**Civic space** - The CIVICUS monitor assigns each country a rating on civic space based on constant analysis of multiple streams of data on civic space. The rating is open, narrowed, obstructed, repressed or closed. <https://monitor.civicus.org/Ratings>



## Introduction

Kenya is a multi-ethnic state in the Great Lakes region of East Africa. Its population is growing annually by one million. Almost 75% of the population is under the age of 30. The country has made significant structural and economic reforms that have contributed to sustained economic growth. The political context in the recent past however has been heavily shaped by historical domestic tensions and contestation associated with the abuse of power and high levels of corruption.

Kenyans living in different regions have diverse lifestyles and access to services. In spite of past development policies and funds such as Free Primary Education, Secondary Schools Bursary Fund, Constituency Development Fund, Local Authority Transfer Fund or Rural Electrification Fund, levels of deprivation still remain extremely high in some areas.

Women's political representation in parliament is low at 10%, trailing far behind the global average of 18.8%.

Gender roles tend to vary by ethnic groups and between rural and urban areas. Gender equity is highest in and around Nairobi, the capital city, and lowest in the north-eastern parts of the country. Although Kenya is a secular state, it is strongly influenced by religious institutions that serve a population of about 75% Christians and 14% Muslims. Voice in Kenya is managed by Hivos and is implemented nationally with a focus on the rural areas. There is full recognition that all oppressions are connected and hence intersectionality is at the core. Voice will work with all five target groups on the following learning agendas:

**Political participation of women:** Kenyan civil society groups are actively engaged in the political life of the country and are considered vibrant and active. The needs of minority and indigenous women, including Lesbian, Bisexual and Transgender women, have not however been considered.

**Transgender and intersex persons** have unique health care needs – hormonal therapies, surgery and psychological counselling. Most health practitioners still remain uneducated in part due to the limited body of research on gender diversity and the lack of training within medical schools on issues related to transgender and intersex health.

### Education for people living with disabilities

Only 5% of learners with special needs transit from primary to secondary schools whereas the national average for all learners is 79.6%. This could be attributed to the lack of adequate secondary schools, facilities and teachers to take care of learners with special needs. Education for persons with disabilities is not fully accessible, available, affordable and adaptable to the needs of learners with disabilities.

## State of Affairs

### People living with disabilities

3.5% of the Kenyan population are classified as people living with disabilities. The majority reside in the rural areas, which are characterised by high levels of poverty.

Like elsewhere, they suffer from economic exclusion – limited access to land, finance and credit, employment and labour market integration. This is due to their lack of education opportunities and the difficulties of mobility to urban areas where there are more economic opportunities. Sadly, many people living with disabilities lack the necessary market skills especially for knowledge/skills based formal employment. This is combined with the fact that many employers are

unwilling to hire persons living with disabilities due to the costs of making adjustments in the workplace and also finding suitable accommodation for them.

Despite Article 54, which stipulates that 5% of members in elective and appointive bodies should be persons living with disabilities, government ministries and entities have not adhered to such a requirement.

The following are areas of work for Voice partners in Kenya:

- A** Full realisation of Article 54 of the Constitution for people living with disabilities;
- B** Increased access to secondary and tertiary education;
- C** Mobility in public transport and access to physical facilities through adoption of reasonable accommodation;
- D** Access to specialised health services and subsidised health care;
- E** Access to business premises or space for trading activities in urban areas.

### Lesbian, gay, bisexual, transgender, and intersex (LGBTI) people

Kenya is among the 37 countries in Africa that criminalise homosexual or consensual same sex practices and relationships, especially among men.

Having said that, the country's constitution provides protection for all and while it does not explicitly provide for non-discrimination on grounds of sexual orientation and gender identity, there is scope for this to be rectified through the courts. Two petitions challenging the constitutionality of the present penal codes have already been filed by LGBTI organisations in Kenya.

It is social attitudes and traditions however that guide views and beliefs of citizens. According to Pew Global Attitudes Project (2007), 97% of Kenyans believe that homosexuality is a way of life that society should not accept. Political leaders – both president and deputy president – as well as religious leaders have publicly denounced homosexuality and made it clear that the LGBTI community has no place in Kenya. The majority of sexual and gender minorities face widespread persecution by state and non-state actors, stigma and discrimination at service delivery sites and violence.

Despite this, the country has a thriving LGBTI movement. This is evident by an ever-increasing number of LGBTI organisations spread throughout the country. Currently, more than 32 have registered as organisations, networks or groups, the vast majority catering for the needs of young people.

Due to restrictive and discriminative laws, LGBTI persons are denied their rights and this has led to serious implications on how they are treated – arrested by the police and/or their activities criminalised; denied opportunities for assembly and expression; and non-existing LGBTI-supportive workplace policies. Policies are silent regarding their full involvement in decision-making processes and platforms to influence policies that affect them are lacking.

Intersex and transgender people are not recognised by law and thus there is no legal framework to guide the handling of intersex children (psycho-social support or medical interventions), therapy treatment and/or gender affirming surgery for transgender persons.

Voice will work with partners on influencing the following for Transgender and Intersex people:

- A** Access to education for young people whose families or guardians have refused to take care of them;
- B** Comprehensive legal framework and medical services for gender identity and re-assignment surgery;
- C** Access to comprehensive health services.

## Women facing exploitation, abuse and/or violence

The total female population in Kenya is 19,417,639 (50.3%). With regard to age categorisation, 52.6% (10,219,346) are females between 0 and 19 years, 25.5% (4,955,579) are females between 20 and 24 years, 18% (3,503,243) are between 35 and 64 years, 2.6% (505,287) of females are between 65 and 79 years, and 1.2% are above 80 years. This means that 78.1% of the female population are below 35 years.

Women bear the biggest brunt of exploitation, abuse and violence. The Bill of Rights, as enshrined in the Constitution of Kenya, protects the rights of men and women equally. Article 27 of the Constitution provides for freedom from discrimination based on gender or sex, among others.

The most vulnerable to economic exploitation are women working in:

- Large agricultural and horticulture farms (coffee, tea and flowers);
- The fishing industry along Lake Victoria;
- Extractive industry such as mining and quarrying; and
- Exploitative labour, forced prostitution and human trafficking.

With regards to violence and abuse, Somali, Samburu, Kisii and Maasai communities lead in female genital cutting with over 77.9% of the women/girls affected while forced and early marriages for young girls is especially prevalent in Kilifi (47.4%), Homa Bay (38%) and Kwale (37.9%).

Violence against women is widespread across the country. There are however some contexts that predispose women more to violence, such as areas that have experienced conflicts and clashes, informal settlements/slums and broken or dysfunctional homes.

Based on the findings from the contextual analysis, Voice in Kenya has identified the following strategic areas of interventions that grantees may want to explore:

- A** Reduction of sexual and economic exploitation of women in large agricultural farms and those in the fishing industry;
- B** Young women facing forced prostitution and human trafficking;
- C** Female genital cutting among the most affected communities;
- D** Women facing violence within marital or family set up especially in Nairobi, Western and Nyanza regions;
- E** Women facing sexual violence such as rape in conflict prone areas and urban settlements/slums.

## Age-discriminated vulnerable groups, notably the young and the elderly

The elderly make up 4.9% (1,926,051) of Kenya's population. In many instances, the elderly are left in rural areas to fend for themselves as able-bodied family members move to urban areas in search of better economic prospects. The elderly residing in the urban areas are in crowded slums and informal settlements without due care. Older persons without land face the most extreme exclusion due to their inability to buy/construct homes and their lack of credit worthiness from financial institutions. Only 7.4% of persons above 55 years have access to a pension and many lack health insurance as private institutions exclude older persons from cover.

The key advocacy interventions Voice intends to support will be to ensure the elderly have improved access to health insurance and access to financial services, especially credit, and that cash transfers are expanded to include older persons.

Also included in the category of age-discriminated vulnerable groups are:

## Youth aged 18-35 years

According to the Kenyan Youth Survey conducted in 2015, 55% of the youth are unemployed, with females bearing the brunt at 62%. This is worse among rural young women, at 68%. They face the challenges of unemployment, are at risk of radicalisation, harassment by the police and impediments to accessing essential services such as education and healthcare.

As only 25% of the youth have completed secondary education, they cannot be integrated into formal and skilled employment. Youth form the bulk of casual labourers in the manufacturing sector as well as on the large agricultural farms. Joblessness has resulted in desperation and hopelessness. Consequently, some have fallen victim to radicalisation, extremism and terrorism, with those from northern and coastal regions and informal settlements being targeted with the lure of well-paying jobs and a good life.

## Children under 18 years

Children under the age of 15 make up 42.2% of the population. This category targets orphans and vulnerable children, street children and girls facing genital cutting, and early and forced marriages. They face vulnerabilities that predispose them to inequalities and socio-economic exclusion, especially from education opportunities. Some children in Kenya are exposed to the worst forms of child labour such as sand harvesting along riverbeds, khat picking, quarrying, coffee picking and even gold mining in some regions. There are an estimated 250,000 street children in Kenyan cities who are denied access to health and education services. Child prostitution and trafficking are common especially in the tourist centres of Nairobi, Mombasa, Malindi and Kisumu.

Interventions for youth and children that Voice in Kenya aims to support include:

- Orphaned boys' access to cash transfer programme;
- Street children's access to education and health services within their context;
- The abolishment of child prostitution, pornography and trafficking
- Access to secondary education for orphans and vulnerable children;
- Youth access to vocational and technical education;
- Youth vulnerable to radicalisation, extremism and organised crime.

## Indigenous groups and ethnic minorities

The Voice contextual analysis in Kenya established there are at least 21 ethnic groups with a population of less than 100,000. These groups are excluded from the mainstream in several ways, including:

- Lack of recognition by state agencies;
- Lack of recognition, preservation and protection of traditional land rights;
- Not being integrated into the labour market especially in public service;
- Lack basic infrastructure and services such as education, health and financial services.

For Voice, the opportunities are to work with grantees on issues of identification, preservation and protection of land rights; access to education and health services; and access to employment in public service (national and county level).

## Civil Society Influencing

As Kenya is a democratic country, there is substantial space for implementing Voice. This space is guaranteed by the Bill of Rights in the Constitution, the governance system, strong policy framework and legislative and adjudicative institutions. Civil society organisations at national and county levels also have the freedom to engage in governance processes.

In addition, as core national values, Article 10 of the Constitution provides for public participation, good governance, democracy, transparency, accountability, social justice, equality and sustainable development.

Individual citizens and civil society organisations have the liberty to engage in empowering the powerless.

Voice will target leadership at county level. It is tasked with the responsibility of developing jurisdictions and ensuring equitable opportunities for all while addressing the needs of marginalised groups and regions.

Efforts have been made to domesticate and implement international provisions through the creation of policy documents and a spectrum of legislation in Kenya. Although many policies have been adopted, they have not been implemented, monitored or evaluated.

The greatest challenge is the need for clearly defined systems of enforcement including strengthened capacity of law enforcers and the judiciary in child protection issues. This lack is coupled with a shortage of resources to implement and monitor laws and policies.



# UGANDA

POPULATION IN 2016

**41.487965**

SIZE

**241,038 KM<sup>2</sup>**

HDI RANKING 2016

**163/188**

INEQUALITY ADJUSTED HUMAN DEVELOPMENT INDEX 2016

**0,493**

GENDER INEQUALITY INDEX 2016

**0,522**

CIVIC SPACE (CIVICUS MONITOR 2017)

**REPRESSED**

**HDI** - Human Development Index and its components, ranks countries by HDI value and details the values of the three HDI components: longevity, education and income.

**IHDI** - Inequality-adjusted Human Development Index - IHDI looks beyond the average achievements of a country in longevity, education and income to show how these achievements are distributed among its residents. An IHDI value can be interpreted as the level of human development when inequality is accounted for.

**GDI** - Gender Development Index, measures disparities on the HDI by gender. The table contains HDI values estimated separately for women and men; the ratio of which is the GDI value. The closer the ratio is to 1, the smaller the gap between women and men.

**Civic space** - The CIVICUS monitor assigns each country a rating on civic space based on constant analysis of multiple streams of data on civic space. The rating is open, narrowed, obstructed, repressed or closed. <https://monitor.civicus.org/Ratings>

## Introduction

Uganda is part of the East African community that also includes Kenya, Tanzania, Rwanda, Burundi and South Sudan. In 2014, 55% of the population were children under 18 and 23% were youth, aged 18-30. Uganda thus has one of the youngest and fastest growing populations in the world. The vast majority (75%) of the population reside in the rural areas, depending heavily on subsistence farming as the main source of income.

Uganda is an emerging democracy, with a legal and governance landscape characterised by the interplay of formal and informal institutions. Cultural leaders and elders' decisions hold sway in many communities across the country. Similarly, customary norms and religious prescriptions run side-by-side with the written laws in setting what is acceptable in Ugandan society.

The Constitution, promulgated in 1995, commits its fourth chapter to the Bill of Rights, which espouses democratic principles, encourages mutual relations between the state and society, and upholds accountability. The government has taken various steps to improve the country's governance systems through building institutional frameworks and prioritising the development of the nation.

The young democracy is however beset with many challenges, including:

- Increased centralisation of power in the executive arm of government;
- An entrenched patronage system of governance;
- Disregard for the rule of law by some members of society and institutions;
- Shrinking of civil society/media space and freedoms;
- Weaknesses in the enforcement of laws;
- Lack of accountability for violations of human rights.

### Intersectionality

The Context Analysis examined the exclusion faced by all Voice target groups and the following intersectional issues emerged from the analysis:

**Gender:** Across all groups, women experience greater marginalisation compared to their male counterparts. Sexual and spousal violence towards women with disabilities and indigenous women is rampant. In fact, gender alone can put an individual at an increased risk of exploitation (sexual and child labour) as experienced by girls being trafficked from rural areas to urban centres.

**Poverty:** Like gender, the poor within an already disadvantaged group are often side-lined and suffer greater marginalisation and exclusion, thus exacerbating their levels of poverty. Lesbians, Gays, Bisexual, Transgender, Intersex (LGBTI) people and people living with disabilities, for instance, suffer exclusion from both education and employment opportunities, leading to higher levels of poverty within these groups.

**Spatial Isolation:** Where one lives, for instance, rural vs. urban, hard to reach areas vs. areas on a tarred road and conflict affected communities can determine the level and experience of marginalisation. This also affects the access to key social services. Geography is a major contributor to the marginalisation of indigenous ethnic groups such as the Batwa. Similarly, rural women are more vulnerable to abuse and violence, and rural people living with disabilities have to contend with stigma (for instance, being locked up in their houses as a family disgrace) than those in urban settings.

**Social Stigma:** Stigma, a form of marginalisation, increases the risk of other forms of exclusion – within the family, workplace and society in general. The stigma surrounding LGBTI persons deprives them of legal recognition under Ugandan law, even though the Constitution promotes human rights and equality. Stigma and harmful superstitions about women living with disabilities exposes them to sexual violence. Similarly, stigma towards indigenous peoples like the Batwa excludes them from participating in Uganda's political life, especially from elective politics.

**Invisibility in official data:** Across all the groups, there are huge gaps in official statistics. Published national data on persons living with disabilities is not disaggregated according to gender or types of disabilities. Like elsewhere, there is no official data on LGBTI persons, despite intense public interest in the topic as evidenced by official actions to limit their freedom. On the whole, all LGBTI groups are largely invisible in public data sets.

### Thematic and geographic priorities

Voice in Uganda is managed by Oxfam. Following the deliberations at the in-country consultation and taking cognisance of the intersectional challenges mentioned above, Voice in Uganda will focus on women who face abuse, violence and/or exploitation; people living with disabilities; ethnic minorities and indigenous people. The outcomes set include: Enhanced collaboration and engagement between the Voice target groups; more consistent implementation and accountability of the Social Development Action Plan; Specific influencing agenda will focus on: the role of the Equal Opportunities Commission; mainstreaming minorities and vulnerability issues in key government policies; greater allocation of resources in local and national budgets; enhancing public awareness; Learning agendas: more effective advocacy in a complex political and social context and more effective approaches to research.

## State of affairs

### People living with disabilities

Ugandan society abounds with myths and stereotypes towards people living with disabilities, leading to stigma and discrimination in schools as well as in local communities. Disabled children are often seen as a burden to their families and/or kept hidden from the public because of shame. Only about 9% of children living with disabilities (of school going age) attend primary school, compared with a national average of 92%, and only 6% continue studying in secondary schools, compared to the national average of 25%.

Despite written safeguards in the Employment Act, evidence from the National Union of Disabled Persons of Uganda shows that the majority of people living with disabilities (particularly the youth), do not benefit from government initiatives due to negative attitudes and perceptions that they do not satisfy the conditions.

The National Association of Women with Disabilities in Uganda has identified various forms of violence and exclusion that women with disabilities face: rape and defilement; forced marriages; psychological torture; denial of parental care of children by men; forced family planning; discrimination in accessing justice; physical abuse; and denial of property rights or theft of property and money.

While the legal and policy framework may be positive and inclusive, its downfall lies in the poor implementation of policies and programmes, due to limited resources and the lack of accountability.

## Sexual Minorities – Lesbian, Gay, Bisexual, Transgender and Intersex (LGBTI)

Whereas there is intermittent evidence of the existence of sexual minorities in traditional Ugandan society and even some royalty are gay, the practise of homosexuality is still considered different and public discussion is limited. Over the years, and largely influenced by the advent of religious (particularly Christian) perspectives of homosexuality as a cardinal sin, there has been growing intolerance of sexual minorities.

In Uganda, the law criminalises consensual same sex practices and relationships, especially among men. The Parliament of Uganda passed Anti-Homosexuality Act 2014 with life in prison substituted with the death penalty. Although the Bill was signed by the President, the Constitutional Court of Uganda ruled the Act invalid on procedural grounds. The Act has exacerbated both the endemic homophobia and the associated discussions about it. LGBTI persons live under constant threat of harassment, violence and/or being arrested. Violations and exclusions manifest in the form of:

- Violence and cultural prejudices leading to rejection by family members;
- Institutionalised homo and transphobia. Neglect by policy institutions of the existence and needs of LGBTI people living with disabilities and young and elderly LGBTI persons. Institutionalised and structural violence and harassment by state actors and private entities;
- Poor access to health care, forced medication and cruel treatments by health care workers;
- Inadequate realisation of their socio-economic rights. Most are trapped in a poverty cycle (over 70% are unemployed) with limited access to information and educational opportunities;
- Work place discrimination has pushed LGBTI persons into self-employment but opportunities for skills development and access to capital are limited;
- Social repression is manifested in the form of: verbal abuse, silence, ridicule, hate crimes, ‘corrective rape’ of lesbians, honour-related violence and forced marriage.

The Committee on Equal Social and Cultural Rights (2015) has deplored the situation of LGBTI persons in Uganda who are frequently denied access to health care and, in particular, same-sex partners who face serious difficulties in accessing HIV/AIDS related prevention, treatment, care and support services.

Despite all the barriers, the LGBTI movement in Uganda is vibrant and very active. Many organisations and groups advocate for human rights including health rights, equality and non-discrimination on the basis of sexual orientation and gender identity. Whilst there has been some progress on engagement of sexual minorities in the health sector and some victories in court, political engagement by sexual minorities and their issues are still considered politically sensitive and risky.

## Women who face exploitation, abuse, and/or violence

In Uganda, there is a persistence of patriarchal attitudes and deep-rooted stereotypes emanating largely from traditional and religious beliefs regarding the roles, responsibilities and identities of women and men in all spheres of life. These customs and practices perpetuate the discrimination against women and girls, reflected in their disadvantageous and unequal status in many areas such as education, public life, decision-making, marriage and family relations. This includes the persistence of violence against women and harmful practices, including polygamy, early marriages, female genital cutting and the practice of bride price.

Women remain among the most marginalised in Uganda, with limited power, influence and voice. They often lack access, control and ownership of productive resources such as land, credit and businesses particularly in rural areas and in post-conflict communities in the northern region. Women also bear a disproportionate burden of care work within the home – for children, the ill, disabled or elderly, collecting firewood for fuel, cooking, fetching water and weeding crops,

among others. This care work is unpaid yet it takes up a considerable amount of women’s time which means they remain excluded from participating in community meetings and other development initiatives.

Women who face violence and abuse are particularly challenged in accessing justice because of negative attitudes, lack of awareness and limited resources. On social exclusion, the emphasis has been placed on the establishment of institutional and policy frameworks (including political representation from community to national level) but not enough has been done about the structural and cultural drivers of gender injustice. Discriminatory laws such as marriage and divorce, and succession laws, among others, further contribute to the marginalisation of women in society.

These factors have a negative impact on women’s ability to participate in and influence decision-making.

## Age discriminated persons

**The Elderly** (persons aged 60 years and above) constitute 3.7% of Uganda’s population. The figure is steadily growing due to the improvement in life expectancy (40 years in the 1950s to 65 years in 2000).

In traditional African society, the elderly played a very important role in preserving cultural values, settling disputes and transmitting knowledge and skills to younger generations. These traditions have been largely discarded today and there is evidence that Uganda’s older persons no longer enjoy the privileged position they once did. Existing traditional and formal social protection mechanisms are inadequate for safeguarding the elderly population of today.

They often find themselves living in isolation, saddled with dependents such as orphans or offspring of family members who have moved to the cities. They are also subject to abuses such as rape, theft, dispossession of property by individuals, families or the community and are, among other things, accused of witchcraft, preventing or causing too much rain for which they get tortured and assaulted.

Older persons have a greater need for healthcare related to their vulnerability to non-communicable diseases and disabilities. Government health facilities lack specialised services for the elderly and, due to strict regulations, the private health insurance companies exclude them. Furthermore, service providers tend to have negative attitudes towards the elderly.

Political space for the participation of the elderly does exist from community to national level. However, actual engagement and influence for the majority of older persons remains limited. Through the work of various civil society organisations, the elderly have managed to secure recognition of their key challenges and have obtained commitment from the government to invest in identifying and addressing their concerns.

**The Youth**, aged 18 to 30 years, make up 23% (7.9 million) of the total population. Youth unemployment in Uganda is very high, with some estimates putting it at 78%. The vast majority engage in the informal sector, often because they lack opportunities to earn the requisite skills or qualifications to find employment.

Prejudicial traditional societal beliefs treat the youth as unable to make a meaningful contribution to society because they are regarded as inexperienced and/or immature. So, despite their demographic strength, their level of influence in decision-making is limited and they are more often marginalised and manipulated by different political entities and their concerns or priorities are ignored.

## Ethnic groups and indigenous persons

There is no specific definition of indigenous persons in Uganda. The groups that are documented in a number of studies include: the Benet (Ndoorobo), Bagangaizi, Bayaga, Basese, Meru, Wangwar, Bakingwe and Banyanyanja. Obtaining information/statistics about these groups is hindered because they often live in geographically isolated and inaccessible regions.

The lack of legal recognition of ethnic minorities has contributed to the failure of government to promote and preserve their cultural rights.

Most of these groups lead a rural existence where their situation is steadily deteriorating due to increased competition for natural resources, the effects of climate change (such as drought) and growing impoverishment. The establishment of national parks, conservation areas and large-scale commercial enterprises has led to economic exclusion, land alienation and dispossession. The discrimination and marginalisation experienced by the indigenous people is deeply entrenched and takes the form of land rights' violations, poor education, lack of provision of social services, negative stereotyping and segregation. Collectively, this has contributed to a negation of their livelihood systems and deprivation of their resources and a threat of extinction of their cultural rights.

Despite Constitutional guarantees on the rights of minorities to participate in decision-making processes and affirmative action, participation of ethnic minorities and indigenous people is still low due to their small population, limited exposure and relatively low levels of education. According to the UN Monitoring Committee on Economic, Social and Cultural Rights (2015), the Batwa culture, is in danger of extinction.

Ethnic minorities have limited political representation, especially at district and national levels, and they are often subjected to domination and exploitation within national political and economic structures that are commonly designed to reflect the interests and activities of the national majority.

### Intended policy or practice changes

Uganda has an overall framework for policy, legislation and development programmes. Specifically, both the National and Social Development Plans recognise the needs of marginalised and socially disadvantaged groups, including most of the Voice target groups.

In addition, specific government programmes include the National Community Based Rehabilitation Programme geared towards the equalisation of opportunities, rehabilitation and inclusion of people living with disabilities; the district Social Assistance Grant for Empowerment programme; the Youth Livelihood Fund; and legislation such as the Domestic Violence Act.

The key challenges, as experienced in other countries, are not the absence of laws and favourable policies but the lack of implementation. Challenges to implementation include: limited resources and capacity, and inadequate personnel skills and weak structures to ensure that effective implementation and accountability are in place and functional.

In addition to these national level programmes, NGOs and international development agencies have programmes and activities that target these groups. At district and community levels, local government provides for consultative and participatory planning that should result in development plans that cater for all citizens, including the most marginalised.

Voice in Uganda intends to support organisations that lobby the resourcing and implementation of the Social Development Plan, as far as it supports the targeted groups.

Additionally, the Gender and Equity Certificate issued by the Ministry of Finance, in consultation with the Equal Opportunities Commission under the Public Finance Management Act, provides an opportunity to mainstream gender responsive resource allocation.

Gender cuts across all Voice target groups and thus the programme aims to support grantees that lobby for more consistent and widespread application of the Gender and Equity Certificate, especially within local government structures where most of the interventions are implemented.

There are legislative and policy gaps in relation to LGBTI persons who are considered illegal and ethnic minorities and indigenous people who do not have sufficient recognition under the law. Voice Uganda will pay specific attention to this.

## Lobby targets and spaces to influence

The Equal Opportunities Commission is important since its core mandate is to ensure that marginalised groups have equal access to opportunities and resources in Uganda. Despite being a relatively young institution, it has a vision to establish a social development group that can provide an important platform for understanding and planning for most of the Voice target groups. In addition, the Commission's role in the management of the gender and equity budgeting is another tool that can be used to highlight and ensure increased planning and support for these groups.

Other opportunities to influence policies and programmes exist at both local and national levels but need to be approached strategically. These include: local councils, traditional and religious leaders, parliament and law enforcement agencies.

Outside of government, the private sector may provide space for lobbying and influence, particularly for equal opportunities in employment as well as economic and social benefits for the various target groups. Private sector corporations should be lobbied to ensure that the economic investments they make do not have a detrimental effect on the rights of all citizens, including minority groups.

## Potential actors and allies

NGO/CSO advocacy for all the groups exists but is not effectively coordinated and/or harmonised. NGOs include national networks, national and district based organisations, as well as community based organisations. The capacities of these organisations such as skills, access to information/research, resources and strategies is variable. Within the structures of government, potential allies include: the Uganda Human Rights Commission and the Ministry of Gender, Labour and Social Development.

## Political will

Political will for most of the groups (except LGBTI) is demonstrated through recognition in the Constitution and key policy documents, appointments of special councils and by providing political positions within ministries and local councils. However, the expression of this political will seems to be limited to providing policy and programme prescriptions. The actual allocation of resources and the effective implementation and accountability is poor. LGBTI issues have almost no political will, except within the Ministry of Health where there is a growing appreciation of the risks of HIV among men who have sex with men and the need to address these as part of ensuring the overall health of the population.

## Civil society organising

Civil society in Uganda largely comprises legally registered NGOs with the exception of LGBTI groups who are unable to do so. Beyond formal organisations, civic groups are mobilised around gender (women's groups), economic activity (farmers' groups and savings groups) and social strata (religious groups and tribe based associations at universities).

The age discriminated groups such as the youth have, in many instances, established organisations largely to benefit from government programmes. These organisations exist in different parts of the country and focus on advocacy, monitoring the status of targeted groups and delivering specific services to them.

CSOs in Uganda have a mixed reputation. They influence some aspects of policy, legislation and decision-making, but may not have much sway on politically sensitive issues like LGBTI rights. In addition, the more influential ones are often urban based and not consistently in touch with 'the grassroots'. However, with the increasing focus on decentralisation and donor allocation of resources to grassroots level work, more groups/organisations are starting to expand their footprint beyond their urban bases.

A key impediment to organising and influencing are restrictions on civil society space reflected in legislation such as the NGO Act, 2016 and the Penal Code Act, among others, which have undermined the freedom of association and expression of certain CSOs.

There are a growing number of organisations involved in advocating for the rights of the identified marginalised groups (Human Rights Defenders). A number of these NGOs encourage participation of members of the targeted groups, which is a crucial empowerment strategy. They also operate both at local and national levels but rural areas (especially in hard-to-reach areas) tend to be underserved.

Whilst there is at least one national network for each of the target groups, there are still challenges of coordination with respective institutions, especially at the district level, resulting in fragmented programmatic interventions. Some of them also engage in coordination with government structures utilising existing platforms for participation, with mixed results.

A common challenge experienced by the organisations that work with minority groups is heavy donor dependency. Some groups, for example, the youth networks, suffer from lack of legitimacy, having fallen prey to political patronage, while others, such as organisations working with people living with disabilities, do not embrace inclusivity and have limited and fragmented programmes.

Due to inherent gender disparities, there is still a limited participation of women in comparison to men in many organisations. This is also due to several factors including illiteracy and poverty levels and cultural stereotypes, among others.





# CAMBODIA

POPULATION IN 2016

**15.762.370**

SIZE

**181,035 KM<sup>2</sup>**

HDI RANKING 2016

**143/188**

INEQUALITY ADJUSTED HUMAN  
DEVELOPMENT INDEX 2016

**0,563**

GENDER INEQUALITY INDEX 2016

**0,479**

CIVIC SPACE (CIVICUS MONITOR 2017)

**REPRESSED**

**HDI** - Human Development Index and its components, ranks countries by HDI value and details the values of the three HDI components: longevity, education and income.

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## Introduction

The Kingdom of Cambodia is located in Southeast Asia. Around 75% of population lives in rural areas (National Institute of Statistics, 2013).

Although Cambodia has experienced strong economic growth in the last two decades, people living in rural areas still face extreme poverty resulting in education and health challenges. Cambodia has signed and ratified many international conventions and covenants that promote economic, political, social and cultural rights. There is a framework of laws and policies to promote human rights inclusion for most individuals in Cambodia. However, implementation from the national to sub-national level is weak. Oxfam manages Voice in Cambodia focusing on all target groups in all regions with a strong focus on intersectionality.

## State of affairs

Cambodia gained independence from France in 1953 and this was followed by decades of civil war. The fall of the Khmer Rouge (1975-1979) led to the establishment of the Republic of Kampuchea (1979-1989), which was then renamed the State of Cambodia (1989-1993). The Paris Peace Accord was signed in 1991 and was followed by national elections in 1993.

In 2015, Cambodia attained lower-middle income status with a gross national income (GNI) per capita of US \$1070 (World Bank, 2016).

Although economic growth is strong and poverty is declining, the wealth gap between those living in rural and urban areas is growing. Education and health also remain key challenges in Cambodia. National laws and policies have created a framework for social, economic, spatial and political inclusion for most individuals in Cambodia.

Although 5,073 civil society organisations are formally registered, many are inactive. Historically, CSOs have been able to operate relatively freely to provide a diversity of social services to Cambodian citizens. However, recently, with the passing of the Law on Association and Non-Governmental Organisations (LANGO, 2013), tension has risen between some CSOs and the government of Cambodia, particularly those that focus on human rights and issues of transparency and accountability.

## People living with disabilities

Although the Royal Government of Cambodia has instituted policies to provide equal services and access for people living with disabilities, there is a clear gap in the implementation of these policies. Additionally, there is a lack of consistency in the data on the number of people living with disabilities, which is challenging for planning by government institutions.

Commonly, people living with disabilities – both adults and children – are kept at home and are socially isolated. Name-calling and making fun of a person's impairment are commonly reported. Children with disabilities also face exclusion from school. People living with disabilities face challenges of stigma, discrimination, access to services and education, and physical accessibility. They also have a much higher unemployment rate than people in the general population – 10.32% for people with disabilities compared to 3.22% unemployed in the general population. A large majority of disabled persons work in agriculture, forestry, fishing, and informal sectors. Fewer disabled people work in formal sectors like industry and service compared to the general population (National Institute of Statistics, 2013).

A recent study on violence against women with disabilities compared to their able-bodied peers showed that women and girls with disabilities face more discrimination and negative attitudes, fewer opportunities to health care and education, and increased vulnerability to physical, emotional and sexual violence (Bailey & Nguon, 2014).

Persons with disabilities also commonly face barriers to political participation. While there is no official data on their participation in government (elected or civil servants), their lower educational attainment, low literacy and low socio-economic status contribute to their lack of political participation.

## Sexual Minorities – Lesbian, Gay, Bisexual, Transgender, Intersex (LGBTI)

There is no formal statistical information on the population of the LGBTI community in Cambodia. However, limited studies highlight their status in society and geography. While the Constitution of Cambodia guarantees equal rights for all, LGBTI people in Cambodia do not receive the same protection as others under the law. LGBTI people face significant stigma and discrimination in Cambodian society, especially if they 'come out' and live openly by expressing their sexual orientation and/or gender identity. This stigma and discrimination manifests through family rejection, forced marriages to the opposite sex, attempted 'cures' or 'correctiveness' for being LGBTI, controlling and restrictive behaviour and violence.

The police and local duty bearers openly discriminate and use the law to oppress, for example, the Safe Village-Commune/Sangkat Policy (2010), to detain LGBTI persons. The most at risk are those who identify as transgender. In some cases, there is literally no place for them to seek protection as the very people that should protect them are committing the crimes against them.

LGBTI people face economic hardship and unemployment because they cannot be open about their sexual orientation in the workplace and have limited job opportunities due to discrimination and exclusion from different employment sectors (Cambodia Center for Human Rights, 2010).

In addition to discrimination in employment, young LGBTI people are also more likely to drop out of school, mostly due to bullying, economic hardship and family rejection, further limiting their economic options (CCHR, 2012).

## Women facing exploitation, abuse, and/or violence

Recent data shows that about one in five women experience physical or sexual violence in their lifetime (MoWA, 2015). Cambodia has a policy framework that addresses discrimination, exploitation and abuse against women. Despite this, women and girls continue to be subjected to physical, emotional, sexual and economic violence that cuts across all divisions of income, culture and class in their daily public and private spheres. These high rates of violence are often from their intimate partners.

While the Cambodian National Police has made significant progress in establishing a structure to prevent and improve the police response to violence, concerns have been raised about the negative attitudes of authorities which bars women's access to the legal system (Brickell, Prak, & Poch, 2014) (MoWA, 2014). This was validated in the 2013 CEDAW report of Cambodia, which highlighted that these negative attitudes discourage women from taking legal action against perpetrators even when such recourse is warranted.

Over 84% of women aged 15 and over engage in the informal economy because of limited education and rudimentary work skills. Women's labour market participation is also constrained by time consuming domestic and care responsibilities. These constraints begin during childhood and continue throughout the life cycle (Asian Development Bank, 2013).

Furthermore, women in Cambodia remain under-represented in decision-making positions in politics, the public sector and the judiciary. Discrimination impacts the ability of women to be promoted and they tend to remain concentrated in sectors traditionally associated with women and at lower levels of government. Men continue to hold the vast majority of decision-making positions at all levels (MoWA, 2014).

Traditional social norms that disadvantage women are deeply rooted in Cambodian culture. Historically, these norms are prescribed in the 'Chbab Srey' or traditional 'Code of Women'. The Chbab Srey is the moral guideline which prescribes, through normative poems, proper behaviour for 'respectable' girls and women in Cambodian society. These norms, taught from childhood, perpetuate inequitable gender norms and attitudes of women and girls and men and boys in the family and in society. Boys are also taught the 'Chbab Proh' – the equivalent version for men – from an early age (Bricknell, 2007).

### Age-discriminated vulnerable groups

**The elderly:** In 2008, persons aged 60 years old and over made up 6.34% or 848,911 persons. This is projected to increase to around 11% by the year 2030 (National Institute of Statistics, 2012), thus making older people the fastest growing population in Cambodian society (Zimmer & Khim, 2013).

Due to migration, many older people have become the heads of households in 'skip homes' where they are left to care for children and are unable to participate in primary generating activities. While there is a limited policy framework specifically addressing the needs and rights of older people, there are still gaps. For example, there is no pension or social security provided to civil servants in Cambodia, so there is no safety net for older Cambodians.

There is no stigma associated with ageing in Cambodia. Older people and elders are deeply respected in Cambodian culture; typically children are expected to care for and support their parents as they age (South Eastern Region Migrant Centre, 2011). However, Cambodian culture is changing rapidly and some of the cultural norms are shifting towards older people. Older people report discrimination as they age, particularly in relation to finding jobs, participation in household decision-making and in accessing health care. These participants also report feeling a sense of isolation from younger generations, especially if their children migrate for work or if they are too unhealthy to leave their homes.

Older people do have a voice in the current political climate of Cambodia, albeit small. The needs and concerns of older people seem to be better addressed at the local level than in national level processes. Most elderly are self-employed or are employed in the home, participating with other family members to generate income. Many also participate in secondary income generation activities like crop and livestock farming (National Institute of Statistics, 2012). The same type of economic opportunity available for younger people simply does not exist for older people.

In addition, older people report difficulties of accessing credit, loans and land ownership due to their age. Loans and credit have high interest rates, making them expensive and inaccessible. Interviews and Focus Group Discussions with the Voice target groups revealed that many older people feel isolated from their communities due to health issues, poverty or heavy workloads at home. Participants expressed this in terms of illness and health care. Illness keeps many older people confined to the house and inadequate health care or no access to proper treatment due to economic status or distance to hospitals compounds this.

**Young people** make up the largest portion of the Cambodian population. Two out of every three people are below 25 years with more than 30% being between 10 and 24 years old making Cambodia one of the largest 'young' populations in Asia (UNICEF, 2009). Eight out of 10 (83%) young people reside in rural areas, with the densest concentrations being in the Plains and Tonle Sap regions (UNICEF, 2009). Over the past decades, migration, particularly of young adults to work in urban areas or to neighbouring countries, has grown resulting in a 'slow greying' of the rural population (MoWA, 2014).

During the consultations for the Voice context analysis, participants reported that, while both boys and girls can attend school, often the long distances and transportation requirements are a barrier to the participation of females in activities like clubs.

Child labour continues to be a challenge. Young people are taken out of school to do work which may be very dangerous. Young women in rural areas are more likely to be working than women of the same age in Phnom Penh. Children (especially girls) experience spatial exclusion – not being able to travel to school or meetings – because of distance and the perception that it is not safe for a girl to travel for fear of rape or robbery.

### Indigenous groups and ethnic minorities

The 2008 census identified 1.34% (about 179,000) of the population (24 groups) as indigenous/ethnic minorities spread over 15 provinces (National Institute of Statistics, 2008).

Access to services such as health and education is a challenge for many in the indigenous communities, especially for those living in remote areas. Within the education sector, particularly in these areas, there is a higher dropout rate, greater gender disparity in school attendance, a lack of textbooks and a lack of teachers willing to teach. Often, classes are not taught in indigenous languages confining access to those who are fluent in Khmer (NGO-CEDAW, 2014).

Cambodian indigenous and/or ethnic minority people have different cultural practices, migration histories, patterns, means of living and sense of identity (Kirchner, 2015). Stigma and discrimination are common. Many of the indigenous people's customs and practices are different from Khmer society and are sometimes seen as less civilised, uneducated and simplistic. Indigenous people see themselves as different from Khmer society and, as such, the government has also considered these groups as separate (Chhim, 2005).

Political participation is a challenge for indigenous people and their fear of local authorities is common (Beban & Pou, 2014). They feel unrecognised and unsupported. Their conflict with the government and private sector is often over land issues, which is a highly politically charged issue.

The highest rates of poverty in Cambodia are in the northeast provinces where the vast majority of indigenous people reside (UNDAF, 2016). Job opportunities are low and dependent on land, making this population even more vulnerable to economic exclusion especially as they lose access to and control over their land.

Typically, the lack of trust in local authorities also transfers to the courts. Indigenous people do not utilise formal justice mechanisms favouring traditional means of conflict resolution. However, increasingly, communities are trying to use the court systems for land disputes, even though knowledge of these formal systems is still low (Chhim, 2005; Beban & Pou, 2014).

### Intersections and linkages between groups

**Gender** inequality is a cross cutting issue among all the target groups, with increased vulnerability in each group for women and girls. Women in all the groups are more vulnerable, face higher rates of poverty, fewer economic opportunities, higher rates of violence, poorer health conditions and other vulnerabilities compared to their male counterparts. Older women face more economic hardships and health problems than older men, girls have less access to education than boys, indigenous women are less likely to hold leadership positions or have decision making powers compared to indigenous men. Likewise, transgender and lesbians face more violence than gay men and women living with disabilities are more likely to experience non-spousal abuse than their male counterparts.

### Poverty and lack of economic opportunity

Although income poverty levels have fallen drastically in Cambodia, vulnerability to poverty, especially in urban settings, is increasing (Asian Development Bank, 2014). The literature and interviews reveal an intersecting vulnerability to poverty

experienced by all groups who commonly experience lack of access to job opportunities and income generation activities leading to economic exclusion.

### State recognition and prioritisation

Older and younger people and people living with disabilities are prioritised through government policies and protections. This prioritisation and recognition from the state makes building alliances with these target groups and local duty bearers easier. However, state recognition does not always result in effective implementation of the laws and policies. Many of the policies created for these groups have not been implemented nationally or locally due to a low or lack of budget, support, resources, and/or trained or available human resources. This lack of implementation has resulted in the intersection of different types of exclusion for each group.

LGBTI persons and indigenous people/ethnic minorities are not fully recognised by the state or given autonomy to live freely. This manifests differently for each group and creates different types of exclusions. Both experience tension, mistrust, and sometimes violence from local duty bearers. LGBTI people often experience a sense of 'not belonging' and, in fact, being ostracised by family and community but, at the same time, also have a strong desire to be accepted and be part of Khmer society. Likewise, indigenous people/ethnic minorities see themselves and are seen by others outside their group as separate from Khmer society. They have a deep desire to freely practice their own customs and traditions.

### Migration

Young adults are migrating in record numbers most commonly in their pursuit for work. Children are being left behind in the care of older people or are being taken out of school to work with their parents or to generate income themselves. Jobs and opportunities are drawing people to urban areas or to nearby countries. Conversely, people of indigenous communities feel the impact of migration as people migrate to their traditional lands in search of resources or to work in plantation farming as the forests are destroyed.

Members of all the Voice target groups commonly experience **stigma and discrimination**. This has a significant impact on people, ranging from social isolation and lack of access to economic opportunities to significant violence and abuse. Transgender people experience significant physical violence and abuse by the state authorities. Older people and people with disabilities experience social isolation, lack of economic opportunities and higher rates of abuse in the family. Young people experience stigma and discrimination if they are poor or a sexual minority. Indigenous people/ethnic minorities are seen as different from the larger Khmer society. Generally, all the groups face stigma and discrimination based on their status as part of the group.

### Media

The influence of media on these target groups is varied. Media can be both a positive influencer by targeting change and increasing awareness of laws and policies or it can have a negative impact by promoting negative images or social norms and traditional stereotypes.

Negative impacts are particularly strong for LGBTI people and women facing exploitation, violence and/or abuse. The media has portrayed both groups negatively. Recently, The Asia Foundation engaged with the television industry to try to introduce programming with more positive content through the development of standards strengthening the policy environment.

There have also been positive uses of mass media, primarily for awareness-raising. These campaigns are important for the implementation of policies, as they raise awareness about a particular issue, such as the rights of victims and survivors, and can demonstrate pathways for responses and solutions by changing behaviours and policies.

Raising the issue publicly helps policy makers to understand that an issue is important. Most commonly, this method has been used in response to violence against women.

NGOs, in cooperation with the Ministry of Women Affairs, have carried out various campaigns such as 'The Good Men Campaign' addressing social norms with men who do not tolerate violence against women, 'Safe Migration Campaigns' addressing legal migration to prevent trafficking, 'Love 9' a multi-media messaging approach on sexual and reproductive health knowledge targeting men and 'Why Stop' addressing sexual harassment in the workplace. These are just a few examples of mass media campaigns that have used radio, television, and social media in a positive way. A recent study showed 48% of Cambodians accessed the internet from their smartphones, thus making the use of social media and internet based media campaigns useful for reaching groups and/or addressing negative stereotypes or gender norms (Phong, Srou, & Solá, 2016).

### Academic Institutions

Currently there are 105 higher education institutions in Cambodia, of which 39 are public institutions. However, due to budget constraints, most universities do not conduct their own research as donors or NGOs commission most of it (The Asia Foundation, 2015). Academic institutions also engage through targeting change programmes at students. This has been a common mechanism, particularly on ending violence against women, where students are engaged in prevention activities and learning sessions. This shows that there is some influence from the academic community on these target groups that potentially could increase with more partnership and collaboration.

### Civil society organising

While there may be 5,073 civil society organisations registered in Cambodia, many are not active. In 2015, the Law on Association and Non-Governmental Organisations (LANGO) was passed after some opposition from the NGO community. This law limits the influence and regulates the functioning of civil society. It gives the government the jurisdiction to shut down or prosecute organisations for criticising the state (Sokheng & Holman, 2015). In short, as long as the work being done is not at odds with the government, CSOs can and do operate freely.

Building relationships and networks with the government at the national and subnational levels has achieved successful practices and advocacy gains. Members of the CSOs see themselves as a strong force for human rights and advocacy but also realise that they must work in certain political confinements to be effective. Local human rights organisations desire to form a network, however, their fear of repercussions as a result of the LANGO law, has meant this has been put on hold.

# INDONESIA

POPULATION IN 2016

**261.115.456**

SIZE

**1.905 MIL. KM<sup>2</sup>**

HDI RANKING 2016

**111/188**

INEQUALITY ADJUSTED HUMAN  
DEVELOPMENT INDEX 2016

**0,689**

GENDER INEQUALITY INDEX 2016

**0,467**

CIVIC SPACE (CIVICUS MONITOR 2017)

**OBSTRUCTED**

**HDI** - Human Development Index and its components, ranks countries by HDI value and details the values of the three HDI components: longevity, education and income.

**IHDI** - Inequality-adjusted Human Development Index - IHDI looks beyond the average achievements of a country in longevity, education and income to show how these achievements are distributed among its residents. An IHDI value can be interpreted as the level of human development when inequality is accounted for.

**GDI** - Gender Development Index, measures disparities on the HDI by gender. The table contains HDI values estimated separately for women and men; the ratio of which is the GDI value. The closer the ratio is to 1, the smaller the gap between women and men.

**Civic space** - The CIVICUS monitor assigns each country a rating on civic space based on constant analysis of multiple streams of data on civic space. The rating is open, narrowed, obstructed, repressed or closed. <https://monitor.civicus.org/Ratings>

## Introduction

Indonesia is a South East Asian nation made up of over 14,000 islands, and is home to people from over 300 local races and creeds. Its constitution is based on a pluralistic philosophy that embraces six recognised religions. The mix of racial and religious backgrounds, distributed across 34 provinces, creates a very diverse and vibrant nation.

The Human Development ranking has not improved over the previous three years. Indonesia's life expectancy is 68.9 years and children attend school for an average of 13 years.

Voice is managed by Hivos in Indonesia and will work in 12 provinces as outlined in the Memorandum of Understanding signed with the Indonesian government.

The context analysis recognised that each target group has specific backgrounds and key issues, and varying levels of capacity in terms of advocacy work and visibility in national level movements. Hence, each group requires specific interventions. However, there is strong intersectionality among and between the target groups, namely, gender, disability and age. Voice in Indonesia will therefore foster collaboration among all target groups to highlight the urgency of multiple discriminations and double vulnerabilities.

Also highlighted was that Indonesia has no shortage of relevant policies and regulations related to the target groups. The key weakness has been the implementation and monitoring of these policies. It is relevant to note that decentralisation is both a challenge as well as an opportunity to influence at a more specific local level. It also affects the understanding of advocacy in Indonesia, which highlights the empowerment of local groups and communities in forming advocacy movements across Indonesia in order to create the change they most desire for themselves.

## State of Affairs

The context for the five Voice target groups in Indonesia varies greatly. However, they all experience significant forms of marginalisation across the five exclusion dimensions. State-sanctioned human rights violations continue unabated, while the state's capacity, or lack of willingness, to protect the rights of the various target groups is often a key underlying element to many violations.

Education, health and access to employment are key issues faced by most target groups' members. As Indonesia continues to expand economically, so does the divide between rich and poor. Often, accessing basic services still depends on a person's socio-economic status. There are still huge divides between urban and rural standards of living, with almost every poverty statistic showing higher rates in rural settings.

In recent years, development programmes have begun to expand to the outer-lying reaches of Indonesia's island chain, however much of the programming and work remains 'Java-centric'. While poverty rates and development issues are, of course, prevalent in more central areas, often the cultural and societal differences create issues for Indonesian-based development programmes to reach into more isolated areas. The sheer size of Indonesia's population ensures that, while such isolated areas may seem comparatively small, they are still inhabited by considerable numbers of citizens, further contributing to the key poverty and exclusion indicators.

Due to a decentralised governance system, the contexts related to policies are complex, with three key layers of governance (alongside further elements within villages themselves) forming a vast array of regulations that impact target groups. This system creates a tricky and sometimes unclear path for engagement however it also provides a range of opportunities to influence change.

Overall, Indonesia has no shortage of relevant policies related to target group contexts and, while there is still scope to develop or improve them, the key focus should be towards implementation and monitoring as this is where the most impactful obstacle lies. Target groups are protected or strengthened by national level policy however realisation at regional and local levels is weak which creates a vulnerable context.

As a result, key targets for advocacy and lobbying can vary greatly depending upon the specific issue. While national level figures still hold importance, the focus is on regional and local governance. The importance of local insight and understanding from stakeholders cannot be underestimated to identify actors within the complex system of governance.

Outside of governance, major actors include religious leaders and institutional powerbrokers as well as community-based organisations and groups. While many large NGOs (international and national) have established themselves across the country, they still hold tentative relationships with the Indonesian government, which adds to the importance of change that is led and developed by the communities. United and multi-targeted efforts are thus required to overcome issues faced by members of the identified Voice target groups.

The overall political will to engage on issues varies greatly. The space to influence is specific to each target group as each faces its own set of obstacles and opportunities to improve their situation. LGBTI groups, for example, have an extremely limited space of engagement due to recent events and climate, while opportunities for disability or youth groups are expanding across the country.

In many cases, the key factors behind positive influence are based on culture, societal norms and increasingly upon religion and religious identity. While these factors can often have a limiting or obstructive influence, they may also present opportunities if engaged and facilitated through the right methods and channels.

## Overarching Themes

Throughout the context analysis, a number of similar themes arose relating to all Voice target groups: decentralised governance, advocacy, data issues, CSO capacity, policy implementation and intersectionality.

## Decentralised Governance

Indonesia began decentralisation of its government system in 1998 in an effort to create increased autonomy for its culturally and geographically diverse regions, as well as in an attempt to improve good governance, decrease corruption, spread state wealth and improve democratic participation.<sup>1</sup>

The results so far have been mixed. Indonesia currently has 34 provinces, around 500 districts and over 6.5 thousand sub-districts,<sup>2</sup> each with its own governance processes and policies. As a result, central government has minimal control over most public service matters, with responsibility directed to provincial and district levels. This has created visible difficulties, inconsistencies and bureaucracy in the implementation of public policy and legislation. In simple terms, it can be said that most national legislation or policy is for guidance only and it is up to the provinces, particularly district governments, to design and implement procedures that mirror those policies.<sup>3</sup>

While the system may create obstacles, it also creates opportunities. For organisations and groups advocating and working with local government, space is available to instigate real change. However, it depends on the representatives elected, their interest in the topic, advocacy skills of the group and the understanding of the process.

There are also numerous budgetary mechanisms at village and local level that can be accessed by interest groups, provided such groups have the capacity to obtain such funding.<sup>3</sup>

It is vital to recognise and understand the Indonesian governance system and support multi-level advocacy and programming for real impact. Similarly, it is important to recognise the existence of a range of target group-related policies and support efforts that advocate for and monitor the implementation of these.

## A. Indonesian Advocacy

Advocacy within the public space is fraught with danger as often the general public, with high rates of vulnerability to poverty, has little empathy to target group issues. Often, public displays of advocacy, depending on the group, are met with sympathy at best, or fan the flames of exclusion, at worst.

Numerous Voice target groups are excluded because they are seen to go against society's 'norms' (particularly LGBTI) and public advocacy only adds to the negative perception. As recently as 2016, workers' groups protested for minimum wage increases<sup>4</sup> and were instead met with 'you should be grateful you have a job' from much of the public.

Often, government quickly takes on and plays to public sentiment. It is important to understand and be aware of the role that 'silent' or 'formal' advocacy plays in bringing about change. Empowerment of local groups and communities thus plays a large part in forming advocacy movements across Indonesia.

Empowering vulnerable communities and supporting them to create their own change is a large focus of Indonesian CSO and NGO groups. Raising awareness, building skills and confidence, developing leadership and implementing local campaigns forms strong bases on which Indonesian groups advance their advocacy work.

While many nations focus advocacy towards policy change, in Indonesia, advocacy is more about empowering communities to create the change they most desire for themselves.

## B. Data Issues

Lack of uniform, quality, and 'real' data impacts the ability of organisations to plan, design, advocate for and promote their work within the Indonesian context. During the research undertaken for the context analysis, throughout the literature used, aside from data on youth (which tended to be most uniform), figures for all groups often displayed contradictions and limitations. Official data can be affected by the reality that Indonesia is geographically diverse and often data collection is left to local governance under a decentralised system. Issues can often be under-reported or misreported by government bodies resulting in significant differences between official and third party data.

## C. CSO Capacity

Since the political upheaval in the late 1990s, Civil Society Organisations have flourished across all regions. They form a key link to Indonesian community development. Within this, however, there are constraints and weaknesses in undertaking the advocacy and work in line with CSO's intentions. Most particularly, access to information, skills and resources are key challenges for CSOs.<sup>5</sup> CSOs are usually formed by members of interest groups who may have little understanding or experience of the development 'sector' (for example, processes, procedures and common practices) and therefore face numerous obstacles when engaging in the wider development sector.

Specifically, larger organisations tend to be centralistic and urban (based in centres such as Jakarta, with limited presence in outer-lying areas), and often elitist or middle-class (resulting in a visible 'distance' between them and the communities they serve).<sup>6</sup> Recently, such issues have begun to be resolved, however, there remains a visible gap between larger institutions and small CSOs on the ground which impacts on legitimacy of representation and overall credibility.

## D. Intersectionality

Intersectionality is a key element across all groups targeted by Voice. The identity and often multi-identity of individuals in each group often leads to multi-dimensional vulnerability resulting in multi-dimensional discrimination. Three elements of intersectionality to highlight are: gender, disability and age.

Gender is an overarching issue within Indonesian society for a host of reasons, particularly culture, traditional beliefs and the strong religious foundation on which the nation was built. Women face added exclusion within all aspects of Indonesian society however the cause can be dependent upon the location, culture and religion of particular communities. Women are over-represented in most poverty and exclusion-related areas, with particular vulnerability faced by women who live in rural areas.<sup>7</sup> Gender mainstreaming has been promoted and developed within central government however the implementation and results of these efforts are still debateable. The identity of gender minorities, notably transgender individuals, adds an extra dimension in a nation that prescribes gender as binary – 'male or female' – in all aspects of social and political systems.

Disability does not discriminate in its occurrence. It is the extra dimension of vulnerability caused by disability that should be remembered, as many people living with disabilities within other Voice target groups may be excluded, for different reasons, not only from general society but from the group itself. When relating to disability, the charity model still permeates, while the challenge of physical access is ever-present and often not considered.

Age (both young and old) was a constant theme throughout and has been included within the intersectional scope of each target group. Most issues disproportionately impact children, youth and the elderly. Areas such as health, education, employment, social security and justice form key issues within all Voice groups, with youth and the elderly facing protracted vulnerability to these and specific age-related issues of their own.

## Profile of Voice target groups

### People Living with Disabilities

15% of Indonesians face daily life with some form of disability. The prevalence is significantly higher among women and more prevalent in rural areas within West Nusa Tenggara, South Sulawesi and West Java regions. The highest rates of disability are found in older groups as the effects of ageing take place. At national level, there are at least four existing policies related to disability rights.

Disability in Indonesia still carries huge stigma and is seen as a 'burden'. People living with disabilities are often 'hidden' within the family home, with many never being offered opportunities to venture outside their family circle. Some local cultures believe that people living with disabilities are born into a family as punishment for previous sins or mistakes and therefore hidden so as not to cause shame in the community.<sup>8</sup>

These views are often upheld and internalised by people living with disabilities themselves, who are often made to believe they cannot sustain an independent and meaningful existence. This internal subjection or self-stigma results in a lack of self-confidence, lack of engagement and overall lack of understanding of people's own capabilities and rights. Moreover, community and government still see people living with disabilities within the charity model, which creates an atmosphere of pity and disempowerment. Government and legislative procedures do not view people living with disabilities as citizens holding rights, but more as wards of the state.<sup>9</sup>

Access to basic services is limited for people living with disabilities since there are physical barriers and limited access to information. Education and health levels are disproportionately low.<sup>10</sup>

Legislation and policy designed to facilitate access to basic services for people living with disabilities, while numerous, do not often translate into the realisation of improved access. It is difficult to find any relevant information related to intellectual disability in Indonesia. From documents researched and specific questions posed to target groups, it was found that there is little evidence of work done towards improving the lives of people with an intellectual disability and this thus forms a major gap in the field of disability work.

### **Lesbian, Gay, Bisexual, Transgender, Intersex (LGBTI) people**

Being LGBTI is not illegal in Indonesia. National laws are designed to uphold many rights of LGBTI and other vulnerable groups. These are however constantly ignored in implementation. There are no specific laws for anti-discrimination protection based on sexual orientation and gender identity.<sup>18</sup> However, the Constitution and Human Rights law (39/1998) allows protection from discriminative practices based on any grounds, while the Labour Law (13/2003) prohibits discriminatory employment practices. In some regions, decentralisation has had an adverse impact on LGBTI persons; numerous Indonesian regions have enacted either direct or indirect discriminative legislation.<sup>12,13</sup>

In early 2016, a concerted effort by a range of key actors to highlight and isolate LGBTI across Indonesia succeeded in the almost complete destruction of all that had been advanced over previous years.<sup>11</sup> LGBTI people have been almost completely outcast and excluded from all aspects of community; there have been increases of direct violence to the point where many LGBTI people feel that there are no safe spaces left for them. Vigilante groups search for their contact details and their places of residence with the sole intention to harass, evict and commit violence against them. Cyber-bullying has also increased considerably, adding an extra element of violence and harassment faced by LGBTI people.

This increased vitriol has seen LGBTI people being singled out by their identity across society, whether in communities, accessing public services, in business and places of work and in almost every place in which they are visible. Access to public services, particularly health and education, is becoming increasingly difficult for LGBTI community members. Within the Indonesian education system, there is limited sexual or sex-related studies.<sup>14</sup> Yet, there is no shortage of bullying of LGBTI learners.

One of the key forces behind the recent spate of violence and hatred towards LGBTI people is the use of religion to create an atmosphere of negativity, an 'intolerance movement'. This is often hidden by the reference to 'national values'.

### **Women Facing Exploitation, Abuse and/or Violence**

Indonesia has a wide array of legislation and policies that protect women and girls from violence, abuse and exploitation, both at national level and across provinces and local districts. The range of laws and regulations in Indonesia are sadly not matched by implementation. At local level, there are large numbers of enacted regulations that are considered discriminatory towards women. In 2015 alone, Human Rights Watch reported that regions and local governments had enacted 31 new laws that discriminate against women.<sup>30</sup>

Komnas Perempuan (National Commission for Women) has reported yearly increases in all forms of violence and exploitation towards women with the largest percentage coming from cases of domestic violence, either towards family members or towards domestic workers.<sup>29</sup> They further report on community-based violence, with sexual assault forming over 60% of such cases for 2015.<sup>29</sup>

The informal economy workforce has been highlighted as a key area in which women experience a variety of violence and exploitation. An Asian Development Bank study<sup>21</sup> found that women constituted almost 70% of this workforce and over 30% of these informal employees were unpaid. A large percentage of unpaid informal workers are women working within the home (domestic workers), a tradition that has deep historical roots in Indonesian society.

Often, poorer families will send a daughter to 'work' for a richer family, taking care of the home in exchange for food, security and perhaps an education.<sup>31</sup> Up to 1.5 million Indonesian women are domestic workers abroad and in the Gulf Region. Data shows many face violence and exploitation of all varieties from pre-departure until repatriation.<sup>22,23</sup>

While child marriage rates have declined considerably in Indonesia over the last few decades, it is still reported that one in six women (17%) marry under the age of 21 years.<sup>24</sup> There is still a high prevalence of marriage under the legal age of 16. In either case, this is viewed as violence against and exploitation of young women and girls, and a trigger for abuse of child brides after marriage as they are unable to continue their education and this affects their low wage standard.

Besides that, they have higher rates of maternal and infant mortality. These occurrences are mostly influenced by poverty, a lack of education and religious factors. The social and cultural acceptance of child marriage is also found to permeate across all levels of society. Rates are found to be extremely high in Southeast Sulawesi, South Sulawesi and West Java.

## **Age-discriminated vulnerable groups**

### **Youth**

In Indonesia, youth between 16 and 30 years old make up approximately 25% of the population (65 million people). Youth numbers are particularly high in the regions of Jakarta, South Sulawesi and Southeast Sulawesi. Indonesian youth, especially those who do not fit the prescribed image, experience systemic stigma and exclusion from many elements of society. Youth representation in the political space is minimal. In a nation whose productive age numbers have grown fast, this lack of proper engagement is worrying. As yet, there is no youth mainstreaming within national development programmes, with a majority of initiatives designed and implemented without real input from and for youth even though there are at least three policies specifically for youth rights.

The development and engagement of youth is, at best, limited. Most youth groups operate within a single-element issue area and rarely concern themselves with anything deeper or wider than their own focus area. A large portion of youth programming is urban-based<sup>15</sup> and there is a clear and visible divide in understanding and engagement between rural and urban youth. Health issues form a major element of the current context faced by Indonesian youth, particularly regarding access to information and safe spaces to discuss sexual and reproductive health and rights (SRHR). Sex education in schools is almost non-existent and, when planned, is usually rejected by government.<sup>14</sup>

While Indonesia's basic education rates have increased, there is still a relatively large percentage of youth who do not move on to further education (high school) and even fewer continue education after standard schooling years.<sup>15</sup> Higher education remains the domain of the middle-class and elite. It was stated that 25% of Indonesian youth continue onto tertiary education while the remaining 75% enter the labour market.<sup>30</sup> Youth constitute a large percentage of informal economy workers, particularly within their first jobs.<sup>16</sup> They rarely receive standard benefits or protection, leaving them vulnerable should their work cease or create problems for them.

### **Elderly**

In Indonesia, the elderly are those aged 60 and over. Indonesia's life expectancy is increasing and is expected to reach 70.5 years by 2020.<sup>17</sup> This brings a host of new issues related to an ageing population. By 2020, almost 29 million people or 10% of the population will be over the age of 60. Currently, around half the elderly live in the city, the other half in rural areas. There are four legislations/policies related to elderly rights at national level. The stigma associated with the elderly in Indonesia is a considerable obstacle both for society in general as well as the elderly themselves. In short, this stigma has a negative perception of the elderly, seeing those beyond their productive years and capacity as being 'useless'.



Due to low wage rates, lack of financial planning and other structural elements, elderly Indonesians rarely have the financial means to support themselves for the remainder of their years after they leave the employment market.<sup>19</sup> In terms of health services, the reliance on health care increases with age and, although Indonesia is in the implementation stages of its National Health Care system, a vast range of specific health requirements for elderly are not covered by this system.<sup>20</sup>

Elderly people in Indonesia thus suffer from a wide range of psychological issues. Much of the distress is based on the feeling that they are of little use to their community and family. Participants in the study consistently highlighted the lack of meaningful engagement for the elderly as a strong cause of psychological and stigma issues. As getting around becomes increasingly difficult, elderly people often find themselves isolated in the home.

### Indigenous people and ethnic minorities

Indigenous communities represent around 20% of the Indonesian population or 70 million people.<sup>25</sup> Key indigenous areas for Hivos programming include: West Nusa Tenggara, South Sumatra and South Sulawesi.

Three key causes for indigenous poverty and exclusion are:

- Lack of access or availability of services to fulfil basic needs;
- Social-cultural differences between indigenous and other Indonesians such as belief systems; and
- Political structural design that disempowers and does not support the indigenous cause.<sup>25</sup>

Poverty levels in indigenous areas are around 20-30%, much higher than the national average of 16%.<sup>26</sup> Health and education needs are highly invisible and social services to indigenous populations are generally neglected.

In a response to recommendations from the United Nations Human Rights Council's 'Universal Periodic Review' in 2012, Indonesia refused to recognise the status of indigenous people within Indonesia, based on the view that the concept is inapplicable in Indonesia, due to all Indonesians being considered as indigenous and therefore entitled to the same rights.<sup>27</sup>

This has had an adverse effect on indigenous groups requesting support to meet specific needs. In 2013, the Constitutional Court decision (No. 35/PUU-X/2012) increased access and land rights opportunities for indigenous Indonesians, affirming their constitutional rights to their lands and territories,<sup>25</sup> including their customary forests. However, the realisation of this National regulation has faced multiple hurdles and issues at local levels.

Large tracts of traditional land have been bought and used by industry, particularly in the fields of mining, palm oil (bio-fuels) and other natural resource extraction.<sup>26</sup> There are endless documented cases of violence and intimidation of indigenous people as businesses and corporations attempt to obtain and use their traditional lands. Many indigenous groups have noted the negative impact on their communities with pollution and land degradation forming key components that affect the health and livelihoods of local people.<sup>25</sup>

### Ethnic Minorities

Social stigma is still highly prevalent towards Chinese-Indonesians. There is a strong social undercurrent that sees Chinese-Indonesians as rich, loud-mouthed, exclusionary and unwilling to engage with the wider Indonesian nation.<sup>28</sup> For a population that makes up less than two percent of the entire nation, Chinese Indonesians dominate the economic sector and form a large percentage of the economic elite. Often, they are scapegoated during times of economic

recession. Discrimination of Chinese has a long and deep-seated history in Indonesia and many feel they are still not 'proper' Indonesians.

Many Chinese Indonesians are not wealthy, nor do they fit the stereotypes prescribed yet, due to their ethnic background, consistently face discrimination. Almost every Indonesian can relate stories of racism or discrimination towards the Chinese throughout the individual's upbringing. The context of Chinese-Indonesians, rooted deeply in the events of 1965 and later 1998, are complex to unravel. While violent acts have somewhat been limited to these historic events, stigma and discrimination are clearly present within the wider realms of Indonesian society. Indonesia still has a long road ahead to rectify the violence and atrocities that took place during 1965, starting with the government admitting to such events having taken place.<sup>28</sup> Chinese-Indonesians also face an array of constraints and exclusion from the Indonesian government and administrative institutions. These constraints range from issues related to purchasing land, accessing inheritance and even reaches as far as difficulties of the general public to accept Chinese-Indonesians as government representatives. These obstacles and the resulting actions can be witnessed both on religious grounds and ethnic backgrounds.

## Stakeholder Analysis

The power exerted by numerous key stakeholders in Indonesia is particularly influential and, while individual actors and targets may vary dependent upon target group, the overall underlying system and power structure is remarkably similar.

### A. National governance

While in theory, a decentralised government system can be said to decrease the influence of central government, the reality is that central government still has a strong influence over the general public opinion. It also has the ability to design regulations and laws that, although they are not binding at local levels, can influence and place downward pressure on local government to comply.

Institutions such as the Constitutional Court can directly impact the context with their decisions. For example, the power of national government officials, as seen throughout the 2016 anti-LGBTI movement, when even simple commentary had a huge negative impact on the dialogue at the time. Government representatives and court judges are renowned for allowing their own opinions to influence their work. Engaging with the wider global community and movements, national government has the power to shape the national context through engaging with bodies such as the United Nations.

Of key importance are national bodies such as the National Commission for Women (Komnas Perempuan) and the National Commission for Human Rights (Komnas HAM) that work across the nation and are often engaged in rights-based advocacy and programmes.

### B. Local and Regional Governance

Local government actors are key to making policies, regulations and decisions that impact the context of the target groups in their local environment. As with national government members, they often allow personal opinion or views to affect their decisions. Heads of local government may be key targets as they have the ability to create their own individual regulations and policies that can be implemented directly. Engaging the wide range of relevant government departments in locally led advocacy efforts is also key as many have resources and time to get involved. Local government processes and budgets are also beneficial resources for CSO and other local community groups.

### C. Religious Actors

Religion in Indonesia plays a huge role in shaping the thoughts and spirit of the nation and religious leaders have very strong links to politicians. Identifying community religious leaders who show empathy to the movement can support grassroots advocacy and they can also act as intermediaries between parties. Further attention should be paid to those with negative ambitions, as a wrong step can turn into an avalanche of issues. Large institutions such as Nahdlatul Ulama hold huge sway within all aspects of Indonesian society. Working with such institutions therefore can yield important results.

### D. Business

Depending on the issue, the business/private sector can be a strong partner in advocating and implementing programmes in Indonesia. While working with government can be a long and bureaucratic process, business adds a streamlined opportunity to showcase programme ideas and gain funding and support. Business in Indonesia is governed by a Corporate Social Responsibility tax. Often, business leaders have strong engagement with other stakeholders and can provide economic arguments for social inclusion.

### E. Community Leaders

Leaders at community level, whether village heads, community groups, movement leaders or recognised community identities, are one of the key drivers of change at the grassroots level. They have the ability to engage across groups, share and spread information and work upwards as well as laterally to push for change. They are usually engaged in multiple movements within their communities, know all the players and are passionate about their community members.

### F. Community Organisations and NGOs

Civil Society Organisations and NGOs have an expansive network across the country and are engaged and knowledgeable in the work they do. While the capacity of many is still weak, this is often made up by local knowledge and contacts as well as a willingness to learn. In the past, Indonesia's NGO sector was considered corrupt and housed people with ulterior motives however this has changed considerably over the last few years. CSOs and NGOs are now generally well supported although under-resourced. If they are aware, they can have access to local-level funding. The volunteer movement in Indonesia is also growing rapidly and presents more opportunities for advocacy efforts to spread their wings.

### G. Specific public identities

Public identities generally have a large influence in Indonesia, especially as the nation becomes more connected to and engaged with digital media. Public figures are often asked to comment on a range of issues and are given rock-star status by the adoring public. Public identities often enter the political arena and may receive more attention than the majority of politicians. Public figures who have shown empathy for a cause represent a good opportunity to gain wider support even though there have been circumstances when they have also had a negative impact.

### H. Media

Social media may be somewhat uncontrollable and should be monitored, used or avoided, depending on the context. The widespread and universal connection to social media and the influence (negative and positive) that media can have through that medium is significant in Indonesia. As in most countries, Indonesia's media landscape is full of diversity and variable in quality. There are numerous reputable media outlets that will support or, at least, remain neutral on sensitive issues as well as many who have ulterior motives.



# PHILIPPINES

POPULATION IN 2016

**103.320.222**

SIZE

**300,000 KM<sup>2</sup>**

HDI RANKING 2016

**116/188**

INEQUALITY ADJUSTED HUMAN  
DEVELOPMENT INDEX 2016

**0,556**

GENDER INEQUALITY INDEX 2016

**0,436**

CIVIC SPACE (CIVICUS MONITOR 2017)

**OBSTRUCTED**

**HDI** - Human Development Index and its components, ranks countries by HDI value and details the values of the three HDI components: longevity, education and income.

**IHDI** - Inequality-adjusted Human Development Index - IHDI looks beyond the average achievements of a country in longevity, education and income to show how these achievements are distributed among its residents. An IHDI value can be interpreted as the level of human development when inequality is accounted for.

**GDI** - Gender Development Index, measures disparities on the HDI by gender. The table contains HDI values estimated separately for women and men; the ratio of which is the GDI value. The closer the ratio is to 1, the smaller the gap between women and men.

**Civic space** - The CIVICUS monitor assigns each country a rating on civic space based on constant analysis of multiple streams of data on civic space. The rating is open, narrowed, obstructed, repressed or closed. <https://monitor.civicus.org/Ratings>

## Introduction

The Republic of the Philippines, or The Philippines, is a democratic republic in Southeast Asia situated in the western Pacific Ocean. It is an archipelago comprising 7,641 islands that are divided into three major geographical areas: Luzon, Visayas and Mindanao (from north to south). These are further divided into 18 regions, 81 provinces, 145 cities, 1,489 municipalities and 42,029 barangays. Currently, some 12.88 million people are located in the capital, Metro Manila. The Philippine economy is the 33rd largest in the world, with an estimated 2016 gross domestic product (nominal) of \$310.312 billion and is categorised by the World Bank as a low-middle income country.

Voice in The Philippines is managed by Hivos. Over the next two years, proposals will be accepted from all five-target groups for all types of grants from any geographical location within the country. The context analysis recognised that each sector has specific needs and issues, and varying levels of capacity in terms of advocacy work and visibility in national level movements, thus requiring specific interventions.

Successful projects, however, are expected to show a multidimensional approach to addressing intersectional themes such as:

- Lack of access to legal protection and justice;
- Social discrimination/stigma, abuse and violence;
- Poverty and discrimination in employment;
- Inadequate and poor social services and social protection;
- Political exclusion and clientilism;
- Lack of comprehensive and disaggregated data; and
- Spatial exclusion.

Several laws have also been passed safeguarding the rights of marginalised people, including their civil and political rights. Some of the landmark legislations are as follows:

- Child and Youth Welfare Code – Presidential Decree No. 603;
- Special Protection of Children Against Abuse, Exploitation and Discrimination Act – R.A. 7610;
- Anti-Violence Against Women and Children Act – R.A. 9262;
- Magna Carta of Women (MCW) Act – R.A. 9710;
- Responsible Parenthood and Reproductive Health Act (RH Law) – R.A. 10354;
- Magna Carta of Persons with Disabilities – R.A. 7277;
- An Act to Enhance the Mobility of Disabled Persons by Requiring Certain Buildings, Institutions, Establishments and Public Utilities to install Facilities and Other Devices (Accessibility Law) – B.P. 344;
- Indigenous People’s Rights Act (IPRA) – R.A. 8371; and
- The Senior Citizens Welfare Act – R.A. 7432.

Some of these are in accordance with the international frameworks ratified by The Philippine government:

- UN Convention on the Rights of the Child (UNCRC);
- UN Convention on the Rights of Persons with Disabilities (UNCRPD); and
- Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW).

## State of affairs

Of the five Voice target groups, four are officially recognised as part of the 14 basic sectors – ‘the poor’ and ‘the marginalised’ groups – in Philippine society, as defined in the Republic Act 8425 or the Social Reform and Poverty Alleviation Act of 1998. These acts adopt an area-based, sectorial and focused approach to poverty alleviation. The LGBTI community is excluded since the national movements on sexual orientation and gender identity, begun in the 90s, is still considered as an emerging discourse in development.

Below is a summary of each group’s socio-demographic and geographical profile based on available data at the national level. It is important to emphasise the pervasive existence of social stigma against all groups. This is glaring and is considered as one of the most serious but overlooked forms of discrimination. Furthermore, advocacy initiatives in The Philippines have commonly focused on legislation and programme implementation rather than behavioural changes.

### People living with disabilities

According to the 2010 census, just over 1.5 million or 1.5% of the population was considered to be living with a disability. This data falls drastically short of the global estimate, which is around 15% of the population (WHO 2016). In The Philippines, the definition and measurement of disability is very narrow. It is largely defined from a medical perspective and is confined to accessible areas of the country only.

In the world of work, the government has stipulated that five percent of all casual, emergency and contractual positions in a company should be held by people living with disabilities. Employers receive incentives to hire people living with disabilities and to make improvements or modifications in the workplace for them. Despite this, adherence is limited due to:

- Applications that require a certain amount of literacy and the means to provide medical evidence of disability, which then has to be registered at Local Government Units;
- An assumption that people living with disabilities have the economic means and access to information and resources;
- And discrimination in the workplace and negative attitudes of co-workers.

Children with disabilities face the worst forms of exclusion. In 2005, the Department of Education reported that 97% of children living with disabilities were not in school and only 2% had access to Special Education. This can be caused by parents who either limit them before looking at their potential or are too protective of them and thus do not send them to school. Service providers are also not properly equipped to include children living with disabilities in the education system regarding curriculum design, accessibility of infrastructure and facilities, technical capacity of teachers and administrators, and disability identification.

### Lesbian, Gay, Bisexual, Transgender and Intersex (LGBTI)

Gender non-conformity is not new to The Philippines. It was prevalent through the *babaylan*<sup>17</sup> prior to Spanish rule. In the 16th and 17th centuries, crossing genders and transvestism was intrinsic to The Philippine culture. This was all but

<sup>17</sup> The *babaylan* was a spiritual leader, a high priestess, a medicine woman, and an important member of the council of leaders in pre-colonial Philippines. The word connotes woman but Garcia (2004) wrote of male *babaylans* recognised as women, openly ‘marrying’ or having sexual relations with men.

wiped out by more than 300 years of Spanish occupation/colonisation and the emergence and dominance of Christianity, especially the Catholic Church.

In 2013, there were 100 organisations providing services to LGBTI persons. Data gathered by those working in the field of HIV and AIDS estimate the number of ‘Men who have Sex with Men’ (MSMs) in The Philippines to be anything between 300,000 and 800,000 (LAGABLAB, 2016).

Poverty in The Philippines is pervasive. Livelihood options are limited; many LGBTI persons are forced to engage in ‘sex work’ or undertake work that is demeaning and reinforces stereotypes, like beauty, entertainment and service industries. Those in the formal, non-stereotypical sector experience stigma and discrimination, and a lack of opportunities in the workplace.

Social exclusion is common. Many LGBTI people suffer from depression, anger, suicidal tendencies and conflicts within their families. This is especially true for those who struggle to disclose their sexuality or gender identity i.e. ‘come out’ to their families. Services such as psychosocial counsellors equipped with proper skills and training to deal with these problems are few. Moreover, almost all health facilities and healthcare professionals are ill equipped to deal with transgender health issues. Many transgender people ignore routine pap smears or prostate check-ups. Many avoid being tested for HIV due to stigma and the poor attitude of health care workers (FGD LGBT, Nov 2016).

LGBTI students face discrimination at school not just from their co-students but also from teachers and school administrators. It is a common reality that they are given failing grades or expelled from school just because of their gender identity. Some families also do not allow their children to go to school when they learn about them being gay or lesbian.

### Women facing exploitation, abuse and/or violence

Despite being in the World Economic Forum’s top 10 countries in gender equality and closing the gender gap in health care, The Philippine reality on violence against women is bleak. The 2013 National Demographic and Health Survey (PSA, 2014) shows some startling figures for women aged 15-49 in urban and rural settings:

- 20% or one in every five women was physically abused;
- 6% of women have experienced sexual violence;
- 4.2% have experienced both forms of violence;
- 21.5% have experienced emotional abuse.

A major concern indicated by women’s groups is the inadequacy of services for women and the difficulty of accessing existing services. There are no ‘one-stop’ shops for rescued women, making the post-rescue process tedious and traumatic for survivors as they are made to go from one government agency to another (Williams, 2010).

For abused women and girls, aside from a lack of social services, the issues extend to a lack of access to justice. According to the 2013 NDHS survey, only 30% of victims nationwide sought help to stop violence, mostly from their own families. Only 5.7% of abused women who sought help went to the police and an even smaller proportion of abused women (1.3%) sought help from lawyers (PSA, 2014). This shows that the help-seeking behaviour of victims of gender-based violence is generally weak.

Government shelters tend to provide services for adult women rather than girls. This does not take into account the fact that most females trafficked are adolescent girls. For women living with HIV and AIDS, the difficulty in accessing government services is magnified, since many services target key populations, such as MSMs and transgender.

Poverty, coupled with low educational attainment, renders women vulnerable to various forms of abuse and exploitation. Living in poverty remains a critical push factor for women to migrate to cities and outside the country. They may then become victims of trafficking. Poverty can also be the cause of the re-victimisation of some women.

## Age-discriminated vulnerable groups

### Children

Government agencies generally follow the UN age classification for this sector:

- Children - those aged 17 and below;
- Adolescents - those aged 10-19;
- Youth - those aged 15-25 and;
- Young people - those aged 10-24.

In 2010, there were 38.5 million Filipinos aged 5 to 24 making up 41.8% of the total population. The Net Enrolment Ratio for primary school age children was 92.6%, 64.9% for secondary and 20.7% for tertiary education. The main reasons cited for not going to school were: ‘employment/looking for work’ (28.8%), ‘family income not sufficient’ (15.7%) and marriage (12.9%).

Only recently have adolescents in The Philippines been tagged as ‘left behind’ by health facilities due to the absence of services for them. The Republic Act 10354 or the Responsible Parenthood and Reproductive Health Act contain several provisions for adolescent sexual and reproductive health. However, in Section 7, it is specified that ‘minors will not be allowed access to modern methods of family planning without written consent from their parents or guardian/s except when the minor is already a parent or has had a miscarriage.’ This problem is compounded by the pervasive cultural norm that stigmatises discussions about sex especially with young people. Pregnant teenagers fear telling their parents of their pregnancy for risk of getting physically and verbally abused or being evicted from home. They are thus less likely to get parental consent for the sexual and reproductive health services that they need.

### Older Persons

According to a study made by Moody’s Investors Services in 2014 (ABS-CBN News, 2014), The Philippines will officially be considered an ‘ageing society,’ in 2030. Based on the 2010 census, there were over 9 million older people, of which 1.3 were considered to be indigents.

In terms of their welfare, the Constitution mandates that ‘the family has the duty to care for its elderly members although the State may also do so through just programmes of social security’ (Article XV, Section 4). The elderly constitute the eighth poorest sector in The Philippines, with an unchanging poverty incidence of 16.1% in 2009 and 16.2% in 2012 (PSA, 2016). Financial constraints rank first in their list of problems. The majority of older persons must still earn a living. However, age discrimination in employment limits their options for a livelihood.

The country’s pension system benefits only those employed in formal and regular work – something, which comparatively few people enjoy. Most receive 3,000 (\$60) pesos a month. For the majority of older persons, especially the poor and

indigents who only get 500 pesos (\$10) a month, this is inadequate to meet their basic needs. Organisations of older people estimate that around four million older persons (those whose livelihood was in the informal sector) do not receive any pension at all.

The most common cause of death of older persons is lifestyle-related diseases. Older persons comprise 22% of people living with disabilities according to the 2010 census and 15% of older persons are at risk (i.e. healthy but have limitations on their physical activities and mostly stay at home). Unfortunately, public geriatric services in the country are limited and medical costs are paid from their own pockets. The sector is also excluded from qualifying for private healthcare plans.

### Indigenous groups and ethnic minorities

The Philippines is the only country in Asia that officially uses the term 'Indigenous Peoples' (Asian Development Bank, 2010) in its legal and political affairs, as defined in the Republic Act 8371 or the Indigenous Peoples Rights Act (IPRA).

UNDP estimates that there are 14 to 17 million indigenous people in The Philippines who belong to at least 110 ethno-linguistic groups. Of these, 61% are in Mindanao, 33% in the Cordillera Administrative Region in Northern Luzon and the remaining groups are in Visayas. The Family Income and Expenditure Survey in 2015 showed that more than half of those in the top 20 poorest provinces of The Philippines are also indigenous people areas.

For indigenous people, their economic situation is related to the continued struggle for ancestral domain for they value land as life and the main source of their productive activities. Ancestral domain and ancestral lands are premised on the idea that the land belongs to the community/tribe and thus cannot be bought. It can only be passed on from generation to generation. This is a great source of conflict as 'an increasing number of indigenous peoples are being forcibly displaced from their lands by extractive industries like mining and logging, for so-called development projects like hydroelectric dams, expansion of mono-crop plantations of fruits, biofuels, fast-growing trees, and militarisation' (Tauli-Corpus, 2007).

Furthermore, their remote location, coupled with poverty, remains the biggest challenge to accessing basic social services such as education, health and even water. Likewise, elementary and high schools are located far from the communities and families are unable to send children to school due to the lack of uniform/clothes, inability to pay for fees for boarding schools and miscellaneous expenses. These financial challenges severely hinder and limit the progress of young people in education and other employment opportunities.

Meanwhile, while health centres are present in these communities, they are often understaffed and lack facilities and medicines. Women who give birth at home often miss out on free food, which is given in hospital, as they lack birth certificates for their children. They also fail to get prioritised for immunisation.

### Role of Civil Society

The Constitution of The Philippines guarantees the legitimacy of civil society to engage and participate in matters concerning the State. Article II, Section 23 of the 1987 Constitution highlights: 'The State shall encourage non-governmental, community-based, or sectoral organisations that promote the welfare of the nation.' The landscape of civil society organisations and social movements is vibrant in the country.

According to the UNDP Civil Society Briefs, Philippine NGOs and other civil groups have, over the last two decades, 'increased their effectiveness through networking and coalition building, campaigning for policy reform, adopting good practice standards, and advancing "sustainable development" as a uniting vision for all organisations.'

The government is also generally supportive due to its democratic nature and 'has resulted in one of the most well-developed and institutionalised civil society sectors in the developing world.'

However, despite the conducive environment for civil society pushing for responsive and rights-based legislation, programmes and services from the government remain problematic. Most politicians and government agencies lack an understanding and knowledge of the existing laws protecting the rights of marginalised groups. Moreover, participatory governance mechanisms at the local level are weak, as is the implementation of plans and policies, due to lack of resources and skills, among others.

On the other hand, marginalised groups also lack the capacity to engage and are also viewed as incapable of participating in governance. Persons living with disabilities and the LGBTI community are commonly branded as *walang alam* – 'do not know anything'. The bigger and more established organisations are more successful at influencing the government. Small informal groups, including community-based organisations, often remain a mechanism for the larger organisations to mobilise people on the ground for their own agendas.

Older persons, especially those with good employment and education, are respected in their communities and their views are valuable for politicians. In most instances, however, mobility and health limitations make it hard for older people to engage actively. For indigenous people, their geographical location remains the biggest hindrance to engagement.

The role and impact of the Private Sector is particularly relevant for the indigenous people as many are in conflict over claims on their ancestral domains.

The most recent threat identified in the context analysis is the new administration of President Rodrigo Duterte, especially his stance on drugs, anti-human rights and his disregard for women's rights. This will have implications on the work and advocacy agenda of Voice partners/grantees.

# LAO PDR

POPULATION IN 2016

**6.758.353**

SIZE

**230,800 KM<sup>2</sup>**

HDI RANKING 2016

**138/188**

INEQUALITY ADJUSTED HUMAN  
DEVELOPMENT INDEX 2016

**0,427**

GENDER INEQUALITY INDEX 2016

**0,468**

CIVIC SPACE (CIVICUS MONITOR 2017)

**CLOSED**

**HDI** - Human Development Index and its components, ranks countries by HDI value and details the values of the three HDI components: longevity, education and income.

**IHDI** - Inequality-adjusted Human Development Index - IHDI looks beyond the average achievements of a country in longevity, education and income to show how these achievements are distributed among its residents. An IHDI value can be interpreted as the level of human development when inequality is accounted for.

**GDI** - Gender Development Index, measures disparities on the HDI by gender. The table contains HDI values estimated separately for women and men; the ratio of which is the GDI value. The closer the ratio is to 1, the smaller the gap between women and men.

**Civic space** - The CIVICUS monitor assigns each country a rating on civic space based on constant analysis of multiple streams of data on civic space. The rating is open, narrowed, obstructed, repressed or closed. <https://monitor.civicus.org/Ratings>

## Introduction

Lao People's Democratic Republic (PDR) is the smallest and the only land-locked nation in Southeast Asia. It is made up of 18 provinces that are mountainous and rich with tropical forests, and 8,651 villages.<sup>18</sup> Lao PDR boasts great diversity with over 237 ethnic subgroups, although the government of Lao PDR officially recognises only 49.<sup>19</sup> The majority of Lao people practice Theravada Buddhism and there is only one political party, Lao People's Revolutionary Party.

The government of Lao PDR has a complex relationship with its emerging civil society and with international development partners. Voice in Lao PDR strives to give all people being left behind the opportunity to have a say in the policies that should make this goal a reality.

To this end, Voice does not have a specific focus on geographic region, marginalised group or theme. This is because Voice recognises that, between and within the marginalised communities in Lao PDR, those facing the most severe circumstances are plagued with overlapping, multiple vulnerabilities.

## State of affairs

In Lao, the majority of people live in the rural areas but urbanisation is growing rapidly and currently approximately 38.6% of the population reside in urban areas.<sup>20</sup> While non-Lao-Tai groups, or minority ethnic groups, account for one third of the population, these groups make up more than half of the poor.<sup>21</sup>

Media outlets are heavily controlled by the state. While access to certain Internet sites is not denied, national laws allow for monitoring of citizens' Internet use and movements<sup>22</sup> and dissent shared on social media can lead to imprisonment. In 2016, Freedom House classified Lao PDR as 'Not Free' citing special concerns regarding restrictions on political rights (as constrained in Sudan and Saudi Arabia) and civil liberties (as limited in Russia and China).<sup>23</sup>

National laws provide a framework for social, political and economic inclusion. These are, for the most part, well-written (with the support of donors) and compliant with Lao PDR obligations under international human rights law. However, implementation, enforcement, legal literacy, discrimination and political participation remain key challenges.

Civil society organisations or local non-profit associations (NPAs) are not independent. They are considered government development partners because they can accept foreign aid. Under Article 44 of the Constitution, CSOs are required to register with the Ministry of Home Affairs,<sup>24</sup> a process formalised by the Prime Ministerial Decree 115 in 2009. This has resulted in huge delays and, since 2014, the government has not registered any NPAs. This has led to many informal groups which affects how Voice can operate in the country.

## Lesbian, Gay, Bisexual, Transgender and Intersex (LGBTI)

While the Government of Lao does not recognise the term LGBTI, homosexual acts are legal and the age of consent is the same for homo and heterosexuals. There is no law against an LGBTI person joining the military and it is legal to change

one's gender status/marker without surgery. Same-sex marriage or unions are not recognised but they are also not expressly prohibited under law.

Within society however attitudes are generally negative and hostile. Blatant discrimination is accepted and, in rural Lao PDR, it is believed that if you identify as LGBTI, it is a punishment for transgressions in a previous life. Openly gay people have to contend with daily verbal abuse because they are seen as 'promiscuous and bad'. Society even believes that all transgender women are sex workers and aggressive deviants (e.g. rapists). The LGBTI community has been deemed 'invisible'<sup>25</sup> in part because there are no specific anti-discrimination protections under domestic law with respect to employment, education and housing.

There are no openly gay representatives within government and there is no pathway for advocates to run or be elected to office. The blanket denial of the gay community in Lao PDR gives no opportunity for representation in the state-run media outlets. Trans men and women face discrimination in various spaces in Lao PDR to an extent that many flee to Thailand for economic reasons and also to avoid harassment and arrest by the police.

There is a pervasive stereotype that transgender or openly gay persons are sex workers however many work in legitimate jobs. Often, they seek employment in foreign-run private companies or international NGOs with foreigners managing the hiring process. The lack of acceptance and forced conformity in academic institutions often leads to a lack of education, no training and young LGBTI individuals are often propelled into exploitative work.

The police freely exploit and harass transgender women, with respondents stating that the police abuse them and they are forced to pay bribes based solely on their gender identity, while heterosexual females in their presence are not. The police assume that all transgender people are prostitutes and that transgender women can be arrested if they try to stay in a hotel with their boyfriends. This institutionalised abuse, which takes place in both rural and urban communities, increases their vulnerabilities and pushes trans people into engaging in risky livelihoods with no protection. LGBTI people reported that the greatest barrier to accessing education for them is forced conformity. Likewise, members of the LGBTI community do not feel safe seeking care. There is an overriding misconception in Lao PDR that all HIV positive persons will die and if a trans woman becomes ill, people assume she has HIV.

## Women facing exploitation, abuse and/or violence

Women in Lao PDR experience being silenced in every aspect of their lives. The OECD's Social Institutions & Gender Index scored Lao PDR 'medium' in 2014 signifying 'moves toward gender equality are slow or patchy, particularly regarding civil liberties, secure access to land, violence against women and political voice.'<sup>26</sup> Likewise, CEDAW specifically called on the government to enact special measures to ensure 'women's full and equal participation in public and political life, in particular at high levels of decision-making.'<sup>27</sup>

Women and girls suffer from a legal framework that provides no real safeguards and the gap between policy, practice and participation deepens their struggles. The denial of freedom of expression and the right to opinion further isolates women in all aspects of their lives and makes change dependent on men. Respondents explained that they are not equal to men. They discussed at length that there is a son bias, especially when it comes to freedoms, assets, land, education and love felt by their families. The notion of women being less than men is deeply imprinted upon women. Low confidence and discomfort discussing any issues of inequality, including gender-based violence, seems to lead to unhealthy behaviours and attitudes, such as women rationalising being physically and sexually abused.

18 ADWLE, 2016.

19 Minority Rights Group International, 2016.

20 CIA, 2015.

21 ASB / NSC, 2006.

22 United States Department of State, 2015.

23 Freedom House, 2016.

24 INGO Network, 2016.

25 Mosbergen, D., 2015.

26 OECD, 2014.

27 Ibid., para. 32



Women face numerous impediments to studying and furthering their career paths due to other obligations such as:

- Homecare – husband, children, family business and housework;
- Insufficient language skills – classrooms require Lao language;
- Inability to pay fees – preference is given to sons;
- Physically unable to access schools – remoteness of their village; and
- Discriminations – isolation by peers, teachers and the administration.

Women in remote rural areas suffer more than those in urban areas. While urban women may appear to have more freedoms within their family and communities, they tend to be more prone to sexual exploitation and other abuses in the workplace. Neither the urban nor the rural environment seems to provide security or a means to escape poverty or social norms.

Politically, it is unknown if the small numbers of high-ranking female voices are being ignored or if attitudes prevent female officials from addressing certain issues.

### People living with disabilities

With the exception of people disabled as a result of unexploded ordnance explosions, there is no reliable information on the number of people with disabilities in Laos. Estimates by the UN Economic and Social Commission for Asia and the Pacific suggest that 8% of the national population is likely to be disabled. Applying this estimate to the 2005 population census for Laos (approximately 5 million) would indicate that there may be some 400,000 disabled people in the country. Many disabled people in Laos, as in most developing countries in the world, live in poverty, have limited opportunities for accessing education, health, suitable housing and employment opportunities. Information and educational materials are not readily available in formats such as braille, simple pictures and sign language in Lao language, and is completely unavailable in non-Lao languages.

In employment, discrimination towards people living with disabilities often begins with the initial job posting with non-essential requirements that read ‘being of whole body, good vision, a minimum height, blood test, and police record’. Employers do not provide accommodation or adequate equipment to accommodate people living with disabilities. Respondents often experience verbal harassment and are replaced by able-bodied people, even when they are fully capable of doing the work.

Physical barriers are obstacles of daily life. People living with disabilities often struggle to get from one place to another. This is compounded in rural settings where the roads and other infrastructure are basic. Additionally, buildings are often not accessible with narrow passageways and no ramps.

## Age-discriminated vulnerable groups

### Youth

Over 60% of the country’s population is under 25 years old. Lao PDR ranks 132nd in the Youth Development Index.<sup>28</sup> Despite this number, there is no national youth policy and a national situational analysis was published by UNFPA only in 2015.<sup>29</sup>

The analysis showed that Lao PDR has one of the highest adolescent pregnancy rates among the countries in the region with 94 in 1000 adolescents girls aged 15 to 19 getting pregnant. Even though many young people have knowledge about modern contraceptive methods, the percentage of adolescent usage of any of these methods remains low. For many reasons, including limited access to adolescent and youth-friendly sexual and reproductive health information and services, young people do not adopt safe sexual behaviour which often results in unwanted pregnancies and unsafe abortions, as well as a high prevalence of sexually transmitted infections which increases the risk of HIV infection.

Early marriage and early child bearing severely affects the lives and future of adolescents, especially of young girls, as it hampers their education, employment opportunities and participation in the community. It is crucial to ensure that young people, particularly young girls from rural settings, stay in school and have access to sexual and reproductive health information and services, including comprehensive sexuality education and family planning.

Traditional customs and poverty seem to curb laws protecting the youth from early marriage, physical harm (including trafficking), accessing resources and public spaces, and fair-pay work.

Politically, the Laos People’s Revolutionary Youth Union<sup>30</sup> is dedicated to youth issues with military service being compulsory at 18 years for an 18-month period.<sup>31</sup> The legal age of consent is 15 years and the voting and age of marriage is 18 years. The age of entering formal employment is also 18 years with youth (15-18 years) permitted to work a maximum of 6 hours a day or 36 hours a week. These young workers are not allowed to work in areas that include arduous physical labour or dangerous chemicals.

While youth do have representation, it is not inclusive or pluralistic regarding the issues facing Lao youth, especially the youth that are members of other marginalised groups explored in this paper.

### Indigenous groups and ethnic minorities

The government of Lao recognises 49 ethnic groups and four ethno-linguistic families, namely, Lao-Tai, Mon-Khmer, Chinese-Tibetan and Hmong-Mien.

Within these groups, various tribes are identified by their traditional dress, colours or stripes. Khmu is the largest tribe in the Mon-Khmer ethnic group and resides mainly in the Bolaven plateau, near the Chinese and Vietnamese borders. The Hmong communities can be found in Vientiane province, Luang Namtha, Luang Prabang and Bokeo. The Lao-Tai also inhabit northern Lao PDR and are the dominant ethnic group making up over 66.7% with Mon-Khmer (20.6%) and Hmong-Mien (8.4%) as the larger minority groups.<sup>32</sup>

28 <http://youthdevelopmentindex.org/>

29 <http://www.youthpolicy.org/factsheets/country/laos/>

30 Thammavong, S., 2013.

31 CIA, 2015. (references 2012 data).

32 CEDAW/C/Lao/7

The majority of the respondents for the context analysis are Hmong.

Based on historical relations, the Hmong are still ostracised for their part in assisting the Americans during the Secret War over 40 years ago. The 2016 Peoples under Threat index ranks Lao PDR 56<sup>th</sup> and lists the Hmong and other highland peoples to be at risk.<sup>33</sup>

Between and within the ethnic groups there are class hierarchies. The tribes from the Mon-Khmer group are often referred to as 'Kha' or slaves because of their dark skin. There is a widespread sentiment that the Hmong cannot be trusted due to past political relations and this impacts their access to education and employment. Many of the respondents expressed being 'looked down on' by Lao Loum, the lowland dominant members of society. This discrimination has shattered their confidence professionally and academically. However, it is the cultural attitudes and traditional practices within their communities that impact the respondents' lives the most. Burdened with all of the housework, non-wage paying labour, acute isolation and no exit, it appears that an epidemic of young Hmong girls taking their own lives is emerging.

Minority groups experience lack of representation and understanding within academic institutions which forces them to drop out of school early with no prospects to enter university.

Poverty and low education/training, coupled with language barriers, prevent ethnic minorities from attaining gainful employment. They are disproportionately at risk of being trafficked and forced to accept unsafe working conditions such as exposure to harmful, even lethal, chemicals. Most are forced to accept the work because they need money. Khmu women aged 15 to 20 fill many of the garment factories in Vientiane. They do not understand their rights, how their salaries are calculated (per piece) and have no knowledge of any support resources such as trade unions. Workplace inequalities prevail despite anti-discrimination laws and labour laws.

Land rights are the most tenuous issue between civil society, rights defenders and the government of Lao. Ethnic communities do not share in the profits of the investments that are displacing them. Instead, they are forced to assimilate at the expense of their culture, language and livelihoods without any participation or consultation in the process. Foreign direct investment projects that exploit natural resources and land disproportionately impact ethnic minority groups without safeguards in place to provide resettlement and compensations per Committee on Economic, Social and Cultural Rights.

People living with disabilities from minority ethnic groups residing in remote rural Lao PDR suffer from traditional attitudes which are exacerbated by their remoteness. Without access to information in their mother tongue, health facilities and education remain out of reach.

Based on the research reviewed, the context analysis, stakeholders' inputs and Lao PDR's ranking across a number of indices, it is obvious that the country is in need of a robust civil society to ensure their International Human Rights Law (IHRL) commitments are upheld. Beyond the letter of the law, the people need to know their rights, understand when they are being violated and have access to justice. Society has to accept those hidden in the margins and political will has to continue through implementation and enforcement.

<sup>33</sup> Minority Rights Group International, 2016b.



# ANNEX I: RESULTS FRAMEWORK

## Outcome area 1: Capacity strengthening

### Outcome 1.1: (Informal) groups have capacity to work on their own empowerment through building safe spaces, creating confidence and skills

#### Indicators:

- Number of groups have presented their collective demands to external stakeholders
- % of targeted groups indicate that they are able to have safe spaces to convene and work
- % groups indicate an increased confidence to raise their voice
- Description of the necessary components of (informal) groups' capacity that enables them "to work on their own empowerment through building safe spaces, creating confidence and skills", i.e. which elements need to be changed in order for the groups' influencing capacity to be sufficient?
- Description of the way in which the empowerment grants helped to create space and build confidence and skills

### Outcome 1.2: (Informal) groups, organisations and networks have capacity to build alliances and networks with a variety of stakeholders, to amplify the voice of marginalised and discriminated groups

#### Indicators:

- # of alliances and coalitions indicating to initiate activities based on joint agenda
- # of publications (media outlets, relevant policy documents, etc.) supportive to the position of marginalised groups and their change agenda
- Descriptions of the necessary components of the capacity of (informal) groups, organisations and networks to enable them "to build alliances and networks with a variety of stakeholders, to amplify the voice of marginalised and discriminated groups"
- Description of how the voices of marginalised and discriminated groups are "amplified" through the created alliances and networks, (i.e. what is the net added value of the alliances and networks?)

### Outcome 1.3: (Informal) groups, organisations and networks have capacity to use a range of tools and instruments to influence key decision makers

#### Indicators:

- # groups, organisations and networks report a benefit (being able to influence) by using a diverse set of advocacy tools
- Description of the necessary components of the capacity of (informal) groups, organisations and networks to enable them "to use a range of tools and instruments to influence key decision makers"

## Outcome area 2: Innovate and Learn

### Outcome 2.1: Civil society organisations develop and implement innovative and effective strategies to reach, empower and strengthen capacities of marginalised and discriminated groups

#### Indicators:

- Groups and CSOs report the use and effects of new insights and innovative approaches
- Description of the constitutive elements of "innovative and effective strategies" that could "reach, empower and strengthen influencing capacities of marginalised and discriminated groups"

### Outcome 2.2: A Linking and Learning infrastructure is in place that visibly contributes to the insights, understanding and innovation capacity of grantees and other stakeholders of the programme

#### Indicators:

- % Voice grantees reporting use of the L&L infrastructure
- Description of the constitutive elements of "innovative and effective strategies" that could "reach, empower and strengthen influencing capacities of marginalised and discriminated groups"

### Outcome 2.3: New ideas and approaches have been prototyped, tested and evaluated, ready for scale, shared and potentially adopted by relevant stakeholders

#### Indicators:

- # of ideas and approaches developed, tested and prototyped
- Documented evidence of effectiveness of # new ideas and approaches

