

Resisting Unfair Property Law: Settling landless people on unfarmed land to pressure the government to carry out land reforms.

DISRUPTION TACTICS

Some human rights abuses call for advocates to step in physically to end the abuse, to simply make it impossible for the abuse to continue. You can lobby and you can campaign and you can protest, but sometimes you need to change the situation yourself: give people the land they need to thrive or the medicine they need to survive, take the young girls out of the brothels, rescue enslaved children from the factories. The brave people who use such tactics all risk physical danger. Some, like sex workers organized in Bangladesh, would seem to be unlikely participants, yet they turn out to be vital to the effort.

The Brazilian Landless Workers Movement puts pressure on the government to enact reforms while at the same time providing support — in the form of peacefully occupied farming land — to victims of abuse.

Since its creation in 1984, the Brazilian Landless Workers Movement (Movimento Dos Trabalhadores Rurais Sem Terra, or MST) has addressed the issue of land reform by organizing large groups of landless farmers to settle and farm unused land belonging to wealthy landowners. After occupying an area MST attempts to gain the land legally through petitioning and legislation, using an article in the Brazilian constitution stating that unproductive land is available for agrarian reform.

Although the Brazilian government has promised land reforms for the last 20 years, little land has actually been redistributed through government programs. Half of Brazilian land is currently owned by one percent of the population, while nearly five million agrarian workers are landless.

MST sends organizers into a new area to contact landless families and recruit them for an occupation. The organizers consult with the local community to choose a site that is not being farmed and is known to be fertile, and whose legal ownership is disputed. Often, organizers will remain in the community for six months or more to prepare local people for the occupation. The local community divides the work of preparing for the occupation, which allows them to take ownership over the process. On the day of the action, landless families go to the site, peacefully cross any barriers to the land and occupy it. If they are evicted, they leave peacefully but return to the same place when the eviction order has ended.

The occupations are brought to the attention of the national agency that deals with land reform, where activists pressure for legalization of the occupation, often through the expropriation of land. As part of this pressure, MST organizes marches and occupations of government buildings and publicly denounces the government for failing to abide by its own constitution. The legalization process can last as long as five years. Once a new settlement is established, schools and health clinics are built and the land is used for sustainable farming, allowing settlers to access their right to food. This tactic has been extremely successful, although it has been met with occasional violence. MST has gained land for about 250,000 families living on over 1,600 settlements.

MST's story is a remarkable one: peaceful occupations leading to real change for thousands of people who can now support themselves agriculturally. While the occupations alone would have been divisive and dangerous, when combined with pressure on the government to enact promised land reforms they became part of a successful campaign. MST is able to safely use this tactic by ensuring that a sufficient number of people participate. If landowners or local authorities use violence against the peaceful occupiers, MST activists generate pressure through the media attention.

There are numerous examples of land occupations in other parts of the world that have not been peacefully carried out or that have resulted in high incidents of violence. The use of this approach carries great risk in some contexts and must be very carefully planned and carried out to ensure nonviolence.

When do you use an unlawful tactic to ensure access to human rights and strongly pressure the government for change?

The Agrarian Reform Law states that all property should either have a social function, or should be used productively to produce jobs and food. Our struggle has law as an ally, but if we leave the government

to do the agrarian reform, it will not happen because the main landowners have a lot of power in the National Congress and Senate.

— Wanusa Santos, Movimento Dos Trabalhadores Rurais Sem Terra, Brazil

“ ”

Defying International Patent Law: Defying laws in order to pressure for their change.

In South Africa the Treatment Action Campaign engaged in civil disobedience by circumventing national laws, then pressured the government to change these laws in order to ensure treatment for people with HIV/AIDS.

In June 2000, the Treatment Action Campaign (TAC) began importing generic HIV/AIDS drugs in defiance of patent laws, trying to pressure drug companies to reduce drug costs and to compel the South African government to allow the importation of generic versions of patented drugs. The goal of the tactic was to increase access to affordable HIV/AIDS prescription drugs for all South Africans. Over four million people are infected with HIV in South Africa and high prices for patented drugs have made treatment inaccessible to most people.

Fluconazole is an essential drug used to treat illnesses related to HIV. Like many other HIV/AIDS medications, Fluconazole is produced by multinational companies under patent and imported into South Africa at a very high price. Generic versions of the drug are significantly less expensive. Pfizer's patent of the drug, however, prevented the South African government from importing these generic versions. Although the South African Patent Act gives the government power to import or produce cheap copies of patented drugs, the government did not attempt to use this power.

Before importing medications, TAC worked with the World Health Organization and Medecins Sans Frontieres to confirm that they were safe and effective, and arranged systems for their purchase and import. For example, TAC organized a trip to Thailand, where a generic form of Fluconazole called Biozole was available to the public for less than US\$0.28 per tablet.

When the Biozole tablets reached the border, the South African Medicine Control Council confiscated them while members of that Council debated the issue of granting them an exemption. In November 2000, under pressure from TAC and its international and local supporters, the Council permitted the generic drug to be distributed to patients by one of TAC's partners. The pharmaceutical company Pfizer had promised to deliver its own medication to patients in March 2000; the exemption — an exercise of the government's discretionary power — would be reviewed once this delivery actually occurred.

By drawing attention to low-cost alternatives, this act of civil disobedience demonstrated the urgency need for access to HIV/AIDS medications. The activists were prepared to suffer the consequences of breaking the law in order to save lives, thereby applying sufficient pressure to affect national policy.

Even as it defied South African law and international patent agreements by importing generic drugs, TAC also supported the South African government in a case brought by a group of 39 pharmaceuticals, called the Pharmaceutical Manufacturers' Association (PMA). The PMA alleged that the Medicines Act, which includes provisions allowing the government to import patented drugs from other countries if they are available at a lower price, violated patent laws. The PMA ultimately withdrew its case.

South Africa continues to live under the specter of a grave human rights crisis: millions of people have HIV/AIDS and have no access to effective medicine. In August 2003, however, under pressure from TAC, the South African government agreed to make anti-retroviral drugs available without charge to all South Africans and confirmed this promise in a new plan unveiled in November of the same year.

Taking Young Women Out of Brothels: Using people with direct experience and knowledge to rescue victims of abuse.

In Bangladesh, a local association intervenes in private sector activities that violate human rights.

The Ekota Sex Workers Association in Bangladesh uses surveillance teams made up of older prostitutes to rescue girls who are being kept against their will in brothels.

Senior sex workers play an important role in the sex trade. Most are madams or rent rooms to prostitutes who stay in the brothel. They have more spare time than younger workers and they also have a deeper knowledge of the industry. Their position of economic power within the brothels offers these senior sex workers a unique ability to influence who can be in the brothels and when they rent quarters to younger prostitutes they clarify that no underage girls are allowed.

Despite this policy, however, younger prostitutes sometimes bring girls into a brothel. When this happens, the senior sex workers keep track of where the girl is being held and communicate with her through small windows and openings. They try to find out whether she came there willingly, what village she is from, how old she is and who her relatives are. They then notify the sex workers association, which sends a trusted person to the girl's home to inform parents or relatives of her whereabouts. In many cases the family is able to come to the brothel to rescue the girl. In some, however, the family itself has sold the girl into prostitution and is unwilling or unable to help her.

When it began rescuing girls from the brothels, the sex workers association contacted a range of local nongovernmental organizations (NGOs) to support their work and help the girls. The NGOs play a critical role in rehabilitating those girls who are unable to return to their families.

Despite their efforts to remove underage girls from brothels, the sex workers receive little support from the local community, which views prostitution as a social threat. In addition, the rescue of children by the sex workers threatens those who benefit from the sex trade. This places the senior sex workers and the association in danger. The women rely on the local NGOs for support in influencing local government officials to increase protection for the sex workers and to remove underage prostitutes from the brothels.

This tactic is effective largely because the older sex workers who are involved are in a unique position both to monitor and to recognize the problem. They have also built a solid network, through their association, that can safely gather and transmit information. This tactic intervenes at the very last stage of abuse, when the girls are already in the brothels, and facilitates their physical removal from the situation. Other exploited groups — perhaps survivors of domestic abuse, forced labor or forced migration — would also be in a position to use their experience to keep others from suffering the same fate. But it is important to note that they, like these women in Bangladesh, would be placing themselves in physical danger.

INTERVENTION	Region	Initiating Sector	Target Sector	Focus	Human Rights Issue
Disruption	Africa	Civil Society	Government Business	National International	HIV/AIDS

Region	Initiating Sector	Target Sector	Focus	Human Rights Issue	INTERVENTION
Asia	Society	Society	Local	Trafficking	Disruption

Throwing Open the Factory Doors: Rescuing child laborers through factory raids.

In India, the South Asian Coalition on Child Servitude intervenes physically to rescue child laborers.

The South Asian Coalition on Child Servitude (SACCS) organizes raids and rescue operations to liberate child laborers. A conglomeration of more than 400 human rights groups throughout South Asia, SACCS aims to eradicate bonded and child labor.

The International Labour Organisation says that there are more than 60 million bonded child workers in India. These children are denied their fundamental rights to childhood, to education, to fair remuneration and to adequate health care and living conditions because they are forced to work more than 12 hours every day. Most of them are held as slaves in factories where they are subjected to beatings and widespread disease.

Since its inception in 1989, SACCS has addressed this problem using a two-pronged strategy that involves both direct and indirect action. SACCS Direct Action Rescue Operations are planned raids against industries known to use child labor. After receiving tips that identify an industry using child laborers or being approached by parents whose children have been taken into bondage, SACCS organizes its own teams, families of stolen children, local supporters and a few policemen armed only with sticks to forcefully free the children. They open the factory doors that lock the children in at night and remove the children before the owner is alerted. In order to secure police protection the local administration is informed about the impending raid beforehand, but exact details are never revealed so as to avoid collusion between the administration and the industries.

After the children are liberated, their official release certificates must be secured from the local administration. Because the administration is sympathetic toward the industries this can take a long time. The children are then introduced to SACCS rehabilitation programs that provide free education before being returned to their families, when that is possible. Through its direct action raids SACCS has released more than 65,000 laborers from servitude in the last two decades.

SACCS intervenes directly at the site of the abuse: the factories where children are being held as slaves. Their actions not only rescue thousands of children, but build community awareness of the problem when word gets out about the freed children and the conditions in which they were held. Their actions also make it impossible for the government to continue to be complicit in child labor. Once made aware of the problem and SACCS's intended action, the government can no longer protect the factories without being publicly exposed.

This is also a dangerous tactic that could have repercussions for the children and the community, forcing the factories to hide the problem even more deeply or to move to another area. The SACCS team members may themselves be in physical danger and must plan for a number of contingencies. But when a problem is this extreme — whether it is child slavery, human trafficking or unlawful detention — there are sometimes people brave enough to take that danger upon themselves.

Shifting Tactics

Knowing when it's time to switch tactics can be just as important as knowing which tactics to use in the first place. The Free Burma Coalition recently decided to end its ten-year-old campaign of boycotts against PepsiCo, Apple Computer, Heineken, Texaco and other companies doing business in Burma — not because the campaign had been ineffective or because the coalition had achieved all of its goals, but because it was time for a shift in tactics. **Zar Ni**, one of the coalition's founders, explains.

Boycotts have a lot of potential to do good. They can be like the heavy artillery in a military campaign: They wear down the enemy, but the real job is done by the people on the ground, in the country itself. And, once you've crippled your enemy, you have to be ready to strike the next blow. “ ”

The boycotts raised awareness of the situation in Burma and convinced several international companies to pull out of the country, but this alone was not enough.

We officially ended the boycott in 2003 because we realized that we needed to use a new set of tactics to start to reframe the issue and bring our campaign to another level. We realized that unless we changed the way people tell the Burma story, we would not win. With the boycott the centerpiece of the campaign, the focus would always be on the regime and not on the Burmese people. We need to focus attention on the people and our own road to the future.

Now we are exploring strategic partnerships with others involved in international human rights campaigns. Reframing the issue and incorporating new tactics into our campaign will open up new strategic avenues and new options for us.

New Tactics in Human Rights						
INTERVENTION	Region	Initiating Sector	Target Sector	Focus	Human Rights Issue	
Disruption	Asia	Civil Society	Business Society	National	Child labor	

New Tactics in Human Rights						
Region	Initiating Sector	Target Sector	Focus	Human Rights Issue	INTERVENTION	
Asia	Civil Society	Government	International	Gross violations of human rights	Disruption	