



## Part II: Working with ESC rights



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# 1 Introduction to Part II

Part I of this book gave information about ESC rights. Part II turns the theory into practice.

Sections 2 and 3 deal with understanding the priorities of a particular target community and making strategic choices for action. Sections 4 to 10 are about working with the community to monitor ESC rights and take action to bring positive changes to people's lives. Section 11 suggests additional forms of action. Throughout these sections, examples are used to explain the use of a human rights framework, and these examples are either based on fact or are fictitious but based on real life cases.

The sections are presented in an order that may benefit those new to ESC rights work. The *Planning Box* in Appendix 1 is a tool for ESCR advocates which follows the same steps outlined in these sections. However, the sections may be read in any order, according to the reader's interests or needs.

## 1.1 Claiming, defending and promoting human rights

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ESCR advocates are human rights workers who defend or promote ESC rights and empower others to claim their ESC rights.

“Claiming” and “defending” mean much the same things, but there are differences:

- People whose rights are denied, violated or abused try to act by “demanding” their rights or seeking to “claim” them through a complaints mechanism or court; and
- People who advocate for the rights of others are “defending” the rights of others. “Promoting” means making people aware of their rights.

## 1.2 Human rights work: from local to global

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Human rights work extends from the village level, through provincial and national levels to the African and international levels. The actions of governments, corporations, and global institutions such as the World Bank at the international and African levels can have a profound impact on the smallest communities. This is why CSOs need to take action to defend and promote human rights, bringing the voices of the most marginalised people to those in power. This is an important step in linking issues and policies to the international human rights framework.

### Box 1: Working with local communities



The challenges for CSOs working with local communities to claim their rights are:

- To build their own and the communities' understanding of how local government and other institutions operate. This is necessary in order to influence policy makers;
- To build contacts with other CSOs working at local, provincial or national levels in order to achieve a greater impact on government policy;
- To recognise that local institutions often lack power, resources or political will; and
- To recognise that everyone has a duty to do their best for their family and for society ("Every individual shall have duties towards his family and society", African Charter Article 27.1).

As a result of this, CSOs need to be self-reliant and active and to motivate and strengthen communities' capacity to improve their own lives.

### Box 2: Entry points into ESC rights work



CSOs sometimes overlook the importance of not starting their work before they have gained a thorough understanding of the community and its culture, problems and expectations.

There can be many different entry points for working on ESC rights. Below are a few examples based on actual situations:

- A group of women, with assistance from a CSO, set up a cooperative to produce eggs. The CSO helped them to learn book-keeping. The women gained confidence and began to participate in decision making within their community;
- A CSO offered to provide additional campaigning skills to a community that was fighting for provision of affordable water;
- A CSO started working on violations of workers' rights to a fair wage and to strike. After police beat some of the strikers, the CSO and the workers jointly campaigned against ill-treatment; and
- A CSO decided to work with a local government that was encouraging participatory policy development and budgeting.

Additional advice on this is given in Section 3.

# 2

## Making strategic choices for your organisation

This section includes advice on the initial steps of a plan to work on ESC rights with a community. These steps include identifying the problem and conducting an initial assessment of the situation, analysing the organisational capacity to address the situation, exploring the role of the organisation in relation to the community, and making preliminary strategic choices for action.

While there are many ways to work with communities to realise ESC rights, a plan is always necessary.

### 2.1 Identifying the problem and conducting an initial assessment

The first step of any plan is to identify the problem to be addressed along with an initial assessment of the overall situation. Table 1 provides a list of key elements to consider when doing this.

**Table 1: Identifying the problem and conducting an initial assessment**

Key element	Questions to ask
Identify the problem	<ul style="list-style-type: none"> <li>• What is the problem which needs to be addressed?</li> <li>• How does this problem relate to rights (ESC and CP rights)?</li> <li>• Whose rights are not being realised? Are there certain groups of people who are being marginalised?</li> </ul>
Analyse the general situation in the community	<p>What is the <b>Political, Economic, Social, Technological, Environmental and Legal (PESTEL)</b> situation?</p> <ul style="list-style-type: none"> <li>• Political: plans and attitudes of the authorities</li> <li>• Economic: local budget, economic situation of people</li> <li>• Social: different situations of vulnerable groups, families, cultural issues</li> <li>• Technological: for example access to internet, farming equipment</li> <li>• Environmental: for example, drought, environmental hazards</li> <li>• Legal: laws and regulations</li> </ul>

> continued

Key element	Questions to ask
Analyse the human rights situation	<ul style="list-style-type: none"> <li>• What are the alleged human rights abuses or violations (of ESC and CP rights)?</li> <li>• What are the views of community members (men and women), journalists, teachers, academics, religious/community leaders, representatives of international organisations, and government officials about the human rights situation?</li> <li>• Who may be responsible for the human rights abuses or violations?</li> </ul>
Analyse the actors involved	<ul style="list-style-type: none"> <li>• Who are the &gt; stakeholders involved? In other words, who are the State actors (such as government officials) and non-State actors (such as influential individuals, corporations or NGOs)?</li> <li>• Do the stakeholders contribute to the problem or could they help solve the problem? What activities or projects do they do? And how would their experience be useful?</li> <li>• Do the stakeholders operate at local, provincial or national levels?</li> </ul>
Identify the added value from the organisation	<p>What added value is the organisation bringing to the community? This might be, for example, the organisation's allies, its experience, its ability to involve someone with expertise.</p>
Decide if the problem can be addressed by the organisation's work	<ul style="list-style-type: none"> <li>• Does the problem fit within the organisation's mission statement or goals?</li> <li>• Can the problem be addressed by the organisation's capacity (see Section 2.2)?</li> </ul>
Identify potential areas of work	<ul style="list-style-type: none"> <li>• What possible role can the organisation take in relation with the community (see Section 2.3)?</li> <li>• What are some preliminary choices for action (see Section 2.4)?</li> </ul>

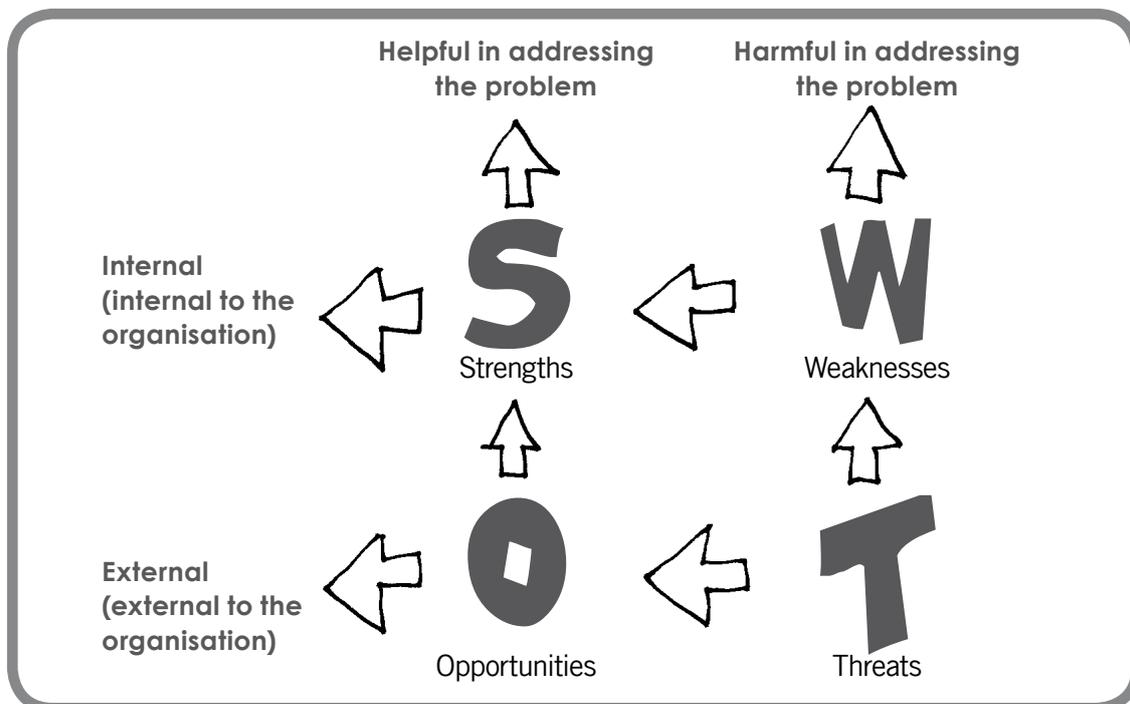
## 2.2 Analysing the organisation's capacity

A common tool used to analyse an organisation's capacity to address a problem is the SWOT (Strengths, Weaknesses, Opportunities, and Threats) analysis (see Figure 1). In a SWOT analysis:

- **Strengths** are the internal strengths of the organisation. For example, the experience and expertise of the organisation (such as number of staff, or people with specific skills like monitoring);
- **Weaknesses** are the internal weaknesses of the organisation. For example, a lack of specific skills like planning or campaigning, or a lack of financial resources;
- **Opportunities** are the external opportunities which the organisation can benefit from. For example, stakeholders who could be allies, government policies which promote human rights, or technological advances which facilitate communication with others; and
- **Threats** are the external threats to the organisation. For example, stakeholders who are opponents to your work, or discriminatory cultural practices and traditions.

Every SWOT analysis is different, depending on the community and the problem addressed. An opportunity in one case can be a threat in another.

Figure 1: SWOT analysis



## 2.3 Identifying the role of the organisation in relation to the community

The role of the organisation in relation to the community is to work with members of community groups to help them to recognise and claim their rights. Members of the organisation can take on different roles:

- Being *facilitators*, or making it easier for community members to:
  - Understand their rights;
  - Strengthen their organisational structures;
  - Identify their choices for actions to address the problem; and
  - Take appropriate actions.



- Playing a *support* role, where possible providing direct support to local-level actions; or, for instance, when the community needs access to specialist information; or

- Sometimes taking a *lead* role, for example in raising people's awareness of their rights.



The following principles may be useful for checking whether the organisation's objectives and actions are in line with the human rights based approach. (See Main Book Part I, Section 6.4, as well as Box 20 and Section 11.2 in Part II.)

**Table 2: Using the Human Rights Based Approach**

Principle	Action (One example is given. Add further actions)
Respect the rights of those we work with and others to:	<ul style="list-style-type: none"> <li>• Participate (or not)</li> <li>•</li> <li>•</li> </ul>
Protect the rights of those we work with and others by:	<ul style="list-style-type: none"> <li>• Ensuring confidentiality and privacy</li> <li>•</li> <li>•</li> </ul>
Fulfil our obligations to those we work with by:	<ul style="list-style-type: none"> <li>• Providing them with adequate information about our organisation, how we work and our relationships with officials and others</li> <li>•</li> <li>•</li> </ul>
Eliminate discrimination by:	<ul style="list-style-type: none"> <li>• Ensuring that women have an equal role in our actions</li> <li>•</li> <li>•</li> </ul>
Ensuring the right to remedy by:	<ul style="list-style-type: none"> <li>• Informing those we work with how we accept criticism or complaints</li> <li>•</li> <li>•</li> </ul>

## 2.4 Making a preliminary choice

At this stage, the organisation can make a preliminary choice of the kind of work it wants to do. This should be discussed with the community and modified as necessary. The criteria in Table 3 may be considered when making a preliminary choice.

**Table 3: Criteria to consider when making a preliminary choice**

Criteria	Example
Severity of the problem	<ul style="list-style-type: none"> <li>The problem is urgent or may lead to further violations of human rights (for example, there may be a law that could lead to grave abuses); or</li> <li>The problem has been neglected and no or few other CSOs are working on it.</li> </ul>
Increase access to other rights	<ul style="list-style-type: none"> <li>Solving the problem will increase access to other rights (for example, improving children's right to health care increases their chances of doing well in school).</li> </ul>
Collaboration with others	<ul style="list-style-type: none"> <li>You have the necessary capacity, skills and experience or can get them by collaborating with others; or</li> <li>It is a problem that other CSOs are working on but much more work is needed; together you can have a greater impact.</li> </ul>
Involvement of duty-bearers	<ul style="list-style-type: none"> <li>The responsible authorities (or other duty-bearers such as companies) are not interested but might act if you and others campaign.</li> </ul>

# 3 Getting to know the community

This section includes advice on getting to know the community.

## Box 3: CBOs and NGOs working with communities



### CBOs

A community in Katerera in South-West Uganda had very little access to safe water and sanitation. With some help from NGOs, eight women's CBOs learned how to harvest rainwater. Eventually the number of groups rose to 36 and 138 tanks and latrines were constructed instead of the 86 that were planned.

Source: World Council of Churches, [www.oikoumene.org/fileadmin/files/wcc-main/documents/p4/ewn/single\\_docs/EWN\\_documents/72pok\\_hdef.pdf](http://www.oikoumene.org/fileadmin/files/wcc-main/documents/p4/ewn/single_docs/EWN_documents/72pok_hdef.pdf).

### NGOs

The Social and Economic Rights Action Centre (SERAC) of Nigeria set up a Community Action Programme Committee (CAPCOM) comprised of community leaders and representatives. CAPCOM worked through existing organisational structures within host communities to mobilise around ESC rights issues.

Source: Front Line Defenders, [www.frontlinedefenders.org/node/738](http://www.frontlinedefenders.org/node/738).

Having made a preliminary choice on the kind of work the organisation or community wants to do and identified a possible > project or projects that suit their capacities, the next tasks are to:

- Get to know the community; and
- Identify the main human rights issues.

## 3.1 What is “the community”?

In these books we are using the term > community to denote the group of people who would benefit from the proposed project. For example:

- People living in the same area, such as a rural village community, a group of farmers, or people in an urban settlement;
- People with the same problems or occupations, such as teachers or people living with HIV/AIDS;

- The women within a local community or a network of women's groups; or
- A group with a common origin or culture, such as refugees, pastoralists, members of a distinct ethnic group or faith group.

There can be many sub-groups within the community. These may be defined by:

- The kind of work they do;
- Their age;
- Their ethnic or cultural identity;
- Their religious denomination;
- Different living conditions: for example, urban or rural, overcrowded or isolated; or
- Differences in power or wealth.

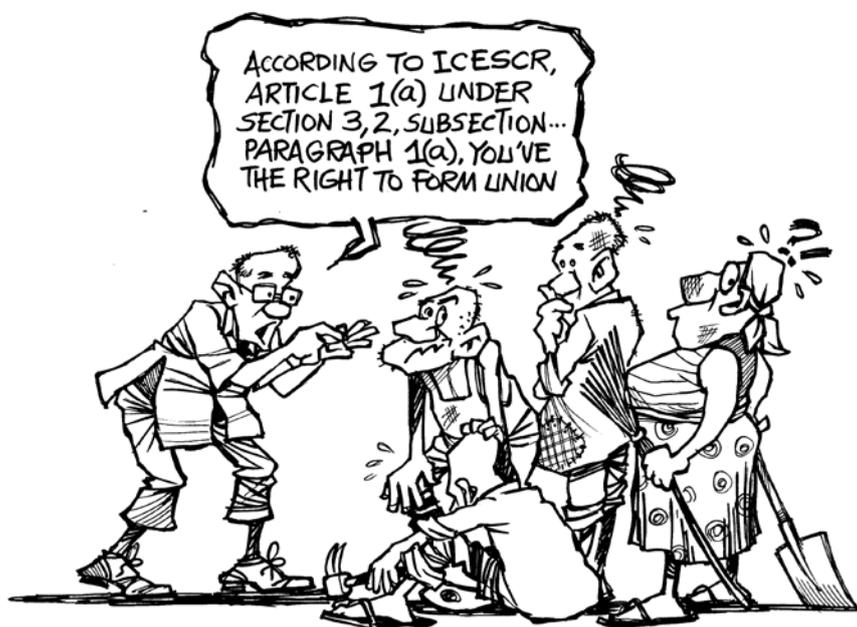
### 3.2 Preparing to meet the community

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Whether you are a member of the community or not, your task at this stage is to listen to community members without making your own comments, judgments or opinions and making no commitment about what you will do. Some CSOs start with holding a public forum on a specific issue. They may take members of one community to visit another with the same problem in order to share their experiences.

The aims of meeting the community at the start are to:

- Find out what people are most concerned about and to get a general idea of the nature of their problems and what impact the problems have on people (boys, girls, women and men);
- Assess the extent to which people have analysed their problems and developed strategies or solutions. This will be the basis for raising people's awareness of their rights;



- Allow the community to understand the organisation and how it works; and
- Begin to identify community members who understand or are willing to learn about ESC rights and who can help you in your work. These community members can act as “motivators” of the project.

For more on how to motivate the community to work for change, see Part II, Section 4.1 and Table 8, Section 11.1.

### 3.3 Learning about the community

The aim at this stage is to learn more about the community: who they are, how they interact with each other, and who is influential.

If you are a member of the community the following steps may not be needed.

If you are not a community member:

- Identify one or two members of the community who could give advice and help you to meet people;
- Ask community leaders about the best way to meet people and get to know the community (this may take time); and
- Remember that the people who appear to be community leaders may not have the trust of the community. With time, it will be possible to develop a stronger sense about which community leaders are the most respected or trusted.

Part II, Section 6 contains further information about doing research in collaboration with community members.

#### Box 4: Examining the interests of all stakeholders



Most community members will benefit from problems being solved. However you should:

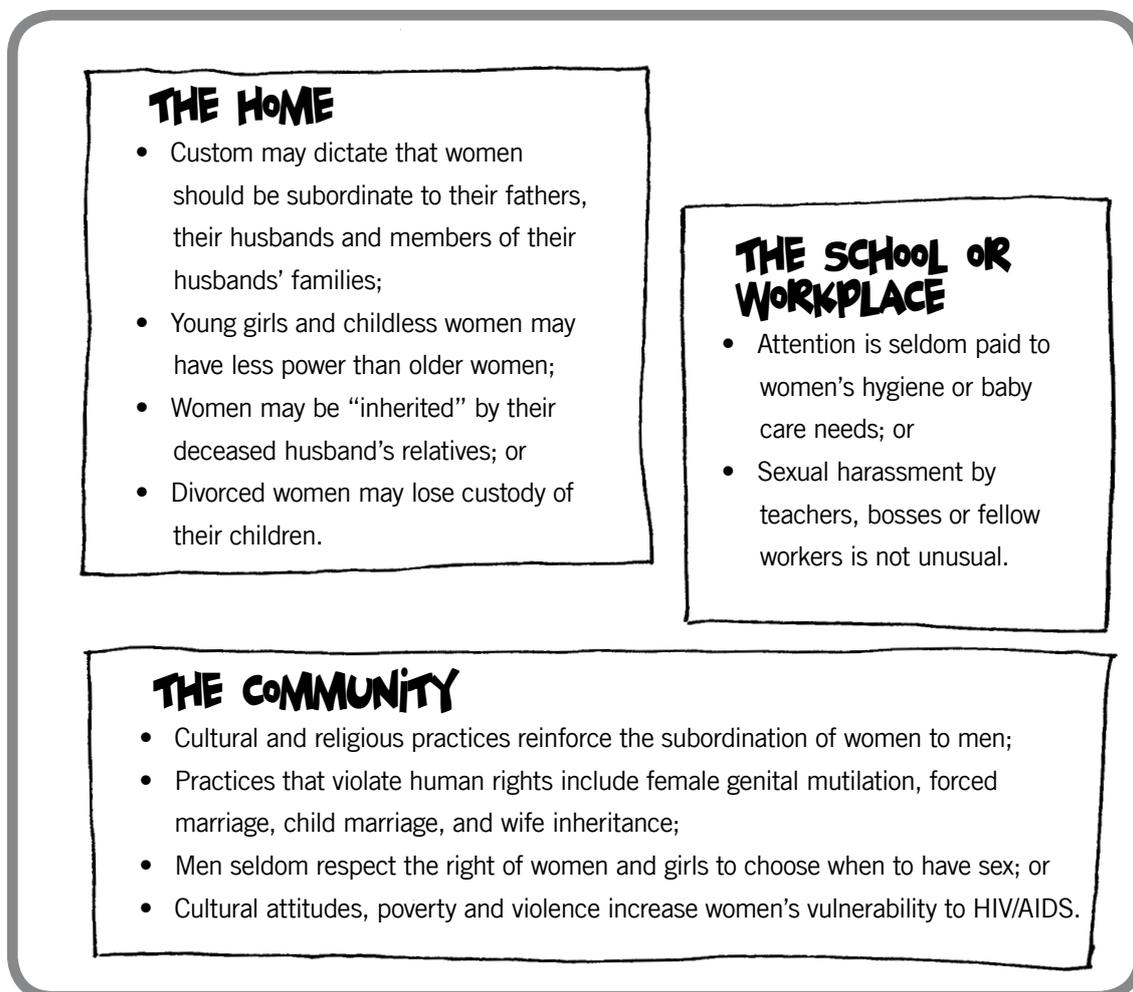
- Consider the interests of all groups of stakeholders. For example, if your project is on housing rights, consider the interests of both landowners and tenants; and
- Be aware that a few community members may be benefiting from the problems and may not want them to be solved. These are sometimes referred to as “gate-keepers”. They are also stakeholders and it is important to know about them.

More on stakeholders is described in Section 4.3.

#### 3.3.1 Power relations between men and women

The effects of discrimination against women and girls on their ESC rights were described in Part I, Section 4.4.2. Figure 2 shows the different power relations within the community through a gender perspective. These (and any other) factors should be taken into account to ensure that the project does not discriminate against women and girls.

Figure 2: Power relations within the community



### 3.3.2 Other marginalised or excluded groups

Unequal power relations also affect other marginalised or excluded groups including people with disabilities, youth, the elderly and those suffering from certain illnesses such as HIV/AIDS. Other groups are excluded or marginalised because of their faith, such as some Muslim communities, or way of life, like some nomadic groups. At times, these groups are so neglected that they become invisible and this has been a major weakness in many actions to promote human rights.

### 3.3.3 Traditional leaders

Traditional leaders often hold on to traditions and cultural practices to secure their power positions. This usually prevents women and young people from enjoying their human rights. On the other hand, those leaders who accept the concept of human rights may become important agents of positive change in their communities. Regardless of how much traditional leaders respect or do not respect human rights, it is essential to seek their advice and cooperation when working with a community.

# 4 Developing a plan of action with the community

This section is about involving community members in the preliminary choice of a project, analysing the human rights issues, identifying the main stakeholders, and setting a goal and objectives for the project.

## 4.1 Mobilising the community to work for change

Mobilisation means building movements of people who want change. These movements generally develop out of a sense of grievance or anger about systems that exploit and oppress people. These movements can be local, national, regional or international.

Some communities are good at mobilising themselves, for example to build a well. Their skills should be acknowledged. Others need some assistance.

Mobilising a community starts with a “core group of motivators” and then spreads to others in the community, like ripples caused by dropping a stone into water. This core group should be composed of people in the community who are keen and have a good understanding of the problem.

To show that mobilisation can really work, it may be best to start with a problem that could easily be solved.

This core group of motivators helps to create change by:

- Making sure that as many people, and as wide a variety of people, as possible in the community know about the project and are interested in participating;
- Encouraging individuals and groups with specific expertise or know-how to participate in the project. These individuals or groups could be involved in:
  - Awareness raising sessions;
  - Discussions and decision-making;
  - Gathering information; or
  - Motivating others.
- Involving as many people, and as wide a variety of people as possible in order to show the strength of support for the project. This “mass mobilisation” typically takes a long time.

Box 5: Characteristics of a good motivator



The core group of motivators who are participating in a project with your organisation should have a basic understanding of human rights. This way, they will be able to pass their knowledge on to other members of the community and responsible authorities.

In particular, they should know about:

- The equality and dignity of all people and how these underpin all other rights;
- The interrelatedness and interdependence of all human rights;
- Non-discrimination;
- Women's rights; and
- People's right to participate in decisions that affect them.

They should also have basic knowledge of the rights to:

- Life and not to be tortured or ill-treated: this includes things like beatings by police and domestic violence;
- Freedom of opinion and expression and to meet and associate with others freely;
- An adequate standard of living;
- Health;
- Education; and
- Work, satisfactory working conditions and equal pay for equal work.

Apart from working with community members, it could also be beneficial to work in partnership with others starting at an early stage in the project. In order to do this:

- Identify CSOs, professionals and others who have the knowledge, experience and desire to help that would be useful for the project; and
- Inform them about the project and discuss how they could contribute.



## 4.2 Analysing problems and identifying strategies or solutions

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The community's main problem may be poverty, but this huge problem can only be addressed bit by bit. The community could focus on one aspect of the problem, depending on the situation, their interests, their resources, and on your ability to assist them. It is important to point out to community members that there could be two good outcomes of working on a project. One outcome is a successful end result in addressing the problem. A second outcome is the strengthened ability of the community to work together to improve their lives.

Both these outcomes depend on a thoughtful analysis of the problem. This is done in order to:

- Understand the root causes of the problem;
- Consider the different aspects of the problem;
- Identify the effects of the problem;
- Make the best use of existing resources to address the problem;
- Identify the human rights involved; and
- Identify a strategy or solution to address the problem.

There are a number of different tools for analysing problems and identifying strategies or solutions. Useful tools described below are the problem tree and the strategy or solution trees and mapping.

### 4.2.1 Problem trees and strategy or solution tree

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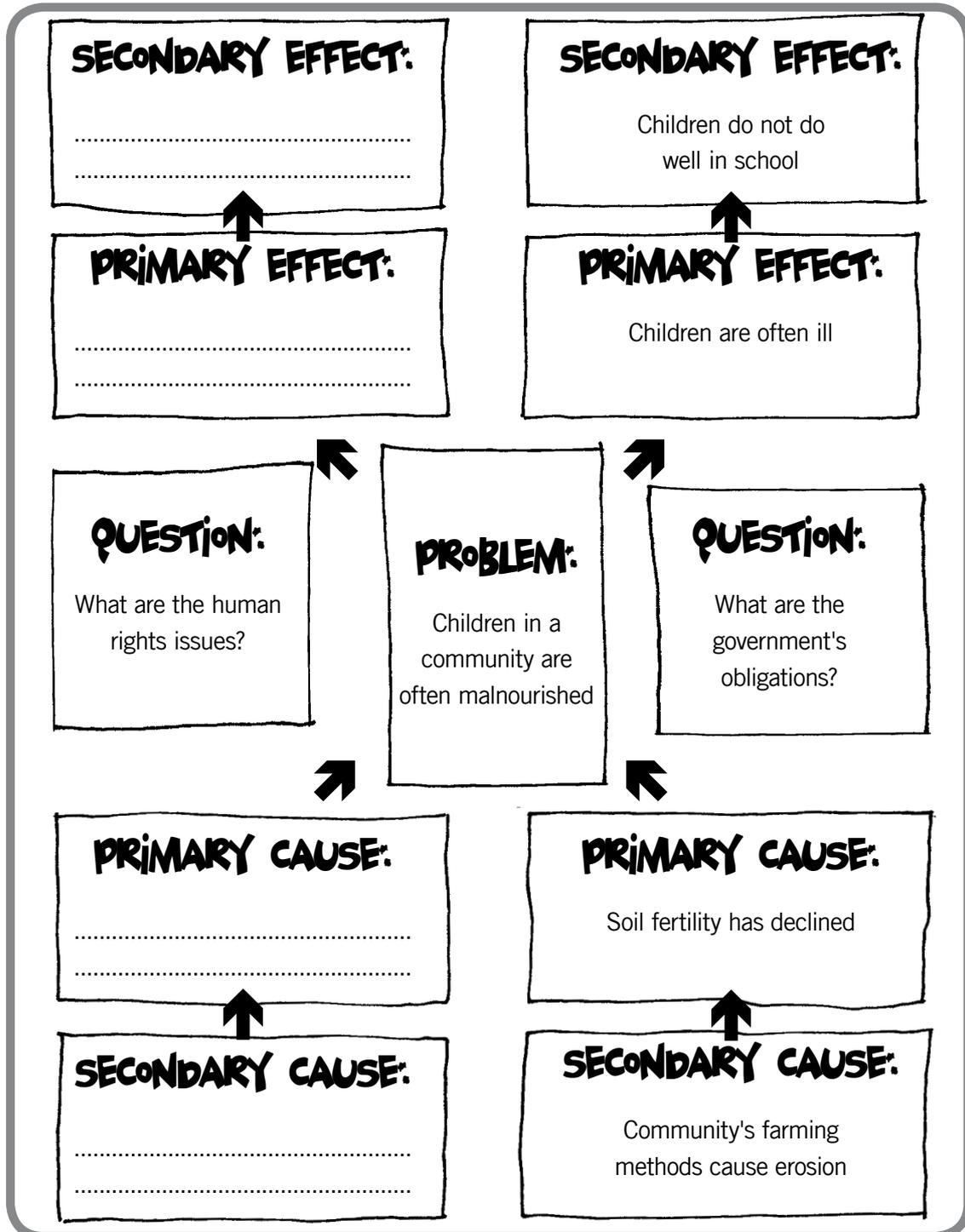
A problem tree<sup>1</sup> is a tool used to identify the causes of the problem. To create a problem tree, identify the tree trunk as the problem, the roots of the tree as the causes, and the leaves as the effects.

Take for example a community where children are malnourished. In this case, the problem is malnutrition. Analysing the problem can lead to the following causes and effects:

- Problem: children in a community are malnourished;
- A primary cause: soil fertility has declined;
- A secondary cause (contributing to both the primary cause and the problem): the community's farming methods cause erosion. There are no agricultural extension officers (who are local government officials) to provide advice;
- A primary effect: children are often ill; and
- A secondary effect: they do not do well at school.

Figure 3 shows what a problem tree would look like in this case.

Figure 3: An example of a problem tree



It is important to note that the problem tree on its own may not reveal the human rights issues and corresponding government obligations. The questions “What are the human rights issues?” and “What are the government’s obligations?” must be asked when identifying the causes and effects.

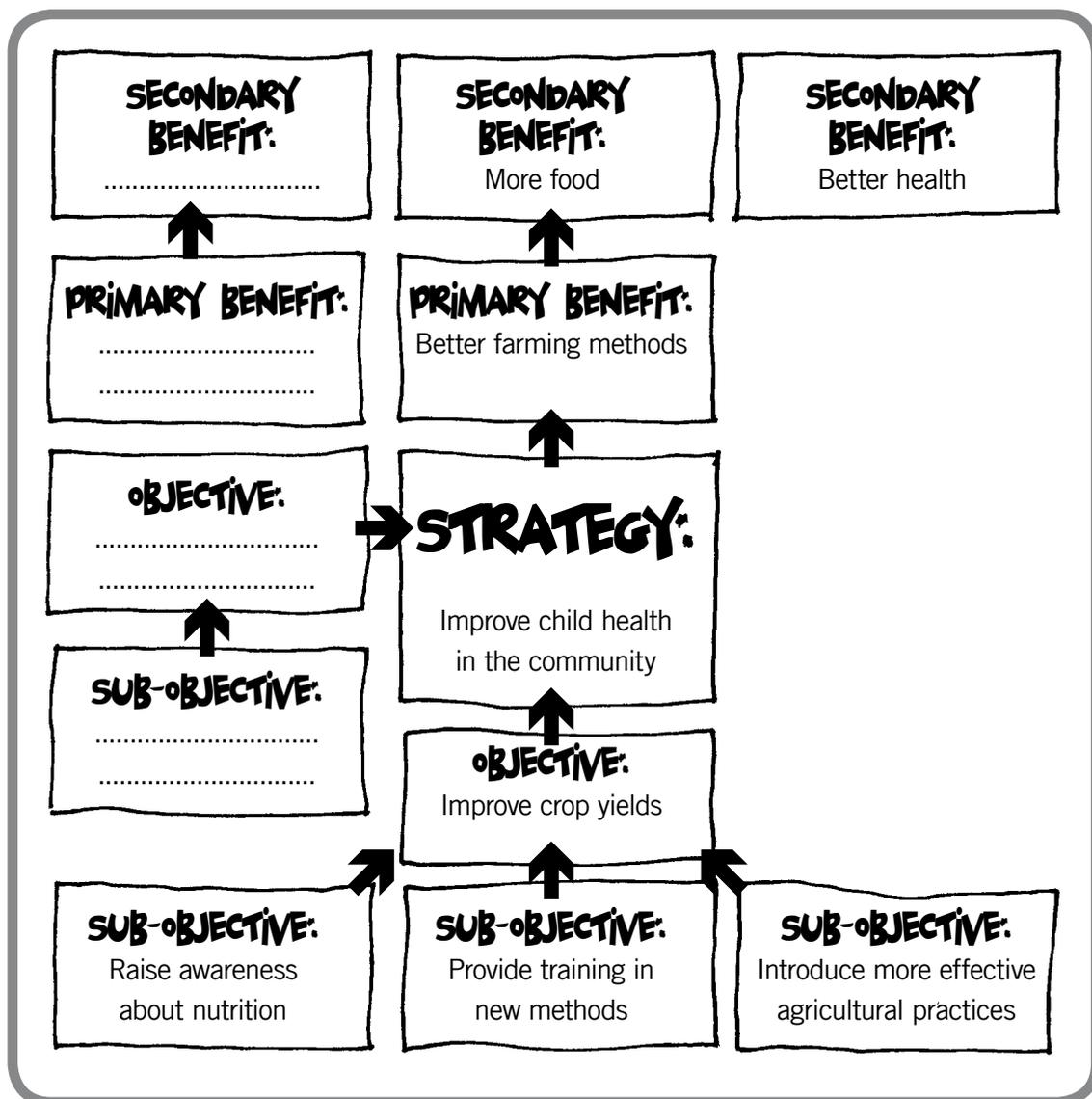
Another useful tool is the strategy or solution tree (see Figure 4). This tool is used to identify strategies for change. In a strategy or solution tree, the tree trunk is the strategy or solution that best addresses the problem. The tree shows how objectives and sub-objectives (the roots) lead towards the strategy or solution, which then leads to primary and secondary benefits (the leaves).

For example, if the proposed strategy or solution to a problem is to improve child health in a community, then an objective and sub-objectives could be:

- Objective: improve crop yields;
- Sub-objective: introduce more effective agricultural practices;
- Sub-objective: provide training in new methods; and
- Sub-objective: raise awareness about nutrition.

Figure 4 shows what a strategy or solution tree would look like in this case.

Figure 4: An example of a strategy or solution tree



**Box 6: “Solution” or “Strategy”?**



For some problems, the solution may be clear, for example stopping the violation. However, there may be no obvious solution. In this case, a strategy is needed. It could be a two-part strategy: a) to improve the situation as much as possible; and b) to investigate possible solutions. For example, if the problem is a lack of safe drinking water, part b) of the strategy may be to find out if there is underground water. If so, the solution may be a borehole.

### 4.2.2 Mapping

> Mapping is the process of making maps as a way of helping to identify key elements involved in a situation or a problem and the connections between these elements.

When done with a community, mapping a situation or a problem is a participatory tool which provides a visual illustration to help in analysis.

For more information on mapping, refer to “Mapping for Human Rights” ([www.amnesty.nl/spa](http://www.amnesty.nl/spa)).

**Box 7: Mapping resources**



The Yiaku community in Laikipia, Kenya, have mapped their resources in order to find out how they can support themselves through good management of these resources. Community members were involved in the mapping. They identified their physical resources which they marked on a map. These included villages, animals, water and plants. They also identified relevant aspects of their history, culture, and traditions. This made them proud of themselves as a community and gave them ideas, for example creating an ecological tourist camp. They then identified their needs, including education and health facilities and are working to realise these rights.

## 4.3 Identifying key stakeholders and analysing their influence

Stakeholders or “actors” are people who hold a “stake” or an interest in a particular matter or would be affected by the proposed activity or project. This includes the authorities (as duty-bearers) or other actors who have a duty to respect, protect and fulfil the rights in question.

Undertaking a stakeholder analysis will help to identify allies who can assist with a project and opponents who may oppose the project.

**Box 8: Who are the stakeholders and what are their duties or obligations?**



A group of very poor people were evicted from an informal settlement and moved onto some vacant land nearby. The farmer who owned the land asked the municipal authorities to evict them. The authorities refused, so the farmer hired a private security company to evict them. The security company assaulted and seriously injured two people during the eviction. An NGO offered to help the community. What are the interests (“stakes”) of each of the following?

- The evictees;
- The farmer;
- The security company;
- The municipal authorities;
- The NGO; and
- The police.

Source: This situation is based on the Modderklip eviction in South Africa in 2004 ([www.supremecourtofappeal.gov.za](http://www.supremecourtofappeal.gov.za)).

#### 4.3.1 Stakeholders

Section 2 provided advice on identifying stakeholders. This section goes into more detail and also presents a tool for classifying stakeholders to identify their levels of influence.

The process of identifying and analysing stakeholders must be done jointly by the organisation and the core group of motivators within the community.

Stakeholders may be grouped under the following headings:

- The target community;
- State actors;
- Private actors;
- International actors;
- Opinion leaders;
- Civil society organisations; and
- The general public.

The characteristics of some of these stakeholders are now examined in greater detail.

### A. Community stakeholders

Stakeholders within the community may include:

- Traditional leaders;
- Religious leaders;
- Influential members of sub-groups;
- Women;
- Youth;
- The elderly; and
- People with disabilities or other vulnerable groups.



#### Box 9: Getting everyone's opinion



Most community leaders are likely to be men. Every effort should be made to include the views of women. It is not enough that they are present; they may feel intimidated and not speak up. Activities like small group discussions may make it easier for women and other marginalised groups to express their views. There may even be times when separating the women and men during a community discussion may prove effective.

Within any community there are likely to be power relations which place some groups or sub-groups at a disadvantage compared to others. No community is without its tensions and opposing interests even among those who are sincerely trying their best to improve the lives of community members.

#### Box 10: Power struggles or other tensions



Sometimes a situation may be complicated due to differences of opinion or power struggles within the community. If mediation or conflict resolution does not work, it may be better to postpone the project until the tensions are resolved or to choose a different project.

### B. State actors

The relevant state actors may include:

- Government officials responsible for:
  - The relevant sector: for example, the ministry of health;
  - Planning and budgets (both in the finance ministry and in the sector finance departments);
  - Social services and vulnerable groups: in some countries there are departments for the welfare of women and children;
  - Access to information (such as data, statistics, and reports) in the information ministry and sector information offices; or
  - Traditional authorities in some countries, where the powers of traditional authorities are defined under the Constitution or other laws; and
- Elected officials: members of parliament, or of the local council or assembly, and relevant committees.

Local government officials may have a certain degree of power to assist the community, but they may not have received sufficient resources to carry out their duties. This illustrates the unequal power relations within governments. Lack of authority and access to resources can lead government officials to inaction, frustration or even corruption.

On the other hand, it should be noted that some local government officials understand local problems very well. They could become the allies of the local community by putting pressure on national government. Apart from this, some ministries and departments have established channels for civil society groups or individuals to talk to the authorities, to seek information or make requests or complaints.

**Box 11: Understanding government power relations**



Understanding the powers and power relations of government officials is crucial. It is important to:

- Read the sections of the constitution that deal with the executive (government), the legislature (parliament) and the judiciary;
- Note that elected officials have the power to oversee the executive;
- Keep relevant press cuttings or notes of radio interviews with government officials;
- Consult other CSOs with experience of dealing with governments and local assemblies; see the Spectrum of Allies exercise at:  
*[www.newtactics.org/en/ToolsforAction/TheNewTacticsWorkbook](http://www.newtactics.org/en/ToolsforAction/TheNewTacticsWorkbook)*; and
- Recognise that sometimes a deputy is more powerful than a head of department.

**C. Non-State actors (local, national and international)**

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The relevant non-State actors may include:

- Businesses or other institutions: for example, a private school;
- Traditional leaders;
- International Financial Institutions (IFIs) like the World Bank or the International Monetary Fund (IMF);
- Bilateral aid donors;
- Local, national and international NGOs (INGOs);
- Faith-based organisations; and
- Private citizens.

**Box 12: Getting information**



When a non-State actor like a business is part of the problem, it may be difficult to obtain information from it. Company websites or specialist NGOs could be helpful in providing assistance in these instances. Also:

- Read the laws governing the operation of businesses;
- Find out which government authority is responsible for monitoring the business; and
- Obtain a copy of the company's statutes.

As mentioned in Section 5 of Part I, non-State actors do not violate human rights, but can be held accountable for human rights abuses. The government is ultimately responsible for protecting people from human rights abuses by non-State actors.

#### **D. Allies and opponents**

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Many of the stakeholders listed in the above sections can be considered as allies in the successful implementation of your project with the community. These actors can help in the realisation of the project:

- Members of parliament, including members of relevant parliamentary committees;
- National human rights commissions or > ombudsman's offices;
- Relevant professional organisations: doctors and nurses (health); teachers (education); architects (housing); lawyers associations (legal matters); and trade unions (work);
- National NGOs or INGOs (explained above);
- Faith-based organisations; and
- CBOs.

Some of these groups may also be stakeholders in the project. Some may be allies, others may need assurance that you will not interfere with their work.

Other groups may oppose or at least express little or no interest in the project. Some stakeholders may oppose the project because their own interests are threatened. As was the case with identifying allies, identifying opponents is crucial in order to understand their interests and to decide whether or not a strategy is needed for ensuring their acceptance of the project.

#### **4.3.2 Stakeholder analysis tool**

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The following tool involves the community in analysing how all stakeholders affect their lives. More specifically, it identifies the potential role and level of influence of each stakeholder in relation to the project. It also increases the community's ability to make informed decisions (decisions made on the basis of a clear understanding of the implications) about how to defend their rights.

Box 13: Stakeholder analysis tool



How to use it:

1. Draw a table (as on next page). If a large number of community members are involved, it may be best to use a blackboard or draw a table on the ground;
2. Insert all the key stakeholders into the table adding extra “name/function” rows as appropriate;
3. Next to their name and function (or just their function if the name is not known) describe what their potential role can be in the realisation of the project (second column);
4. In the remaining columns, indicate H (high), M (medium) or L (low), depending on:
  - How influential they are (third column);
  - How likely they are to support the project (fourth column); and
  - Their degree of interest in the project (fifth column).

The results will show you where the community should target its efforts. Based on this analysis, it may be best, for example, to work mainly with the most influential groups who are in agreement with the project. Alternatively, it may be better to focus on the least influential groups who have a great interest in the project because they would clearly benefit.

The table may change over time. It should be checked regularly and altered as necessary.

This tool is based on an idea in *Monitoring Government Policies, a tool-kit for NGOs in Africa* (CAFOD, Christian Aid, Trócaire, undated). Adapted from Graham Gordon, *Practical Action for Advocacy*, Tearfund: Teddington (2002) and Linda Mayoux, *Between Tyranny and Utopia: Participatory Evaluation for Pro-Poor Development*, Performance Assessment Resource Centre (Birmingham, 2005).

**Stakeholder analysis tool**

Stakeholder	Potential role	Name/function	Interest in project	Level of influence	Agreement with us
<b>The target community:</b> (H=high, M=medium, L=low)					
Those who will benefit from the project	Power to change their lives	.....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		.....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		.....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		.....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>State actors:</b>					
For example, the relevant government minister or local government officials	Power to change the situation	.....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		.....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		.....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		.....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Opinion leaders:</b>					
For example, respected political, religious or other figures	Can influence the community	.....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		.....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		.....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		.....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>International actors:</b>					
For example, bilateral donors, INGOs	May support the project, and can put added pressure on those in authority	.....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		.....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		.....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		.....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Interest groups:</b>					
Those interested in the project	May support or oppose the project	.....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		.....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		.....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		.....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Civil society organisations:</b>					
Those interested in human rights and development	Could be allies, mobilise support, work on aspects of the project	.....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		.....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		.....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		.....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Specific groups:</b>					
For example, depending on the type of project, parents or patients, if the project is about education or health	Their understanding or attitudes could help or be an obstacle	.....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		.....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		.....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		.....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Add rows if necessary</b>					
	.....	.....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Box 14: Analysing a stakeholder**



The stakeholder with the most power might be the local official responsible for the housing > budget. His or her influence may be rated (H). He or she may, to some extent, agree with your aims (M), but may prefer to target funds to a more needy community, so the interest level would be (L).

Apart from interest and influence in a project, there are other considerations in a stakeholder analysis:

- Power struggles emerge where people have conflicting interests; and
- Organisations working with communities are also stakeholders. Once they agree to work with a community they have the duty to act ethically and to the best of their ability. CSOs should set their own standards to ensure that:
  - All staff and supporters follow clear principles such as > transparency and non-discrimination; and
  - There is a monitoring and evaluation system to ensure that the principles are respected<sup>2</sup>.

#### **4.4 Goal, objectives and actions**

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The next step is to develop a goal, objectives and actions for the project in consultation with the community.

- The goal is an overall objective. A goal can be:
  - Concrete: for example, the right to safe drinking water in a community; or
  - A process: for example, to advance towards a right, like increasing access to free primary schooling;
- The objectives are specific and progressive steps towards the goal. They must be SMART:
  - **S**pecific;
  - **M**easurable;
  - **A**chievable;
  - **R**elevant; and
  - **T**imebound

In order to achieve the goal, specific objectives should be identified, for example: raising people's awareness of water borne diseases, identifying stakeholders, involving the health authorities as allies, seeing what the government's health policy says about controlling water borne diseases, or mobilising the local government to provide a borehole.

# 5 Gathering documentary information

This section is about identifying, gathering and using documentary information relevant to a specific project. This information may be found in:

- Local > policy documents;
- National laws and policy documents;
- Reports and studies by national NGOs and academics;
- Reports and studies by international organisations; and
- Newspaper reporters.

Documentary information is also known as > secondary information or > secondary data because it has been gathered by others.

Section 6 gives information about gathering first-hand or > primary information, which you gather yourself by talking to a variety of people including community members and other stakeholders and by observation.

Policies are contained in documents that set out the government's goals and objectives concerning different aspects of government such as housing or national security. They are usually found in the office or website of the relevant ministry.

## 5.1 Why is documentary information necessary?

Documentary information is a necessary form of research because it is the basis for:

- Understanding the problem thoroughly;
- Planning activities;
- Persuading community members that they have rights and should act to claim them;
- Enabling community members to make informed decisions about their rights;
- Showing all stakeholders that you are well informed;
- Preparing the community for gathering information in the field (see Section 6);
- Developing arguments for claiming and defending rights; and
- Documenting and reporting violations of ESC rights (see Section 9).

## 5.2 What kind of information is needed?

Table 4 shows different kinds of information and where to find them. Advice on information for specific rights is included in the separate booklets in this series.

**Table 4: Different types of information and where to find them**

Level	Type of information	Where to find it
Local level	<ul style="list-style-type: none"> <li>Local plans, policies, budgets and administrative regulations</li> </ul>	<ul style="list-style-type: none"> <li>Local government offices;</li> <li>Local NGOs;</li> <li>NGOs and INGOs operating at local levels;</li> <li>Resource centres; and</li> <li>Communities that have had similar problems.</li> </ul>
National level	<ul style="list-style-type: none"> <li>National Constitution and laws; and</li> <li>Government policies.</li> </ul>	<ul style="list-style-type: none"> <li>Government information office or website; and</li> <li>Relevant ministries.</li> </ul>
	<ul style="list-style-type: none"> <li>Court judgements; and</li> <li>Reports of the national human rights commission or ombudsman.</li> </ul>	<ul style="list-style-type: none"> <li>Court records;</li> <li>Lawyers association; and</li> <li>National human rights commission or ombudsman.</li> </ul>
	<ul style="list-style-type: none"> <li>Academic research and other studies</li> </ul>	<ul style="list-style-type: none"> <li>Universities and academies; and</li> <li>Professional associations (medical, lawyers, farmers, business, teachers, trade unions).</li> </ul>
	<ul style="list-style-type: none"> <li>Poverty Reduction Strategy Papers</li> </ul>	<ul style="list-style-type: none"> <li>Government website;</li> <li>UNDP website; and</li> <li>World Bank website.</li> </ul>
Regional (African) human rights and development agencies	<ul style="list-style-type: none"> <li>African Charter and other African treaties and standards;</li> <li>Comments on periodic reports submitted by States Parties to the African Charter; and</li> <li>Reports to NEPAD and other development agencies (See Section 10.2 and Appendix 6B)</li> </ul>	<ul style="list-style-type: none"> <li>Websites of the African Commission or sub-regional organisations (see Section 10.2); and</li> <li>University of Michigan website.</li> </ul>

> continued

Level	Type of information	Where to find it
International and regional human rights and development agencies	<ul style="list-style-type: none"> <li>• The content of rights;</li> <li>• Commentaries;</li> <li>• Country reports to treaty bodies;</li> <li>• Development projects; and</li> <li>• Poverty Reduction Strategy Papers.</li> </ul>	<ul style="list-style-type: none"> <li>• International treaties (ICESCR, ICCPR, etc.);</li> <li>• UN General Comments;</li> <li>• UN website;</li> <li>• World Bank website;</li> <li>• UNDP website; and</li> <li>• Separate booklets in this series.</li> </ul>
International organisations	<ul style="list-style-type: none"> <li>• Reports of national and international NGOs working on ESC rights</li> </ul>	<ul style="list-style-type: none"> <li>• Relevant websites; and</li> <li>• Separate booklets in this series.</li> </ul>
	<ul style="list-style-type: none"> <li>• Information about companies</li> </ul>	<ul style="list-style-type: none"> <li>• The company website;</li> <li>• Transparency International; and</li> <li>• INGOs.</li> </ul>
	<ul style="list-style-type: none"> <li>• Academic research and other studies</li> </ul>	<ul style="list-style-type: none"> <li>• Universities and academies; and</li> <li>• Professional associations (medical, lawyers, farmers, business, teachers, trade unions).</li> </ul>
	<ul style="list-style-type: none"> <li>• Gender policies</li> </ul>	<ul style="list-style-type: none"> <li>• UNIFEM;</li> <li>• Country reports to the Committee on the Elimination of Discrimination against Women (CEDAW treaty body); and</li> <li>• NGOs and INGOs.</li> </ul>

### Box 15: Applied Budget Groups



These groups aim to evaluate the impacts of budgets on the poorest and most marginalised, and, using the results, to advocate policy improvements and changes. The work includes budget research and analysis, training, civic action and policy advocacy.

### 5.3 Content of rights under national and international law

A project will probably be about one main right and several other related rights, both ESC and CP rights. For example, forced evictions may involve acts of violence or arbitrary arrests (CP rights) and also loss of schooling or jobs (ESC rights). Discrimination against vulnerable groups may also be an issue.

Gathering documentary information about the content of rights in national, regional, and international law is essential in understanding how the rights are defined and what the State obligations are with respect to those rights.

At the national level, constitutions, laws and policies can be useful sources of information:

- The constitution may say whether the international treaties to which the State is a party are directly applicable. This would mean that the courts can use them as if they were national laws. If treaties are not directly applicable, the government must make new laws or adjust existing laws to bring the treaty provisions into national law;
- Some of the newer constitutions, such as South Africa's, contain articles on several ESC rights;
- Other constitutions cover only a few ESC rights. For example, the Constitution of Senegal protects the right not to be evicted except by due process of law; the right to education – though not to free primary education; and the right to work (see also Section 3.3 in Main Book, Part I);
- Some constitutions place ESC matters under a section entitled “Directives of State Policy” or a similar title. For example, the Interim Constitution of Sudan (2005) has a section called “Guiding Principles and Directives” which states, among other things: “The overarching aims of economic development shall be eradication of poverty ... and achieving a decent standard of life for all citizens”. This means that ESC matters are not recognised as rights that can be claimed through the courts;
- However, it is possible for courts to protect one right through a law on a different matter. For example, if there is no constitutional right to water, a lawyer could argue that a family should have access to water to protect their right to health; and
- If there is no law related to an ESC right, a policy about that ESC right may show that the government is intending to fulfil an obligation. For example, a law on housing might not mention rights but its purpose might include providing low-cost housing.

At the regional and international levels:

- Use the African Charter<sup>3</sup> and other treaties to learn more about the content of the rights;
- The UN General Comments or General Recommendations from the treaty bodies provide in-depth understanding of rights; and
- Concluding observations from the treaty bodies provide recommendations for government actions related to rights.

The booklets on individual rights contain further information.

If the government has an obligation under the Constitution or an international treaty, but has not included this in the national laws, consider joining with other organisations to lobby the government, using techniques suggested in Section 10.

**Box 16: Using treaties**

1. Use the chart in Appendix 3 which lists the main treaties and the articles they contain on ESC rights. Choose the article that is best for your purpose;
2. Also use additional statements by treaty bodies including their General Comments;
3. Always look for the most appropriate article. For example, if you are working on access to food, it may be best to use Article 15 of the Women's Protocol to the African Charter, but if you are looking at food production you could use Article 11.2 of the ICESCR; and
4. Think about the best approach, particularly if you are working with lawyers, for example:
  - Use the right to non-discrimination to claim other rights such as the right to have more health posts in a rural area (access to health facilities is usually much better for city dwellers);
  - Make good use of women's and children's rights: if these rights are upheld the whole community benefits; or
  - Use one right to promote enjoyment of another: the Indian courts have used the right to life to reinforce other rights, for example the rights to shelter and food. Also, in November 2004 the Committee against Torture said that Roma people in Greece had been ill-treated by public officials in situations of forced evictions – using the right not to be tortured or ill-treated helped to strengthen the right to security of tenure.

**5.4****Information-gathering with the community: a form of participatory research**

Gathering information is not a “one-off” task, it takes place throughout the entire project. Relevant new information may become available at each stage of a project, and as a result the project may change over time.

Community members need to know why documentary information should be gathered and how it will be used. As such, the community should be involved and consulted at every stage of the process. If the community does not have access to information, it is up to the organisation implementing the project to provide it and select the information it considers appropriate. But this limits the community's power of choice. The community has a right to understand this. The organisation should promise to gather information that is relevant to the interests of the community as a whole, and of all members of the community without discrimination, in accordance with the objectives of the project.

If the communications are good, community members will probably feel free to say if they think they do not have the right information or enough details. Where possible, community members, including the core group of motivators working with the organisation, should be involved in

information-gathering. A community which is involved in the information-gathering process is said to be taking part in > participatory research.

Participatory research is more than a research method: it is an essential step to involving the community in analysing their problems, identifying strategies and designing and implementing activities or projects. With deeper understanding of problems, community members are able to inform or educate other community members about the problems, to make informed decisions and empower them to claim and exercise their rights.

The CSOs become change agents who combine their insight and knowledge with the local knowledge and resources of the community. This makes them more aware of the realities facing the community.

Participatory research extends beyond information-gathering to also include monitoring of human rights issues, which is addressed in the next Section.

# 6

## Monitoring and fact-finding – gathering information on the spot

This section is about gathering first-hand information through monitoring and fact-finding. These two activities, together with “note-taking and documenting”, are distinct, but they usually happen at the same time. This section also shows how to analyse the information gathered.

### Box 17: Monitoring, fact-finding and documenting



**Monitoring:** a long-term observation and analysis of the human rights situation to:

- Monitor developments or changes in the human rights situation over time, for example to see whether the government is progressively realising a right.

**Fact-finding** (also referred to as research or investigation): gathering specific facts. This information can be:

- Quantitative, such as the percentage of girls who complete primary school; or
- Qualitative, or descriptive information, for example reasons why girls leave school early.

**Documenting:** recording information in order to understand the context, causes and effects of a problem by:

- Taking notes of interviews and observations (See Section 6.8);
- Collecting > disaggregated data (see Box 25);
- Making notes about actions governments or people have taken to address the problem;
- Seeing whether an incident is part of a general pattern; and
- Identifying violations of national laws or international human rights treaties.

See also: Ukweli: Monitoring and Documenting Human Rights Violations in Africa, a Handbook.

## 6.1 Why monitor ESC rights?

The aims of monitoring of and fact-finding related to ESC rights are to:

- Identify and understand problems related to ESC rights and raise awareness about them;
- Identify human rights violations;
- Assess how the authorities are carrying out their obligations; and
- Identify ways to persuade the authorities to stop the violations and > remedy the situation of those affected.

### Box 18: Checking the facts



Fact-finding is done by interviewing people or observing situations. It means not only looking for facts but also checking that the facts are accurate. Interviewees may make mistakes or they may fear to tell the truth or try to mislead the interviewer. Observers can also misunderstand or misinterpret what they are seeing.

It is necessary to cross-check the information by:

- Interviewing different people, preferably those with first hand information, meaning those who have experienced or seen the event or situation;
- Ensuring that these different people have not just heard the story from the same original source;
- Comparing the results; and
- Using the "triangulation" method: not relying on one source of information but cross-checking with at least two other independent sources.

For more information see and Section 6.3.

## 6.2 Approaches to monitoring and fact-finding

There are many different approaches to monitoring and fact-finding depending on the goal and objectives of the project. Each approach in Table 4 focuses on distinct State obligations, but a project will often be a mix of two or more approaches. For each approach, effective monitoring includes defining what will indicate success (indicators) and what should be achieved at certain stages (benchmarks).

More on indicators  
in Section 7.3,  
Box 30.

**Table 5: Framework for monitoring and fact-finding**

<b>What to monitor</b>	<b>Why</b>	<b>How (fact-finding)</b>
<p>Situations where there are <b>clear violations</b>.</p> <p>For example: mass forced evictions.</p>	<ul style="list-style-type: none"> <li>• To stop the violation;</li> <li>• To see that &gt; perpetrators are brought to justice; and</li> <li>• To seek a remedy or compensation.</li> </ul>	<ul style="list-style-type: none"> <li>• Obtain documentary evidence; and</li> <li>• Interview those involved including officials, victims and witnesses.</li> </ul>
<p>The <b>implementation of a policy</b>.</p> <p>For example, fulfilling a core obligation on the right to health (prevention of diseases) by providing mosquito nets to those who cannot afford them.</p>	<ul style="list-style-type: none"> <li>• To see whether the policy is being carried out according to plan; and</li> <li>• To see whether the policy meets its targets (for example, by reducing cases of malaria).</li> </ul>	<ul style="list-style-type: none"> <li>• Find out details of the policy;</li> <li>• Verify the indicators and benchmarks; and</li> <li>• Interview those who benefit from the policy (for example, interview those who received the nets to see how they are using them).</li> </ul>
<p>Monitoring <b>progressive realisation of rights</b>.</p> <p>For example: delivering free primary education</p>	<ul style="list-style-type: none"> <li>• To ensure that projects are concrete (clear and well designed) and targeted (to the most needy); and</li> <li>• To ensure that projects are part of a progressive plan.</li> </ul>	<ul style="list-style-type: none"> <li>• Obtain information about the plan, targets, indicators and benchmarks, timing and budget;</li> <li>• On-the-spot observations; and</li> <li>• Interviews with stakeholders.</li> </ul>
<p>Monitoring <b>maximum use of available resources</b> in the implementation of a project.</p> <p>For example: building a school.</p>	<ul style="list-style-type: none"> <li>• To see that the money is not being wasted or wrongly spent.</li> </ul>	<ul style="list-style-type: none"> <li>• Find out the details of the plan;</li> <li>• Interview those involved;</li> <li>• Monitor the way suppliers are chosen and workers are paid;</li> <li>• Regularly visit the site;</li> <li>• Take photographs; and</li> <li>• Keep a diary.</li> </ul>
<p>Monitoring the <b>delivery and quality of services</b>.</p> <p>For example: health services.</p>	<p>To ensure that services are:</p> <ul style="list-style-type: none"> <li>• Available, accessible and affordable for those for whom they are intended; and</li> <li>• Of good quality.</li> </ul>	<ul style="list-style-type: none"> <li>• Obtain information about the plans, including indicators and benchmarks; and</li> <li>• Interview those implementing the plan and those benefiting from it.</li> </ul> <p style="text-align: right;">&gt; continued</p>

What to monitor	Why	How (fact-finding)
<p>Monitoring the State's <b>minimum core obligations</b>.</p> <p>For example: the right to adequate food.</p>	<ul style="list-style-type: none"> <li>To ensure the State fulfils its obligation to ensure that vulnerable and needy groups do not go hungry when harvests are poor.</li> </ul>	<ul style="list-style-type: none"> <li>Check that the core obligation is part of the food and agricultural policy;</li> <li>Find out how the policy is implemented; and</li> <li>Afterwards, check whether it has reached the most vulnerable and needy groups.</li> </ul>

**Box 19: Dealing with difficult officials**



- Officials can sometimes challenge ESCR advocates' right to monitor rights. In response, advocates can remind officials that the right to participate includes the right to monitor;
- CSOs should avoid being labelled as "anti-government" or associated with a political party as much as possible; and
- Many duty-bearers, including company officials, have developed ways of refusing to answer questions. Rights workers have developed counter-tactics, including publishing the refusal or using experts to challenge what the duty-bearer is doing.

**6.3 The principles of monitoring**

The principles of monitoring are discussed more fully in *Ukweli, Monitoring and Documenting Human Rights in Africa, A Handbook*.

Monitoring involves a number of principles which should be respected when working in the field:

- Full respect for the people whose situation you are monitoring;
- Maintaining an impartial or unbiased position;
- Truthful and accurate monitoring; and
- Ensuring that women's rights and the impact of policies on women are not neglected.

See Box 20 for more details.

**Box 20: Practical advice on adhering to principles of monitoring and fact-finding**



**Respect for the community:**

Monitoring and fact-finding invades people's privacy. It may arouse the suspicion of others. Ways to build trust include working with respected community leaders to ensure that they understand the project and methods.

It is important to carry out interviews **sensitively and professionally**:

- Respect people's customs and sensitivities;
- Be careful about visiting people in their homes: for example, it may not be appropriate for a man to visit a woman;
- Consider the position of the interviewee: for example, the interviewee may be reluctant to answer sensitive questions if the monitor is a neighbour;
- Ensure that interpreters, if used, are trusted by the community;
- Ensure that the person being interviewed understands the purpose of the interview and how the information will be used; and
- Do not press people to be interviewed if they are reluctant.

**Impartiality** is equal treatment of people of different ethnic, religious, age, sex or other status. It is also (when acting on behalf of an organisation) not taking sides in any political or religious debate.

Ways to ensure impartiality are:

- Being aware that human rights work sometimes means challenging the government's actions: the authorities may see this work as politically-motivated opposition;
- Ensuring that the views and situations of vulnerable or discriminated groups in the community are recorded; and
- Ensure that women and men are equally represented.

People are more willing to trust an impartial organisation and to respect what it says.

**Accuracy of information** (factual, unbiased, and consistent) can be ensured by:

- Working in pairs: two people can take turns to ask questions; and
- Knowing the differences between facts, allegations, hearsay, and rumours.

Examples of each:

- Fact: "The factory is in X town";
- Allegation: "My colleague was beaten by the boss";
- Hearsay: "Someone told me that the factory is to be closed"; and
- Rumour: "Many people say that the owner has left the country".

> continued

**Confidentiality** (keeping sensitive details confidential) can happen by:

- Assuring witnesses their names will be kept confidential and you will not use their information in a way that will identify them; and
- Keeping notes of interviews safely and not allowing anyone who is not working on the case to have access to the notes.

## 6.4 Identifying and recording alleged violations of ESC rights

ESC rights violations were explained in Part I, Section 4.6. This section gives more practical advice on identifying, recording and analysing violations of ESC rights.

If the State deliberately fails to meet an obligation to respect, protect or fulfil a right in international, regional or national law it is violating human rights. Violations are a result of discrimination, unwillingness, negligence, incompetence or ignorance of obligations (the last two are often the case with local authorities).

When identifying alleged violations of ESC rights, it is necessary to identify whether or not the State is taking steps to realise rights and also monitoring how rights are (or are not) being realised.

To identify if the State is taking steps, examine if the State is:

- Preventing violations and providing effective remedies;
- Using the maximum available resources;
- Working progressively towards the full realisation of the rights;
- Using all appropriate means;
- Making sure that there is no discrimination; and
- Providing ways for complaints to be heard and addressed.

Part I,  
Section 4.2  
on how to analyse  
alleged violations of  
ESC rights.

To identify if the State is complying with its obligations to respect, protect, and fulfil ESC rights, examine if the State is:

- Realising its obligations to respect, protect and fulfil by:
  - Refraining from interfering with people's rights (respect);
  - Ensuring that non-State actors do not interfere with people's rights (protect);
  - Making it easier for people to access their rights (fulfil);
  - Providing resources to those who are unable to help themselves (fulfil-provide);
- Providing services that are available, accessible, acceptable, and of adequate quality;
- Fulfilling its minimum core obligations; and
- Realising civil and political rights.

To further determine whether or not a violation of ESC rights has taken place, the following questions are useful:

- Is the alleged violation really a violation? Define the violation (or violations) and identify the international treaty and the article it violates;
- Is the State is violating a constitutional right? The right in the Constitution should be checked against the right in the African Charter and other human rights treaties. The wording of the right in the Constitution may be stronger or weaker than the wording in the treaties that the State has ratified. ESCR advocates should use the strongest formulation;
- Is there sufficient evidence to show that it is a human rights violation?
- Are the facts correct? Cross-check the facts gathered from different sources and check the validity of documents;
- Is there a pattern or trend (increase/decrease) of the alleged violation?

Patterns include:

- The frequency of the violation;
- The contexts or types of situation in which violations occur (for example during elections);
- The group identity of the victims (such as women, slum dwellers, displaced people, political opponents);
- The location (such as geographical area, informal settlements, IDP camps);
- The perpetrators (those carrying out the violations);
- The circumstances of the violations (they may coincide with important public events); and
- The type of official response (such as prompt corrective action, turning a blind eye).

For more detailed information see *Ukweli: Monitoring and Documenting Human Rights Violations in Africa, A Handbook*.

Box 21 provides an example of monitoring and fact-finding in a community to identify alleged violations of ESC rights.

#### Box 21: Identifying alleged violations of ESC rights: an example



**The problem:** Reports of malnutrition in a province where violent clashes have taken place between cattle herders and farmers.

**The task:** investigate alleged violations of the right to food.

**Context:** evidence from press reports and witnesses indicates:

- Last year, an international company came to grow vegetables for export and took a lot of water from the river;
- Cattle herders and farmers fought over access to water; and

> continued

- Police were ordered to stop the cattle herders from crossing the river. This also prevented mothers from taking sick children to the hospital, and as a result some children died.

**Government response:** The central government provided money for boreholes and rainwater harvesting. Evidence from the local government budget and witness statements indicates that the local government:

- Constructed boreholes for farmers but did nothing for the cattle herders. Most of the local government officials were farmers themselves; and
- Made no plan, failed to discuss the issue with those affected, and only spent half of the money.

**Violations noted under the ICESCR:**

- Failure to take steps (Article 2.1): the local authorities did not make a plan to spend the money they received;
- Failure to use the maximum available resources (Article 2.1): half the money was spent on purchasing luxury cars for the officials;
- Failure to respect the right to freedom of movement (ICCPR, Article 12) and the right to health (Article 12): the soldiers stopped mothers from taking children to hospital;
- Failure to protect the right to water (Article 11): by allowing the international company to take too much water from the river;
- Discrimination (Article 2.2): protecting the farming community and ignoring the cattle herders; and
- Failure to monitor (CESCR General Comments No. 1 and 3): the provincial government did not monitor the local government.

**Actions to take:**

A review of the research showed that what first appeared to be a violation of the right to food was actually a violation of the right to water. Actions to take include:

- Interview members of the two communities to receive their suggestions for reconciliation and fair water sharing;
- Work with local government to limit the international company's quota of water; and
- Together with other CSOs, persuade the central government to develop regulations and publish agreements with international companies concerning the use of natural resources.

## 6.5

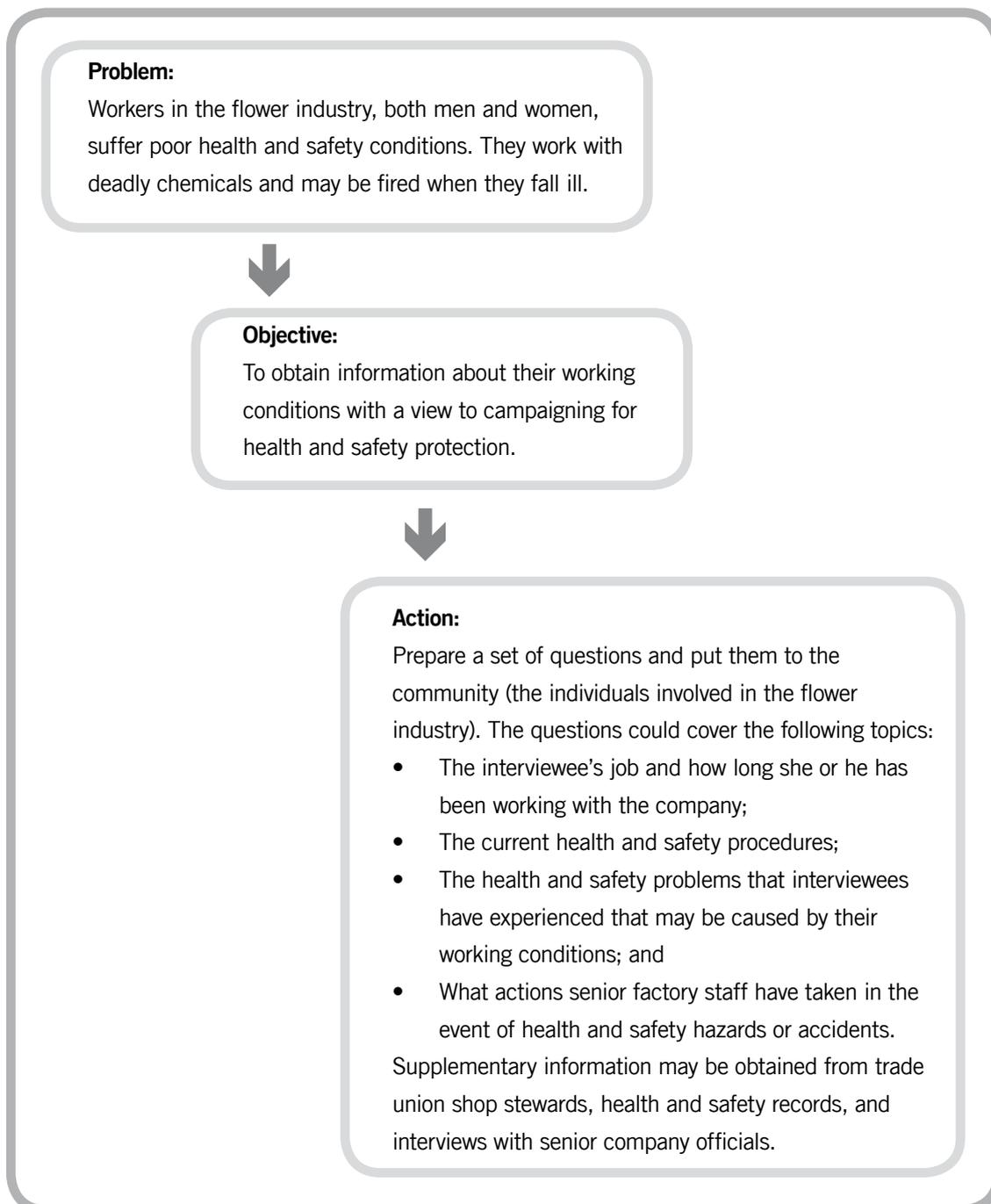
### Community surveys and focus groups

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Surveys and focus groups are two effective ways of carrying out research. Doing them well requires good planning and practice.

A survey is a tool used to gain detailed information on a particular issue from community members. A survey can be in the form of a written questionnaire or as an interview with different people in the community. Box 22 describes an example of a survey.

Box 22: Survey to obtain information about health and safety issues



A focus group, on the other hand, is a group discussion on a selected topic in order to reach a common understanding of a problem and identify strategies. Box 23 describes an example of a focus group discussion.

Box 23: Focus group to discuss discriminatory attitudes towards women



**Problem:**

Women's rights to own, use and inherit property are limited by traditional laws or customs on divorce or separation and inheritance.



**Objective:**

To gather information about the problem and people's attitudes.



**Conduct the focus group discussion:**

First find out what kind of groups would be culturally acceptable (mixed or single-sex). A common way is to set up two single-sex groups, each including a range of ages.

Each group discusses the customs and the reasons behind the customs; whether they have changed over time; the different effects they have on different groups - men, women, boys, girls, elders - and what needs to be done. The question of the discriminatory aspect of the customs could be introduced towards the end of the discussion.

Next, the two groups, or representatives of each group, could come together to discuss the different views and proposals for action.

## 6.6 In-depth interviews

In-depth interviews provide a thorough understanding of a person's experience. Comparing the results of different interviews on the same topic can show patterns of human rights violations or abuses and how the problem affects different groups of people.

Section 6.4 also discusses patterns.



There are certain characteristics of carrying out a good interview, namely:

- The interviewee has given free, prior and informed consent to be interviewed;
- The questions are well planned, clear, and open-ended;
- The interview is carried out sensitively and data is cross-checked for accuracy; and
- The interviewer's notes are accurate and clear.

Free, prior and informed consent is a necessary condition before an in-depth interview takes place. Each term is further explained:

- Free: the person is under no pressure to be interviewed;
- Prior: consent must be given before the interview begins;
- Informed: the interviewee is given full information to enable him or her to decide whether to be interviewed, including:
  - Why the information is needed;
  - How it will be used;
  - Whether or not the interviewee may be identified; and
  - Potential risks. In some situations, interviewees risk reprisals, either because the information is sensitive, for example, in cases of domestic violence, or because the authorities are repressive and people are afraid to meet outsiders.

## Box 24: Becoming a good interviewer



- Do as much prior research as possible: obtain research from documentary and other sources and use this as a basis for the questions;
- After planning the questions, test them by interviewing a colleague or friend. Then discuss accuracy and how questions should be worded;
- Ask clear, short questions in the same order for each interviewee;
- Ask open questions: Do not ask leading questions that encourage the respondent to make a certain response. Also avoid closed questions which usually force a yes/no answer (except when a yes or no answer is required e.g. “did you see this happen?”);
- Asking questions, listening to the answers and taking notes is not easy. Pace the interview so that you can do all three tasks adequately, or have another interviewer share the tasks;
- Interviewees may talk quickly, leave out details and make contradictory statements. Ask supplementary questions to obtain missing details or ask the original question in a different way;
- Ask for clarification if the interviewee gives vague information;
- Keep in mind the questions “who, what, where, when, how and why” to obtain more details;
- People often give estimates. For example, “about 50 workers received no pay”. Ask how they made the estimate;
- Collect disaggregated data when seeking quantitative information. For example, if you want to know how many children attend school, ask for the number of boys and the number of girls;
- Distinguish between first-hand and second-hand information. First-hand information is what the interviewee witnessed or experienced, and second-hand information is what they were told by others;
- Respect for the interviewee also includes choosing a place and time that are convenient for the interviewee;
- It is better to interview each individual separately;
- At the end always ask: “Is there anything else you think I should know?”; and
- Cross-check the facts by asking other people about the situation, preferably those with first hand information. Make sure that the interviewee is not just repeating second hand information.

For more information on interviewing see *Ukweli, Monitoring and Documenting Human Rights in Africa, A Handbook*.

### Box 25: Disaggregated data



Aggregated data are all the data collected together without making any distinctions. For example, the number of people without access to water in a community is 6,000.

Disaggregated data are data divided according to set criteria. Examples of criteria can be by sex (men/women, boys/girls), age (under 18 or the elderly), area where people live (urban/rural).

Disaggregated data can show where the needs are greatest. For example, research in a community may indicate that half the children do not attend school, but when the data are disaggregated by sex, it is found that 70% of children not in school are girls. This should lead to further questions, such as: why are more girls out of school? Researching more into the causes allows for the creation of effective strategies.

## 6.7 On-the-spot observation

Every opportunity in the field is a chance for on-the-spot observation. This type of observation involves visiting places or attending meetings or events to observe what is happening. For example, when monitoring potential forced evictions, on-the-spot observation could mean attending consultation meetings, being present during evictions, or visiting evicted people in their new situation. This provides opportunities to take photographs and interview different stakeholders at the scene, such as officials and members of the community.

## 6.8 Note-taking

The previous sections have presented tools for gathering first-hand information with the community: surveys, focus groups, interviews, and on-the-spot observation. All of these tools are strengthened by your ability to record in written form what took place.

Note-taking is an essential part of any of these research tools. Some guidelines for taking notes for an interview (or a focus group) are:

- Before an interview/focus group: Write the date, the name of the interviewee and any others present, and the place of the interview;
- Think carefully about the kind of questions to ask and the best way to ask them;
- During an interview:
  - Pause the questioning briefly in order to write notes;
  - Avoid scribbling; and
  - Write sentences rather than disconnected words;

- At the end of the interview:
  - Take a few minutes to glance through your notes and check that you have adequately covered the important points;
  - Give the interviewee an opportunity to ask questions or clarify any thing that may be worrying him or her; and
  - Read your notes as soon as possible after the interview, while the interview is still fresh in your mind. You may need to make corrections or additions.

When note-taking for on-the-spot observations, make sure the community members are aware that you are taking notes and why you are taking them. As is the case with interviews, take some time after the observation to review your notes to make sure you wrote down all the important facts.

**Box 26: A court can demand to see notes of interviews**



Taking testimony or statements from victims of human rights violations is a core part of human rights work. If the case comes to court, the court could subpoena (obtain or seize) any interview notes and summon the interviewer as a witness. It is up to the interviewer to ensure that her or his notes are full, accurate and clear.

## **6.9 Consolidating and analysing information**

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Once all the information has been gathered, it is time to consolidate and analyse it.

Consolidating the information means that, at the end of each assignment you:

- Check that interview notes are clearly written;
- Prepare a summary covering all the main points (this makes it easier to share the information with others); and
- Keep the notes on file for future reference.

Analysing the information takes place when the consolidated summaries are presented to a meeting of all those involved in gathering the information. To analyse the information, you should ask yourself what it tells you about:

- The nature and causes of the situation;
- How many people are affected;
- The extent to which the people (as rights-holders) are deprived of their rights;
- What the authorities (duty-bearers) are doing about the situation;
- To what extent the government is failing to meet its obligations under national law and international human rights treaties to which it is a State party; and

- What should be done to realise the rights in question.

If there are gaps in the information or some of it is not clear, conduct further fact-finding and repeat the analysis process.

## 6.10 Consulting the community

The information gathered and the results of the analysis should be presented to the wider community for discussion. However, any information which was gathered under confidentiality should remain that way, so the names of certain people interviewed may have to be omitted or changed.

When presenting the results to the community, some questions to ask them are the following:

- Is the information presented an accurate reflection of the situation?
- Does the analysis correctly identify which rights are not realised, who is affected, what the authorities are doing, who the stakeholders are, and what should be done to improve the situation? If not, what should be clearer?
- What other comments or recommendations are there?

The next step is to write up the information into a report or other record. Section 8 describes various ways of presenting information.

# 7

## Monitoring government policies and budgets

Part 1 of this book explained that to realise people's rights, human rights treaties and standards have to be incorporated in government laws and policies, and adequate resources must be allocated to carry them out.

Monitoring government policies and budgets can be a powerful way to improve people's access to their ESC rights. It is an activity that is often carried out by NGOs at national level who have easier access to the government's website or information office. For CSOs at the local level, the task will be different, depending on the local government's duties and powers.

This section focuses on activities that may be done at local level. Local level CSOs may benefit from working with CSOs that are monitoring policies and budgets at national level.

### Box 27: Policies and budgets



A **policy** may be a law or other document that describes what the government intends to do about an aspect of government. It identifies how it is to be implemented and monitored and sets out specific goals and targets. Governments are required to monitor and evaluate the ways policies are carried out. Therefore policies must also contain indicators and benchmarks (see Box 30).

A **budget** sets out what money the government expects to earn from taxes or other income and how it will be spent to implement policies. It also shows how much money will be spent by each ministry or department and how much will be given to local authorities. Governments must also monitor budgets to see that they are spent properly and not wasted.

### 7.1 Why monitor policies and budgets?

Monitoring policies and budgets enables communities and CSOs to show how the government is succeeding or failing to realise human rights. People have a right to participate in developing and monitoring policies and budgets.

By monitoring policies and budgets, it is possible to:

- Exercise the right to participate in monitoring policies and budgets;

- Influence the choice of policies and how they are implemented.
- Promote > prioritisation of assistance to the poor and marginalised ;
- Identify problem areas (including alleged human rights violations);
- Identify misuse or wrong prioritisation of resources;
- Offer alternatives or propose remedies (if appropriate);
- Expose empty promises that are made during election campaigns;
- Encourage government transparency; and
- Discourage corruption.

## 7.2 Decentralised government

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> Decentralisation (giving powers to local governments) has been encouraged by a Pan-African local government organisation called the United Cities and Local Governments of Africa (UCLGA), NGOs and international donors.

### Box 28: Decentralisation



Since the 1990s, many governments have been decentralised. In theory, this:

- Allows local people to participate in decisions about the delivery of public services;
- Encourages local governments to use their power to make decisions and to control their budgets responsibly; and
- Makes them more accountable to local people.

However, the powers and the accountability of decentralised governments may be limited by:

- Local governments that are not elected but appointed by central government;
- Inadequate funding or late delivery of funds from the central government;
- Lack of skilled personnel; and
- Control by the local elite or corruption.

### 7.3 Monitoring policies and budgets: a three-step process

Monitoring government policies and budgets is a three-step process illustrated in Figure 5.

Figure 5: Three-step process to monitoring policies and budgets

#### Step ONE:

*Consider the contents and the effect of current policies.*

To what extent are members of the community actually enjoying a particular right? For example, the right to health care for mothers?



#### Step TWO:

*Find out the extent and causes of problems.*

What is the maternal mortality rate? Are there figures that show the rate in cities and rural areas? What do members of the community say about the problems?

For example, carry out interviews and surveys to identify the factors leading to maternal deaths. Is maternal health care available, acceptable and of good quality (as General Comment No. 12 requires)?



#### Step THREE:

*Look at how policies and budgets try to address the issues.*

What do the relevant policies say? Are they adequate? What are the policy objectives, indicators and benchmarks? To what extent have the policies been carried out? Have the authorities shown that they are aware of the problems? Is the money being well spent or is it being wasted?

#### Sources of information:

- If possible read the relevant part of the national policy. This should be available on the ministry's website. You may need to ask others for help, including capital-based NGOs or INGOs operating in your area. Also look at poverty reduction strategies;
- Try to obtain information from the local government authority about how they intend to implement the national policy;
- Ask the local authorities for information about the budget allocated to specific projects, such as providing Emergency Obstetric Care (for helping mothers give birth safely); and
- Contact > “applied budget groups” working in the country or in other countries.

Box 29: Linking policies and budgets to rights



**1. Monitoring the building of a school: This might involve checking:**

- Whether parents, teachers and pupils were consulted (right to participation);
- Whether the resources used (money, materials, labour and time) were both adequate and properly used (maximum available resources); and
- To what extent the project contributed to progressive realisation of the right to education.

**2. Monitoring a local authority's budget to see how it benefited the most marginalised:**

This could include selecting an area of discrimination, for example gender or disability and:

- Monitoring, over several years, the budget allocations for different rights and their benchmarks and indicators;
- Finding out how policies and budgets are framed to meet the needs of the most vulnerable; and
- Monitoring participatory processes to see whether the views of the marginalised are taken seriously into account.

**3. Monitoring a specific right, for example the right to safe drinking water:**

This could include:

- Collecting evidence of ill health as a result of unsafe drinking water;
- Looking at the policies relating to health, water, and public works (construction) and relating these to the requirements in the CESCR's General Comment No. 15;
- Looking at the budget allocated to improving water supplies and investigating how this has been applied in a particular area; and
- Identifying an area in the budget which appears to undermine rights (for example, a large proportion of the budget being spent on administration and very little on the service itself).

## Box 30: Using human rights indicators



Policies should contain indicators and benchmarks to track progress towards policy goals. Government indicators are seldom based on human rights indicators. However, NGOs and communities can use human rights indicators to monitor a government's *progressive realisation* of its human rights obligations. Human rights indicators for specific rights, and advice for using them, are given in the relevant booklets in this series.

*Human rights indicators* are based on human rights elements. They can be used to find out whether services are:

- *Available* – is the government providing the necessary structures, such as hospitals and schools?
- *Accessible* – are services physically within reach and economically accessible?
- *Non-discriminatory* – are they accessible to all without discrimination? Is the government prioritising marginalised groups?
- Are they of *adequate quality*? Do people actually use them? If not, why not?

CSOs and communities can use human rights indicators to:

- Encourage the authorities to use human rights indicators to develop and implement their policies;
- Carry out their own surveys on the basis of one or more indicators; and
- Gather statistics on the same indicator every six months or year to measure progressive realisation.

Information gathered may be sent to:

- Local or national authorities;
- Relevant national NGOs who can then include local details in their own reports;
- The African Commission; or
- The relevant UN Special Rapporteur.

Key points:

- Some statistics need quantitative (numerical) data. This may be available from the local authorities. Alternatively, CSOs could gather their own data in a local area;
- When using quantitative data, it is important to establish the proportion or percentage of people affected (the number of people or households affected, divided by the number of people or households in the area being monitored, multiplied by 100);
- It is sometimes essential to seek expert advice about how to use an indicator;
- It is vital to use clear and measurable definitions of the element to be monitored; and
- When using the data, always explain the criteria and methodology used.

## 7.4 Participating in the development of local policies and budgets

For organisations and communities to participate in the development of local policies and budgets, different approaches are needed depending on the willingness of local authorities.

NGOs at the national level may have analysed policies and budgets. If so, they may have useful materials or advice for local CSOs.

If the **local authorities are willing** to take a participatory approach, a common method is:

- Meetings are held at the community level to develop a “wish-list” of suggestions for realising rights;
- The community and the authorities jointly identify the priorities;
- Community members also identify what they can do for themselves;
- The authorities then “cost” the wish-list priorities and tell the community what is possible, depending on their budget; and
- When decisions are taken, top priorities usually take up most of the budget and the lower priorities may be dropped.

Communities and organisations should prepare themselves to participate by:

- Informing all community members about the process;
- Encouraging them to discuss their ideas and priorities;
- Identifying what community members could contribute, for example digging trenches for a new sanitation system;
- Working out a strategy for engaging with the authorities to discuss alternative ways of spending the money or to lobby for a particular priority; and.
- Using human rights principles and indicators to back up the arguments.

The organisation could help by doing some research. For example, by looking at the previous budgets and analysing them to learn lessons. Some guiding questions to ask are:

- Did the policies prioritise actions for marginalised groups?
- Was the budget realistic or over-ambitious?
- Was the money well-spent, wasted, or not fully spent?

If the **local authorities are not willing** to take a participatory approach, CSOs could consider:

- Encouraging the community make its own “wish-list” and identify priorities;
- Discussing the previous budget with the community and identifying any good or bad aspects that could be kept or changed in the next budget;
- Sharing the prioritised wish-list with other organisations to seek comments and suggestions;
- Submitting the wish-list to the local authorities and lobby stakeholders to support it;
- Talking to local authorities and trying to persuade them to take a more participatory approach; and
- After the authorities publish their plans, hold further community discussions and, if necessary, take action at a higher level.

**Box 31: Uganda's Constitution includes the right to participate in policy development**



Uganda's Constitution (1995) states, in Article X of the National Objectives and Directive Principles of State Policy: "Government shall take the necessary steps to involve the people in the formulation and implementation of development plans and programmes which affect them."

In Uganda, elected local governments have powers to make policies. People at all levels are consulted and invited to state their priorities. These are then reflected, as far as funds allow, in the local policies.

# 8

## Keeping records and managing information

Recording the results of monitoring and fact-finding is the step which comes between monitoring and action. This section is about ensuring that information is properly recorded, logically filed, and kept securely.

This task is largely “desk based” but it is important for the community to be consulted, informed and involved as far as possible. Some CSOs have a human rights resource centre, where community members can participate actively. These centres contain the organisation's records and relevant national and international documents. Of course the organisation's information on individuals must be kept confidential.

### 8.1 What kind of information to keep and why

The type of information you keep will depend on what purpose the information serves. A useful classification of different types of information is presented in Table 6.

**Table 6: Types of information**

Type of information	Examples	Purposes
Publicly available information	<ul style="list-style-type: none"> <li>• Official information: laws, policy documents, and maps;</li> <li>• Information about rights: international human rights law and General Comments;</li> <li>• Relevant newspaper articles; and</li> <li>• Reports published by other CSOs.</li> </ul>	<ul style="list-style-type: none"> <li>• ESC rights work is largely based on these documents; and</li> <li>• Sources provide information about how rights are being realised.</li> </ul> <p style="text-align: right;"><i>&gt; continued</i></p>

Type of information	Examples	Purposes
Confidential information, see Section 8.2.1	<ul style="list-style-type: none"> <li>Names of interviewees and interview notes;</li> <li>Lists of people with whom the organisation is in contact and their contact details;</li> <li>Correspondence (except for public letters); and</li> <li>Photographs of people.</li> </ul>	<ul style="list-style-type: none"> <li>This information forms the basis of identification of strategies and actions (CAUTION! See Box 26 in Section 6.8: confidential notes may be used in court); and</li> </ul>
Published information (from the organisation)	<ul style="list-style-type: none"> <li>Press statements, open letters, reports, and campaigning materials.</li> </ul>	<ul style="list-style-type: none"> <li>These should be kept even when they are out of date. They are useful as a record of work and for evaluation purposes.</li> </ul>

## 8.2 Safety, confidentiality and storage of information

Make rules about confidentiality, use and safety of information and ensure that everyone within the organisation with access to the files observes them.

### 8.2.1 Safety and confidentiality of information

In order to maintain safety and confidentiality of the information, be sure to:

- Keep a list of the information held;
- Back-up electronic files regularly (on CD-ROM, flash drives, or external hard drives);
- Consider making copies of essential records and holding them in a different place in case of theft or damage; and
- Only those who are directly involved in working with confidential information should have access to it.

When using public information, take note that:

- Copyright laws protect published information from being “stolen” or distorted (this includes text, video, photographs, or audio content);
- Quotes from documents must always be acknowledged, usually in a footnote or endnote;
- Ensure that quotes are accurate and transmit the intended message. Using only half a

- quote from someone might be misleading or a misinterpretation of their words; and
- Photographs may only be used with the permission of those in the photograph. The copyright of any photos taken by others should be acknowledged using the copyright symbol © and the name of the copyright holder.

When using information about individuals:

- See Section 6.8 on free, prior, and informed consent;
- Where identities must remain confidential, consider using a false name (stating in the report that this is not the person's real name) or use phrases like "a woman" or "some teachers"; and
- Note that in small communities, even using these forms may not conceal identities.

### 8.2.2 Systematic storage of information

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Information that is stored systematically is much easier to retrieve and to analyse than information which is not classified properly. A computer is the best way to store data and present it in different ways. Consult the HURIDOCS website ([www.huridocs.org](http://www.huridocs.org)) and Digital Security & Privacy for Human Rights Defenders published by Front Line Defenders ([www.frontlinedefenders.org](http://www.frontlinedefenders.org)) for further advice.

Regardless of the system used to store information, it is best to back-up all information in the event of theft, computer or server malfunction (including viruses) or damage.

#### Box 32: Retrieving information easily



- Label files carefully according to topic or specific project;
- Develop a system to cross-reference files. For example, information about the right to food in one village may be relevant to the right to health in another village in the same area. Cross-referencing usually means placing a record in each file referring to the relevant part of the other file; and
- Check data protection laws concerning information about individuals.

### 8.3 Communicating results

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All formal means of communicating about human rights (such as reports or press statements) generally adopt the same approach: to inform people about a problem and to persuade them to take certain actions to improve the situation. Depending on the purpose for communicating information, you may choose a specific format. These formats are presented in Table 7.

For each of these formats, it is important to make reference to specific human rights.

In letters and memorandums sent to government officials, it is important to remind officials of their obligations under national and international law and standards:

- If the right exists in national law, it is usually best to refer to this, but also to refer to the corresponding international instrument;
- When referring to a principle or standard that is not a treaty, such as the UDHR, note that these are standards that the international community has developed for all states to observe; and
- Always give a treaty or standard its full name and acronym the first time it is mentioned, and after that use only the acronym.

For example, in a report on the lack of schools in an area, you could quote all or part of Article 13 of the International Covenant on Economic, Social and Cultural Rights, using the full title the first time you mention it and then using only ICESCR.

For reports and other documents intended mainly for members of the public, it is important to make readers aware that governments have obligations under national and international law to realise rights. It may not be necessary to quote international standards in the text, but you should refer to them in footnotes.

**Table 7: Different formats for communicating results**

Format	Purpose and intended audience	Style and other requirements
Public statement	<ul style="list-style-type: none"> <li>• To call attention to a clear human rights violation; and</li> <li>• May be sent to local councillors or other officials, NGOs, or stakeholders at the provincial, national or international levels.</li> </ul>	<ul style="list-style-type: none"> <li>• Concise and to the point</li> </ul>
Press release	<ul style="list-style-type: none"> <li>• To reach the widest possible audience;</li> <li>• To be published in the printed press, radio and/or electronic media; and</li> <li>• May be the basis of interviews with journalists (see Part II, Section 11.4).</li> </ul>	<ul style="list-style-type: none"> <li>• As above; and</li> <li>• Must be newsworthy.</li> </ul>
Letter to officials and other stakeholders	<ul style="list-style-type: none"> <li>• Making an official aware of a problem and making recommendations about what should be done;</li> <li>• Asking “searching” questions about a policy. (Even they do not answer, you can publicise the fact that you requested information but had no reply.);</li> <li>• Informing some stakeholder of your organisation’s work or actions;</li> <li>• Making a complaint;</li> <li>• Requesting meetings or inviting a stakeholder (or stakeholders) to visit an activity or project;</li> <li>• Following up after a meeting and noting the main points. This provides a record of the meeting and reminds the person of what needs to be done; and</li> <li>• Writing letters. If no action is taken, write to a higher national or authority or a regional or international body.</li> </ul>	<ul style="list-style-type: none"> <li>• As above;</li> <li>• Letters should always be polite; and</li> <li>• Copies of the same letter sent to various stakeholders should always be addressed to the most important person.</li> </ul> <p style="text-align: right;">&gt; continued</p>

Format	Purpose and intended audience	Style and other requirements
Memorandum to duty-bearers	<ul style="list-style-type: none"> <li>• Providing detailed information that would enable the duty-bearer to take action, for example, to change a policy.</li> </ul>	<ul style="list-style-type: none"> <li>• Ability to arrange the information in the most logical way and to make a clear argument;</li> <li>• Initially, these are not public documents. A good tactic is to inform the official that it will be published at a later date. This may encourage the official to respond to the memorandum;</li> <li>• A memorandum should be sent with a cover letter explaining its purpose; and</li> <li>• Any response should be included the public version of the memorandum.</li> </ul>
Public report	<ul style="list-style-type: none"> <li>• To explain the nature and extent of the problem and why duty-bearers should act in the recommended way;</li> <li>• To enable policy makers, duty-bearers or others with influence to understand and act upon the problem;</li> <li>• Aimed at stakeholders at the local, provincial, national or international levels who can use them in some way; and</li> <li>• May be sent to funding agencies with a request for funding a project.</li> </ul>	<ul style="list-style-type: none"> <li>• The information in the report must be presented in a clear and concise way;</li> <li>• Add maps, tables or photographs to support your findings as appropriate; and</li> <li>• Avoid technical terms, and if you cannot do so, then explain them.</li> </ul>

Box 33: Dealing with reactions to statements or reports



A public statement or report may bring embarrassment to the responsible officials whose actions are exposed in a public way. Be prepared to react appropriately:

- The officials may ignore the report, in the hope that the publicity about it will not last long; or
- They may decide to counter-attack and say that the allegations are not true or introduce some new factor that you were not aware of.

It helps if you:

- Avoid attributing blame: naming or alluding to individuals could amount to defamation or slander. Use general terms like “government officials said/did or reportedly said/did X”;
- Write in a factual way and strictly avoid insulting, angry or sarcastic expressions; and
- Seek out people with appropriate expertise if necessary to help in formulating the statement or report, such as an NGO working on corruption, a lawyer, or a respected member of the community.

## 8.4 How to prepare reports

Before starting to write a report or a statement detailing human rights violations, make a checklist answering the following questions:

- What should the report or statement achieve?
- Who needs to read it – in other words, who can help make a difference?
- What are the main points about the problem which need to be highlighted?
- What action or actions should the responsible authorities take? and
- How will principles such as accuracy and confidentiality be considered (see Box 20 Section 6.3)?

A common structure for a report or statement is:

- **Introduction:** say briefly what the problem is and what needs to be done;
- **Explaining the problem:** follow a logical pattern, either the order in which the situation developed or dealing with different aspects of the problem. This section should include:
  - A brief description of the causes of the problem or how it began;
  - How the problem has developed (include statements, maps, numerical and other data);
  - How it affects people’s lives (include case studies, testimonies and photographs);
  - What actions by the authorities or others caused the problem or allowed it to worsen;
  - How this contradicts their human rights obligations under national laws, policies or international standards (include quotations from these documents); and
- **Remedial action needed:** this section should set out what needs to be done to end the violations and restore people’s rights (usually known as “recommendations”).

Once you have written a draft of the report or statement, use your checklist to see if all the essential points have been covered. Before publishing the information, ask someone to check it for accuracy. This person should be someone with experience in human rights work who could look for untested assumptions, possible gaps, inconsistencies, inaccuracies and bias.



# 9

## Claiming and defending ESC rights

This section is about working with people who are trying to claim their rights, defending people who are less able to act for themselves, and seeking to enforce rights through changes in policy or by legal or other means.

Sections 9.1 and 9.2 are about engagement with duty bearers at any level. Sub-section 9.3 focuses on engagement at the local level.

### Box 34: Asserting the rights of domestic workers



DITSHWANELO is the Botswana Centre for Human Rights. It investigated the situation of domestic workers: house helpers, child minders, gardeners and others, and found that many were being exploited by their employers. The investigation helped to increase domestic workers' understanding of their legal rights. In 1995, DITSHWANELO produced a booklet aimed at workers and employers and updated and reprinted it in 2003. It included a sample contract, as workers without this protection can be easily exploited. The booklet has helped workers in asserting their rights which are protected under the law and to strive for a minimum wage, maximum working hours and other rights not yet protected under the law.

### 9.1 Claiming, defending and enforcing rights

The State has the responsibility to realise rights by means of making and enforcing laws and implementing policies. These laws and policies must respect, protect, and fulfil rights.

Parliamentarians also play a key role in defending and promoting human rights. It is important to build relationships with local representatives and also with relevant parliamentary committees.

Not everyone is aware of their rights. Of those that are, few know how to claim them. This is where ESCR advocates can help communities to claim or defend their rights. For example, this can be done by working at lower levels and working upward by doing the following actions:

- Informing government officials about a problem and requesting corrective action (see administrative remedies in Part I, Section 4.7);
- Persuading parliamentarians and other influential members of the community to put pressure on the authority responsible for a problem;



- Working with others, if action is needed at a higher level, to:
  - Take a case to a governmental body, such as a public grievances chamber, which considers complaints about a policy that has been unjustly or badly implemented;
  - Approach the relevant parliamentary committee;
  - Make a complaint to a national human rights commission or ombudsman's office;
  - Request a lawyer to take a case to court or, after a court has upheld a right, take action to persuade the authorities to implement the judgment;
  - Bring perpetrators of human rights violations to justice; and
  - Send reports to the African Commission, the CESCR or the appropriate Special Rapporteur.

#### Box 35: The Treatment Action Campaign (TAC) in South Africa

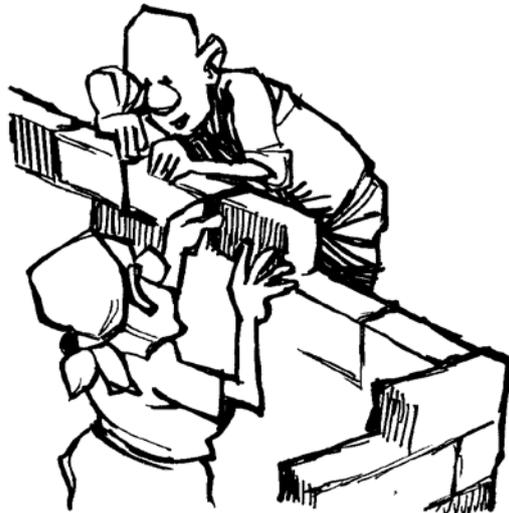


The TAC wanted people living with HIV/AIDS to have better access to drugs. It decided to focus on a drug to stop the disease being transferred from a mother to her baby. The drugs were available at some clinics but the authorities claimed that it would be too expensive to give them to all who needed them. The TAC went to court. The judge said that the government was being unreasonable and ordered it to use all available means to make the drug available and to take immediate steps to do so. At first nothing happened. Then the TAC mobilised thousands of people to demand the drugs. Soon afterwards the drugs were provided to needy mothers. The TAC then went on to campaign for cheaper drugs for others living with HIV/AIDS. In 2003 the Canadian government said it would change its laws to allow the drugs manufactured in Canada to be copied and made more cheaply available.

## 9.2 Taking action

Before considering any action, make sure that community members:

- Understand the problem (see Section 2);
- Make suggestions on what should be done about the problem (see Section 4);
- Discuss the facts of the situation. This can be done by discussing the results of the information gathered (see Sections 5 and 6); and
- Analyse how they could achieve their objectives through concrete actions and what obstacles there might be.



The Planning Box in Appendix 1 illustrates this process in more detail.

The next step is to develop a plan of action. While it is not necessary for everyone to agree, it is important that all major doubts and concerns are taken seriously. The example in Table 8 shows how a series of questions can help guide the community to develop an action plan.



**Table 8: Sample questions to develop an action plan with the community**

**Plan of action:** A fictitious CSO is working with a community of market traders. The goal of the project is to persuade the municipal authorities to provide (facilitate) the traders' right to a healthy working environment. Questions similar to these should be the basis of an action plan.

Question	Community's response
What seems to be the best way to solve the problem?	<ul style="list-style-type: none"> <li>• More frequent rubbish collections, more water points and a new toilet block; and</li> <li>• Making traders more careful about their rubbish.</li> </ul>
What can the traders do for themselves and what are the obligations of the authorities?	<ul style="list-style-type: none"> <li>• Community can encourage cleanliness; and</li> <li>• Authorities should improve sanitation services and infrastructure.</li> </ul>
Who are the authorities responsible for the problem?	<ul style="list-style-type: none"> <li>• The departments of water and sanitation and health.</li> </ul>
Which officials or other stakeholders would be able to help solve the problem?	<ul style="list-style-type: none"> <li>• The municipal officials responsible for the market;</li> <li>• The municipal health inspector based at the hospital; and</li> <li>• NGOs working on the right to health.</li> </ul>
What message should be sent to these different groups of people?	<ul style="list-style-type: none"> <li>• Dirty markets cause illness of traders and buyers and discourage buyers and tourists; and</li> <li>• Clean markets would encourage trade and be good for the economy.</li> </ul>
What is the best way of transmitting the message or messages?	<ul style="list-style-type: none"> <li>• Encourage cleanliness, make traders aware of health risks;</li> <li>• Meet the market and health officials;</li> <li>• Give an interview to the local radio station;</li> <li>• Get a television journalist to film the market; and</li> <li>• Hold a market traders' march.</li> </ul>
Who are the key allies among civil society? How can they be persuaded to join in the campaign?	<ul style="list-style-type: none"> <li>• CSOs working on health and the environment; and</li> <li>• Taking them to the market to see the conditions and talk to the traders.</li> </ul>
Who needs to do what to plan these actions?	<ul style="list-style-type: none"> <li>• Market traders to identify spokespersons to give interviews, plan the march; and</li> <li>• CSO members to coordinate tasks with partner NGOs, arrange meetings with parliamentary committees, contact the television journalist, etc.</li> </ul>

Other things to remember when developing an action plan:

- Identify challenges and how to tackle them, for example, how will the authorities respond to a march?
- Assess the risks. If the community is reluctant to take an action, a CSO or a group of organisations could carry out the action. However, the community must agree with what is being done on their behalf; and
- Evaluate the actions: all those involved should be invited to participate.

## **9.3 Engagement with officials at the local, provincial, and national levels**

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Before engaging with officials at any level, it is vital to have a clear strategy and to know which are the relevant officials.

### **9.3.1 A strategy for engagement**

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There are many reasons for engaging with officials, some of which include:

- Seeking information about a policy if the information is not readily available;
- Checking facts, for example if there is a rumour that a school is to be closed for general repairs during term time;
- Informing them about suspected ESC rights violations; and
- Persuading them to ensure rights are realised in line with their obligations.

But prior to engaging with officials, it is necessary to:

- Identify and analyse the relevant stakeholder officials (see Sections 4.3.1 and 4.3.2) in terms of their level and their powers; and
- Set a goal and objectives (see Section 4.4).

Poor governance can present challenges for NGOs and CSOs including:

- Unwillingness to provide information or allow meaningful participation;
- Lack of protection: community members will be reluctant to seek remedies if there are no structures to protect them, such as a human rights commission;
- Tokenism, for example when officials hand-pick a few people to be members of decision-making committees; and
- Officials may promote schemes, for example community saving schemes, which have not been properly tested or supported.

NGOs and CSOs who provide services should challenge governments to also play their part.

They should avoid duplicating the role of the government, unless the authorities do not fulfil their role while there is an urgent need.

### **9.3.2 Ways to engage with local officials**

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Once a strategy for engagement has been developed, there are a number of ways to engage with appointed or elected officials. Some of these include:

- Regular meetings: development organisations often have regular meetings with government officials or councillors. Such meetings may be an opportunity to raise human rights concerns;
- Arranged meetings: make an appointment and visit the official's office;
- If it is difficult to approach local officials directly, consider using an "ambassador" such as a respected member of the community or of a large NGO to visit the official's office and represent your cause;
- Correspondence: writing to the official or councillor to make a complaint or suggestion;
- Inviting an official to participate in an event, such as to open a workshop or visit a community where there is a problem (provide them with information that they could include in their speeches and invite the press to cover the event); and
- Holding seminars on specific human rights topics (especially those that happen to be in focus for some reason) and inviting a guest speaker with enough status to attract officials.

### **9.3.3 Ways to engage with provincial and national officials**

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Engagement with provincial or national level officials follows the same approach as for local officials. However, there are some additional points to highlight:

- There must be a good reason for undertaking action at the provincial or national levels. Usually this is necessary when action at local level has failed or when the problem is beyond the powers of local officials;
- Action at the provincial or national levels needs to be backed up by more detailed information than at the local level, including:
  - A fuller explanation (the national officials may not understand local realities);
  - What has been done at the local level and why it necessary to take the matter further; and
  - If other communities or NGOs have similar problems in the same or different parts of the country, a joint approach may be more effective (see Section 11.2).
- Publicity at the local or, if possible, provincial or national levels might encourage the authorities to listen.

Parliamentary delegates can be particularly useful allies to engage with at the national level. Parliamentarians may be interested in supporting your project, but have little time for research and may appreciate receiving well researched information from CSOs. This could help them to develop appropriate policies in the first place and, secondly, to hold governments to account for implementing them.

Possible approaches for engaging parliamentarians include:

- Request a meeting with:
  - The person representing the province or district in which the community lives (if relevant); or
  - The relevant parliamentary committee, for example, the human rights committee or the health committee;
- Present them with a summary of the issue; and
- Say what you would like the members or deputies to do. This could be to:
  - Visit the community to see the problem for themselves;
  - Question the minister concerned; or
  - Pass a resolution.

After the meeting, write up a report and decide what follow-up action is needed.

### Box 36: Planning effective meetings



Meetings should be planned carefully, taking into account:

- The goal: for example, persuading the official to prevent the closure of a clinic;
- Specific objectives: for example, to ensure that he or she is aware of public opinion, invite the official to visit the site to talk to the community members;
- Who should be in the team (not too many), and who is the leader;
- How to present the subject (prepare a note of the main points);
- The role of each team member (asking questions, taking notes, summarising at the end); and
- What to give to the official (memorandum, explanatory leaflet).

### 9.3.4 Approaching other institutions (at the local, provincial and national levels)

If approaches to the legislature and executive branches of government bring no results, the matter can be taken to one or more of the following (not necessarily in this order):

- National human rights commissions or ombudsman's offices;
- Anti-corruption commissions;
- Public grievances offices;
- Courts; and
- Media.

See Part I, Section 4.7 for more advice on courts.

The first three options from the list above are what are commonly referred to as > complaints bodies. These complaints bodies have rules for what they can do and how people can get in touch with them. Information may be obtained from local government offices, the Internet, or NGO forums. Some may have offices at the provincial or local levels.

Before approaching a complaints body, find out:

- Whether a complaint is “admissible”, that is:
  - Whether the body is empowered to legally deal with the matter; and
  - Whether there is enough evidence; and
- How it should be submitted: it may be necessary to fill in a form.

The fourth option from the list is taking a case to court. This option, also referred to as > litigation, is useful in situations where there has been a violation of a right that is protected under the Constitution or the law (or, in some cases, under international treaties in which the government is a State Party). In considering litigation as an option:

- Ask a lawyer if she or he thinks that you have enough evidence;
- Be aware that some lawyers take up human rights cases without charging a fee;
- See if it is necessary for the lawyer to seek advice from national or international organisations with expertise in either the particular right or in human rights litigation; and
- If a lawyer agrees to take a case, it would be helpful for the lawyer to refer to General Comments No. 3 and No. 9 on Article 2.1 of the ICESCR which give advice on the justiciability of ESC rights under national law and on the range of remedies that might be made available.

### Box 37: Using complaints mechanisms



Using complaints mechanisms and taking cases to court are extremely powerful steps towards the realisation of rights. These cases develop new interpretations of the law. They can be used to back up other cases. CSOs should encourage journalists to report such cases. States should include information about such cases in their reports to the Committee on ESCR and the African Commission.

The last option from the list above is the use of the media (the press, radio, television, or the Internet). In order to make good use of the media, it is crucial to:

- Ensure that your information is accurate and well presented (whether on paper, electronically or in person); and
- Present clear and reasonable messages which describe what should be done about the problem.

A strategy for conveying each message should include:

- Defining the objectives, for example, changing people’s opinions or persuading them to take action;
- Identifying the intended audience: the groups or individuals who need to receive the message;



- Deciding on the main points to be heard and understood;
- Constructing a message to attract the intended audience's attention and focus their attention on the main points; and
- Checking whether the intended audience has heard the message and measuring their reaction to it.

## 9.4 Engagement with non-State actors at the local, provincial and national levels

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Increasingly, national and international businesses or other organisations are responsible for human rights abuses.

The State has an obligation to protect rights. There should be laws to regulate business activities and appropriate penalties for breaking them.

See Part I, Section 5.2 for more information about human rights abuses by non-State actors.

Actions directed at local, provincial or national non-State actors should:

- Have clear aims: for example, to stop the human rights abuse or to obtain compensation for the victims; and
- Be supported by evidence about the nature and impact of their actions, including, as relevant:
  - What the non-State actor has done and what rights have been abused;
  - What the relevant laws say;
  - Whether the company has its own code of ethics. These are not legally binding but it is useful to quote them;
  - Whether any State officials have been involved (for example, police are sometimes involved in forced evictions ordered by non-State actors);
  - The impact on the community in terms of physical and emotional effects and material losses. If you plan to seek compensation for those affected, you should consult a lawyer; and
  - Testimonies and photographic evidence and any documentary evidence.

CSOs and communities face multiple tasks:

- Trying to identify and expose ways in which these non-State actors undermine and abuse human rights;
- Trying to hold the State accountable for things that it can and should do; and
- Dealing with pressure from officials who accuse CSOs and communities of “interference” because they (the officials) support the project or benefit from it in some way.

## 9.5 Transnational corporations

Transnational Corporations (TNCs) have many strategies for protecting themselves. Often they are a large cluster of subsidiary companies, each operating in a different country under agreements that provide protection against legal action. This makes it difficult for small or local CSOs to work on human rights abuses by TNCs and they may want to work together with specialised NGOs.

For a long time it has been impossible to hold TNCs responsible for human rights abuses. But in 2008 the Human Rights Council welcomed a framework proposed by the UN Special Representative on Business and Human Rights. This is based on three principles:

- The State's duty to protect people from abuses by non-State actors including businesses through regulation;
- The corporate (company's) obligation to respect human rights and to exercise due diligence (See section 5.3); and
- Increasing access by victims to an effective remedy, through the courts or other grievance (complaints) mechanisms.

To follow developments in efforts to make TNCs more accountable, go to the website of the Special Representative on Business and Human Rights (<http://www.business-humanrights.org/SpecialRepPortal/Home>)

Possible actions include:

- Finding out if the company has an ally or allies in the government and consider approaching them;
- Providing briefings to government officials or others who may have influence with the TNC;
- Writing to the TNC at its office in your country and send a copy to the headquarters of the corporation (but this may not have much effect);
- Exposing the abuses by the company in the national media and, in cooperation with INGOs, in international media;
- Joining with other CSOs in public action campaigns, for example, demonstrating in front of the company's office and trying to attract media attention; and
- Asking a sympathetic deputy to raise the matter in parliament.

Although it may be difficult to investigate and campaign against abuses by TNCs, it is important to gather information and pass this to national or international organisations specialising in this kind of work.

There are various non-binding standards for different types of business. See Part I, Section 5.4.

# 10 Taking action at regional and international levels

This section concerns taking action at regional (African) and international levels including;

- Submitting information to regional and international human rights bodies; and
- Participating in development strategies.

A small CSO may not be able to do this work alone but could link up with other CSOs or with a specialised lawyer.

## Box 38: Making submissions



Many CSOs feel that engaging with regional or international institutions is a waste of time. It is true that making good submissions takes time and that the institutions may be slow to respond. But it is also true that submissions by NGOs have advanced understanding and protection of human rights. For example, NGOs complained to the African Commission about the Nigerian Government's violation of housing rights. Although the African Charter does not specifically mention the right to adequate housing, the African Commission found that the rights to adequate housing and to water are present if Articles 14, 16 and 18 are taken together. (See Housing booklet, Box 14)

### 10.1 Submitting information to regional and international human rights bodies

These institutions include the African Commission on Human and Peoples' Rights<sup>4</sup>, the UN Committee on ESC rights (the CESCR)<sup>5</sup> and other treaty bodies. A relatively recent mechanism for reporting on human rights is the UN Human Rights Council. It is important to know which international body is the most appropriate for the purpose.

Much of this work will probably be done by NGOs at national level or in coalition with NGOs at the regional level. There are a number of opportunities for action during treaty body meetings:

- CSOs can apply for observer status and may attend meetings;
- CSOs can participate in discussions (but have no right to vote); and
- CSOs can make oral statements about the human rights situations in their countries.

There are other ways of engaging treaty bodies described below.

See Appendix 5 for a list of international NGOs working on ESC rights.

### Box 39: Learning more about the African Commission and how to file a complaint



The African Centre for Democracy and Human Rights Studies usually organises an African NGO Forum ahead of the ordinary session of the African Commission. The Centre gives training on how to file complaints to the African Commission. The Forum is a useful platform to create interest in the case (see [www.pambazuka.org/en/category/courses/40205](http://www.pambazuka.org/en/category/courses/40205)).

Copies of “A Guide to the African Commission on Human and Peoples’ Rights”, a companion to “A Guide to the African Charter on Human and Peoples’ Rights” is available on request from Amnesty International ([www.amnesty.org](http://www.amnesty.org)).

#### 10.1.1 Submitting complaints to the African Commission

Any CSO or individual can submit information or a complaint to the treaty bodies. These are officially known as > communications. To do this:

- Download a copy of the “Model form for submission of complaints” from the African Commission’s website ([www.achpr.org](http://www.achpr.org));
- Ensure that the case meets the conditions for submission (it is best to get advice from someone with experience, such as a lawyer);
- A person submitting a complaint on behalf of another person must obtain that person’s consent, except if there are justifiable reasons for not doing so; and
- After sending the complaint, be sure to submit any further relevant information.

The Commission then meets in private to see whether a communication meets the required conditions. If so, the results of the examination are included in the Commission’s activity report to the AU Assembly. The results are published.



### 10.1.2 Submitting a shadow report

Another way to make sure that a treaty body receives an accurate description of the human rights situation in a country is to produce a > shadow report. In order to create a shadow report:

- Find out when the country's report is due to be submitted to the treaty body;
- Write to the treaty body several months before it is due to meet and bring serious matters to its attention. The treaty body may use this information when it drafts a list of questions to put to the government officials attending the session;
- After the treaty body has considered the government's report, it will post its concluding observations on the website. These may include appreciation or criticisms of how the government is implementing treaty provisions;
- Many governments simply ignore the treaty body's recommendations. CSOs should publicise the recommendations and lobby the government to carry them out; and
- Assist governments with creative ideas on how to implement recommendations which take into account the realities of the most disadvantaged groups.

#### Box 40: Checklist before sending complaints



There are a number of factors to consider before sending information or complaints to treaty bodies. Questions to ask:

- Is the State a party to the treaty or additional protocol to the treaty?
- Is there a clear violation (or pattern of similar violations) of the treaty?
- Is there enough information and is it accurate? and
- Have all possible steps been taken at national level? Why have they failed? Or, explain why steps could not be taken.

### 10.1.3 The UN Human Rights Council

The Human Rights Council has two procedures that CSOs can use to submit information on human rights: the Universal Periodic Review (UPR) and the Complaints Procedure.

For the UPR, the Council reviews the human rights record of each of the 192 UN Member States once every four years. NGOs and national human rights commissions can:

- Submit information to the UPR Working Group;
- Attend UPR sessions and make statements; and
- Attend the regular session of the Council when the outcomes of the State reviews are considered.

See Appendix 6A for more information on the Human Rights Council.

**Box 41: List of country reviews**



To find out when your country's review is due, go to the website ([www.ohchr.org/EN/HRBodies/UPR/Pages/UPRmain.aspx](http://www.ohchr.org/EN/HRBodies/UPR/Pages/UPRmain.aspx)), look under “Meetings and Events” then click on the list of countries to be considered at the next session. Next, go to the timetable to find the date, then to the list of “troikas” - the three states that will serve as rapporteurs.

To submit a complaint under the Complaints Procedure about a “consistent pattern of gross and reliably attested violations” of any human right, CSOs should write a submission following certain rules. The communication should be:

- From the victim or someone working on the victim's behalf;
- Written in polite language and free of any political bias;
- Clear about the facts of the case and contain evidence of the violation;
- Including information about other similar violations that show a trend or pattern;
- Based as far as possible on first-hand information: communications based mainly on newspaper or other published reports will not be considered; and
- Clear about what efforts have been made at local or national level to resolve the problem.

The Human Rights Council's Working Group on Communications (WGC) will examine the complaint. The WGC is composed of five human rights experts sitting on the committee that advises the HRC. Each represents one of the five geographic regions.

If the WGC considers that a complaint fulfils these requirements, it transfers the complaint to the Working Group on Situations (WGS). This consists of five members of the Human Rights Council, one from each regional group. The WGS meets twice a year to consider new complaints as well as the progress made on complaints submitted in previous years. After receiving the advice of the WGC, it presents the Council with a report on the case and makes recommendations to the Council on the course of action to take. This procedure is confidential.

#### 10.1.4 Contacting Special Rapporteurs

Contacting Special Rapporteurs is another form of taking action to realise human rights. Information may be found on the following websites:

- The UN Human Rights Council, under Special Procedures (thematic mandates or country mandates): [www2.ohchr.org/english/bodies/chr/special/index.htm](http://www2.ohchr.org/english/bodies/chr/special/index.htm);  
and
- The African Commission, under Special Mechanisms:  
[www.achpr.org/english/\\_info/news\\_en.html](http://www.achpr.org/english/_info/news_en.html)

The other Haki Zetu booklets on specific ESC rights contain information on the work of the relevant Special Rapporteur.

The UN rapporteurs can receive “urgent appeals” and “letters of allegation”. These must contain the following minimum information:

- Identification of the alleged victim(s);
- Identification of the alleged perpetrator(s) of the violation;
- Identification of the person(s) or organisation(s) submitting the communication (this information will be kept confidential);
- Date and place of incident; and
- A detailed description of the incident.

## **10.2** Pan-African and regional institutions, economic communities and processes

### **10.2.1 Regional Economic Communities**

A Regional Economic Community (REC) has a treaty explaining its objectives and how it is governed.

An REC may also have:

- Offices at the national level;
- Parliaments with specialist committees covering the objectives of the treaty;
- Mechanisms for civil society participation; and
- Courts of justice to uphold the treaty provisions.

Opportunities for participation or engagement with RECs include:

- Lobbying the Secretary-General, Summit or Council;
- Seeking meetings with members of the national parliament who are also deputies in the REC parliament, giving them information and asking them to take action;
- Participating in national sections of the treaty body; and
- Participating in national sections of the civil society forum.

When taking action, first read the treaty as actions must be based on treaty provisions. For example, if a treaty has a clause promoting the advancement of women in development, it may be possible to inform the REC’s Secretary-General or governing body if the State is discriminating against women and call upon her or him to take appropriate action.

It may be possible, with the help of a lawyer, to submit a case to the court of justice set up under the treaty.

Regional Economic Communities (RECs) were briefly discussed in Part I, Sections 4.7.3 and 6.2.

### 10.2.2 The AU Assembly and Parliament

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There are ways to engage with the AU Assembly:

- Take part, if possible, in national meetings concerning submissions to AU summits through the AU-Civil Society Organisation (CSO) Forum, and meetings about elections to the ECOSOCC Assembly; and
- Those unable to take part may be able to send suggestions or requests through their national member of the CSO Forum.

Ways to engage with the Pan-African Parliament are:

- For institutions and individuals to make petitions; and
- To consider opportunities for participation, either indirectly or through your national representatives, once the mechanisms have been developed.

### 10.2.3 NEPAD and PRSPs

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NEPAD and PRSPs also offer opportunities for engagement in their processes:

- Look out for opportunities to participate in meetings of NEPAD's African Peer Review Mechanism (APRM), either directly or through national representatives; and
- PRSPs are also developed in consultation with civil society. Try to find out when and how these consultations take place and consider ways of participating directly or indirectly (see Section 10.3).

## 10.3 International institutions and PRSPs

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In 1999 the World Bank and IMF adopted a new system of Poverty Reduction Strategies to meet the Millennium Development Goals (MDGs). There are opportunities for action such as:

- Some groups take part in drafting PRSPs;
- Others can play an important role in monitoring the progress of poverty reduction. For example, they could see how the PRSP reflects the MDGs (some PRSPs have not reflected them much) and monitor those aspects;
- CSOs that do not participate directly in the drafting of the PRSP can pass their findings to those that are participants;
- Some CSOs encourage national parliaments to take a stronger monitoring role; and
- It is possible to submit complaints to the World Bank's Inspection Panel about violations of the World Bank's policies or procedures in projects funded by the World Bank.

See Part I, Section 5.5 for more on the MDGs.

#### Box 42: The Mozambique Poverty Observatory



Mozambique's Plan of Action to Reduce Absolute Poverty (2003) included a mechanism for civil society participation called the Poverty Observatory. Initially, people thought this was a shop-window exercise to impress the international financial institutions. A group of 20 civil society organisations ("G20") decided to take part. In 2004, the Observatory carried out a survey to reflect the voices of the poor and interviewed over 10,000 people in rural and urban areas. It produced its first Annual Poverty Report and made recommendations to the government. By 2005 there were 60 member organisations. "G20" committees were set up in each of the 10 provinces. Then, when the government set up thematic panels with only one civil society representative, the Observatory held its own thematic discussions and reflected the results of these in its 2005 Annual Poverty Report.

# 11 More suggestions for action

This section contains additional ideas for raising awareness about human rights within a community and engaging people in purposeful actions which help realise rights.

## 11.1 Raising awareness of human rights

As mentioned in Section 4.1, awareness-raising should take place on an ongoing basis. Meetings, interviews, monitoring or fact-finding can all be opportunities to raise awareness about ESC rights.

Raising awareness about ESC rights is best done by keeping in mind key principles of human rights education listed in Table 9.

**Table 9: Principles of human rights education**

Principle	What it means
Valuing the knowledge, experiences and skills of the community	Learning about human rights is about discovering or enhancing the knowledge, experiences, and skills within a community. It is important to situate ESC rights in the context of community life and people's own experiences, for instance using the management of a family's resources to explain budget development and allocation of national resources. It is also about building people's confidence to participate fully in the life of the community and beyond.
Working together	Activities to strengthen a community's ability to work together should include exercises and discussions about how people relate to each other in the family and community. Community members should be able to recognise discrimination and understand power relations between different stakeholders. Special attention should be paid to the position of women in the community and to their full participation in making decisions.
Critical thinking	Many people live in small communities and lack opportunities to expand their understanding beyond their daily lives. As a result, they may simply accept injustice as a fact of life or the will of God and receive charity when it is offered. Human rights education can reveal how their lives are linked to national and global systems and how it might be possible to challenge injustice.

> continued

Principle	What it means
Learning by doing	Using situations and examples relevant to the lives of community members will encourage them to engage in discussion and analysis. They will also learn through participating in activities, such as participatory research and planning campaigns.
Informing those who should know	The previous suggestions have been made with ordinary people in mind. Other groups, including lawyers, other professional people and politicians, may not properly understand ESC rights. They may have experience in their own ESC rights field – law, education, health, housing, etc. – but many will not have heard about how to realise ESC rights. These audiences may need a different approach, such as being invited to promotional activities (see Section 9.3).

## 11.2 Introducing the HRBA into development projects

Some NGOs focusing on development projects provide goods or services, such as tools, micro-finance or advice. This may increase access to rights, such as the right to earn a living, without necessarily increasing people’s ability to demand rights for themselves.

See Part I, Section 6.4 for more on the HRBA.

### Box 43: Micro-finance schemes



Micro-finance schemes enable communities to carry out projects to improve their lives. They are based on trust and joint decision-making. People who know each other well can make a realistic assessment of how much borrowers need and whether the money is likely to be repaid. Before setting up a micro-finance scheme, it is important to get advice from someone with experience. Community groups can set up and run micro finance schemes by themselves. It may be advisable to discuss micro-finance with rural development banks which already exist in many African countries. Sometimes these banks provide special facilities including credit, savings facilities and insurance for people with low incomes.

A well known system is the Grameen Bank in Bangladesh. Systems include one or more of the following:

- Small groups collect savings and make loans to each other;
- Credit is based on the group’s assessment of the borrower’s character rather than on > collateral;

> continued

- Loans are made to set up small businesses, improve homes or, at short notice, for emergencies;
- Savings are pooled and members have “shares” based on the percentage of their contribution; and
- Loans are available according to the amount of savings, for example two or three times the value of the person’s savings.

Note: In some countries there are laws governing micro-finance schemes.

By introducing the HRBA into development projects, there is a concrete link to specific rights and an effort to ensure that people are empowered to claim their rights.

Examples of introducing human rights could include:

- Ensuring not only that people participate in the design of a project but also that they know which rights are involved;
- Increasing awareness of the right to non-discrimination and to gender equality;
- Promoting awareness of the interrelatedness of rights through increased awareness of starting with one right. For example, increasing women’s access to work may include increasing links up with other rights like access to health care or child care; and
- Making people aware of the government’s obligations to respect, protect and fulfil rights.

#### Box 44: Service delivery for human rights



A fictitious NGO has received funding to help women living in tents and self-built houses in a refugee camp to set up a micro-credit system. To link the system to advancing the women’s ability to understand and claim their rights, the NGO:

- Identifies the skills related directly to the use of credit: how to manage finance, how to make strategic decisions about what to grow, buy and sell, networking and helping one another;
- Introduces the right to earn a living;
- Gradually introduces other rights and helps the women claim access to better:
  - Information (market prices, information about plant diseases);
  - Housing conditions (access to building materials and better sanitation); and
  - Health;
- Promotes dignity and empowerment coming from an increased understanding of how to exercise rights and improve income; and
- Encourages mothers who are empowered and will want the same advantages for their daughters.

### 11.3 Working in partnership

Partnerships are cooperation agreements between two or more groups. Reasons for having partnerships include:

- Make use of each other's strengths and expertise;
- Learn from each other; and
- Act together on shared objectives or projects.

Partnerships can happen with different types of stakeholders. Working with partners (or allies)<sup>6</sup> can increase the effectiveness of campaigns. Partners or allies may include working with:

- Other communities and civil society groups working on similar issues;
- International organisations;
- Professionals, for example, medical professionals, teachers, academics or lawyers; and
- Government officials.

See Appendix 5 for a list of international NGOs working on ESC rights.

Partnerships with other human rights groups in different countries can be developed on the Internet. Key resources include the African Commission website, ESCR-net and Dignity International.

#### Box 45: Partnerships



Members of different Nairobi slums used to meet each other in workshops and other functions organised by partner organisations. They decided that as they shared common problems they should network among themselves.

In 2004, these groups organised a human rights celebration. They held open forums in each zone and developed a symbol, a "Torch for Struggle". The torch was taken to eight different areas. This was very successful in mobilising communities and people felt like they were rescued.

There can be various types of collaboration with partners or allies, including:

- Sharing information and experience;
- Working jointly on similar or complementary projects;
- Developing good relationships with professional groups in order to benefit from their advice and experience. In return, they may need information about human rights or about what is happening at the grassroots level;
- Working with a lawyer to file a complaint or go to court; and
- Joint lobbying of the government.

Box 46: Working in partnership



- Keep your own identity and independence but work with others wherever this helps your objectives;
- Maintain good contacts with possible allies and get to know them in order to choose the right partners for the work you are doing;
- Being selective is important for working on a specific project. Principles should be adopted for coordinating the work, sharing information, identifying each partner's responsibilities and avoiding power struggles;
- Sometimes, for very broad goals, such as a march against poverty, it is less necessary to be selective;
- Choose the right moment to engage with others. This might be from the start or when you reach the campaigning stage of a project; and
- Groups that collaborate with government officials need to be aware that they may be used by the government and thus lose the trust of the community.

## 11.4 Working with media

Raising awareness through the use of various media can be an effective means of conveying a message. Media such as radio, television, posters, written press (paper or electronic) are ways to “publicise” ESC rights as a form of awareness-raising.

Working with media is a way of reaching many people to:

- Make them aware of a problem or issue and how it affects people;
- Show them that there is a way of dealing with the problem or issue;
- Gather their support; and
- Raise their general awareness of human rights.

The choice of the most appropriate media depends on the message and the target audience.

If the media are local radio or local newspapers, journalists like to use stories that are:

- **Interesting.** The problem might be common but there may be something new to say about it. The “news” factor may be:
  - What the community is doing about its problem;
  - Some new development in a long-standing problem;
  - Something that an important person has said or done about the problem; or
  - Something successful or something that is bad;
- **Clearly presented.** The story shows what is wrong, what needs to be done and who is involved;

- **Timely.** Why is the issue important now? It may be an emergency. If not, a “news hook” (like a fishing hook) is needed:
  - A “hook” may be made by inviting an important person to visit the community and asking the press to attend; or
  - Publicity could be “hooked” to some anniversary or event, for example if the project is on primary education, you could choose the Day of the African Child (16 June).

Before using radio or newspapers to get a message across:

- Get to know the journalists or programme maker, either by telephoning the radio station and asking to speak to someone or, if possible, visiting the radio station. Explain what the community is doing and give the journalists your contact details; and
- Identify members of the community who could do interviews and practise these techniques:
  - Before the interview is recorded, ask the journalist what he or she is planning to ask (but be prepared for a surprise question);
  - Prepare for the interview by noting two or three key points you want to make. Think about how to express them, for example, by mentioning some interesting fact or case to illustrate a point;
  - Consider the audience and decide what tone to use; and
  - If it is a radio interview, speak clearly but not too slowly.

#### Box 47: Regular radio programmes on human rights



Local radio may be interested in hosting a weekly human rights programme. This could include discussions on specific issues, with one or more experts in the studio. Listeners could be invited to telephone with comments or questions (Human Rights Focus in Uganda has done this). The Talking Drum Studio in Liberia made a soap (popular drama) series with a mixture of fun and education.

No matter which type of media is used, there are some general points to keep in mind when approaching or getting the attention of those working for the media:

- Identify a sympathetic journalist and invite her or him to visit the community and make a report. Before the visit, the community should decide what their main message is, which community members can convey the message best, and what to show the journalist;
- Prepare a leaflet about the problem and the community’s strategy or goal. Send this to the media and offer to give interviews;
- Identify “stars” or “ambassadors”. Try to interest a well known personality in a problem. This person could persuade their high-level contacts to take action or talk to the media;

- Provide testimonies. There may be someone in the affected community who has the confidence to tell his or her own story to the media;
- Arrange an event and invite journalists to attend;
- March through the streets or demonstrate beside a focal point like a government office or a place of worship, carrying banners and shouting slogans. Check whether the law requires advance notice and ensure that the demonstrators know the strategy and behave accordingly;
- Hold a public debate; or
- Organise or promote a message during another type of public event, such as drama, an art exhibition or a sporting event. You may need to seek the permission or cooperation of the organisers of that event.

### 11.5 Electronic means of communication

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There are many ways to raise awareness through the use of new technologies<sup>7</sup> like the Internet, e-mail, and text messages, for example:

- Setting up a webpage which gives news of an organisation's work;
- Setting up a web log (blog) for sharing information with others;
- Joining in campaigns at local, regional, national and international levels (for example, forced evictions can be reported to the website of the Centre for Housing Rights and Evictions, an INGO);
- Sending messages to people asking for their support; and
- Using text messages or e-mail to coordinate activities.

### 11.6 Public events

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Public events may be directed at local people in order to inform them about an issue or engage them in demanding a right. For these types of public events, the main goal should be to make an impact at the local level.

Other types of public events are aimed directly at the authorities at local, national or international levels to persuade them to take action. In these cases, the main goal can be either to point out where the authorities are failing in their duty or to encourage them to act positively.

The following types of public events are described below:

- Public hearings;
- Report cards;
- People's parliament;
- Participatory theatre;
- Visual arts events; and
- Sporting events with a difference.

### **11.6.1 Public hearings**

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For public hearings, the aim is to raise awareness of a local problem that affects many people and highlight the relevant human rights issues. Some points to note about public hearings:

- The facilitator is responsible for chairing the event and ensuring that human rights issues are brought into the debate;
- Community members representing different ages, sex, etc., should give evidence related to the issue;
- Professional people such as lawyers or doctors may be invited to comment;
- The facilitator then invites members of the public to ask questions about the problem, what efforts have been made to solve it, and to consider what should be done about it;
- If the authorities have tried to solve the problem, this should be made known and participants could be invited to express appreciation; and
- After the meeting, the organisers should summarise the debate in a small report and distribute it to officials and members of the public.

### **11.6.2 Report cards**

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Another type of public event (more suitable for smaller groups) is to issue “report cards”:

- Organisers hold a public discussion about an ESC right – education, for example. The aims are: to encourage the local authorities to be more accountable to the people and to make people realise that they have a right to participate;
- The facilitator asks the community members to say what characteristics make a good education system;
- After the debate, these are listed on the left-hand side of a large sheet of paper/blackboard. One might be “good quality teachers”;
- Next, the community members consider whether their local schools have good quality teachers. They then give this aspect a mark, say 2 out of 10. A comment is written next to the mark, for example, “few teachers have been properly trained”. This is repeated until all items listed on the card have received a score and a comment; and
- The card is then sent to the local education department with a covering letter explaining why the event was held. The officials could also be asked whether they have been monitoring the problems noted in the card and what their monitoring has shown. Smaller copies of the card can be made on paper and distributed to the community members.

### **11.6.3 People’s parliament**

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A “people’s parliament” is another type of public event which encourages debate on ESC rights. In a people’s parliament, a mock parliament is set up with rights-holders (such as community members) and civil society representatives acting as parliamentary deputies. For the people’s parliament to work:

- A debate is held about how the state is fulfilling a right at local level. It should be a right contained in the national constitution or a treaty to which the State is party; and
- A report of the debate is prepared and sent to all stakeholders.

#### 11.6.4 Participatory theatre

Participatory theatre is a popular type of public event which is very engaging for community members. Ordinary theatre is when a ready-made play is performed by actors before an audience. On the other hand, participatory theatre is a play in which the audience contributes ideas and experience and influences the actions of the play.

This is a powerful method of raising awareness of human rights. It also helps the participants to analyse problems, change attitudes and identify actions to solve the problems. For participatory theatre to work:

- Members of the community carry out research into a problem, design the play and act the principal parts; and
- The actors bring members of the community (the audience) into the action. For example, they may stop the play and ask the audience for advice, or to decide what should happen next.

#### Box 48: Participatory theatre in Kenya



A participatory theatre project was carried out in a school in Nairobi, Kenya, where there were deep tensions between teachers and pupils. The theatre project enabled the two groups to understand each other's rights and duties. The pupils learned self-discipline and the teachers learned to listen to the pupils.

This example is from "Ben ni Walen: Mobilising for human rights using participatory theatre". It is available on the website of Amnesty International Netherlands Special Programme on Africa ([www.amnesty.nl/in\\_actie\\_vervolg/spa](http://www.amnesty.nl/in_actie_vervolg/spa)). Hard copies may be ordered.

#### 11.6.5 Visual arts

As is the case with participatory theatre, visual arts events can be equally participatory. They require preparation and follow-up activities. They should be connected to other activities and they should have a clear goal. They should not be "one day wonders". ESCR advocates should be at the scene to engage people in talking about rights. Some ways to involve community members in creating visual arts events can be:

- Advertising a campaign: The visual object could be a large banner on a building or between two trees. The community should be involved designing, making and hanging the banner. They could hold a public event when the banner is strung up;
- An installation illustrating a concern: for example an installation to stimulate thought about the right to water – an arrangement of plastic bottles, buckets of clean and dirty water and two posters/blackboards, one listing water-borne diseases and the other hygiene tips, such as boiling drinking water. To make people think about the right to adequate housing, you

could gather discarded items such as boxes, plastic sheeting and car tyres and ask people to help build a shelter; and

- A participatory painting event: An event to highlight the right to education could be to gather parents, pupils and people in the neighbourhood and paint the school. One of the aims would be to make the community more united.

### 11.6.6 Sporting events

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Finally, sporting events can also be the place to address ESC rights. For example, to raise awareness about people with physical disabilities, a sporting event could include races where the winning post carries the name of a right but competitors would be handicapped in various ways, for example, their legs are loosely tied so that they can only take small steps, or they are blind-folded and have to have someone to help them.

## 11.7 Evaluation

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Whichever forms of action you and the community decide to undertake as a result of your analysis, an evaluation of the project is useful because it will enable you to identify the success and challenges you faced during the project and help you improve future projects.

The evaluation of a project is an on-going process and should not only be done at the end. Throughout the project, regular meetings can take place (either within the organisation or with the community) as a “check-in” to make sure the project is going smoothly.

When identifying ways to measure a project, keep in mind:

- Whether or to what extent the goal and objectives were met;
- Whether the actions were appropriate and well coordinated;
- Whether or not the community members are more knowledgeable about their rights and how to claim them;
- Whether or not the community members were empowered as a result of the action;
- If any further actions are needed; and
- What the lessons learned were in order to identify “good practices” and what could be done differently next time.



## Conclusion

Those interested in deepening their knowledge should refer to the resources listed in the Appendices and the separate booklets in this series. The Planning Box in Appendix 1 illustrates a step-by-step process for working on ESC rights.

AEC	African Economic Community
AU	African Union
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
CBO	Community-based organisation
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CERD	Convention on the Elimination of All Forms of Racial Discrimination
CESCR	Committee on ESCR
CP rights	Civil and political rights
CRC	Convention on the Rights of the Child
CSO	Civil society organisation
ECOSOCC	Economic Social and Cultural Council of the separate African Union
ECOSOC	UN Economic and Social Council
ESC rights	Economic, social and cultural rights
HRBA	Human rights based approach
HRC	Human Rights Committee
IDP	Internally displaced person
IFI	International Financial Institution
IGO	Inter-governmental organisation
IMF	International Monetary Fund
MDG	Millennium Development Goals
MWC	Migrant Workers Convention: the short title for the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
NEPAD	New Partnership for Africa's Development
NGO	Non-governmental organisation
ODA	Official Direct Assistance
OP	Optional Protocol PAP Pan-African Parliament
PRSP	Poverty Reduction Strategy Papers
REC	Regional Economic Community
SCP	Sub-Committee on Prevention (part of CAT)
TNC	Transnational corporation
UPR	Universal Periodic Review
UN	United Nations
UDHR	Universal Declaration of Human Rights
WTO	World Trade Organisation

Terms in italics represent entries found in the Glossary.

### A

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**Accede, accession:** when a State becomes a party to a treaty that is already in force (operation) it is said to accede to the treaty. Accession has the same legal effect as *ratification*.

**Accountable/accountability:** democracy and *good governance* require that people can hold governments to account. The authorities must take responsibility for their decisions, policies and actions and justify their conduct to the people.

**Advisory Opinions:** the African Commission offers Advisory Opinions on various topics. Other bodies such as courts may also offer advisory opinions, but governments are not obliged to follow the advice. Also see *General Comments*.

**Agency:** see development agency.

**Article:** Treaties and other international instruments are made up of a number of articles, each referring to an aspect of the topic covered by the instrument.

**Assimilation:** when a minority group gradually adopts the attitudes and customs of the dominant group. Human rights are violated when people are forced to conform to the dominant culture or have their culture undermined in other ways.

**Applied Budget Groups:** Groups of people who analyse government spending in order to see whether the government is spending the country's money according to its election promises and to see how the money is being spent (or wasted). Some Applied Budget Groups work with human rights groups to see whether the government's priorities are in line with its human rights obligations and targeted to assist those most in need.

### B

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**Beneficiary:** a person expected to benefit from an action or project.

**Benchmark:** a standard by which something can be measured. For example, the maximum distance between each household and the nearest source of clean water should be 500 metres.

**Budget:** a government budget is a summary of what money (for example from taxes and other revenues) will be available and how it plans to spend this money over a specific period. Also see *Applied Budget Groups*.



**Civil and political rights:** human rights are interdependent and all related to each other. However, it is convenient to consider three categories of rights. Civil and political rights focus on freedom. They include the rights to life, liberty and security of the person, freedom from slavery, freedom from torture, freedom of opinion, expression, thought, conscience and religion, and freedom of association and assembly. Also see *economic, social and cultural rights* and *environmental and developmental rights*.

**Climate change:** Changes in climate that affect global processes, including rising sea levels and extremes of hot and cold weather. It is widely accepted that climate change or “global warming” is the result of pollution or “greenhouse gases” in the atmosphere. This is largely caused by human industry and agriculture, particularly through the burning of oil, coal and gas (fossil fuels). While Africa’s contribution to global warming is low in comparison to that of more industrialised regions, the continent cannot avoid the effects. These may include severe droughts or floods that could have an impact on people’s health and their access to land, food, housing and water. Areas likely to be most severely affected are small islands, high mountain zones, and densely populated coastal areas.

**Claiming rights:** Individuals can “claim” rights through a mechanism such as a court. They can also “exercise”, “demand”, or “call for implementation” of rights.

**Communications:** the term for letters that provide information to treaty bodies. Also see *submissions*.

**Community:** for the purpose of this series, a “community” is a group of people who are working together to in order to realise rights. An “international community” refers to governments and international agencies making decisions and taking actions which affect the people of the world.

**Community-based organisation (CBO):** organisation that provides social services or campaigns at the local level and relies mainly on community members for labour, material and financial support.

**Complaints body:** a mechanism that can receive complaints from members of the public. National complaints bodies include human rights commissions, *ombudsman’s offices*, and offices set up in a ministry or department to receive complaints. Some regional or international treaty bodies or monitoring bodies also accept complaints.

**Concluding Observation:** comments or advice that a treaty body gives to a State after it has examined a State’s periodic report. States parties to a treaty are required to submit regular reports to show how they are implementing the terms of the treaty.

D

**Decentralisation:** a decentralised government is one which has both central and local government structures. Depending on the system of government, decentralised structures may or may not be democratic. They are more democratic if they are elected locally and have powers to develop policies. Some decentralised authorities also receive money from central governments and/or have powers to raise money from local taxes.

**Development agency:** an agency set up to support economic growth in a specified country or region by providing necessary resources and assistance. They include United Nations (UN) agencies, such as the UN Development Programme (UNDP); independent non-governmental agencies, such as Oxfam; and governmental agencies, such as the United States Agency for International Development (USAID).

**Disaggregated information or data:** information that gives separate figures for different categories, such as sex, age, socio-economic situation, geographical area and ethnic group.

**Documentary information:** written information contained in paper or electronic documents, including human rights standards, constitutions, laws, government policies and budgets.

**Documenting human rights:** recording information about human rights in written, photographic, audio or audio-visual form in order to explain situations, expose violations or make recommendations for change.

**Due diligence:** this term is often used in connection with violence against women, but it applies to all human rights. States exercise due diligence when they act to prevent, investigate and punish abuses by non-State actors. Due diligence also requires states to provide *remedies* for these abuses.

**Due process of law:** appropriate legal procedures and safeguards to ensure that a person or persons are not deprived of their rights.

E

**Economic, social and cultural rights:** include the rights to education, work, an adequate standard of living, food, shelter and health care and to cultural development. Also see *civil and political rights* and *environmental and developmental rights*.

**Ecology:** the science of the relationships between organisms and their environments.

**Environmental and developmental rights:** are about the right to an ecologically sound environment and sustainable development. Also see *civil and political rights* and *economic, social and cultural rights*.

**Enjoyment:** in human rights terms this means the use or exercise of a right.

## G

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**General Comments:** these are documents delivered by the UN treaty bodies. They explain the content of specific human rights and give advice to states on how to implement the right in question. States should be guided by them when developing policies. Human rights advocates should also use the General Comments as a guide to their own work. Also see *Advisory Opinions*.

**Good governance:** a manner of governing that is accountable, transparent and follows the rule of law. It takes the views of all, especially those of the most vulnerable, into account. It ensures that corruption is tackled effectively. It is responsive to the present and future needs of society.

## H

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**Human rights:** the rights everyone has because they are human. Human rights are written in international, regional and national laws and imply government obligations. Also see *civil and political rights*, *economic, social and cultural rights*, and *environmental and developmental rights*.

**Human rights advocate:** someone who helps others to claim their human rights and who is often a member of a *community-based organisation* or a *non-governmental organisation*.

**Human rights abuse:** damage to or denial of someone's human rights by a person or people who are not State officials or acting on behalf of the State. When a state carries out a similar act it is called a *human rights violation*.

**Human rights based approach:** an approach to development which follows human rights principles. It demands State *accountability* for realising the rights of individuals, particularly the rights to: non-discrimination; information; to participate in decision-making; and to a remedy when rights are violated.

**Human rights framework:** this consists of the Universal Declaration of Human Rights and the core human rights treaties including: the International Covenant on Civil and Political Rights; the International Covenant on Economic, Social and Cultural Rights; the Convention on the

Rights of the Child; the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment; the International Convention on the Elimination of All Forms of Racial Discrimination; the Convention on the Elimination of All Forms of Discrimination against Women and the Migrant Workers' Convention.

**Human rights instrument:** a general term to include any regional or international human rights treaty or any other human rights standard such as a declaration, guidelines or principles.

**Human rights violation:** this occurs when there is proof that a State, or a person acting on behalf of a State, violates or breaks an internationally recognised human right.

## I

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**Indicator:** a number or other data that is chosen to show progress towards a goal. For example, in a country where one out of every 10 children dies from dysentery (a water born disease) a government might set a target of halving this number. An indicator might be to ensure that, within three years, half of all children in the country have access to safe sanitation.

**International human rights instruments:** this term includes international treaties and standards.

**International community:** see *community*.

## J

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**Justiciable:** a situation is justiciable if a court can make a decision about it. For example, if there is a right to food in the constitution or some other law, a court could award a remedy to the victim of a violation of that right.

## L

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**Litigation:** taking a case to court.

## M

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**Mapping:** drawing maps as a way of helping to identify key elements involved in a situation or a problem and the connections between these elements.

**Marginalised groups or individuals:** a general term for vulnerable and discriminated groups or individuals.

**Minimum core obligations:** no matter how poor a State is, it must try to provide a minimum of each right. To do this it may have to seek international assistance. The minimum core obligation is not being met if, for example, many people are malnourished or have no access to primary health care, adequate housing or primary education.

## N

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**Non-State actors:** actors which are not States. They include NGOs, religious groups, multinational corporations, international institutions, armed groups, and individuals. Also see *State actors*.

**Non-governmental organisation (NGO):** is any non-profit group which is organised on a local, national or international level.

## O

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**Obligation:** a duty that a State undertakes when it ratifies or accedes to a treaty.

**Ombudsman, ombudsman's office:** A government official who investigates citizens' complaints against the government or its functionaries. The ombudsman (the term is meant to be gender neutral) is usually assisted by a staff of investigators and lawyers. Like national human rights commissions, ombudsman's offices should follow the *Paris Principles*.

## P

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**Paris Principles:** a set of guidelines for national institutions set up to protect people's rights. The guidelines cover how such institutions should be set up and run. They were adopted by UN General Assembly resolution 48/134 of 20 December 1993.

**Participatory research:** involving members of the community in researching human rights situations.

**Perpetrators:** those who carry out violations or abuses.

**Policy:** a government's declared goals and objectives concerning different aspects of government such as health, education or transport. Policies are set out in documents in which government ministries set out what they plan to achieve in a specific time. Policies should include indicators and benchmarks to track progress towards policy goals.

**Primary or first hand information:** information gathered directly from people. Also see *secondary information or data*.

**Prioritisation:** putting something in order of importance. Governments must give priority to the most vulnerable.

**Privatise:** transfer a public or government-owned service, industry or business to a private operator.

**Project:** In this handbook series a project is an activity that is planned and has specific goals and objectives. It could be a short-term activity with a community focused on a specific issue. It could also be a longer-term activity with many different issues involved.

## R

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**Ratification:** When a State ratifies a treaty it agrees to be bound by the terms of the treaty and to enact the necessary legislation that will make the treaty part of the national or domestic law.

**Recommendation:** CSOs and NGOs as well as national and international human rights institutions may make “recommendations” to the government when they believe that the government should do something or stop doing something.

**Remedy:** a means of putting right something that is wrong. In human rights terms, this includes judicial remedies such as restitution (returning something that has been taken away) compensation (payment for the damage) or reparation (recognising that the act was wrong and doing something to repair the damage).

## S

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**Secondary information or data:** information that has been gathered by someone else, for example from a newspaper report or a survey by another organisation. Also see *primary or first hand information*.

**Shadow report:** CSOs and NGOs sometimes make their own reports on the human rights situation in their country and submit these to relevant human rights mechanisms as a commentary on or contrast to the State’s report.

**Special procedures:** this is the general term for the mechanisms of the UN Human Rights Council to address either specific country situations or thematic issues. They may be Special Rapporteurs, Independent Experts or Working Groups.

**Stakeholder:** someone who has an interest, or a “stake” in a situation. Different stakeholders can support or oppose the actions of communities or human rights advocates.

**Standards:** human rights standards include sets of declarations, principles or guidelines that have been drawn up by States acting together. They are considered to be good practice and States should therefore respect them. States are not legally obliged to obey them. Also see *human rights instrument*.

**State actors:** State actors are representatives of the State at all levels of government, for example government ministers, municipal officials, police officers or staff in government establishments such as hospitals. Also see *non-State actors*.

**State Party:** after a state ratifies or accedes to a treaty it is known as a State Party to (or in) the treaty. Also see *accession* and *ratification*.

## T

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**Treaty:** A treaty is a binding agreement under international law entered into by parties who are subject to international law, mainly States and international organisations. Treaties have different names including: charter, convention, covenant, pact or protocol.

**Treaty body or Monitoring body:** This is the commission set up by the terms of a treaty to monitor how States Parties carry out their treaty obligations. Treaty bodies can often receive information from CSOs or NGOs about how the State is, or is not, fulfilling the terms of the treaty.

## Part I:

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- 1 See **Introduction of Human Rights for Human Dignity, A Primer on ESC rights**, Amnesty International 2005.
- 2 Another series published by Amnesty International, called **Ukweli**, focusses on civil and political rights.  
See: [www.amnesty.nl/spa](http://www.amnesty.nl/spa).
- 3 **One sixth of humanity undernourished - more than ever before, Food and Agricultural Organisation** (FAO) News release, 19 June 2009,  
[www.fao.org/news/story/en/item/20568/icode/](http://www.fao.org/news/story/en/item/20568/icode/), accessed on 29 December 2009.
- 4 **Millennium Development Goals Report**, 2007.
- 5 **2007 Human Development Report (HDR), United Nations Development Program**, November 27, 2007, p.25.
- 6 **UN General Assembly, Africa's Development Needs: State of Implementation of Various Commitments, Challenges and the Way Forward.** (2008).  
Available online:  
[www.un.org/ecosocdev/geninfo/afrec/sgreport/sg-development-report-08.pdf](http://www.un.org/ecosocdev/geninfo/afrec/sgreport/sg-development-report-08.pdf).
- 7 **African Medical and Research Foundation (AMREF): Submission of Written Evidence on Maternal Morbidity**, [www.appg-popdevrh.org.uk/.../2.1.1%20AMREF%20Evidence.doc](http://www.appg-popdevrh.org.uk/.../2.1.1%20AMREF%20Evidence.doc), accessed on 2 January 2010.
- 8 Definition taken from **Community-Based Organisation Management**, Marta Chechetto-Salles and Yvette Geyer, USAID, 2006.
- 9 Some scholars maintain that the UDHR's importance as the foundation of modern human rights gives it the status of customary law, which is binding on all countries.
- 10 Examples may be found in **Human Rights for Human Dignity & Interrights**.
- 11 General Comments may be found on: [www2.ohchr.org/english/bodies/cescr/comments.htm](http://www2.ohchr.org/english/bodies/cescr/comments.htm)
- 12 At the time of writing, the Working Group is still in the process of developing **Principles and Guidelines on the Interpretation of Economic, Social and Cultural Rights in the African Charter on Human and Peoples' Rights**.
- 13 See CESCR's General Comment No. 3 on the nature of States parties' obligations (Art. 2, para.1), 1990.
- 14 For example, in General Comment No. 12 on the right to food, the CESCR says:  
"... whenever an individual or group is unable, for reasons beyond their control, to enjoy the right to adequate food by the means at their disposal, States have the obligation to fulfil (provide) that right directly. This obligation also applies for persons who are victims of natural or other disasters."
- 15 **Report of the African Commission on Human and Peoples' Rights Working Group of Experts on Indigenous Populations/Communities**, April 2005, page 58, para. 4.1. See also Table 3.
- 16 **International Work Group for Indigenous Affairs.** (2006). *Indigenous Peoples in Africa: The Forgotten Peoples?* Available online: [www.achpr.org/english/Special%20Mechanisms/Indigenous/ACHPR%20WGIP%20Report%20Summary%20version%20ENG.pdf](http://www.achpr.org/english/Special%20Mechanisms/Indigenous/ACHPR%20WGIP%20Report%20Summary%20version%20ENG.pdf).
- 17 This replaced the **Cultural Charter for Africa** adopted by the OAU in 1976.

- 18 For further information on culture and human rights, see **The Banyan Tree Paradox: Culture and Human Rights Activism**, International Human Rights Internship Program, 2006.
- 19 **Community Ecological Governance (CEG)** newsletter, July 2007. Porini is a member of CEG Global Alliance.
- 20 The programme was initiated in 1997 by People's Decade of Human Rights Education (**PDHRE**, now the **People's Movement for Human Rights Learning**) an international NGO. Sixteen cities in 10 countries became Human Rights Cities.
- 21 Press Release, **SERAP, ECOWAS Court to FG: Nigerians have a legal right to education**, 22 November 2009.
- 22 See the University of Minnesota's Human Rights Library: **Human Rights Guidelines for Business**. Available online: [www1.umn.edu/humanrts/links/conduct.html](http://www1.umn.edu/humanrts/links/conduct.html). See also **Amnesty International Human Rights Principles for Companies**. Available online: [www.amnesty.org/ailib/ajpub/1998/ACT/A7000198.htm](http://www.amnesty.org/ailib/ajpub/1998/ACT/A7000198.htm).
- 23 See the **Paris Declaration on Aid Effectiveness**, 2005. Available online: [www.mfdr.org/sourcebook/1stedition/2-1paris.pdf](http://www.mfdr.org/sourcebook/1stedition/2-1paris.pdf).
- 24 [www.africa-union.org/ECOSOC/ECOSOCC%20Flyer.pdf](http://www.africa-union.org/ECOSOC/ECOSOCC%20Flyer.pdf)
- 25 **The Millennium Development Goals Report**. (2008). Available online: [mdgs.un.org/unsd/mdg/Resources/Static/Products/Progress2008/MDG\\_Report\\_2008\\_En.pdf](http://mdgs.un.org/unsd/mdg/Resources/Static/Products/Progress2008/MDG_Report_2008_En.pdf).
- 26 **United Nations Millennium Declaration**. Available online: [www.un.org/millennium/declaration/ares552e.htm](http://www.un.org/millennium/declaration/ares552e.htm).

## Part II:

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1. This tool is adapted from one used in **Making Rights a Reality: Campaigning to stop violence against women**, Amnesty International, AI Index: ACT 77/052/2004.
2. This system is described in the **Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms** Adopted by General Assembly resolution 53/144 of 9 December 1998. This Declaration is commonly referred to as the "Declaration of Human Rights Defenders".
3. See **A Guide to the African Charter on Human and Peoples' Rights**, Amnesty International Publications, 2006 and **A Guide to the African Commission on Human and Peoples' Rights**, Amnesty International Publications, 2007.
4. Further information, including country reports to the African Commission, may be found on: [www.achpr.org/english/\\_info/news\\_en.htm](http://www.achpr.org/english/_info/news_en.htm)
5. Further information, including the documents tabled at the sessions, may be found on; [www.ohchr.org/english/bodies/cescr/cescrs36.htm](http://www.ohchr.org/english/bodies/cescr/cescrs36.htm).
6. See the **Spectrum of Allies** exercise at: [www.newtactics.org/en/ToolsforAction/TheNewTacticsWorkbook](http://www.newtactics.org/en/ToolsforAction/TheNewTacticsWorkbook).
7. See the **New Tactics for Human Rights** website: [www.newtactics.org/en/ToolsforAction/TheNewTacticsWorkbook](http://www.newtactics.org/en/ToolsforAction/TheNewTacticsWorkbook).



## Appendices

- Appendix 1: Planning Box
- Appendix 2: Human rights in national constitutions
- Appendix 3: International and regional human rights instruments
- Appendix 4: Human rights manuals and other resources
- Appendix 5: Principal international NGOs working on ESC rights
- Appendix 6A: International inter-governmental organisations and programmes aimed at realising ESC rights
- Appendix 6B: African inter-governmental organisations realising ESC rights



## Appendix 1: Planning Box

There are many ways to work on realising ESC rights with communities, but a plan will help to do so in a systematic way. That could include the following stages and actions:

Stage	What to do/actions	Tools	Section to consult in Main Book Part II
<b>1. Identify the problem</b>	Conduct an initial needs assessment with the community	<ul style="list-style-type: none"> <li>• PESTEL diagram</li> </ul>	Section 2.1
	Analyse the organisation's capacity to work with the community	<ul style="list-style-type: none"> <li>• SWOT analysis</li> </ul>	Section 2.2
	Make a preliminary choice to address an issue or issues	<ul style="list-style-type: none"> <li>• Mapping</li> <li>• Consulting with community members</li> </ul>	Section 2.4
<b>2. Develop a plan of action</b>	Mobilise the community	<ul style="list-style-type: none"> <li>• Community meetings</li> </ul>	Section 4.1
	Analyse problems and identify solutions	<ul style="list-style-type: none"> <li>• Problem and solution trees</li> <li>• Mapping</li> </ul>	Section 4.2
	Identify key stakeholders and analyse their influence	<ul style="list-style-type: none"> <li>• Stakeholder analysis tool</li> </ul>	Section 4.3
	Formulate goals and objectives	<ul style="list-style-type: none"> <li>• Make objectives SMART</li> </ul>	Section 4.4
<b>3. Gather information</b>	Gather documentary information (content of rights)	<ul style="list-style-type: none"> <li>• National laws and constitutions</li> <li>• International treaties and standards</li> <li>• Content of rights from General Comments</li> </ul>	Section 5.2 Section 5.3  > continued

Stage	What to do/actions	Tools	Section to consult in Main Book
	Information gathering with the community	<ul style="list-style-type: none"> <li>Participatory research</li> </ul>	Section 5.4
	Identify approach to monitoring		Section 6.2
	Identify and record alleged violations of ESC rights	<ul style="list-style-type: none"> <li>Community surveys and focus groups</li> <li>In-depth interviews</li> <li>On-the-spot observation</li> <li>Note-taking</li> </ul>	Section 6.4 Section 6.5 Section 6.6 Section 6.7 Section 6.8
<b>4. Claim and defend ESC rights</b>	Communicate results	<ul style="list-style-type: none"> <li>Public statements, press releases, letters, reports</li> </ul>	Section 8.3
	Taking action	<ul style="list-style-type: none"> <li>Questions to develop an action plan with the community</li> </ul>	Section 9.2
	Engagement with officials at the local, provincial, and national levels	<ul style="list-style-type: none"> <li>Meetings, correspondence, seminars, invitations to events</li> </ul>	Section 9.3
	Raising awareness on human rights	<ul style="list-style-type: none"> <li>Working in partnership</li> <li>Working with media</li> <li>Electronic means of communication</li> <li>Public events</li> </ul>	Section 11.3 Section 11.4 Section 11.5 Section 11.6
<b>5. Evaluate the project and develop follow-up plan</b>	Evaluate the results of the project	<ul style="list-style-type: none"> <li>Measure actual results and compare with expected results and indicators</li> </ul>	Section 11.7
	Develop a follow-up plan		Section 11.7



## Appendix 2: Human rights in national constitutions

The following table gives a few examples of how rights in national constitutions reflect those in international (UN) and regional (African) human rights treaties. Here, “regional” refers to Africa. The term is also used within Africa to describe the geographical sub-divisions – for example, Southern Africa.

Constitutions (translations are unofficial)	Human rights treaties
<p><b>Burkina Faso</b>, 1997, Article 26. The right to health is recognised. The State will work to protect it. (Le droit à la santé est reconnu. L'Etat oeuvre à le promouvoir).</p>	<p>ICESCR, Article 12.</p>
<p><b>Burundi</b>, 1992, Article 26. The right of asylum is recognised within the conditions defined by the law. (Le droit d'asile est reconnu dans les conditions définies par la loi. ... )</p>	<p>UN Convention relating to the Status of Refugees.</p>
<p><b>Chad</b>, 1996, Article 35. Each citizen has the right to education. Public education is secular and free. Private education is recognised and is exercised within conditions defined by law. Basic education is compulsory.</p>	<p>ICESCR, Article 13, African Charter, Article 17.</p>
<p><b>Ethiopia</b>, Article 36 (2). In all actions concerning children ... the primary consideration shall be the best interest of the child.</p>	<p>African Charter on the Rights and Welfare of the Child, Article 20.2 (c)</p>
<p><b>Guinea-Bissau</b>, 1996, Article 36. In the Republic of Guinea-Bissau there will be no death penalty. (Na República da Guiné-Bissau em caso algum haverá pena de morte.)</p>	<p>ICCPR, Article 6.</p>
<p><b>Liberia</b>, 1996, Article 7 (right to participation – general principles of State policy). The Republic shall ... manage the national economy and the natural resources of Liberia in such manner as shall ensure the maximum feasible participation of Liberian citizens under conditions of equality ...</p>	<p>ICCPR, Article 25.  &gt; continued</p>

<b>Constitutions (translations are unofficial)</b>	<b>Human rights treaties</b>
<p><b>Namibia</b>, 1990, Article 95 (j) (Principles of State Policy). ... consistent planning to raise and maintain an acceptable level of nutrition and standard of living of the Namibian people and to improve public health.</p>	<p>Protocol to the ACHPR on the Rights of Women in Africa, Article 15; ICESCR, Articles 11 and 12.</p>
<p><b>São Tomé e Príncipe</b>, 2003, Article 34. The right to assemble and demonstrate:</p> <ol style="list-style-type: none"> <li>1. Citizens have the right to assemble peacefully and unarmed in public places.</li> <li>2. Every citizen has the right to demonstrate according to the terms of the law.</li> </ol> <p>Direito de reunião e de manifestação:</p> <ol style="list-style-type: none"> <li>1. Os cidadãos têm o direito de se reunir, pacificamente e sem armas, mesmo em lugares abertos ao público.</li> <li>2. A todos os cidadãos é reconhecido o direito de manifestação, nos termos da lei.</li> </ol>	<p>ICCPR, Article 21 African Charter, Article 11.</p>
<p><b>South Africa</b>, 1996, Article 26 Housing.</p> <ol style="list-style-type: none"> <li>1. Everyone has the right to have access to adequate housing.</li> <li>2. The State must take reasonable legislative and other measures, within its available resources, to achieve the progressive realisation of this right.</li> <li>3. No one may be evicted from their home, or have their home demolished, without an order of court made after considering all the relevant circumstances. No legislation may permit arbitrary evictions.</li> </ol>	<p>ICESCR, Article 11.</p>
<p><b>Zambia</b>, 1991, Article 15. No person shall be subjected to torture or to inhuman or degrading punishment or other like treatment.</p>	<p>ICCPR, Article 7.</p>



## Appendix 3: International and Regional Human Rights Instruments

This appendix contains:

1. Principal websites for finding international instruments (treaties and standards);
2. The United Nations human rights treaty system;
3. A list of CESCR General Comments concerning the implementation of ESC rights;
4. A list of African human rights treaties and standards;
5. A list of publications about using international treaties and standards; and
6. A table showing the Articles in these treaties that refer to specific ESC rights.

For instruments dealing with specific rights, refer to the booklets on specific rights in this Handbook series.

### Note

International human rights instruments (treaties and standards) are agreements between governments on human rights.

Treaties (also called covenants and conventions, pacts, or protocols) are legally binding on States parties (states that have ratified or acceded to them).

Other international human rights instruments, sometimes called “soft law” or “declaratory law” such as the Universal Declaration on Human Rights or the Declaration on the Right to Development, are not legally binding. However, they are still authoritative (important and influential) because they have been adopted by intergovernmental bodies such as the UN.

Many standards contained in both treaties and soft law also reflect customary international law and therefore are binding on all states. Expressed very simply, customary international law concerns aspects of international law that come from common customs and practice of States. The laws of war that are now in the Geneva Conventions came from general custom and the consistent practice of a significant number of States over a long period. Slavery, genocide or crimes against humanity are violations of international customary law. International customary law is recognised by the United Nations Charter and the Statute of the International Court of Justice.

### 1

#### Principal websites for finding international instruments (treaties and standards)

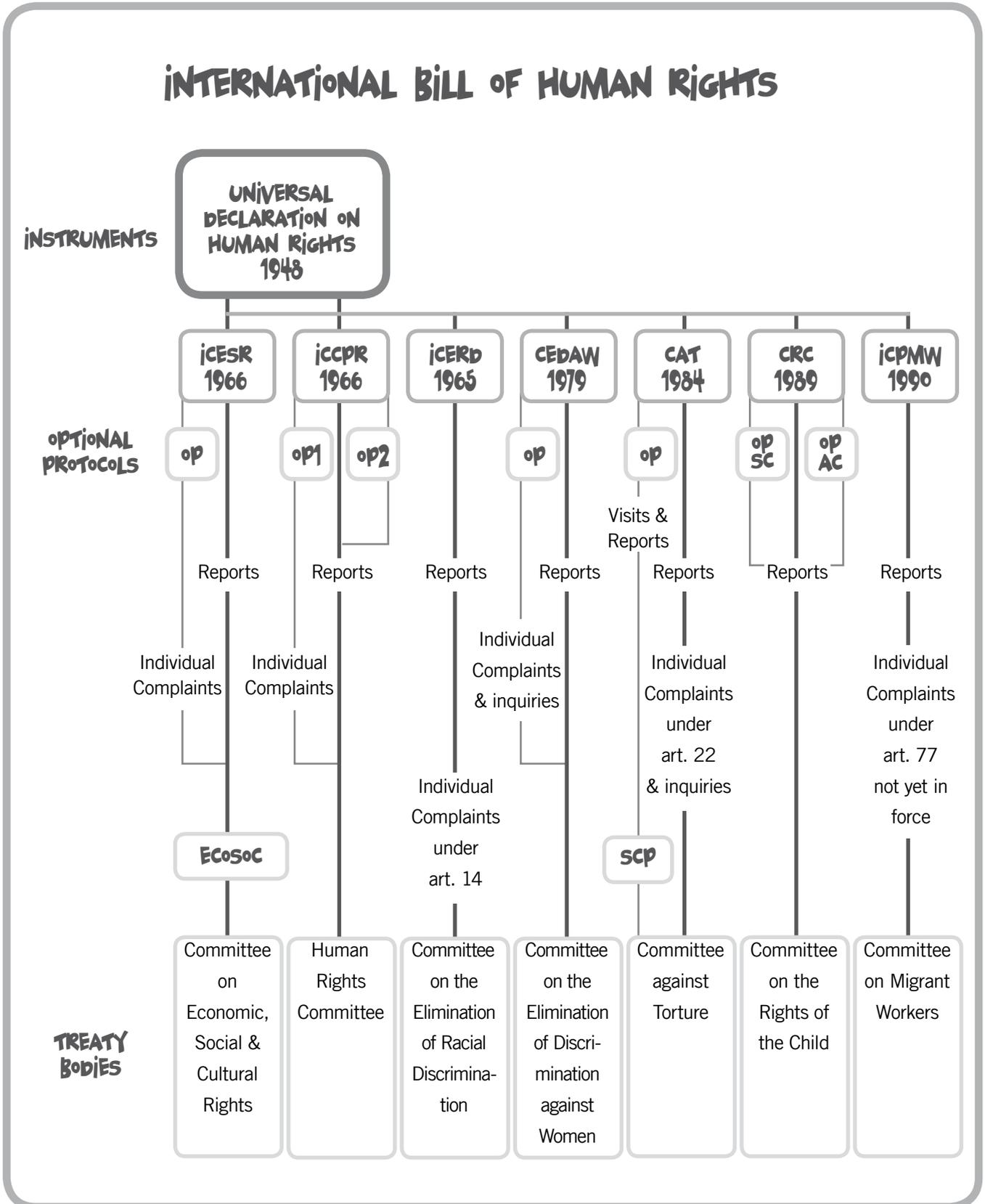
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- United Nations Documentation Centre: [www.hrweb.org/legal/undocs.html](http://www.hrweb.org/legal/undocs.html);
- UN High Commissioner for Human Rights: <http://www2.ohchr.org/english/law/>;
- African Commission on Human and Peoples’ Rights: [www.achpr.org](http://www.achpr.org); and
- University of Minnesota: <http://www1.umn.edu/humanrts/instree/ainstls1.htm>.

2

United Nations Human Rights Treaty System

This model shows the treaties and the mandates of the treaty bodies (Source: OHCHR).



3

**Selection of General Comments adopted by the CESCR and the Human Rights Committee (HRC)**

The monitoring bodies database is here: [www.unhcr.ch/tbs/doc.nsf](http://www.unhcr.ch/tbs/doc.nsf).

Monitoring body	Relevant General Comments include:
<p><b>CESCR:</b>                      The General Comments listed here relate to the implementation of ESC rights in general. For General Comments on specific rights, refer to the separate booklets in this series.                      General Comments No. 3 and No. 9 relate to legal action to realise rights. Organisations planning legal action should ensure that lawyers are aware of these General Comments. The full list of General Comments adopted by the CESCR is found here: <a href="http://www2.ohchr.org/english/bodies/cescr/comments.htm">www2.ohchr.org/english/bodies/cescr/comments.htm</a></p>	<ul style="list-style-type: none"> <li>• General Comment No. 3 on State obligations under Article 2, paragraph 1 of the ICESCR (1990);</li> <li>• General Comment No. 9 on Incorporating the covenant into national law and on making rights justiciable (1998);</li> <li>• General Comment No. 5 on Persons with disabilities (1994);</li> <li>• General Comment No. 6 on the Right to economic, social and cultural rights of older persons (1995); and</li> <li>• General Comment No.16 on the Equal right of men and women to enjoy economic, social and cultural rights (2005).</li> </ul>
<p><b>HRC:</b>                      The HRC oversees implementation of the ICCPR. The full list of General Comments adopted by the HRC is found here: <a href="http://www.ohchr.org/english/bodies/hrc/comments.htm">www.ohchr.org/english/bodies/hrc/comments.htm</a></p>	<ul style="list-style-type: none"> <li>• General Comment No. 13 Equality before the Law;</li> <li>• General Comment No. 15 The position of aliens; and</li> <li>• General Comment No.25 The right to participate in public life (1996).</li> </ul>

4

**African human rights treaties and standards**

African human rights treaties and standards are found here: [www.achpr.org/english/\\_info/news\\_en.html](http://www.achpr.org/english/_info/news_en.html) and [www.achpr.org/english/\\_info/guidelines\\_communications\\_en.html](http://www.achpr.org/english/_info/guidelines_communications_en.html).

Treaty or standard	Follow-up mechanism
African Charter on Human and Peoples' Rights and its Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa	Monitoring body: African Commission on Human and Peoples' Rights
African Charter on the Rights and Welfare of the Child (1999)	Monitoring body: African Committee of Experts on the Rights and Welfare of the Child
AU Convention on Preventing and Combating Corruption (2003)	Follow-up mechanism: The Advisory Board on Corruption (based in the African Union)
Convention Governing the Specific Aspects of Refugee Problems in Africa	No follow-up mechanism, but States are required to provide the AU secretariat with relevant data and cooperate with the United Nations High Commissioner for Refugees
Charter for African Cultural Renaissance (2006)	No follow-up mechanism
African Youth Charter (2006)	No follow-up mechanism
African Charter on Statistics	Follow-up mechanism: the African Statistical System of the AU Statistical Commission for Africa
AU Convention for the Protection and Assistance of IDPs in Africa (Kampala Convention)	AAA Conference of States Parties has to monitor and review implementation of the convention.

Note: these are African Commission documents unless otherwise indicated (this is not a complete list)

- The African Union (AU)'s African Charter for Popular Participation in Development and Transformation (1990);
- Declaration of Principles on Freedom of Expression in Africa (2002);
- Resolution on the Right to Freedom of Association (1992);
- Resolution on the Integration of the Provisions of the African Charter on Human and Peoples' Rights into National Laws of States (1989);
- Resolution On The Protection Of Human Rights Defenders In Africa (2004);
- Recommendation on Modalities for Promoting Human and Peoples' Rights;
- Principles and Guidelines on the Right to a Fair Trial and Legal Assistance in Africa; and
- Resolution on Access to Health and Needed Medicines in Africa (2008).

## 5 Useful publications and related websites about using international treaties and standards

- Promoting and Defending ESCR, AAAS/HURIDOCS Economic, Social & Cultural Rights Violations Project, <http://shr.aaas.org/escr/handbook/chap04.htm>;
- A Guide to the African Charter on Human and Peoples' Rights (AI Index: IOR 63/005/2006) Amnesty International Publications, 2006, [www.amnesty.org](http://www.amnesty.org); and
- A Guide to the African Commission on Human and Peoples' Rights, Amnesty International Publications, 2007, [www.amnesty.org](http://www.amnesty.org).

## 6 African human rights treaties and standards

African human rights treaties and standards are found here: [www.achpr.org/english/\\_info/news\\_en.html](http://www.achpr.org/english/_info/news_en.html) and [www.achpr.org/english/\\_info/guidelines\\_communications\\_en.html](http://www.achpr.org/english/_info/guidelines_communications_en.html).

## 7 ESC rights in International and African treaties

UDHR	Universal Declaration of Human Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights and its Optional Protocol
ICCPR	International Covenant on Civil and Political Rights
CRC	Convention on the Rights of the Child and its two Optional Protocols
CERD	Convention on the Elimination of All Forms of Racial Discrimination
CEDAW	Convention on the Elimination of Discrimination against Women and its Optional Protocol
CRPD	Convention on the Rights of Persons with Disabilities
CPRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
ACHPR	African Charter on Human and Peoples' Rights and its Protocol on the Rights of Women in Africa
ACRWC	African Charter on the Rights and Welfare of the Child
CPAIDPA	AU Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention)

	UDHR (1948)	ICESCR	ICCPR	CRC	CERD	CEDAW	CRPD	CPRMW	ACHPR	African Women	African Child	African IDP Convention
Education	26	13, 14	18.4	28, 29	5(e)	10	24	30	17, 25	12	11	
Cultural Rights	27	15	27	31	5 (e)	13 (c)	30	31	17	17	12	
Food		11 (2)		27 (3)			28			15	14 (2) (c.d.h)	
Health	25	12		24, 39	5 (e)	12, (11.1.f; 11.2.d)	25, 26	28	16	5, 14	14	
Housing	23	11 (1, 2)	17	27 (3)	5 (e) (iii)		22, 28	14	14, 16, 18 combined	16		3 (h,i) 4 (5)
Social Security	22	9, 10		26	5 (f)	11 (e)	28	27				5 (4) 10 (1,2, 3,4)
Water and Sanitation	23	11		24 (e)	5 (e) (iii)		28				14 (2) (c.d.h)	
Work	23, 24	6, 7, 8	8, 22	32	5 (e) (i, ii)	11	27	11, 25, 26	15	13	15	3 (j)
Participation	21		25	9.2, 12		14	3	29	13	9	4 (2)	



## Appendix 4: Human rights manuals and other resources

This Appendix contains a selection of manuals and other resources that may be obtained freely either as a paper copy, sent by post on request, or is available on a website. The resources listed are relevant to the contents of the Main Book. Other resources are listed in the Appendices of the booklets on specific rights.

Title, publisher and source	Brief description
<p><b>A Call for Justice: Resource packet.</b> Published by Peoples Decade for Human Rights Education (PDHRE). Available on the Internet or may be purchased (US\$15). <a href="http://www.pdhre.org">www.pdhre.org</a></p>	<p>It provides an extensive overview of human rights obligations concerning specific groups (e.g. children, indigenous peoples, migrant workers) and specific issues (e.g. food, housing, poverty).</p>
<p><b>A Guide to the African Charter on Human and Peoples' Rights.</b> (AI Index IOR 63/005/2005) (82 pages, available in Arabic, English, French, Portuguese). May be downloaded or sent by post on request. <a href="http://www.amnesty.org/en/library/info/IOR63/005/2006/en">www.amnesty.org/en/library/info/ IOR63/005/2006/en</a></p>	<p>Serves as a guide to the rights in the African Charter and gives advice on how to make complaints to the Commission.</p>
<p><b>A Guide to the African Commission on Human and Peoples' Rights.</b> (AI Index IOR 63/005/2007 (52 pages, available in Arabic, English, French, Portuguese). May be downloaded or sent by post on request. <a href="http://www.amnesty.org/en/library/info/ IOR63/005/2007">www.amnesty.org/en/library/info/ IOR63/005/2007</a></p>	<p>Describes how the Commission operates and the roles of its Special Rapporteurs and working groups.</p>
<p><b>An Activist's Manual on the International Covenant on Economic, Social and Cultural Rights.</b> Jeff King, published by the Law &amp; Society Trust with CESR, 2003. <a href="http://www.cohre.org/store/attachments/Activist%20Manual%20ICESCR.pdf">www.cohre.org/store/attachments/Activist%20 Manual%20ICESCR.pdf</a></p>	<p>This is useful for organisations wishing to apply the ICESCR to local situations and then raise issues, for example in letters or shadow reports, before the UN Committee on Economic, Social and Cultural Rights.</p>

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Title, publisher and source	Brief description
<p><b>Circle of Rights - Economic, Social and Cultural Rights Activism: A Training Resource.</b>                      Published by the International Human Rights Internship Program (IHRIP) and the Asian Forum for Human Rights and Development (Forum-Asia) (660 pages, available in English, French and Spanish).                      Chapters may be downloaded.  <a href="http://www1.umn.edu/humanrts/edumat/IHRIP/circle/toc.htm">http://www1.umn.edu/humanrts/edumat/IHRIP/circle/toc.htm</a></p>	<p>Part I provides information about the substance of ESC rights and about strategies and tools that can be used to protect and promote them.                      Part II includes some suggestions for training methods that may be used to convey the material in Part I.</p>
<p><b>Dignity Counts: A guide to using budget analysis to advance human rights.</b>                      Produced by Fundar-Centro de Análisis e Investigación, the International Budget Project (IBP) and the International Human Rights Internship Program (IHRIP) (94 pages, available in English and Spanish).  <a href="http://www.iie.org/en/Programs/IHRIP/Publications">www.iie.org/en/Programs/IHRIP/Publications</a></p>	<p>“Dignity Counts” uses a real-life case study (focusing on the right to health in Mexico) to explore how budget analysis can be used to assess a government's compliance with its human rights obligations.</p>
<p><b>From Poverty to Dignity: a learning manual on human rights based development.</b>                      This is for facilitators who believe in learner-centred participatory methodologies of learning. (139 pages).                      Available as a book and may be downloaded.  <a href="http://www.dignityinternational.org">www.dignityinternational.org</a></p>	<p>Contains 15 modules. Its learning approach is based on movement and play in plenary and group settings include:</p> <ul style="list-style-type: none"> <li>• Understanding Human Rights;</li> <li>• Development, Links to Human Rights;</li> <li>• Obligations;</li> <li>• Accountability and Redress;</li> <li>• Non-Discrimination and Attention to Vulnerable Groups;</li> <li>• Empowerment and Globalisation; and</li> <li>• Development and Human Rights.</li> </ul> <p>Also useful for ideas on running training workshops.</p> <p style="text-align: right;">&gt; continued</p>

Title, publisher and source	Brief description
<p><b>Front Line Economic, Social and Cultural Rights.</b> Social and Economic Rights Center, Nigeria. <a href="http://www.frontlinedefenders.org/manuals/eco-soc-cul">www.frontlinedefenders.org/manuals/eco-soc-cul</a></p>	<p>This contains the following chapters:</p> <ul style="list-style-type: none"> <li>• ESC rights: A Valid History, A Vibrant Future;</li> <li>• What is the ESC rights Approach?</li> <li>• ESC rights Framework;</li> <li>• Selected Governing Standards;</li> <li>• ESC rights and Poverty;</li> <li>• Beneficiaries of ESC rights;</li> <li>• Claiming ESC rights: A People-Centered Approach;</li> <li>• Case Studies and Summaries; and</li> <li>• Useful Resources.</li> </ul>
<p><b>Human rights for human dignity, A primer on ESC rights.</b> Amnesty International (2005) (80 pages, available in English, French and Arabic). <a href="http://www.amnesty.org/en/library/info/POL34/009/2005">www.amnesty.org/en/library/info/POL34/009/2005</a></p>	<p>This book outlines key features of ESC rights and the obligations of states and other actors. It also gives examples of what can be achieved by campaigning for the realisation of ESC rights.</p>
<p><b>Monitoring Government Policies, A Toolkit for civil society organisations in Africa.</b> (CAFOD, Christian Aid, Trocaire). <a href="http://www.internationalbudget.org/MonitorGovPol.pdf">www.internationalbudget.org/MonitorGovPol.pdf</a></p>	<p>This is a useful toolkit, but, as it does not take a human rights approach, it should be used in conjunction with Dignity Counts which stresses the human rights based approach.</p>
<p><b>Principles and guidelines for a Human rights Approach to Poverty Reduction (OHCHR).</b> <a href="http://www2.ohchr.org/english/issues/poverty/guidelines.htm">http://www2.ohchr.org/english/issues/poverty/guidelines.htm</a></p>	<p>This shows how a range of human rights violations cause and sustain poverty. It shows how human rights standards and principles can be translated into pro-poor policies and strategies. It deals with each right separately.</p>
<p><b>Promoting and Defending Economic, Social &amp; Cultural Rights.</b> Allen McChesney; AAAS Science and Human Rights Programme and HURIDOCS 2000. <a href="http://shr.aaas.org/escr/handbook/">shr.aaas.org/escr/handbook/</a></p>	<p>This uses practical information, real-life case illustrations and achievements by NGOs. It also discusses laws and practices.</p> <p style="text-align: right;">&gt; continued</p>

Title, publisher and source	Brief description
<p><b>Publications of the Office of the High Commissioner for Human Rights (OHCHR).</b>                      Many publications may be downloaded.  <a href="http://www.ohchr.org/EN/PublicationsResources/Pages/Publications.aspx">www.ohchr.org/EN/PublicationsResources/Pages/Publications.aspx</a></p>	<p>The OHCHR website contains a list of all its publications on both CP and ESC rights. A section on “Related Links” on the same page leads to: Fact sheets on specific issues; Special issue papers; and Training and education materials.</p>
<p><b>Ripple in still water. Reflections by Activists on Local-and National-Level Work on Economic, Social and Cultural Rights.</b>                      International Human Rights Internship Program, 1997.  <a href="http://www.iie.org">www.iie.org</a></p>	<p>This covers:</p> <ul style="list-style-type: none"> <li>• The nature of ESC rights;</li> <li>• How to develop a strategy;</li> <li>• The focus and purpose of monitoring;</li> <li>• Providing human rights education and mobilising people;</li> <li>• Policies, budgets and the role of the judiciary; and</li> <li>• Work with inter-governmental bodies.</li> </ul>
<p><b>The Banyan Tree paradox: Culture and human rights activism.</b>                      International Human Rights Internship Program, 2006.  <a href="http://www.iie.org/en/Programs/IHRIP/~media/Files/Programs/IHRIP/BanyanTreeParadox.ashx">www.iie.org/en/Programs/IHRIP/~media/Files/Programs/IHRIP/BanyanTreeParadox.ashx</a></p>	<p>A guide for human rights advocates who are working around culture and human rights issues. Topics include chapters on:</p> <ul style="list-style-type: none"> <li>• Culture and power;</li> <li>• Culture and gender;</li> <li>• Culture and human rights;</li> <li>• Culture and human rights activism;</li> <li>• Fact-finding and documentation on culture and human rights issues; and</li> <li>• Developing strategies around culture and human rights issues.</li> </ul>
<p><b>Tools for monitoring budgets.</b>                      Institute for Democracy, Institute for Democracy in South Africa (IDASA)                      Many of the materials may be downloaded.  <a href="http://www.idasa.org.za">www.idasa.org.za</a></p>	<p>Click on “Programmes”                      Tools include:</p> <ul style="list-style-type: none"> <li>• Power-points presentations for training purposes; and</li> <li>• Resources for monitoring budget impact, including on children and women.</li> </ul> <p style="text-align: right;">&gt; continued</p>

Title, publisher and source	Brief description
<p><b>Training Manual on Human Rights Monitoring - Chapter XVII: Monitoring Economic, Social and Cultural Rights.</b> University of Minnesota, Human Rights Library. Online training course. <a href="http://www1.umn.edu/humanrts/monitoring/">www1.umn.edu/humanrts/monitoring/</a></p>	<p>This course is on human rights in general. Some chapters may be useful for working on ESC rights, for example Chapter VII on information-gathering.</p>
<p><b>Siniko: towards a human rights culture in Africa.</b> Available in English on the website. <a href="http://www.amnesty.org/en/library/info/AFR01/003/1999">www.amnesty.org/en/library/info/AFR01/003/1999</a></p>	<p>A manual for teachers and educators in the Africa region who work with young people both in the formal and non-formal educational environments who want to introduce human rights in their teaching practices.</p>
<p><b>Various toolkits.</b> Centre for Economic and Social Rights. <a href="http://www.cesr.org/article.php?list=type&amp;type=53">www.cesr.org/article.php?list=type&amp;type=53</a></p>	<p>Provides tools for:</p> <ul style="list-style-type: none"> <li>• Monitoring;</li> <li>• Accountability;</li> <li>• Progressive realisation;</li> <li>• Non-discrimination; and</li> <li>• Using statistics and indicators.</li> </ul>



## Appendix 5: Principal international NGOs working on ESC rights

Note: NGOs working on specific rights will be listed in an appendix in the relevant booklet.

International NGOs and contact details	Relevant information
<p><b>Amnesty International International Secretariat</b> 1 Easton Street, London, WC1X ODW <a href="http://www.amnesty.org">www.amnesty.org</a></p>	<p>Amnesty International joins local communities and activists worldwide in campaigning for economic, social and cultural rights to be respected, protected and fulfilled. The organization researches and campaigns for an end to violations of these rights, calling for justice for people affected and for those responsible to be held to account.</p>
<p><b>Amnesty International Special Programme on Africa, AI Netherlands Section</b> <a href="http://www.amnesty.nl/in_actie_vervolg/spa_downloads">www.amnesty.nl/in_actie_vervolg/spa_downloads</a></p>	<p>Works to make a meaningful contribution to human rights work in and for rural communities in Africa. It is the producer of this ESCR Handbook series <i>Haki Zetu</i></p>
<p><b>Centre on Economic and Social Rights</b> Based in Spain and USA <a href="http://www.cesr.org">www.cesr.org</a></p>	<p>Works to promote justice and human rights in a world of poverty and inequality and to uphold economic and social rights. Produces publications and tools for analysing, measuring and monitoring deprivation of rights.</p>
<p><b>Dignity International</b> Based in France Fax: +33 388 365091 Email: <a href="mailto:info@dignityinternational.org">info@dignityinternational.org</a> <a href="http://www.dignityinternational.org">www.dignityinternational.org</a></p>	<p>Dignity International's work brings together groups and communities working on human rights and development whose combined strength can help bring about social change. It works with partners (over 20 international, regional and national NGOs) and friends worldwide to bring about lasting social change.</p>
<p><b>ESCR-Net</b> Based in USA fax: +1 212.681.1241 <a href="mailto:info@escr-net.org">info@escr-net.org</a> <a href="http://www.escr-net.org">www.escr-net.org</a></p>	<p>ESCR-Net is a global movement of more than 160 groups and more than 50 individuals from around the world. It works to advance ESC rights to develop new tools and resources, engage in advocacy, and provide information-sharing.</p>
<p><b>An Activist's Manual on the International Covenant on Economic, Social and Cultural Rights</b>, Jeff King, published by the Law &amp; Society Trust with CESR, 2003. <a href="http://www.cohre.org/store/attachments/Activist%20Manual%20ICESCR.pdf">www.cohre.org/store/attachments/Activist%20Manual%20ICESCR.pdf</a></p>	<p>This is useful for organisations wishing to apply the ICESCR to local situations and then raise issues, for example in letters or shadow reports, before the UN Committee on Economic, Social and Cultural Rights.</p> <p style="text-align: right;">&gt; continued</p>

International NGOs and contact details	Relevant information
<p><b>International Budget Partnership (IBP)</b>                      Provides information and training tools. Has partners in 13 African Countries (click links on the website)  <a href="http://www.internationalbudget.org">www.internationalbudget.org</a></p>	<p>The IBP collaborates with CSOs in developing countries to analyse, monitor, and influence government budget processes, institutions, and outcomes. It aims to make budget systems more responsive to the needs low-income people and, accordingly, to make these systems more transparent and accountable to the public.</p>
<p><b>International Human Rights Internship Program (IHRIP)</b>                      Based in USA                      Tel: (202) 326-7725                      Fax: (202) 326-7763                      Email: <a href="mailto:ihrip@iie.org">ihrip@iie.org</a></p>	<p>IHRIP's mission and work are based on the belief that human rights movement is strengthened through the exchange of this knowledge, experience and expertise. IHRIP seeks to facilitate this exchange of knowledge and experience through sponsoring</p> <ul style="list-style-type: none"> <li>• Professional development and exchange projects for staff of human rights organizations; and</li> <li>• The Development of written resources focused on specific areas of human rights work.</li> </ul>



## Appendix 6a: International IGOs and Programmes aimed at realising ESC rights

This Appendix contains the contact details and essential information about key international inter-governmental organisations (IGOs) and programmes. African IGOs are listed in Appendix 6B. IGOs focusing on specific rights will be listed in an appendix in the relevant booklet.

Inter-governmental organisations and contact details	Essential information and how to use their mechanisms (processes for increasing protection of human rights)
<p><b>The Human Rights Council and its subsidiary bodies</b></p> <p><i><a href="http://www2.ohchr.org/english/bodies/hrcouncil/">http://www2.ohchr.org/english/bodies/hrcouncil/</a></i></p>	<p>The Council is composed of representatives of 47 States. It is responsible for strengthening the promotion and protection of human rights around the globe. It makes recommendations on addressing situations of human rights violations. Members of the Council are elected by the UN General Assembly. The members sit for three years, and no member may occupy a seat for more than two consecutive terms. The seats are distributed as follows: 13 for Africa, 13 for Asia, 6 for Eastern Europe, 8 for Latin America and the Caribbean, and 7 for the Western European and Others Group.</p> <p>The resolution establishing the UNHRC states that "members elected to the Council shall uphold the highest standards in the promotion and protection of human rights."</p> <p>It is assisted by the <b>Human Rights Council Advisory Committee</b>, composed of 18 independent experts, who carry out research and provide advice to the Council on thematic human rights issues. ESCR advocates can make use of two other subsidiary bodies: the Universal Periodic Review and the Human Rights Complaint Procedures (see below).</p>
<p><b>The Universal Periodic Review (UPR)</b></p> <p><i><a href="http://www.ohchr.org/EN/HRBodies/UPR/Pages/UPRmain.aspx">www.ohchr.org/EN/HRBodies/UPR/Pages/UPRmain.aspx</a></i></p>	<p>This is a process for reviewing the human rights records of each of the 192 UN Member States once every four years. The UPR provides the opportunity for each State to declare what it has done to fulfil its human rights obligations.</p> <p>NGOs and National Human Rights Institutions (NHRIs) can:</p> <ul style="list-style-type: none"> <li>• Submit information to the UPR Working Group;</li> <li>• Attend UPR sessions and make statements; and</li> <li>• Attend the regular session of the Human Rights Council when the outcomes of the State reviews are considered.</li> </ul>
<p><b>International Labour Organisation (ILO)</b></p> <p><i><a href="http://www.ilo.org">www.ilo.org</a></i></p>	<p>This website provides information about standards on the rights of workers. It also gives information about campaigns by the ILO, such as the campaign on Gender Equality at the Heart of Decent Work (2008-2009).</p> <p style="text-align: right;">&gt; continued</p>

Inter-governmental organisations and contact details	Essential information and how to use their mechanisms (processes for increasing protection of human rights)
<p><b>The Complaints Procedure</b>  <a href="http://www2.ohchr.org/english/bodies/chr/complaints.htm">http://www2.ohchr.org/english/bodies/chr/complaints.htm</a></p>	<p>ESCR advocates who wish to submit a complaint about a “consistent pattern of gross and reliably attested violations” of any human right should write to:</p> <ul style="list-style-type: none"> <li>• The Human Rights Council and Treaties Division            Complaint Procedure            OHCHR-UNOG, 1211            Geneva 10, Switzerland            Fax (4122) 9179011            E-mail: CP@ohchr.org. Look on the website to read the rules for submitting complaints.</li> </ul> <p>If the WGC considers that a complaint fulfils these requirements, it transfers the complaint to the <b>Working Group on Situations</b> (WGS). This body examines the complaints and presents the Council with a report on consistent patterns of gross violations of human rights and fundamental freedoms. It also makes recommendations to the Council on the course of action to take. The Council takes a decision concerning each situation thus brought to its attention. This procedure is confidential.</p>
<p><b>The Special Procedures Mechanisms</b>  <a href="http://www2.ohchr.org/english/bodies/chr/special/themes.htm">http://www2.ohchr.org/english/bodies/chr/special/themes.htm</a></p>	<p>These consist of thirty thematic and eight country “mandates”. For local CSOs, the most relevant ones are:</p> <p><b>Special Rapporteurs</b> on:</p> <ul style="list-style-type: none"> <li>• Adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context;</li> <li>• The right to <i>education</i>;</li> <li>• The right to <i>food</i>;</li> <li>• The right of to enjoy the highest attainable standard of physical and mental <i>health</i>;</li> <li>• The situation of human rights and fundamental freedoms of <i>indigenous peoples</i>; and</li> <li>• The human rights of <i>migrants</i>.</li> </ul> <p><b>Independent Experts</b> on:</p> <ul style="list-style-type: none"> <li>• <i>minority issues</i>; and</li> <li>• human rights obligations related to access to safe drinking <i>water and sanitation</i>.</li> </ul> <p><b>The Representative of the Secretary-General</b> on the human rights of <i>internally displaced persons</i>.</p> <p style="text-align: right;">&gt; continued</p>

<b>Inter-governmental organisations and contact details</b>	<b>Essential information and how to use their mechanisms (processes for increasing protection of human rights)</b>
<p><b>The Committee on Economic, Social and Cultural Rights (CESCR)</b>  <a href="http://www2.ohchr.org/english/bodies/cescr/">http://www2.ohchr.org/english/bodies/cescr/</a></p>	<p>The CESCR oversees implementation of the ICESCR. See Part I, Section 3.5.</p>
<p><b>The Human Rights Committee</b>  <a href="http://www2.ohchr.org/english/bodies/hrc/">http://www2.ohchr.org/english/bodies/hrc/</a></p>	<p>This oversees the implementation of the ICCPR (International Covenant on Civil and Political Rights). Sometimes a violation of ESC rights also violates CP rights, for example, if people are dying of hunger their right to adequate food and their right to life are at stake. These issues could be brought to the attention of the HRC as well as to the CESCR. The HRC is the body of independent experts that monitors how State parties implement the ICCPR. It will take account of information from CSOs both when it examines the regular reports submitted by States on how they are implementing the ICCPR. It can also examine individual complaints about alleged violations of the Covenant by States parties that are parties to the First Optional Protocol to the Covenant.</p>
<p><b>The MDGs</b>  <a href="http://www.un.org/millenniumgoals/">www.un.org/millenniumgoals/</a></p>	<p>This website is useful for keeping track of the progress of specific countries towards meeting the MDGs and the work of groups like the MDG Africa Steering Group. The website also gives information on major conferences of government representatives and the activities of civil society groups. The UN Development Group (UNDG) may be found on the same website. The UNDG's work is to help countries achieve the MDGs by providing advice and assistance including capacity-building.</p>
<p><b>Poverty Reduction Strategy Papers</b>  <a href="http://www.imf.org/external/np/exr/facts/prsp.htm">www.imf.org/external/np/exr/facts/prsp.htm</a></p>	<p>Poverty Reduction Strategy Papers PRSPs were developed by the International Monetary Foundation and the World Bank with the aim of coordinating governments and donors and achieving the MDGs.</p>
<p><b>The World Bank</b>  <a href="http://web.worldbank.org">web.worldbank.org/</a></p>	<p>Information on development projects supported by the World Bank may be found under the section on "projects and operations". Visitors to the website can look for information about projects in their country. They can also check what Safeguard Policies have been identified, for example to safeguard people who would be evicted from their homes and land to make way for a new sewerage system.</p>



## Appendix 6b: African IGOs realising ESC rights

This Appendix contains the contact details of international and African IGOs and Programmes aimed at realising ESC rights in general. Those focusing on specific rights will be listed in an appendix in the relevant booklet. Please also refer to Main Book Part I, Section 6.2 to find out about opportunities for CSO participation.

Pan-African Institutions	Contact
<b>African Commission on Human and Peoples' Rights</b>	Please refer to Core Book Part I, Section 3.5. 48 Kairaba Avenue P.O.Box 673 Banjul, The Gambia Tel: (220) 4372070, 4377721 – 23 Fax: (220) 4390 764 E-mail: <a href="mailto:achpr@achpr.org">achpr@achpr.org</a> <a href="http://www.achpr.org">www.achpr.org</a>
<b>African Economic Community (AEC)</b> <b>African Union</b> <b>Arab Mahgreb Union (AMU)</b>	<a href="http://www.panafricanperspective.com/aec.htm">www.panafricanperspective.com/aec.htm</a> <a href="http://www.africa-union.org">www.africa-union.org</a> <a href="http://www.maghrebarabe.org">www.maghrebarabe.org</a>
<b>Common Market for East and Southern Africa (COMESA)</b>	<a href="http://www.comesa.int">www.comesa.int</a>
<b>Communauté Économique des États d'Afrique Centrale, (CEEAS) or Economic and Monetary Community of Central Africa (CEMAC)</b>	<a href="http://www.paris21.org">www.paris21.org</a>
<b>Communauté Économique et Monétaire de l'Afrique Centrale (CEMAC) (Central African Economic and Monetary Community)</b>	<a href="http://www.dgmarket.com/eproc">www.dgmarket.com/eproc</a>
<b>Community of Sahel-Saharan States (CEN-SAD)</b>	<a href="http://www.cen-sad.org">www.cen-sad.org</a>
<b>Court of Justice of the African Union</b>	<a href="http://www.africa-union.org/root/au/Documents/Treaties/treaties.htm">www.africa-union.org/root/au/Documents/Treaties/treaties.htm</a>
<b>East African Community (EAC)</b>	<a href="http://www.eac.int">www.eac.int</a>
<b>Economic Community of West African States (ECOWAS)</b>	<a href="http://www.ecowas.int">www.ecowas.int</a>
<b>Economic Social and Cultural Council of the AU (ECOSOCC)</b>	<a href="http://www.africa-union.org/ECOSOC">www.africa-union.org/ECOSOC</a> > continued

Pan-African Institutions	Contact
<b>Intergovernmental Authority on Development (IGAD)</b>	<i>www.igad.org</i>
<b>New Partnership for Africa's Development (NEPAD)</b>	<i>www.nepad.org</i>
<b>Pan-African Parliament (PAP)</b> <b>Regional economic institutions</b> (NOTE: In October 2008, three RECs, COMESA, EAC and SADC, agreed to merge)	<i>www.pan-africanparliament.org</i>
<b>Southern African Development Community (SADC)</b>	<i>www.sadc.int</i>

**Amnesty International** is a global movement of 2.8 million supporters, members and activists in more than 150 countries and territories who campaign to end grave abuses of human rights. Our vision is for every person to enjoy all the rights enshrined in the Universal Declaration of Human Rights and other international human rights standards.

We are independent of any government, political ideology, economic interest or religion and are funded mainly by our membership and public donations.

**The Special Programme on Africa** (SPA) of Amnesty International Netherlands works together with African partners to make human rights more meaningful to people at community level.

The programme aims to contribute to:

- The growth of human rights activism in Africa, with an emphasis on making human rights work in and for rural communities; and
- Innovation of strategies and methods as a means of increasing their effectiveness and making a meaningful contribution to promoting, protection, respect and fulfilment of human rights.

Some of SPA's projects and activities include:

- enhancing the capacity of partner organisations to monitor, document and report human rights violations through training, strategy development and providing the *Ukweli* handbook series;
- promoting active involvement of civil society organisations and communities in demanding protection, respect and fulfilment of Economic, Social and Cultural rights through publication of the handbook series *Haki Zetu*, ESC rights in practice;
- comprehensive long-term country programmes with locally defined objectives and activities that may include human rights training for community-based organisations and local activists, promoting the use of community dialogue and participatory drama, all aiming at improving legal and social justice in and for local communities.

For more information and to download publications go to [www.amnesty.nl/spa](http://www.amnesty.nl/spa)