Economic, Social and Cultural Rights in Practice

Part II – Taking Action on ESC Rights

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Amnesty International – Human Rights Capacity-Building Programme

Economic, Social and Cultural Rights in Practice:

Part II – Taking Action on ESC Rights

Handbook for Civil Society Organizations and Human Rights Defenders

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Economic, Social and Cultural Rights in Practice: Part II – Taking Action on ESC Rights
Handbook for Civil Society Organizations and Human Rights Defenders
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List of abbreviations and acronyms

4As	Availability, accessibility, acceptability, and adequacy of services
African Commission	African Commission on Human and Peoples' Rights
Arab League	The League of Arab States
AU	African Union
BEEM	Build, eliminate, exploit, minimize
CBOs	Community-based organizations
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CESCR	Committee on Economic, Social and Cultural Rights
CP rights	Civil and political rights
CRC	Convention on the Rights of the Child
CRPD	Convention on the Rights of Persons with Disabilities
CSOs	Civil society organizations
ECOSOC	Economic and Social Council
ESC rights	Economic, social and cultural rights
GA	General Assembly
HLPF	High-Level Political Forum
HRC	Human Rights Council
ICCPR	International Covenant on Civil and Political Rights
ICERD	International Convention on Elimination of Racial Discrimination
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICRC	International Committee of the Red Cross
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
IDPs	Internally displaced people
IFIs	International financial institutions
ILO	International Labour Organization
IMF	International Monetary Fund
INGOs	International NGOs
LGBTI	Lesbian, gay, bisexual, transgender and intersex
MDGs	Millennium Development Goals
NGOs	Non-governmental organizations
NHRIs	National human rights institutions
ODA	Official Development Assistance
OHCHR	Office of the High Commissioner for Human Rights
OP-ICESCR	Optional Protocol to the International Covenant on Economic, Social and Cultural Rights
PESTEL	Political, economic, social, technological, environmental, legal
SDGs	Sustainable Development Goals
SWOT	Strengths, weaknesses, opportunities, threats
TNCs	Transnational corporations
U3Is	Universal, inherent, inalienable, and indivisible
UDHR	Universal Declaration of Human Rights
UPR	Universal Periodic Review
WHO	World Health Organization

Part II

Taking Action on ESC Rights

Introduction to Part II

Part I of this handbook (Understanding ESC Rights) explained economic, social and cultural rights (ESC rights) and their legal frameworks. Part II (Taking Action on ESC Rights) presents practical tools and techniques to monitor, analyse and advocate for the realization of ESC rights.

To take action on ESC rights issues, the following logic is useful to follow:

Figure 7: The 5 phases of ESC rights work

This Part II of the handbook offers tools, tactics and techniques for all these phases. Phases 2 and 3 (research and analysis) are covered in Chapter 2 (which requires a good assimilation of Part I). The focus is however primarily on Phase 4: Planning for advocacy. This phase is elaborated in Chapter 3, while Phase 5 (including the advocacy itself) is elaborated in Chapter 4. Chapter 5, finally, covers some elements that are crucial for ensuring success during implementation of your action plan(s).

Throughout Part II, examples explain the use of the human rights framework. These examples are largely based on facts, but in a few cases, they are fictitious examples based on real life situations. Some actual examples are also used.

Chapter 1

Introduction to advocacy on ESC rights

In this chapter, we will explore advocacy on ESC rights, including the components of advocacy, and general considerations for advocacy planning including applying the PANTHER principles in advocacy planning.

1.1 What is advocacy?

Advocacy originates from the Latin word "***advocare***" which means "call to one's aid" or to speak out on behalf of someone, as a legal counsellor. It is related to the Latin word "**vox**" (voice) with the prefix "**ad**" (action, to do) while the English suffix "**cy**" stands for process or system.

Advocacy therefore means using our voices to provoke action to change systems.

Human rights advocacy focuses on influencing the positions and actions of those who have power over and /or interest in a human rights situation.

Advocacy sometimes has a more limited meaning when it is equated with "lobbying power holders". In the context of this handbook, we regard advocacy as all the activities that intend to make a structural change in a certain human rights situation, so it also includes public campaigning and going to court (or non-judicial mechanisms) to redress a certain situation. Taking action on ESC rights issues often involves some kind of advocacy, which is preceded by and interspersed with monitoring, research and documentation.

An advocacy strategy is a systematic process for carrying out advocacy actions, through the following interconnected elements:

- identifying the issue by assessing the context and causes of the problem;
- articulating why the issue is important through assessing its magnitude and impact on people;
- setting an advocacy goal or goals;
- identifying primary and secondary advocacy targets;
- selecting tactics; and
- building partnerships.

Advocacy on ESC rights requires an organized approach that incorporates clear elements and uses a number of tactics. These elements are complementary to and are based on the logic of the "5 Phases of ESC rights" work that was presented in the introduction.

- *Well planned advocacy efforts are more successful and impactful than activities that are not connected to each other in a clearly planned way.*

1.2 Claiming, defending, and promoting human rights: acting local and thinking global

ESC rights advocates are human rights activists who defend or promote ESC rights and empower others to claim these rights.

Various actions are used by people to achieve better realization of human rights. These involve demanding or claiming rights, defending rights, and promoting rights.

- People whose rights are denied, violated or abused try to act by "demanding" their rights or seeking to "claim" them;
- People who advocate for the rights of others are "defending" the rights of others; and
- "Promoting" human rights refers to the activities aiming at raising people's awareness of their rights.

Cooperation between rights holders who claim their rights, and advocates who defend rights contributes greatly to the realization of human rights.

It is possible that the same people may be involved in all these actions to realize their human rights and the rights of others. For example, victims of violations of ESC rights may not only demand or claim their rights. They may also be actively involved in defending and promoting ESC rights, as will be discussed further in this handbook.

To find the best ways to claim, defend and promote human rights, one needs to work in a clear, targeted and systematic way, combined with undertaking a sound human rights analysis of the issues of concern. It is important to work in collaboration with others, including the victims of ESC rights violations. These may be individuals, or whole communities, or a particular group within a community. They may be located in one area or country, or live across boundaries (for example, many of the Bedouin tribes of Palestine and Jordan, or the Kurdish community which lives across Iraq, Syria, and Turkey). Successful advocacy takes these variations and their possible impact on the plan into account. Successful advocacy plans also depend on having clear roles, responsibilities and expectations with regards to what can be achieved.

It is important to remember that the actions of governments, corporations, and global institutions such as the World Bank, can have a profound impact on individuals, or groups of individuals or communities. Therefore, often, human rights work extends beyond the individual to the village or neighbourhood level, through provincial and national or cross-national levels, to regional and international levels.

"Speaking truth to power" in the context of advocacy for human rights is about bringing information about violations and abuses of human rights to those in power and demanding change.

Advocacy involves risks. It also requires the need to stay motivated. Through their work, civil society organizations (CSOs) bring the voices of the most marginalized people to those in power. In doing so, it is very important that CSOs build their advocacy efforts in coordination and collaboration with those affected by ESC rights violations.

1.3 The advocacy cycle: preliminary remarks

In order to carry out advocacy, three major stages can be considered:

1. Preparation: This includes understanding the problem and analysing it from a human rights perspective (problem tree and solution tree analyses); setting the goal and objectives; analysing the external environment (PESTEL analysis); analysing the various stakeholders (stakeholder analysis); understanding the relationship between them (forcefield analysis); analysing your own internal capabilities (SWOT analysis); and on the basis of that, identifying your role in the ESC rights advocacy strategy and plans. These tools are explained in Chapter 3: Planning for Advocacy.

2. Choices for action: On the basis of this analysis, choices for action (advocacy tactics) are made. These include possible use of lobbying and engaging with national authorities; campaigning and mobilization; litigation; and engaging with international and regional mechanisms. Throughout, engagement with the media, awareness raising, and various forms of communication may be utilized. The different advocacy tactics are elaborated in Chapter 4: Claiming and defending ESC Rights.

3. Ensuring success: The plan is then implemented, while being monitored closely. Monitoring will enable you to assess whether changes to the plan are necessary at any point. Evaluations will also be carried out to assess if the advocacy plan achieved its goals and objectives, while capturing lessons learned for the future. A strategy is developed for exiting the advocacy strategy. Elements for ensuring success are discussed in Chapter 5: Ensuring and measuring success.

During all of these stages and actions, collection of (additional) information will be needed.

Figure 8: ESC rights advocacy cycle

This systematic approach is very important to follow. Often, organizations carry out a range of activities that are related to advocacy, but they do not carry them out as part of a complete advocacy strategy and plan. As a result, the impact of these activities may be limited.

- *Advocacy is not an aim in itself. It is a tool used to achieve human rights change.*
- *It is important that activities of organizations are always connected to a larger goal, and together these activities are put in place and designed in a way to achieve that goal.*

1.3.1 Components of advocacy

Advocacy consists of the following components:

- **an issue:** this is the human rights problem that you will be focussing on.
- **a goal and objectives:** these define what you want to achieve through your advocacy to solve the issue (the human rights problem).
- **the represented:** these are the people affected by the issue, whom you will represent in your actions.
- **the advocate:** this is you/your organization and your peers.
- **the audience:** they are the actors who are the target of your advocacy; they are the receivers of messages of your advocacy. Their positions influence the way you formulate your plans and messages.
- **the stakeholders:** they are groups or individuals who are directly impacted by the decisions and actions. Unlike an audience you plan to influence, stakeholders can contribute to an advocacy plan on ESC rights with their decisions and actions.

Once you have identified the above advocacy plans can be formulated to engage your target audience and stakeholders, based on their interests, preferred methods of contact and personal profiles. To achieve the desired outcome from your planned actions, you will need to:

- **Connect:** Once the right people to target have been identified, it is critical to connect with them via the most effective channels (for example via email, social media, mobile, direct mail, telephone or in-person); and with the most relevant messaging (see Section 5.3 on communications). It is important to choose the most appropriate channel that suits the target audience and the stakeholders.
- **Convert:** After making the connection, it is time to determine the "ask" or "demand" from your target audiences, by delivering a compelling case and making a clear call to action. It is important that partners and stakeholders find it easy to engage with the issue.
- **Retain:** Retain the engagement of partners (those stakeholders that join you in the advocacy actions). This may be implemented through joint actions, or through actions that each partner leads on separately. The advocacy tactics discussed in Chapter 4 are examples of such actions.

1.3.2 Incorporating PANTHER principles

Advocacy on ESC rights should follow a human rights-compliant approach, and must therefore respect the PANTHER principles.

- ***PANTHER** principles for a human rights-compliant approach: **P**articipation, **A**ccountability, **N**on-discrimination, **T**ransparency, **H**uman dignity, **E**mpowerment, **R**ule of law.*

Table 6: Application examples

Principle	Action
Participation	Ensure that victims actively participate in your work (for example either they lead and you support, or you lead and they participate in relevant steps in designing, implementing, monitoring and evaluating your advocacy strategy). Participation should begin as early as possible.
Accountability	You are accountable for the decisions you make and the actions you take. Therefore, it is important that you develop internal accountability measures and processes. Monitoring and evaluation (see Section 5.4) are important elements of such internal accountability. You should also show those you work with how you accept criticism and complaints, and provide them with information on how to file complaints about your work and how you will deal with the complaints.
Non-discrimination	Ensure that women, persons with disabilities, LGBTI persons, or other persons or groups who are at risk, marginalized, or facing structural inequalities are able to participate without discrimination, prejudice, harassment or intimidation.
Transparency	Provide adequate information about your organization, how you work and your relationships with officials and others. Do not hide your sources of funding, especially if you are asked about it, and if this is a sensitive issue.
Human dignity	Ensure that your plans and actions respect the dignity of those who cooperate with you, for example by making sure that those who provide you with information, including about their standard of living, consent to you using the information and revealing their names if necessary.

Empowerment	Ensure that your work ultimately empowers victims of ESC rights violations to know and claim their rights. Make sure to integrate ways to empower them into your plans.
Rule of law	Ensure that your work is based on respect for international and national human rights law, and aims to promote international standards.

Chapter 2

Monitoring and fact-finding

This chapter elaborates on the iterative nature of researching and advocacy planning, which is discussed in detail in the next chapter.

2.1 Why is monitoring and fact-finding important?

In developing and implementing an advocacy strategy, it is important that you base your work on documented information. You will need to continue to document and collect information at various stages. To begin with, you must base your advocacy on rigorous research or collection of first-hand information (fact-finding). In addition, it is important that you continuously monitor the ESC rights situation in the geographical area where you work, or in relation to the thematic areas you focus on, so that you can respond to emerging situations. Monitoring and fact-finding delivers compelling information (facts and figures) to convince duty bearers.

It is important to remember that human rights are interconnected (see Part I Section 1.2.1 on the U3Is). Also, obligations in relation to human rights have many aspects (see Part I Section 3 on nature of state obligations). Therefore, examining the situation in relation to one issue will often reveal that other rights are also affected. Further, examining one aspect of a violation or abuse of the right concerned will often show that other aspects of the obligations or responsibilities are not respected or fulfilled.

Documentary information helps to assess the extent of the violation or abuse, and points to whether the violation or abuse is happening at local, provincial or national levels, or all of them. It will help to identify the ESC rights affected. This is very important in order to come out with a goal and objectives that are specific and realistic.

> **Example:** The water of Lake Blue, located in Country X, is being polluted because of waste dumping from factory PHARMA (hypothetical case with hypothetical names). As a result, the fish in the lake are dying. The water from the lake is used as drinking water in the surrounding area. The information about the pollution of the water was given to you by someone in Village A. Your research and collection of information revealed that Villages B, C and D are also affected. Collection of the information has also revealed that the pollution of the water is resulting in the death of fish, pollution of agricultural fields, and that the inhabitants of the area are drinking polluted water which is causing them illnesses. Therefore, there are concerns over violations and abuses of the rights to food, water and health. During the collection of information, you were able to identify organizations that work in villages A, B, C, and D that you can cooperate with in advocacy on the issue.

Collection of information also helps to identify whether the problem is in law, policy, or practice. This is important in order to identify suitable solutions, the correct duty bearers and those responsible, and the choice of tactics to be used (see Chapter 4 on claiming and defending ESC rights).

2.2 Monitoring, fact-finding and documenting

There are several ways to collect information about ESC rights violations or abuses. In this section we will explore monitoring, fact-finding, together with "note-taking and documenting", which are distinct, but they usually happen at the same time. They are essential first steps to get information about the situation of human rights in a community.

Monitoring and fact-finding related to ESC rights are used for various reasons including:

- Identifying and understanding situations/issues, their causes and effects;
- Identifying if such a situation is a human rights violation or abuse;
- Assessing how the authorities are carrying out their obligations, or how non-state actors are carrying out their responsibilities;
- Identifying actors within the affected community and the power relations between them (see Section 3.6 on stakeholder analysis/power mapping); and
- Identifying ways to persuade the authorities or non-state actors to stop the violations or abuses and remedy the situation for those affected (see Sections 3.7 and 3.8 on influence mapping and messaging).

Box 30: Differences between monitoring, fact-finding and documenting

Monitoring: is 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 realizing a right.
- Monitoring may focus on one area of rights, or it can be general monitoring of human rights in the community. It can focus on one community or locality or group of people, or it can be more general.

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

- Quantitative, such as the percentage of children who complete primary school. This information can be divided into sex/gender, age groups, geographical locality, ethnicity, and so on; or
- Qualitative, or descriptive information, for example reasons why girls leave school early.

Documenting: is the process of recording information in order to understand the context, causes and effects of a human rights concern. This can be done by:

- Taking notes of interviews and observations;
- Making photographs, audio or video recordings;
- Collecting secondary information (documents and data prepared by others);
- Making notes about actions governments or people have taken to address the problem.

Box 31: Ukweli – Investigating human rights violations

The Ukweli series consist of a main handbook that identifies and defines steps for the research of human rights violations, and some accompanying booklets on monitoring and investigating specific types of human rights violations. The recently revised Main Handbook discusses principles of research, provides guidelines for planning investigations, security and wellbeing considerations, interviewing, and documenting physical and documentary evidence. It also addresses verification, analysis and report writing. Companion handbooks will be published on torture, enforced disappearances and sexual violence. There are older versions for other violations. While the accompanying booklets focus largely on CP rights, many of the principles apply equally and are useful in the work on ESC rights.

Source: The Ukweli series, Amnesty International – Netherlands Section, amnesty.nl/actueel/ukweli-monitoring-and-documenting-human-rights-violations-in-africa

2.3 Collecting information

ESC rights work depends on identifying ESC rights related issues, collecting documents and evidence that enables the conduct of human rights analysis, and then checking and verifying the facts. Some organizations rely on specialized fieldworkers who are always present in various locations and work with the community to monitor the situation and identify possible human rights violations or abuses. This preliminary primary information is then analysed by specialized researchers, who also collect secondary information and work towards verifying it. The information is then analysed on the basis of human rights obligations or responsibilities, and presented in reports, media information, letters to governments, interventions, submissions, or other documents (see Box 33 on presenting the information).

Research and collection of information relies on two types of data:

- **Secondary data or information:** This refers to existing research or information that has already been gathered by others. This can be helpful in itself, can be used for verification, and can be used to identify areas of research and data that require primary data collection; and
- **Primary data or information:** Primary data collection generates first-hand and new information that complements or updates what already exists (secondary data), especially where there are information gaps. Primary data is harder to collect, but provides direct evidence.

- *The type of data that is needed and the best way to collect it depends on your objectives and advocacy plans.*
- *Secondary data is very important for ESC rights work, but is often ignored. Organizations often end up carrying out unnecessary collection of primary data that already exist through secondary sources.*

2.3.1 Secondary information

What is secondary information?

It is important to start with collecting secondary information. This will help identify the gaps in information which you will need to collect through primary sources.

Secondary information from official sources is particularly important as it reflects official information that can be used to measure the state's fulfilment of their obligations under international law. You can also gather information from non-state actors such as NGOs and academic or research institutions.

Benefits of secondary information: It is cheap to collect, various sources are normally available, less time is spent in collecting it, and if they are official documents, they will not be disputed by the authorities. Collecting it is normally not risky as it does not involve traveling to places where human rights violations or abuses are taking place, or meeting with people who are under threat.

Limitations of secondary information: May be outdated, sometimes biased, could be inaccurate, and could be inadequate for the advocacy need. Sometimes, if the issue you are investigating is a new issue, or a developing area, there may be limited information from secondary sources.

Sources of secondary information

There are different types of secondary data or information that can be collected. Here are some examples:

- **Statistical and financial data:** Such information may be available with official statistical bureaux, with Ministries, other government offices, international institutions, universities or research centres. Such data may allow for conducting an analysis of the realization of rights amongst groups that are at risk or marginalized or facing structural inequalities, including persons from low-income families, ethnic minorities, women and girls, refugees, internally displaced people (IDPs), persons with disabilities, LGBTI people, or others (see below on disaggregated data).
- **Information from UN and human rights mechanisms:** This includes states' reports and the conclusions and recommendations issued by human rights mechanisms. These are important because they will provide unquestionable information from

the state or experts, and therefore will provide strong support for your analyses and conclusions. Part I outlines how you could access such reports online.

- **Official policies and plans:** Government policies and plans normally contain objectives, lines of responsibilities, allocated budgets, indicators, and timelines. Such information allows you to track government implementation. It also helps with identifying stakeholders. See below for more on policies, strategies, and plans.
- **Legislation:** Legislation is clear and allows for analysis of how national law is or is not in conformity with international law and helps you identify exact gaps in laws and needed amendments.
- **Other** examples of sources of secondary information or data include municipal or local policy documents, reports and studies by national non-governmental organizations (NGOs) and academics, reports and studies by international organizations, newspaper reports, regional and international treaties ratified by the state.

Disaggregated data

Aggregated data is data that does not make any distinctions between groups in society. Disaggregated data is data that is presented in categories, according to set criteria. Examples of criteria can be by sex (male/female), gender (girl/boy/non-binary), age group or educational level (preschool, primary, secondary, tertiary, college/university education), area where people live (urban/rural, city/refugee camp), nationality status (citizen/refugee/migrant). Disaggregated data can show where the needs are greatest.

> **Example:** Research in a community may indicate that half the children do not attend school, but when the data are disaggregated by gender, it is found that 70% of children not in school are girls; or by nationality status, it may show that 60% of refugees are out of school; or by geographical area, it may show that 50% of all of those children not in schools are in the North-West of the country. This should lead to further questions, such as: why are more girls out of school? Why are most of the refugee children out of school? Or what is causing children in the North-West leave schools? Is that due to economic reasons, or to political/security reasons? Researching more into the causes allows you to identify a focused goal and objectives and create an effective advocacy strategy.

Policies, strategies, or plans

Policies, strategies, or plans are documents that describe what the government intends to do about a specific issue. They identify how responses to this issue will be implemented and monitored. They normally set out specific goals and targets. Policies describe the position of the government towards a specific issue, strategies

describe the bigger picture of how the government will achieve this, and plans define the exact way the government will achieve its targets, with clear steps, responsibilities, and outcomes. Governments are required to monitor and evaluate the ways policies, strategies and plans are implemented. Therefore, policies, strategies and plans normally contain indicators and benchmarks (see Section 2.4 on indicators and benchmarks). Policies, strategies, and plans provide very good background information on the extent to which a government uses a human rights-compliant approach; whether it sets progressive targets, and how it plans to move towards its targets (progressive realization); and whether it is using all its available resources for that.

> **Example:** A government sets a strategy on poverty reduction. The policy of the government is aligned with the 2030 Agenda, and aims that by 2030, poverty will be reduced to 50% of its current rate. To achieve that, it sets out clear targets, with indicators and benchmarks that are aligned with human rights standards. The government adopts a specific plan on how to achieve these targets, including by increasing employment in general, increasing access to employment for women and youth specifically, increasing education attainment, and increasing its financial support to the agriculture and fishery sector.

Reminder: CSOs can participate in the development of official strategies, policies and plans related to various ESC rights. This will require regular contacts with various officials who are responsible for these rights at the national, provincial and local levels. CSOs must regularly monitor government efforts to develop any of these strategies, policies, and plans, and make it clear to officials that they have expertise and information on the issue and expect to be included in the process.

Budgets

A budget sets out how much money the government expects to earn from taxes or other income and how it will be spending it 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. States must monitor their own budgets at various levels to ensure that they are spent as planned, properly and not wasted. Parliaments often have an oversight role in this regard. It is important that CSOs monitor budgets to ascertain whether the government has been allocating the maximum of its available resources to ESC rights, and whether throughout the years, there has been unjustifiable regression in allocation of resources. It is important to remember that the budget normally contains various levels of details.

> **Example:** The general budget of the state will show how much is allocated for education. Then within the education budget, there will be several budget lines including salaries, buildings, maintenance and infrastructure, training

teachers, bursaries for children who need financial support. Analysing the budget may help reveal whether one of the fundamental reasons that there are no adequate schools in rural areas is that there is not enough budget allocated to that within the education budget, or that the education budget generally is very small, especially if compared with other budgets like defence and security.

Box 32: Example of where to find secondary information on education

For analysing a problem related to education, the following sources of information may be useful:

National level

- The constitution and any national law on education
- The national budget allocated to education
- The national education strategy or plan, and other policies related to education, especially from the ministry of education
- Court judgements on education
- Reports by the national human rights institution (NHRI)
- Academic reports on the state of education
- National statistics about education, including disaggregated data
- Reports by national NGOs
- Media coverage of the issue

Regional and international level

- State reports to UN and regional human rights mechanisms, especially CESCR, CRC, CEDAW, CRPD and CERD; also, state reports for the Universal Periodic Review (UPR)
- The outcome document of the UPR, as well as conclusions and recommendations of treaty bodies
- Reports by the UN Special Rapporteur on Education
- Reports by international organizations (for example Amnesty International, civil society coalitions)
- Reports by UN agencies like UNESCO, UNICEF, UN Women, ILO, others

Source: See further for example the Right to Education Initiative, available at right-to-education.org

2.3.2 Primary information

What is primary information?

Primary data and information: This relates to data or information that you collect yourself. Often this is to cover gaps in secondary information, or to go deeper into an issue and probe it more, or to verify conflicts and inconsistencies in primary information.

Benefits of primary information: Primary information enables you to be up to date (current), more responsive to specific advocacy needs, and provide vivid evidence. The collection process brings you into contact with the community. You will be able to collect human stories that you can use in your advocacy efforts (it is important to note

that before using names of people who give you information and evidence, you must get their clear permission).

Limitations of primary information: It is expensive to collect (time, logistics, administrative arrangements, processing and analysis); quality could be compromised or biased if the researcher is not competent; responses may be limited by respondent fatigue (for example if several organizations ask the same witnesses for information about the same incident, the respondent may start omitting some details and getting confused about what he/she told each organization); responses may not be reliable (for example if they manipulate the information to present a certain picture of the facts); and collecting primary information may require you to travel to risky areas (for example in countries witnessing armed conflict).

- *The limitations of collecting primary information highlight the need to have researchers who are very well trained in research and documentation, and have a very good background in human rights.*

Methods of collecting primary information

Community surveys and focus groups

Surveys and focus groups are two effective ways of collecting information. Doing them well requires good planning and practice.

Surveys

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 to be filled by a number of people, or as direct one-to-one interviews with different people in the community using a same set of questions.

> **Example:**
>
> **Problem:** You received information indicating that workers in a particular chemical factory do not have health and safety measures.
>
> **Survey objective:** To obtain information about working conditions with a view to campaigning for health and safety protection.
>
> **Action for documentation:** Prepare a set of standard questions that you can use to interview the employees. Aim to interview at least half of the affected employees. Ensure that you have gender balance in the respondents. The questions could cover the following:
>
> - The interviewee's personal information including name, job and how long they have been working with the company (you must explain that personal details can be withheld from publication, but will be used only

by you in order to organize the information and come out with patterns or correlations);
- The current health and safety procedures that are put in place to protect them in their job;
- The health and safety problems that they have experienced and which they believe to be caused by their working conditions;
- Have they complained to their supervisors? If yes, when and how? What measures have been taken to redress this?
- What actions senior factory staff have taken in the event of health and safety hazards or accidents.

Supplementary information may be obtained from health and safety records, interviews with health professionals, trade unions, and interviews with senior company officials.

Focus group discussions

An focus group discussion is used to obtain qualitative information and opinions from a selected group of people in a facilitated discussion. The purpose is normally not to obtain hard data or information, but it is used to identify and gather the participants' attitudes, opinions, feelings, beliefs, experiences and reactions. So, it is used when other methods, such as observation, one-to-one interviewing or questionnaire surveys will not be feasible or appropriate. It can also be used to complement information gathered from surveys and interviews, in order to get more depth to the issue, which can be used in the analysis.

There are different models for how to conduct focus group discussions, depending on the aim of the project, and the information sought. One model is to conduct different focus group discussions on the same subject with groups from the same geographical areas or similar backgrounds. The other model is to hold separate focus groups with different categories of people, such as people of different genders separately, or groups of otherwise diverse backgrounds. The choice of the model depends on the purpose of conducting the focus groups. If the purpose is to compare attitudes and experiences between different groups, then separate and segregated focus group discussions (the second model) will be more appropriate. If the purpose is to discuss an issue in depth and reach common visions, then maybe a series of focus groups of mixed participants may be best.

Focus groups are good for answering the 'how', 'why' and 'who' questions. They are particularly useful when there are power differences between the participants and decision-makers, when the everyday use of language and culture of particular groups is of interest, and when you want to explore the degree of consensus on a given topic.

Focus group discussions require having a person who leads the discussion and ensures that it stays on track, focussed on the main central issue. The lead person must be experienced in facilitating such discussions, be well prepared, and must have familiarity with the issue that the focus group is discussing.

> ***Reminder:*** The main purpose of a focus group discussion is not to provide participants with information; but it is to obtain information from them, including on their attitudes, experiences, and perceptions. So, the person leading a focus group must be a good listener, and able to encourage those attending to participate actively and provide their views.

One of the benefits of using focus group discussions is that it allows for interaction between participants, and the exchange of ideas and experiences. Focus group discussions can be enriching for the participants. These discussions can also allow the organizer to discover new viewpoints and aspects to the subject.

Advantages: Focus groups can be more timesaving than individual interviews. The methodology is flexible, even though they need to be well prepared and organized to provide clarity on the issues to be discussed. It provides opportunities for discovering unexpected outcomes and new information that was not anticipated by the facilitator.

Limitations: In focus groups, there is a strong risk that people influence each other in the discussion, and therefore it may give biased information instead of facts. Therefore, focus group discussions are not very useful for fact-finding, but are more useful for analysing contexts and causes of situations. Further, unless there is an experienced facilitator, the discussion could become a question-and-answer session or be too generalized to be of any use. There can also be disputes within the group or the group may be dominated by one or two participants.

> **Example:**
>
> **Problem:** While the law allows women to inherit, customs and traditions sometimes discriminate against them in practice.
>
> **Objective:** To gather information about the problem and people's attitudes.
>
> **Focus group discussion:** First, decide on what kind of groups would be culturally acceptable (mixed or single gender). It might be useful to consult others on this, for example your partners in the community. In this example, it seems more appropriate to set up two groups, one for men and another for women, each including a range of ages. Each group starts by discussing what happens in practice, rather than starting the discussion with asking "why is there discrimination?". This is to avoid heated and polarized discussions. Open discussions can allow for easier exchange of views. So, the end purpose is for you to have each group discuss the customs and the reasons behind

these customs; whether they have changed over time; the different effects they have on different groups – men, women, boys, girls, older persons – and what needs to be done. You may then want to ask the participants' opinions on the customs. The question of the discriminatory aspect of the customs could be introduced towards the end of the discussion. If more than one focus group discussion has been organized, it might be useful at the end to have representatives from each of the focus group come together to present the outcome of their discussion and discuss it together in one mixed focus group.

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 is a very good way to make sure that information about an incident or event is accurate. The comparison may also show patterns of human rights violations or abuses and how the problem affects different groups of people.

There are a number of characteristics that contribute to making a good interview, including:

- The interviewee has given free, prior and informed consent to be interviewed;
- The questions are well planned, clear, and open-ended (the answers must not be in a yes or no format, but must allow for giving details);

- The questions are not leading (prompting the respondents to answer in a particular way) but aim to have the interviewee present the facts (for example, you should not ask: is it true that the supervisor shouted at the worker to force her to accept a lower wage?);
- The interview does not put the interviewee at risk (for example, if you are asking about work conditions, do not seek to do the interviews in the factory or in front of the factory);
- The interview is carried out sensitively, including in relation to gender, age, ethnicity, language, and so on (for example, if the interview is about sexual harassment, you must have female interviewers carrying out interviews with women; and male interviewers carrying out interviews with men);
- Details are cross-checked with other interviewees or through documentary information for accuracy; and
- The interviewer's notes are accurate and clear.

As stated earlier, free, prior and informed consent is a necessary condition before an in-depth interview takes place. But what does that mean in practice in terms of your work?

- **Free:** make sure that the person is under no pressure to be interviewed;
- **Prior:** the interviewee must give consent before the interview begins;
- **Informed:** you must give the interviewee full information to enable him or her to decide whether to be interviewed or not, 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.

  Reminder: Free, prior and informed consent is necessary for both written and voice recorded interviews. Make sure that if you are recording your interviews, you also ensure that you have free, prior and informed consent for recording and for using the recording.

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 that you make every effort to attend consultation meetings, being present during evictions, or visiting evicted people in their new situation. This provides you with opportunities to take photographs and interview different stakeholders at the scene, such as officials and members of the community.

Note taking

The tools explained above (surveys, focus groups, interviews, and on-the-spot observations) should be accompanied by note-taking. Guidelines for taking notes for an interview (or a focus group) include:

- Before an interview/focus group: Write down 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, and write them down on a separate piece of paper that you can use during the interview or meeting.
- During an interview:
  - Pause the questioning briefly in order to write notes, or if you do the interview in pairs, ensure one person asks questions and the other takes notes;
  - Avoid scribbling and writing notes that cannot be read later; and
  - Write sentences rather than disconnected words (enabling you to use direct quotes of what people say).
- 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. If needed, ask further clarifying questions in order to have complete notes;
  - Give the interviewee an opportunity to ask you questions or clarify anything that may be worrying him or her; and
  - Read and if need be, elaborate on 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 is 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.

> ***Reminder:*** 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 therefore essential that the interviewer ensures that their notes are full, accurate and clear. Interview notes must not include personal opinions or comments from the interviewer.

> ***Reminder:*** Also remember to take permission before taking photos or videos. You also need to inform the persons concerned of the reasons for taking the photos, how they may be used, and record their consent that the photos may be used for the purpose specified. You must ensure that photos of children can be used only

after clear, informed and specific permission of the children themselves and the adult responsible for them. Without that, and when in doubt, faces and details that may identify the child must be blurred or otherwise obscured in a dignified manner.

2.3.3 Approaches to collection of information

Choosing the right approach

There are many different approaches to monitoring and fact-finding depending on the goal and objectives of the project. Each approach below focuses on distinct state obligations, but a project will often use 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) (see Section 2.4 on indicators and benchmarks).

Box 33: Framework for monitoring and fact-finding on ESC rights

What?	Why?	How?
Situations where there are **clear violations**. *For example: mass forced evictions.*	• To stop the violation; • To see that perpetrators are brought to justice; and • To seek a remedy or compensation.	• Obtain documentary evidence like official plans, newspaper articles, official government statements, what the constitution and national law says about forced evictions; and • Interview those involved including officials, victims and witnesses.
The **implementation of a policy**. *For example, fulfilling a core obligation on the right to health (prevention of diseases) by ensuring that everyone who is eligible receives the Coronavirus Vaccine.*	• To see whether the policy is being implemented according to plan; and • To see whether the policy meets its targets (for example, vaccinating a certain number of priority people by a certain date, and then vaccinating the rest of eligible people by another follow-up date).	• Find out details of the policy; • Verify the indicators and benchmarks of the policy; • Interview those who are supposed to benefit from the policy (for example, elderly above the age of 80); • Interview/survey a sample of those who are supposed to be vaccinated at various dates (to see if this actually happened); and • Interview health workers.

Monitoring **progressive realization of rights**. *For example: access to free primary health care.*	• To ensure that state plans are concrete (clear and well designed, with clear targets and benchmarks (see Section 2.4 on targets and benchmarks)); • To ensure that the plans are part of a progressive larger strategy; and • To ensure that plans are adhered to (that targets/benchmarks are reached).	• Obtain information about the health plan and the long-term strategy, targets, indicators and benchmarks, timing and budget; and • Conduct random interviews/surveys of families about the costs of primary health care in 5 locations every 6 months for 3 years.
Monitoring **maximum use of available resources** in the implementation of a project. *For example: building a school.*	• To see that the money is not being wasted or wrongly spent and that the school is actually being built as planned and designed.	• Find out the details of the plan; • Interview those affected from the community as well as officials in local council who are responsible for ensuring the building of the school; • Monitor the way suppliers are chosen and workers are paid; • Regularly visit the site; • Take photographs; and • Keep a diary.
Monitoring the **delivery and quality of services**. *For example: health services.*	To ensure that services are: • Available, accessible, and affordable for those for whom they are intended; and • Of good quality.	• Obtain information about the plans, including indicators and benchmarks; • Interview those implementing the plan and those benefiting from it; • On-the-spot observation (for example of opening hours, staff presence and availability of medicines); and • Focus group discussions about quality of services.

Monitoring the state's **minimum core obligations**. *For example: the right to adequate food.*	• To ensure the state fulfils its obligation to ensure that individuals or groups who are at risk or marginalized or facing structural inequalities do not go hungry when harvests are poor.	• Check that the core obligation is part of the food and agricultural policy; • Find out how the policy is being implemented; and • Afterwards, check whether it has reached the individuals or groups who are at risk or marginalized or facing structural inequalities (by interviewing/surveys).

Participatory information collection

Ideally, you collect primary information together with the affected victims and other stakeholders, in a participatory way. Gathering information should not be a "one-off" task. It must take place throughout the entire human rights project or advocacy process.

Members of the affected communities need to know why information is being gathered and how it will be used. As such, the community should be involved and consulted at the various stages of the process. It is often the case that the community does not have access to the related information. It is therefore important that you provide the appropriate information to the community. However, there may be cases when information is confidential and cannot be shared with others (for example, you might get information from a source in confidence, or the information may relate to individuals who do not want their names to be revealed). The community has a right to understand that there are limits to their access to all available information.

A core group of community members could be involved in information gathering (known as the participatory approach to research). This increases the interest of the community in the work, and their ownership. It is very likely that the community will therefore not be passive recipients, but active participants in the advocacy plan, and will participate in implementing parts of it.

- *Participatory research is more than a research method: it is an essential step to involve the community in analysing their problems, identifying strategies and designing and implementing activities or projects towards realizing solutions.*
- *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.*

- *Through this, CSOs become agents of change 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.*

Principles of monitoring and fact-finding

Respect

Monitoring and fact-finding often invade people's privacy. It may arouse the suspicion of others. It is necessary to build trust through working with respected community leaders to ensure that they understand the work and methods used. It is important that the interviews do not cause re-traumatization for victims. Interviews should be carried out sensitively and professionally. Ways to do this include:

- Respect people's customs and sensitivities;
- In some cases, ensure that the interviews are carried out by persons especially trained in order to avoid re-traumatization;
- Be careful about visiting people in their homes: for example, it may not be appropriate for a man to visit a woman to complete a questionnaire, or it may not be appropriate to visit during certain hours of the day;
- Consider the circumstances under which the person is being interviewed: for example, the interviewee may be reluctant to answer sensitive questions while they are in their own community, may be reluctant to speak in the presence of his/her parents or husband/wife, or employees may not be free to speak in front of their employers;
- Ensure that interpreters, if used, are accurate and 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 put pressure on people to be interviewed and give information if they are reluctant.

Impartiality

Impartiality means equal treatment of people of different backgrounds, including ethnic, religious, age, sex or other status. It also means (when acting on behalf of an organization) not taking sides in any political or religious or other such debate. It is important to remember that equal treatment does not mean same treatment. For example, interviewing women, children, persons with certain disabilities may require specific conditions and preparation. Ways to ensure impartiality include:

- Ensuring that you are not seen to be driven by the political opposition to the government;
- Ensuring that the views and situations of individuals belonging to groups in the community at risk or marginalized or facing structural inequalities are recorded; and
- Ensuring that women and men are equally represented.

Human rights work sometimes means challenging the government's actions: the authorities may see this work as politically-motivated opposition. Using non-politically charged language and focusing on the analysis of human rights violations based on the research methods outlined in this Handbook will help to ensure impartiality.

> *In human rights work, people are more willing to trust an impartial organization and to respect what it says.*

Accuracy

Factual, unbiased, and consistent information can be ensured by:

- Working in pairs: two people can take turns to ask questions;
- Knowing the differences between facts, allegations, hearsay, and rumours. Asking follow-up questions often help you to determine whether the information is accurate or not;
- Comparing information taken from various sources.

> **Example:**
>
> **Fact:** "The factory is in X town". Follow-up question: "How do you know that the factory is there?" Further follow-up: "Have you visited the factory?"
>
> **Allegation:** "My colleague was beaten by the boss". Follow-up question: "How do you know that?" Further follow-up question: "Were you present when she was beaten?" Further follow-up: "How do you know she was beaten?"
>
> **Hearsay:** "Someone told me that the factory is to be closed". Follow-up question: "Who told you that?"
>
> **Rumour:** "Many people say that the owner has left the country". Follow-up question: "Where did you get this information from?"

Reminder: Allegations, hearsay, and rumours are not solid evidence that can be used in documenting a human rights situation including that relating to ESC rights. Follow-up questions related to allegations, hearsay or rumours may give you leads that may enable you to follow-up and collect real factual information and evidence.

Confidentiality

This refers to keeping sensitive details confidential. This is essential to ensure your credibility, secure the cooperation of the community, and above all, ensure that sources of information are not subjected to intimidation or reprisal. This can happen by:

- Informing persons who are being interviewed (victims and witnesses) that they have the option of having their names and details kept confidential and that 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 (see Section 2.7 on storing information).

> **Example** (with imaginary details for illustration purposes): You have interviewed Mohammed Ali, from Honesty Village, who works in Pharmaceutical Factory X. Mr. Ali lives in Revolution Street. Mr. Ali was made to work 10 consecutive hours without rest, and when he objected, he was threatened that he will be dismissed from work. He is not the only person that faced this problem. Mr. Ali is very scared that he will lose his job if he is identified as the source of information. In this case, it is important that you try to collect information from others who faced the same problem. Mr. Ali may help you identify other workers. When you report about the situation, you can state "information obtained from a number of workers in Pharmaceutical Factory X indicates that they were forced to work 10 hours without their consent, in violation of the conditions specified in their contracts." However, you should be careful with how you report this. If only Mr. Ali and two other workers faced this issue, reporting the situation will lead to easy identification of the sources of information. In this case, it is important that you have a clear and informed discussion with Mr. Ali and the others regarding what you can do and how you can use the information.

2.4 Indicators and benchmarks

Indicators and benchmarks are important tools to help you analyse the information and measure progress towards the realization of the rights.

- *Indicators and benchmarks must be based on various aspects of state obligations regarding the content of ESC rights (see Part I Chapter 3 on state obligations, and Part I Chapter 5 on content of selected ESC rights).*

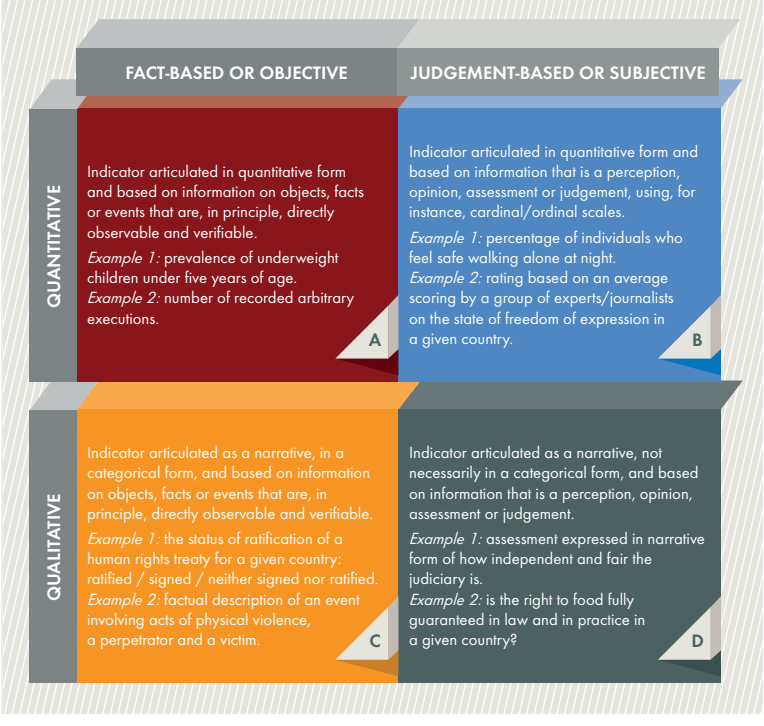
Indicators: A human rights indicator is defined by OHCHR as "specific information on the state or condition of an object, event, activity or outcome that can be related to human rights norms and standards; that addresses and reflects human rights principles and concerns; and that can be used to assess and monitor the promotion and implementation of human rights." To assist the monitoring process, indicators for the various rights should be identified and incorporated in national strategies or plans of action. The indicators should be designed to monitor the extent to which states meet their ESC rights obligations, at the national and international levels. Indicators should address the different elements of each right. In some cases, these indicators can be specified with the assistance of specialized UN agencies. For example, the World Health Organization (WHO) can help with identifying the national indicators related to health, while the International Labour Organization (ILO) can help with developing indicators related to work.

Benchmarks: Benchmarks are the targets to be achieved for these indicators, such as reaching 50% increase in people completing primary education in year 2, and 80% increase in year 3 of the implementation of the plan.

> **Example:** For the right to just and favourable conditions of work, indicators can include the incidence of occupational accidents; the ratio of women's wages to men's wages; the proportion of women and other underrepresented individuals in high-level positions; the proportion of workers offered continuing job training; the number of complaints of harassment received and resolved; the minimum standards for rest, leisure, hours of work and paid annual leave; and the uptake of measures to reconcile professional and family life by women and men.

- *It is advised to collect information that is disaggregated according to prohibited grounds of discrimination (see Part I Section 3.4 on discrimination).*
- *Having identified appropriate indicators, states need to set appropriate national benchmarks. Indicators and benchmarks will provide the targets to be achieved at different points in time of the strategy and plan.*

Figure 9: Categories of indicators used for human rights



Source: OHCHR "Human Rights Indicators: A Guide to Measurement and Implementation", page 18, available at ohchr.org/sites/default/files/Documents/Publications/Human_rights_indicators_en.pdf

A list of illustrative indicators for various civil, political, economic, social and cultural rights can be found in tables 1-14, at pages 100-112, in "Human Rights Indicators – A Guide to Measurement and Implementation, Summary", OHCHR, available at ohchr.org/EN/Issues/Indicators/Pages/documents.aspx

Example 10: Indicators on education

Monitoring the right to education – A guide for advocates

The Right to Education Initiative (RTE) has developed over 200 indicators, based on international human rights law, intended to be used as a tool to evaluate states' progress towards the full realization of the right to education, to identify violations of the right to education, and to enable civil society to hold governments to account for their obligations regarding education.

The indicators are included in a Monitoring Guide which can be used to add a human rights perspective to your education advocacy efforts.

The Guide is designed to help advocates strengthen their advocacy efforts by using human rights indicators. The use of human rights indicators can help advocates build a strong case, based on empirical evidence, that there has been a violation of the right to education. Specifically, human rights indicators can help users to:

- Obtain evidence about the scope and magnitude of various forms of deprivations and inequalities in the field of education.
- Reveal and challenge policy failures that contribute to the perpetuation of those deprivations and inequalities.
- Assess the implementation and enforcement of education laws and policies.
- Uncover hidden forms of discrimination providing standardized measures that can be compared across various population groups.

Source: Right to Education – Indicators, available at right-to-education.org/resource/measuring-education-human-right-list-indicators

2.5 Verifying the facts

During and after fact-finding, it is essential that you continuously verify that the information is accurate. This is important for various reasons. For example:

- 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. Secondary information may also not be fully accurate.

Therefore, it is essential to cross-check the information and verify it. This can be done in several ways including:

- **Interviewing multiple people:** Interviewing different people, especially those with first-hand information (victims and witnesses), which means those who have experienced or seen the event or situation directly, allows for comparing the information gathered from the different sources and identifying contradiction or gaps. Hearsay, that is information from someone who heard about the situation but did not experience it directly, is not accepted in human rights documentation as solid evidence.
- **Experts:** Interviewing experts on the subject enables you to get expert information from them. This helps you verify if the information from victims and witnesses is accurate. It also strengthens the analysis as experts on the subject may draw your attention to various elements related to the issue which you have not initially thought about.
- **Diverse sources:** Collecting the same kind of information from diverse sources (from secondary and primary sources, including from documentary sources such as media articles, government statements and eviction orders, through interviews and on-the-spot observation, and so on) and from different viewpoints is important to ensure accuracy. This may involve collecting the information from people who may perceive the situation differently because they have seen the incident from a different angle, because they are perpetrators, or because of their gender, ethnicity, and/or disability. You may also need to consider whether it is important to collect information from different geographical locations.

Triangulation is a concept often referred to in research. It refers to the need to always aim to crosscheck the information with at least two other independent sources in order to verify its accuracy.

- *It is important that you ensure that the different people giving you the information have not just heard the story from the same original source. This may lead to collection of false evidence.*
- *Always compare between the different results to ensure accuracy. Also, various sources and information may provide you with new aspects of the issue, new facts, identify new stakeholders, or give you new perspectives.*

2.6 Consolidating and analysing the information

2.6.1 Consolidating the information

Once information has been gathered, it is time to consolidate and analyse it. Consolidating the information means 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);
- Decide if there is need for any follow-up information to be collected or facts to be checked; and
- Keep the notes on file for future reference.

There may be several people involved in collecting information. In this case, analysing the information will take place when the consolidated summaries are presented in 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 ESC rights situation you are looking into;
- The number of people affected;
- The extent to which the people (as rights holders) are deprived of their rights;
- The authorities (duty bearers) involved and what they are doing about the situation;
- How is the government failing to meet its obligations under national law and international human rights treaties to which it is a state party;
- How is the non-state actor (if a non-state actor is involved) failing to meet its responsibilities under national law and international law and standards; and
- What should be done to realize the rights in question (see Figure 10: Steps in ESC rights analysis).

Reminder: If there are gaps in the information or some of it is not yet clear, it is important that you conduct further efforts to collect information and repeat the analysis process.

Reminder: Any information which was gathered under agreement of confidentiality should remain that way, so the names of certain people interviewed, and certain details about them may have to be omitted or changed in the summary and in the final report.

Example 11: Egypt: Gender analysis of the taxation system

The Egypt Social Justice Platform produced a position paper in which it analysed the impact of taxation on women. In this gender analysis, the paper argues that taxation systems that are gender-blind impact women negatively. For example, the study argues that considering that many more women than men work in the informal sector, in agriculture and in unpaid care, they end up paying no taxes. Because of that, these women do not enjoy benefits that are tied to paying taxes, like social care, pension, and so on. These women also more than often do not enjoy minimum protective work conditions, because

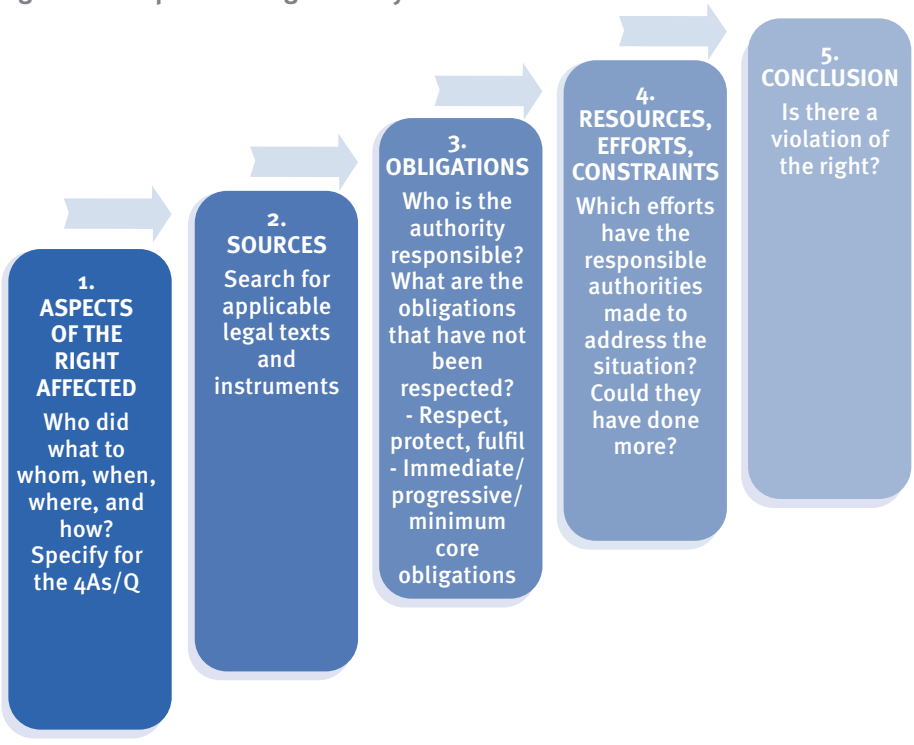
their work in agriculture, as domestic workers, or in other forms of work in the informal sector is not protected by the labour law. At the same time, the study shows that a larger percentage of women in the informal sector are sole bread winners. So, while they do not have benefits and protection, they spend their earnings in the economy and therefore pay indirect taxes, without benefits, like those taxes that are imposed on purchasing goods. Therefore, this analysis shows that a taxation and economic system that is blind to women's role in the labour market, and that treats women and men equally as far as benefits are concerned, is actually discriminatory against women.

Source: Egypt – Social Justice Platform, "Taxation and gender in Egypt", available at sjplatform.org/taxation-and-gender-in-egypt/?lang=en

2.6.2 Analysing the information

After researching and documenting an issue or a specific case in which ESC rights are supposed to have been violated, you still need to do a proper legal analysis of the case, using the information you have gathered. A simple, logical order for such an analysis is as follows:

Figure 10: Steps in ESC rights analysis



1. **Aspects of the right affected:** Start by describing the situation you found, in terms of "who did what to whom, when, where, and how?". Then describe which ESC rights are affected, and to what extent the 4As/Q and transversal aspects like non-discrimination and access to remedy were affected (preferably making use of the General Comments for the rights in question, in order to identify the aspects concerned).
2. **Sources:** Identify which legal sources (treaties, declarations, constitution, laws, and so on) are applicable to the situation. Also, identify exactly which articles are concerned in the case at hand.
3. **Obligations:** Identify exactly the authority responsible for the alleged ESC rights violations. Identify which obligation(s) has/have not been respected by that authority, making use of the legal sources indicated in step 2. Is it a question of respect, protect or fulfil? Is it an immediate, progressive and/or a minimum core obligation?
4. **Resources, efforts and constraints:** Identify what efforts have been made by the responsible authorities (at different state levels) to address the situation, in terms of resources allocated as well as actions taken. Have the authorities had any constraints? Could they have done more?
5. **Conclusions:** In case it is clear that an ESC right is affected, the state has not respected its obligations and, in the case of a progressive obligation, the state could have done more to address the situation, the conclusion can be drawn that it is a case of (an) ESC rights violation(s). Then the case can be safely reported as such, and state authorities can be called to account. Then there is a basis for drawing up an advocacy plan (so advancing to Phase 4 of the human rights work phases, see Introduction to Part 2).

- *Remember that a human rights assessment of a problem is based on violations of state obligations or responsibilities of non-state actors under international, regional and national laws (see Part I Chapter 3 on obligations of states, and Part I Chapter 8 on responsibilities of non-state actors).*
- *Solving the problem will depend on making the best use of existing resources to address the problem.*

Example 12: Initial analysis pollution of water in Lake Blue, located in Country X, because of waste dumping from factory PHARMA (hypothetical case with hypothetical names)

1. Identify the problem: **Aspects of the rights affected**	The water of Lake Blue is being polluted because of waste dumping from factory PHARMA. As a result, the fish in the lake are dying. The water from the lake is used as drinking water in the surrounding area. Fisher people are not able to fish and support themselves and their families. In this initial step, you identify which rights are potentially violated or abused, and what aspects of the 4As are affected: availability, accessibility, acceptability and/or adequacy (also, quality) (see Part I Section 3.1 on the 4As). Pollution of water affects the following rights: • right to food and water as elements of adequate standard of living (see Part I Section 5.3 on adequate standard of living), mainly the aspect of adequacy (no proper water to drink and food to eat) • right to livelihood in relation to right to work (see Part I Section 5.1 on right to work), in terms of availability (no more fish to sell) • right to health (see Part I Section 5.4 on right to health), for example affecting the quality of the people's standard of health • responsibilities of non-state actors – responsibility to respect and remedy (for example compensation) by the owner of the factory (see Part I Chapter 8 on responsibilities of non-state actors)
2. Legal sources	Country X where Lake Blue is located has ratified the ICESCR, the CRC, and CEDAW. It also has a National Water Strategy, and a Strategy on Combating Poverty. Several ESC rights are guaranteed in the Constitution and in national laws. Specific articles need to be mentioned.
3. Obligations/ Responsibilities	• Country X is under the obligation to protect people from abuses by companies. This includes the obligation to put a legal framework in place to regulate the conduct of companies. It must also investigate complaints and put mechanisms in place to remedy the situation. (See Part I Section 8.3.1 on obligation to protect.)

	• PHARMA is under the responsibility to conduct its work in a way that respects international and national laws in relation to human rights. This includes not causing harm, and ensuring remedy. (See Part I Chapter 8 on responsibilities of non-state actors.)
4. Efforts and actions	• The local authorities have investigated the situation and have sent a report of the investigation to the central government stating that an abuse by the factory has taken place. However, the central national government has not acted on this. • The Parliament has scheduled a discussion of the report after one month, and will invite people from the community and civil society organizations to present testimonies. • Trade unions, human rights organizations and environmental organizations in Country X have previously raised their concern that there is no legal framework in the country to regulate the conduct of factories in relation to environmental protection.
5. Conclusions	After carrying out an assessment of the case and collecting the information, the following human rights obligations/responsibilities are found to be violated/abused: • The factory abused its responsibilities because of dumping polluting material in the lake, and not making remedy available for the affected community. • The state is in violation of its obligation to protect for not regulating the conduct of the factory, monitoring it, punishing it, and making remedy available to the people for the abuse. In conclusion, the case relates to ESC rights and advocacy plans on this case by your organization will be important to contribute to ending the problem.

2.7 Keeping records and communicating findings

You will find that there are two types of information that have been acquired during the preparation for an action: confidential information and public information.

Confidential information: includes names and details of interviewees; interview notes; completed questionnaires; notes of focus group meetings; lists of people with whom the organization is in contact and their contact details including those who have completed questionnaires or who participated in focus group meetings; correspondence (except for public letters); and photographs of people. This information forms the basis of strategies and actions. Such information is confidential when the details of the information relate to individuals, and releasing this information publicly might risk their safety and security.

Reminder: Confidential notes may be used in court (see Section 4.5.2 on litigation).

It is important that rules, procedures and regulations on confidentiality of information are developed within your organization, and that those who work within the organization know about these. It is also important that when you are collecting information from the community, you inform those you are collecting information from that you will keep their details and the information confidential.

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

- Keep a list of the information held in a confidential place. This is not only the information itself, but a list of all the information available, for example lists of all those interviewed, all those who participated in the focus groups, and all those who completed the questionnaires. Such lists will help you assess if any information is missing, lost, or stolen in one way or another. It is important to remember that your physical and electronic information can be accessed. You should keep the list of the information in a place and format different from the information itself.
- Try to keep information as much as possible in an electronic form and archive, including by scanning documents that form important evidence.
- Back up all electronic files regularly and in a safe way and place.
- Consider making copies of essential records and holding them in a different place in case of theft or damage.
- Make sure that you communicate with your contacts through confidential platforms, and do not use their details in the communication if these details will put them at risk.
- Only those who are directly involved in working with confidential information should have access to it.

When using information about individuals:

- It is important to ensure that you have free, prior, and informed consent (see Section 2.3.2 on consent);
- Where identities must remain confidential, consider using a false name (stating in any public report that this is not the person's real name). Another alternative is to use phrases like "a woman" or "some teachers"; and
- Note that in small communities, even using these forms may not conceal identities. In that case, try to make your description as vague as possible.

  Reminder: Information that is classified and stored systematically is much easier to retrieve and to analyse than information which is not classified properly. Electronic forms of data recording are the best way to keep information. Some organizations develop databases in order to ensure that their information is stored systematically.

Protection of information and data

Nowadays, there are a number of organizations that provide useful tools on protection of various types of information, and protection of human rights defenders.

For example, see Front Line Defenders, an NGO that provides information on risk analysis and protection planning (see frontlinedefenders.org/en/programme/risk-analysis-protection-training) and digital protection (see frontlinedefenders.org/en/programme/digital-protection).

Public information: this includes published information from your organization and other organizations, media reports, press statements, open letters, campaigning materials, official material and reports, laws, court decisions, and so on (see Section 2.3.2 under primary sources of information).

This information must be kept even when it is out of date. It is useful as a record of work and for evaluation purposes.

After data collection, it is common to write a report with all or the most essential information you found, which will then be the basis for advocacy. This can be an internal report, a report destined for a specific audience (such as decision-makers only) or a public report.

Communicating the results of your fact-finding is important for ensuring success. All means of communicating results (such as reports or press statements) generally have a similar purpose: to inform people about a problem and to persuade them to take certain actions to improve the situation. Communication is a vital part of advocacy (see also the next chapters).

Box 34: Forms of communicating information

Format	Purpose and intended audience	Style and other requirements
Public report	• To present what you found during your fact-finding, to explain the nature and extent of the problem and why duty bearers should act in the recommended way; • To enable policy makers, duty bearers or others with influence to understand and act upon the problem; • Aimed at stakeholders at the local, provincial, national or international levels who can use them in some way; • May be sent to funding agencies with a request for funding a project.	• The information in the report must be presented in a clear and concise way. • Add maps, tables or photographs to support your findings as appropriate. • Avoid technical terms, and if you cannot do so, then explain them.
Public statement	• To call attention to a clear human rights violation; • May be sent to members of local council or other officials, NGOs, or stakeholders at the provincial, national or international levels.	• Concise and to the point.
Press release	• To reach the widest possible audience; • To be published in the printed press, radio and/or electronic and social media; • May be the basis of interviews with journalists.	• Concise and to the point. • Must be newsworthy.
Letter to officials or other stakeholders	• Making an official aware of a problem and making recommendations about what should be done; • Asking "searching" questions about a policy (even if they do not answer, you can publicize the fact that you requested information but had no reply);	• Concise and to the point. • Letters should always be polite. • Copies of the same letter sent to various stakeholders should always be addressed to the most important person.

	• Informing some stakeholders of your organization's work or actions; • Making a complaint; • Requesting meetings or inviting a stakeholder (or stakeholders) to visit an activity or project; • 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; • Writing letters. If no action is taken, write to a higher national or authority or a regional or international body.	
Memorandum to duty bearers	• Providing detailed information that would enable the duty bearer to take action, for example, to change a policy. A memorandum is normally more detailed than a letter. It is not used for making a complaint or raising concerns that need immediate action. A memorandum is used when you want to provide detailed recommendations, for example for policy or legislative changes.	• Arrange the information in the most logical way and to make a clear argument. • 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. • A memorandum should be sent with a cover letter explaining its purpose. • Any response should be included the public version of the memorandum.

A checklist before writing a document

Before starting to write any of the above documents about a human rights situation, make a checklist answering the following questions:

- What should the document achieve?
- Who needs to read it – in other words, who can help make a difference?
- What are the main points about the ESC rights issue that need to be highlighted?
- What action or actions should the responsible authorities take?
- How will principles such as accuracy and confidentiality be considered and ensured?

A common report structure

This common structure may be helpful when you write your documents:

- **Executive summary:** summarize the whole report, especially your findings and recommendations. Such an executive summary is especially important if you target decision-makers, as they may not read the whole report.
- **Introduction:** present briefly what the problem is.
- **Methodology:** explain how you collected the information.
- **Explaining the ESC rights 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 or inactions by the authorities or others caused the problem to happen or allowed it to worsen.
  - How this contradicts their human rights obligations or responsibilities under national laws, policies or international standards (include quotations from these documents).

- **Remedial action needed:** this section should set out what needs to be done to end the violations or abuse and restore people's rights (usually listed through a number of "recommendations").
- **Annexes:** in reports, you can annex maps, documents, longer testimonies if you only used quotes inside the report, and such other short documents that support your arguments. You can also include these with letters.
- **Footnotes or endnotes:** make sure to use footnotes or endnotes in reports to refer to secondary material you are using. It is a good practice that you develop a style for referring to sources of information systematically, and which makes the identification of information easy.

Once you have written a draft of the report, use your checklist (see "A checklist before writing a document") to determine if all the essential points have been covered. Before publishing the information (if it is public information), or sending it to the authorities, it is a good practice to 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 biases.

Chapter 3

Planning for advocacy

In this chapter, we will provide tools for all the steps involved in developing your advocacy strategy and making action plans. The steps are as follows:

1. **Identifying/delineating the issue (through problem and solution tree mapping)**
2. **Setting goals and objectives**
3. **Analysing the external environment (PESTEL)**
4. **Analysing your internal organizational capacity (SWOT and BEEM)**
5. **Analysing stakeholders (Actors/Power/Interests)**
6. **Identifying your audience and pathways to reach them**
7. **Developing a key message**
8. **Selecting advocacy tactics and channels of delivery (for example lobbying, litigation, public campaigning)**
9. **Action planning**
10. **Monitoring, evaluation and developing an exit strategy**

Steps 1 to 9 will be explained in the current chapter.

The next chapter, Chapter 4, will detail the various advocacy tactics that can be used.

Finally, Chapter 5 will address monitoring, evaluation and other cross-cutting activities during planning and implementation of your advocacy work.

3.1 The planning phases

After you have concluded the first three phases of human rights work, and you have concluded that the issue relates to ESC rights violations and/or abuses (see Figure 7: The 5 phases in ESC rights work), it is time to start planning how you will be working towards claiming and defending ESC rights. However, during the planning phase 4 in Figure 7, you will need to sometimes go back to previous phases to collect more information and do more analysis. This iterative process is represented in Figure 11 below.

The figure below elaborates on the detailed components of steps included between Phase 1: Identifying the problem, and Phase 5: Claiming and defending ESC rights, which were presented in the Introduction of Part II.

Figure 11: The iterative process of advocacy planning

It is important to note that these planning phases in the middle are not linear and that there are some back and forth processes. For instance, preliminary research and analysis are done to generate a preliminary plan. Then more research and analysis will be needed to identify how the authorities deal with the issue or to understand the impact of the issue on various groups, or to gather more evidence, and so on (see Box 32 on monitoring and fact-finding).

- *Research (monitoring and fact-finding) does not happen in one phase by itself. It might be needed at different phases in order to develop the final plan.*
- *To claim and defend human rights, it is important to start working with victims of ESC rights violations (individuals, groups or communities) in order to identify the issue or issues that need to be defended.*

10 Steps of advocacy planning

In the process of making your advocacy plan, you can follow a number of steps, for which we present tools in this chapter:

1. Identifying/delineating the issue (through problem and solution tree mapping): Though you probably identified an ESC rights issue before you started researching and documenting, and have concluded that violations or abuses happened, an advocacy strategy and action plan requires that you identify the issue in further detail. Usually, your research leads you to a range of ESC rights issues and violations/abuses, but for advocacy to be successful, it is important

that you select the most pertinent issue(s) that you are most likely to be able to influence effectively. You also have to map the core of the problem, and causes and consequences, in order to search for possible solutions.

2. Setting goals and objectives: The solution tree mapping will lead you to identify concrete goals and objectives for your advocacy strategy.
3. Analysing the external environment (PESTEL analysis): After setting the goals and objectives, you will have to study the external environment, to find out what issues may influence the problem you have chosen. This will lead you to think of factors and actors to integrate in your advocacy strategy.
4. Analysing your internal organizational capacity (SWOT and BEEM analysis): You will have to carefully analyse the capacity of your organization or group of people who can carry out the advocacy plan, in order to assess what is the best strategy to follow.
5. Analysing stakeholders (Actors/Power/Interests): This is a very important step. You need to map all the stakeholders that have an interest in and/or power over the issue you have chosen. This will lead you to select actors to integrate in your advocacy strategy, as well as defining how to address them.
6. Identifying your audience and ways to reach them (Influence mapping, pathway analysis): After stakeholder analysis, you need to select the ultimate decision-makers to influence, and which actors who may have influence over the final advocacy target actors (the decision-makers) you will need to approach.
7. Developing a key messages: After you have identified your ultimate decision-maker(s) to influence, you need to develop clear main message(s) that you will convey to them to convince them to change.
8. Selecting advocacy tactics and channels of delivery: Based on the audience selection and the above analyses, you then need to choose your tactics out of a range of different options, such as lobbying, litigation, public campaigning and mobilization, and engaging with international mechanisms.
9. Strategizing and planning the actions: Now that you have decided which tactics you will use, you will need to start developing your plan of action, where you will detail the concrete actions that you will undertake under each tactic. The plan of action will identify elements like what, when, who, where, and how?
10. Monitoring, evaluation and sustainability: During implementation, it is important that you monitor to what extent you achieve your goals and objectives, as well as evaluate the impact. For sustainability reasons, you should develop an exit strategy, on the basis of your continued monitoring and evaluation.

Box 35: 10 Steps of advocacy planning

Step 1	**Identifying the ESC rights issue** Tools: Problem tree and solution tree mapping
Step 2	**Setting goals and objectives** Tool: Using solution tree
Step 3	**Analysing the external environment** Tool: PESTEL analysis
Step 4	**Analysing your own internal capacity** Tools: SWOT and BEEM analysis
Step 5	**Analysing stakeholders** Tool: Actors/Power/Interests
Step 6	**Identifying the audience and ways to reach them** Tools: Force field analysis, pathway mapping
Step 7	**Messages and communication** Tools: Developing key messages and communicating results
Step 8	**Selecting advocacy tactics and channels of delivery** Tools: Campaigning and mobilizing, lobbying, litigation, engaging with international mechanisms
Step 9	**Action planning** Tools: Plan of action, advocacy ethics, risk assessment, and effective communication
Step 10	**Monitoring and evaluation** Tools: Monitoring, evaluation and exit strategy

3.2 Identifying and delineating the ESC rights issue

In this section, tools for analysing the issue are presented through using:

- **problem tree mapping**
- **solution tree mapping**

You are at Step 1 of the 10 Steps of advocacy planning

Step 1	**Identifying the ESC rights issue** Tools: Problem tree and solution tree mapping
Step 2	**Setting goals and objectives** Tool: Using solution tree
Step 3	**Analysing the external environment** Tool: PESTEL analysis
Step 4	**Analysing your own internal capacity** Tools: SWOT and BEEM analysis
Step 5	**Analysing stakeholders** Tool: Actors/Power/Interests
Step 6	**Identifying the audience and ways to reach them** Tools: Force field analysis, pathway mapping
Step 7	**Messages and communication** Tools: Developing key messages and communicating results
Step 8	**Selecting advocacy tactics and channels of delivery** Tools: Campaigning and mobilizing, lobbying, litigation, engaging with international mechanisms
Step 9	**Action planning** Tools: Plan of action, advocacy ethics, risk assessment, and effective communication
Step 10	**Monitoring and evaluation** Tools: Monitoring, evaluation and exit strategy

Problem and solution tree mapping

After an initial assessment of the problem(s) you want to advocate on, it is time to conduct a mapping that shows the problem's causes and effects. This will rely on monitoring the situation, collecting information, and documenting it (see Section 2.2 on monitoring and documenting). The broad analysis carried out at this stage will allow for identifying the causes of the problem, which then must lead to analysing the best solutions for this problem, and towards defining the advocacy goal and objectives.

- *Depending on the role that the organization decides to take, the problem and solution tree mapping can be carried out with other organizations partnering in this advocacy work and/or with the community.*
- *The mapping of the problem and the solutions will rely on information gathered through initial human rights monitoring and documentation. It will be essential that this human rights information gathering continues after the problem and solution tree mapping, in order to advance towards analysing the internal and external context and developing a plan.*

Problem tree mapping

This is a tool which helps to map out the causes and effects of a problem or challenge. Causes and effects are laid out visually as a tree, showing linkages between different factors. Causes form the roots of the tree, the core problem is the trunk, and the consequences or effects are presented as the branches of the tree. A problem tree mapping helps to show the complexity of a given problem. It often shows that there is more than one cause to a problem, and that some are deeply rooted. Each of the effects (branches in the tree) can also be analysed separately in their own problem tree, because they may constitute part of the causes of another related problem.

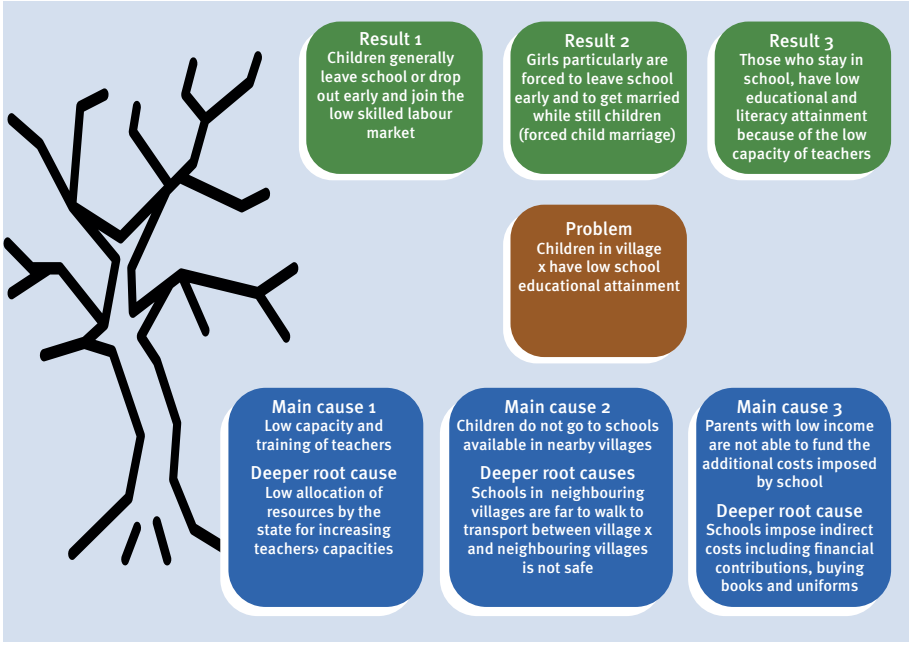
It is important to realize that quite often one will find that the causes and effects of a problem are interlinked, or that there are gaps that require further research, especially when designing a solution tree (see Figure 13 on solution tree mapping).

- *Ideally you should phrase the core problem from the viewpoint of the affected rights holders at the centre of it. For example, "women do not have access to information on sexual and reproductive rights" rather than "the government does not provide information on sexual and reproductive rights."*

Reminder: Problem tree mapping on its own may not reveal the human rights issues and corresponding government obligations. Therefore, questions around "What are the human rights issues?" and "What are the government's obligations?" must be asked at the same time when carrying out a problem tree mapping in order to assess human rights compliance (see the Introduction to Part II on human rights phases, and Figure 10 on ESC rights analysis steps).

Figure 12: Problem tree mapping

The branches depict the results or effects
The trunk depicts the problem
The roots depict the causes



- *It is very useful to utilize state obligations and the 4As (availability, accessibility, acceptability, and adequacy) as a framework for analysing the root causes of the problem (see Part I Chapter 3 on state obligations).*

Solution tree mapping

As its name suggests, a solution tree presents the solutions to tackle the problems identified in the problem tree.

A solution tree is simply a reversal of the problem tree. In a solution tree:

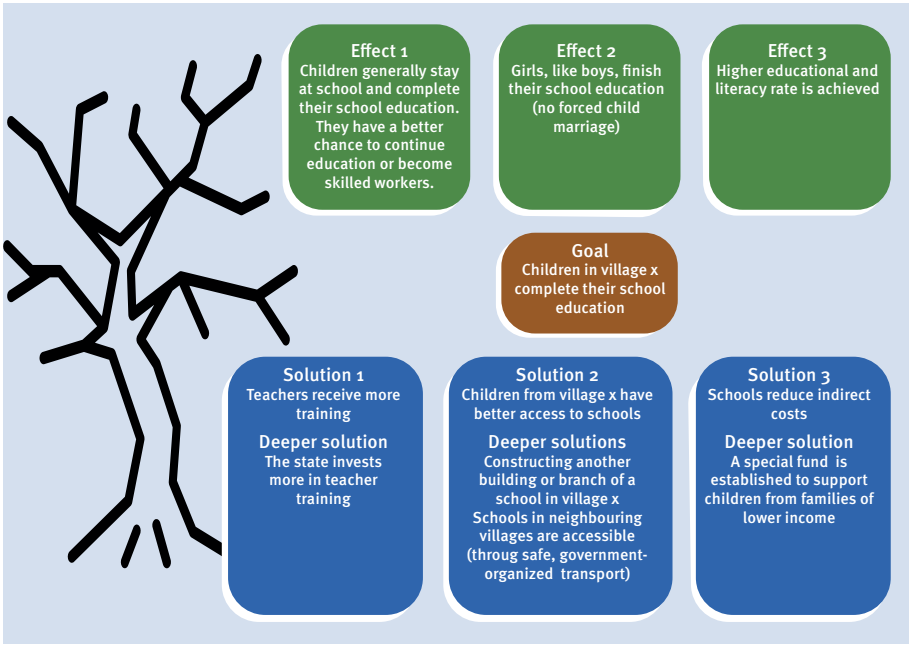
- the trunk becomes your aim or goal;
- the roots become solutions; and
- the branches become benefits.

At this stage, you do not yet need to interpret how the solutions might be achieved – it is simply a means to brainstorm (collectively) about what solutions might exist for the problems you had identified with the problem tree.

For some problems, the solution may be clear, for example stopping the violation. However, in other situations, 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 gradually, starting as soon as possible; and b) to look for long-lasting solutions (for example, build infrastructure like a school, expand the school, dig a road, or establish institutions or programs to institutionalize training for teachers).

Figure 13: Solution tree mapping

Note: This is based on the problem tree mapping above.



Initial decision on whether to work on the problem

After identifying and analysing the problem, it is important now for you to consider if your organization should be carrying out the envisaged advocacy. This initial assessment relates to whether you are, as an organization, well placed and have the capacity to work on the problem, and whether your work on it will have the desired impact. Table 7 indicates some elements to consider when deciding whether to work on the problem.

Reminder: It is possible that due to limited financial or human capacities, or limited expertise in certain areas, your organization decides to focus on only some aspects of the ESC rights problem and the solutions that are needed. This is fine! The organization can cooperate with others who may focus on other aspects of the problem and solution.

Table 7: Criteria for deciding on whether you should work on a problem

This example is based on the case of dumping chemicals by PHARMA in Lake Blue in Country X (see Example 12 for the background on this hypothetical case).

Criteria	Examples of issues to explore (some of these questions are part of the ESC rights analysis steps (see Figure 10 on ESC rights analysis steps))
Severity of the problem	• Is the problem urgent or might it lead to further violations of human rights? For example, has the dumping of chemicals suddenly increased? Did the concentration of the chemicals in the water reach a level that it is now polluting the fields and killing animals in the surrounding areas? • Has the problem been neglected and no or few other CSOs are working on it?
Increase access to other rights	• Does solving the problem lead to increasing access to other rights? For example, improving the quality of the water will lead to increase in farming in the area and therefore enhance right to food and water, as elements of the right to standard of living (see Part I Section 5.3 on right to standard of living). It will also stop illnesses resulting from pollution and therefore enhance the right to health (see Part I Section 5.4 on right to health). As many children from the area miss out on days of education because of illness, solving this problem will advance the right to education.
Capacity of the organization	• Does your organization have the financial and human resources to work on the issue? • Does your organization have the needed expertise? • Does your organization have the needed linkages with others? • Does your organization have time to work on the issue within the timeframe specified to reach the targets?
Collaboration with others	• Do you have the necessary capacity, skills and experience or can you get them by collaborating with others? • Is it a problem that other CSOs are working on but much more work is needed? Can collaboration with others realize a greater impact?

Involvement of duty bearers	• Who are the duty bearers in this case? It is important to note that there might be multiple duty bearers at national and local levels. For example, in this situation, there is a responsibility on the factory not to breach national law and international human rights standards. There are also multiple aspects of the obligation to protect by the state, including the obligation to regulate conduct of factories, to investigate complaints, to conduct regular checks, to hold those responsible to account, and to ensure an effective remedy for those affected. • What did the various duty bearers do to address the situation? Which authorities have acted? What did they do exactly? Was this enough? What is needed? Who is the authority who is responsible for that? • How will your advocacy (possibly with others) lead duty bearers to act on the issue? Who will you involve among the duty bearers, and how will you engage them on this?

In assessing if you are able or should be involved in advocacy around an issue, it is important to assess your internal capacity through conducting a SWOT analysis (see Section 3.5 on SWOT analysis).

Activism on one area of rights may lead to activism on others. Advocacy on ESC rights often creates a ripple effect. For example:

> **Example:** Your CSO started advocacy with trade unions on the need for changing the law in order to guarantee fair wages and the right to strike. As part of the advocacy efforts, the workers went on strike. After police beat some of the strikers, your CSO and the trade unions jointly campaigned against arbitrary arrest and ill-treatment. As a result, trade unions started to engage in civil and political rights, which is not their usual area of interest and work.

> **Example:** Your CSO is working on the right to education. It carried out advocacy on the need to reduce cost of education and ensuring availability and accessibility of education to everyone in the country. This resulted in partnerships with organizations of migrant workers, to ensure that their children have access to education in line with international human rights law. Engaging with CSOs representing migrant communities resulted in joint advocacy on just work conditions for migrant workers.

> **Example:** Another element of the work on education in the above example focussed on partnering with CSOs based in urban areas in order to ensure the availability of schools in urban areas. This has increased the understanding of your CSO of some of the other problems that the urban community is facing, and resulted in advocacy for opening health clinics in the community.

3.3 Setting a goal and objectives

You are at Step 2 of the 10 Steps of advocacy planning

Step 1	**Identifying the ESC rights issue** Tools: Problem tree and solution tree mapping
Step 2	**Setting goals and objectives** Tool: Using solution tree
Step 3	**Analysing the external environment** Tool: PESTEL analysis
Step 4	**Analysing your own internal capacity** Tools: SWOT and BEEM analysis
Step 5	**Analysing stakeholders** Tool: Actors/Power/Interests
Step 6	**Identifying the audience and ways to reach them** Tools: Force field analysis, pathway mapping
Step 7	**Messages and communication** Tools: Developing key messages and communicating results
Step 8	**Selecting advocacy tactics and channels of delivery** Tools: Campaigning and mobilizing, lobbying, litigation, engaging with international mechanisms
Step 9	**Action planning** Tools: Plan of action, advocacy ethics, risk assessment, and effective communication
Step 10	**Monitoring and evaluation** Tools: Monitoring, evaluation and exit strategy

Now that you have analysed the problem, the analysis will enable you to set your goal and objectives.

- *You will use your solution tree mapping to set the specific goal(s) and objectives of your advocacy.*

Goal: A goal is the ideal state of affairs that would result from decisions taken. The goal must:

- Fit logically to the mission of your organization (sphere of interest).
- Have an impact on the living circumstances of the interest group.
- Aim at a longer-term horizon.
- Be ambitious but achievable in the long term.
- Be about making choices.
- Have the ownership by and support of partners and/or constituency.
  - Constituents are the people whose rights you want to realize. They are the people or organizations you want to involve in defining the goal and objectives of your actions.

A goal can be either an end result that the interest group aims to achieve, or can be about setting a process:

- Concrete: for example, "Everyone in the community has access to safe drinking water"; or
- A process to advance towards a right: for example, "Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels." (Goal 16 of the SDGs, see Part I Chapter 9 on the SDGs.)

  Reminder: Often your work is not the only reason that the goal is achieved. Long term goals are often achieved through the accumulated long term work of your efforts and the efforts of others.

Objectives result from the longer-term goal. They are specific and progressive steps towards achieving the goal. They must be:

- Targeted at decision-making/behavioural change.
- Short to medium term.
- Context-dependent.
- Within your sphere of influence (feasible to achieve by the organization).

Objectives must be **SMART**: **S**pecific, **M**easurable, **A**chievable, **R**ealistic, and **T**ime-bound.

Objectives can be formulated at early stages after defining the goal, and can also be formulated after the stakeholder analysis (see Section 3.6 on stakeholder analysis). It is important that the advocacy goal is specific in order for the objectives to be achievable, in terms of both what it aims to achieve and the process or the way it will achieve it.

3.4 Analysing the external environment

You are at Step 3 of the 10 Steps of advocacy planning

Step 1	**Identifying the ESC rights issue** Tools: Problem tree and solution tree mapping
Step 2	**Setting goals and objectives** Tool: Using solution tree
Step 3	**Analysing the external environment** Tool: PESTEL analysis
Step 4	**Analysing your own internal capacity** Tools: SWOT and BEEM analysis
Step 5	**Analysing stakeholders** Tool: Actors/Power/Interests
Step 6	**Identifying the audience and ways to reach them** Tools: Force field analysis, pathway mapping
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Mapping the external environment will help you understand the environment you will be working in, so that you can avoid impediments and maximize enabling factors. Analysing important trends in the environment, known as the PESTEL analysis, is the main tool used for that.

PESTEL analysis

PESTEL analysis stands for **P**olitical, **E**conomic, **S**ocial, **T**echnological, **E**nvironmental, and **L**egal analysis. A PESTEL analysis identifies important trends in the operating environment relating to the ESC rights issue and possible planned advocacy work. It is used for understanding the 'big picture' and the context in which your advocacy will be implemented.

PESTEL analysis allows you to recognize key trends that influence advocacy plans. While these factors are beyond your direct control, identifying them is crucial, because they can help you identify which targets to influence, as well as how and when.

When listing the various elements in the PESTEL analysis, a discussion needs to take place on:

- The impact (high, medium, low);
- What can be done about this?

Table 8: Examples of questions to consider in a PESTEL analysis

Political	Economic
• What are the government strategies, policies or plans related directly to the issue? Are these likely to change? Are there other strategies, policies or plans that have influence on the issue? • What is the possible government position towards the issue? • Are there specific government programmes at the national or local levels that are directly related to the issue? • Are there changes in government at the national and local levels? How is that likely to change the government efforts or positions on the issue? • Are there political parties that are likely to support or oppose the work?	• Does the government allocate budgets to this issue? • Are there donors interested in this issue? • What is the economic situation within the community where activities on the issue are planned? Will this influence the plans? • Will work on the issue improve or worsen the economic situation of the community?
Social	**Technological**
• What is the possible perception of the community towards the problem and possible action on the issue? • Are there specific social groups within the community that are supportive or opposing the work? Is there any significance to	• Which technological infrastructure and advances are available within the community? • What is the level of access of members of the community to technological infrastructure, social media, and so on?

their diversity in terms gender, ethnicity, age, geographical location, and so on?
- Are people afraid to support the activities or to be seen to be supportive? Why is that and are there ways to redress that?
- Do particular activities suffer from a poor public perception, for example: are minority rights seen as a threat to national identity; is violence against women linked to cultural norms; are refugee issues seen as encroaching on the country's limited resources; are LGBTI rights accepted culturally?
- Will this poor public perception lead to resentment or even opposition to advocacy work on these issues?
- Are there other cultural norms or values that may affect the work?

- What social media platforms are most popular among the different age groups, geographical locations, gender, and so on?
- Does the work on the issue require use of certain technologies? What is the availability of these?
- Does advocacy on the issue relate to ensuring access of the community to certain technologies? What is the importance of this to the community?

Environmental

- Are there environmental issues that have particular connection with the problem, by being causes of the problem? For example, drought, environmental hazards, polluted water resources, hazardous waste dumps.
- How is enjoyment of human rights affected by these changes in the environment?
- Does the country have an environment conservation action plan?

Legal

- Are there laws that relate to the rights involved?
- If the issue relates to responsibilities of non-state actors (for example companies), are there laws that regulate their conduct and responsibilities?
- Did the country ratify international treaties related to the issue?
- What is the status of international treaties in national law, can they be invoked before courts?
- Are there draft laws relating to the issue being discussed? Are they good? What is the possibility of influencing them? If yes, how can they be influenced?
- Are there relevant past court rulings that can be used as precedents?

3.5 Mapping your own internal capacities

You are at Step 4 of the 10 Steps of advocacy planning

Step 1	**Identifying the ESC rights issue** Tools: Problem tree and solution tree mapping
Step 2	**Setting goals and objectives** Tool: Using solution tree
Step 3	**Analysing the external environment** Tool: PESTEL analysis
Step 4	**Analysing your own internal capacity** Tools: SWOT and BEEM analysis
Step 5	**Analysing stakeholders** Tool: Actors/Power/Interests
Step 6	**Identifying the audience and ways to reach them** Tools: Force field analysis, pathway mapping
Step 7	**Messages and communication** Tools: Developing key messages and communicating results
Step 8	**Selecting advocacy tactics and channels of delivery** Tools: Campaigning and mobilizing, lobbying, litigation, engaging with international mechanisms
Step 9	**Action planning** Tools: Plan of action, advocacy ethics, risk assessment, and effective communication
Step 10	**Monitoring and evaluation** Tools: Monitoring, evaluation and exit strategy

SWOT and BEEM analysis

A common tool used to analyse an organization's capacity to address a problem is known as the **SWOT** analysis. Once a SWOT analysis is carried out, a BEEM analysis is carried out to identify how to use the information from the SWOT to create solutions. Both analyses need to be done in groups (from within and/or outside the organization), to incorporate a variety of perspectives.

SWOT analysis

SWOT analysis is a tool that is used by organizations or groups to help them identify their internal capacities and external factors that will affect their planning and implementation in order to work on resolving the problem.

The word **SWOT** (in English) is taken from the first letters of the words **S**trengths, **W**eaknesses, **O**pportunities and **T**hreats.

- **Strengths** and **Weaknesses** identify factors that are **internal** to the organization or project;
- **Opportunities** and **Threats** relate to factors that are **external** to the organization or project.

Internal Factors

Strengths are the internal strengths of the organization. What are the specific, positive internal advantages you have? For example: the experience and expertise of the organization (the organization has highly trained staff on monitoring, which is important for the project); number of staff (the project requires presence in a number of locations at the same time); computing system (the project requires use of a special computer program for analysing images or maps); facilities (the organization has meeting rooms, or a field office); good relationships with key stakeholders; and so on.

Weaknesses are the internal weaknesses in the organization. For example, is office space inadequate to carry out the work? Do staff lack specific skills to do the work (do the staff lack prior experience in planning or campaigning or engagement with international human rights mechanisms, or do the staff lack experience in documenting human rights violations)? Are there low or lack of financial resources (the organization does not have the funds for the project); or is there an inadequate number of staff?

External factors

Opportunities are there external opportunities which the organization can benefit from? For example, are there stakeholders who could be allies (see Section 3.6 on stakeholder analysis), or is there a draft law before the parliament that relates to the issue? Are there government policies in place which promote human rights or are supportive of the issue (for example, is there a related health strategy if the project relates to the right to health)? Are donors interested and supportive of the issue?

Threats relate to the external factors that may be damaging to the organization or the work on the issue. For example: stakeholders who are opponents to your work are very powerful; discriminatory cultural practices and traditions relating to the issue; or restrictive laws and government policies on the issue.

Figure 14: SWOT analysis

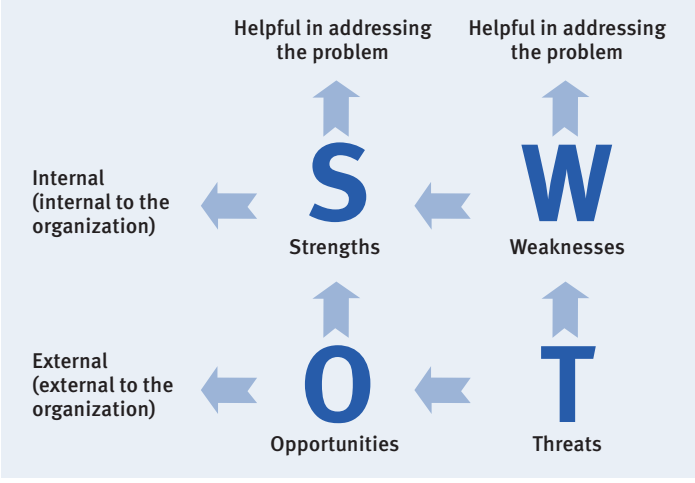

Table 9: Example of a SWOT analysis (imaginary/fictitious case)

An organization called "Rights" (hypothetical name) became aware of the dumping of chemicals by the factory PHARMA in and around Lake Blue (hypothetical name) in Country X (hypothetical name). This is resulting in environmental hazards, pollution to the water resources that several villages and agricultural land in the area depend on, death to the fish in the lake, and pollution to fields and plants that farmers and shepherds use. The organization "Rights" was approached by several farmers and fisherfolk to help them redress the issue. So, after carrying out an initial assessment of the problem to determine if this is a human rights problem (see further in Example 12), the organization carries out a SWOT analysis to examine its capacity to work on the issue.

Strengths	Weaknesses
• The organization has a fieldworker in the area who is able to document the situation. • In its strategic plan, the organization has identified environmental rights as one of the areas that it wants to work on and has started to build its knowledge on this through training several staff members.	• The organization does not have prior contacts and strong relations with the affected community. • The organization does not have specific expertise in water pollution. • The organization still does not have funding for its work on environmental rights.

• The organization has already worked on other projects on environmental rights in other areas. • The organization has extensive expertise working on various aspects of ESC rights. • The organization is well known for its expertise on ESC rights.	
Opportunities • Country X, where this situation is happening, is now discussing its sustainable development strategy and national action plan. Protection of the environment is part of this discussion. • The media has been closely covering the story of the pollution in Lake Blue. • There is a funder that is particularly interested in this area of work. They have previously funded Organization Rights. • Country X is a party to a number of international human rights treaties. It will submit its report to the CESCR and the CRC next year.	**Threats** • The company that is carrying out the dumping is a large company that has a large infrastructure and a large legal department. • There aren't many CSOs or community based organizations (CBOs) working in the geographical area where Lake Blue is located. • The expertise of other CSOs in environmental rights is very basic. • There are many workers from the surrounding villages employed in factory PHARMA. The factory has threatened to dismiss workers from the area if there are "troubles" caused to it in the area.

BEEM analysis

After a SWOT analysis is carried out, a BEEM analysis follows. A **BEEM** analysis is used to identify how to **B**uild on and maximize (**E**xploit) the positive factors of the SWOT (strengths and opportunities) and at the same time **E**liminate and **M**inimize the effects of the negative factors (weaknesses and threats).

Table 10: Moving from SWOT to BEEM

SWOT analysis	BEEM analysis
Strengths	How to **B**uild on them
Weaknesses	How to **E**liminate them
Opportunities	How to **E**xploit them
Threats	How to **M**inimize them

- *A SWOT analysis can help the organization or group identify what kind of role it can play with the community to address an ESC right violation or abuse.*
- *A BEEM analysis can help an organization identify how to work on the issue or problem.*

Reminder: One cannot eliminate or minimize all the weaknesses and threats at once, or build on and exploit all the strengths and opportunities immediately. Therefore, priorities must be set, and a plan for moving progressively towards better realization of the ESC rights that you are working on.

Through analysing how to build on and use strengths and opportunities, and at the same time how to eliminate and minimize the impact of the organization's own weaknesses and the external threats, the organization starts moving towards building its plans. This will include identifying the role of the organization in relation to the community and other CSOs.

Identifying the role of your organization in relation to others

There are different roles that an organization can play in relation to others in order to strengthen the realization of ESC rights. The organization may decide to consider one of the following roles:

Being a **facilitator**, or making it easier for community members to understand their rights, and working with CSOs, CBOs, and other community groups or structures to strengthen their capability to act. This is particularly important to consider when you are working on concerns related to ESC rights that affect communities or groups, and not only individuals. Through this, the community leaders, groups or organizations are themselves responsible for taking the action. You are not involved in the action itself, but you act as a facilitator to help develop and achieve the plans. Therefore, your organization can play a facilitation role through:

- carrying out discussions to enable the groups, community and CBOs to identify the violations or abuses of their rights and the authorities responsible;
- support the abilities of groups, CBOs and community members to take action, for example through strengthening their organizational structures;
- work closely with the groups, community, and CBOs in order to identify choices for actions to address the problem; and
- work closely with the groups, community and CBOs to enable them take the appropriate actions.

Playing a support role, where possible providing direct support to local-level actions. Through this, your organization will provide direct support to actions that are driven at the local level by local leaders, groups, or organizations. This can be through many ways, for example:

- provide the group, community, and CBO, with access to specialized information, such as databases or reports;
- provide the group, community, and CBO, with access to experts, for example a scientist who can analyse water quality;
- link the group, community, and CBO, with the media; and
- support the group, community, and CBO, in taking their case to courts (see Section 4.5.2 on litigation).

Sometimes, working on the ESC rights issue requires that you take a **lead** role. Through this, your organization will carry out actions that will help the group, community and CBOs understand their rights, or will enable you to act on ESC rights violations or abuses on the basis of information that is available at the community level. It is possible that you lead on certain aspects of the advocacy plan, or that you lead on the whole plan and cooperate with others in the implementation of various aspects (see Chapter 4 on various methods of advocacy). For example:

- carry out public awareness-raising on rights related to the issue or problem;
- carry out a public campaign on the issue;
- conduct a training for members of the community leaders and CBOs;
- take a case to court on behalf of the community; and
- document the violations or abuses connected with the situation and issue a report that contains a full human rights analysis.

In identifying the role of your organization in relation to other CSOs, CBOs, groups and the community, it is important to consider the following:

- What added value is your organization bringing to the others? This might be, for example, access to your allies and contacts, experience or specialization, ability to involve someone with expertise, ability to work on the problem at the international level, ability to attract funding, or ability to attract media interest.

- Does the problem fit within your organization's mission statement or goals?
- Does your organization have sufficient capacity to address the problem? (See Section 3.5 on SWOT analysis.)

3.6 Stakeholder analysis and power mapping

You are at Step 5 of the 10 Steps of advocacy planning

Step 1	**Identifying the ESC rights issue** Tools: Problem tree and solution tree mapping
Step 2	**Setting goals and objectives** Tool: Using solution tree
Step 3	**Analysing the external environment** Tool: PESTEL analysis
Step 4	**Analysing your own internal capacity** Tools: SWOT and BEEM analysis
Step 5	**Analysing stakeholders** Tool: Actors/Power/Interests
Step 6	**Identifying the audience and ways to reach them** Tools: Force field analysis, pathway mapping
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Step 8	**Selecting advocacy tactics and channels of delivery** Tools: Campaigning and mobilizing, lobbying, litigation, engaging with international mechanisms
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Step 10	**Monitoring and evaluation** Tools: Monitoring, evaluation and exit strategy

After your organization has analysed its own internal strengths and weaknesses, and considered what role it could play in realizing ESC rights in relation to the problem that came to your attention, it is important to look at the external stakeholders and their level of influence on the ESC rights that your organization seeks to address.

> ***Reminder:*** An ESC rights case may relate to an individual, a group, or a community. The rights holders may be confined in one geographical area or local area, or a group or community may cross several localities, or even national borders.

Analysing the influence of external stakeholders is done through two main steps:

- **Stakeholder analysis and power mapping:** This helps you identify actors, their power, and their interest.
- **Identifying the audience and pathways to reach them:** This helps you identify strategies that are most appropriate to use to influence the audience.

In this section we will discuss stakeholder analysis and power mapping, while in the next section we will discuss how to identify pathways.

Stakeholder analysis

Stakeholders or "actors" are people who hold a "stake" or an interest in a particular matter. Stakeholders may thus be allies or opponents. They may include people that can be negatively affected by a proposed action. Their "stake" would then be expected to prevent this action from happening. It may also include people who have an interest in the change that you are seeking to achieve, and their "stake" would be to help achieving the change. (See Part I Chapter 8 on responsibilities of non-state actors.)

A stakeholder analysis is a process that is used during the planning stage. It helps to systematically gather and analyse information to determine which stakeholders should be considered when developing an advocacy project. The analysis aims to identify the key actors and to assess their knowledge, interests, positions, alliances, and importance to the issue that is the focus of your advocacy. This analysis is then used to develop the influence strategy.

> *For the purposes of the analysis, stakeholders can be individual people and organizations, or they can be groups or categories of people and organizations who share a broadly common position and interest on the issue. Stakeholders may be allies or opponents.*

Stakeholder analysis seeks to identify the following:

- Who are the stakeholders involved?
  - This may include state actors (such as government officials) or non-state actors, who have impact on the problem. It may also include influential individuals or collective entities like trade unions, or political parties, or corporations, armed groups, or NGOs.
  - Stakeholders may also include individuals or groups who may not have an influence on the issue, but who have an interest in the change that may be achieved. This may include women, LGBTI people, migrant workers, or other persons or groups at risk or marginalized or facing structural inequalities. These groups may be your constituents (see above on constituents).

- Which stakeholders contribute to the problem and which ones could help solve the problem?
- What actions, activities or projects do they do? And how would their role or experience be useful?
- At what level do the stakeholders operate (local, provincial, national or international levels)?

As a result of the stakeholder analysis, you will be able to do the following:

- Identify your potential allies and opponents;
- Prioritize who you should target to achieve maximum influence;
- Think broadly and thoroughly about possible actors that may have an influence or that could be useful once you start developing a strategy.

Stakeholder analysis is a process of identifying the people, groups or entities who have a stake or interest in the ESC rights work you are planning to engage in.

Box 36: Ways to identify stakeholders

There are different ways to identify stakeholders. The following ideas are helpful in this process:

1. Team brainstorming: The idea here is to come up with the longest possible list of potential stakeholders. Not all suggestions will be retained but reserve final decision on who to keep in the list of stakeholders for later. At this stage, start with a detailed list. Try to identify separate individuals and groups within institutions, as they may hold different positions. If you are working with community groups or other organizations, it is important that you include them as early as possible in this process.

2. Team members' knowledge and experience: Chances are your team has built up valuable knowledge over time, so it is important that this experience is taken into account. This will help in identifying which stakeholders are most relevant.

3. Historical information: Your organization may have accumulated information and data from previous projects. Using these data to inform your stakeholder analysis simply makes sense as it promotes efficiency and building on experience.

4. Similar projects and organizations: Sometimes you'll be operating in a new location or on a different type of project. Whenever possible, look for similar projects and organizations who may help you identify stakeholders who may have played a key role. Chances are the same types of stakeholders will impact (or be impacted by) your current project.

The more approaches you use, the less likely you are to overlook key stakeholders.

Source: Based on "Stakeholder Analysis: Definitions, Tools and Techniques", Borealis, available at boreal-is.com/blog/what-is-stakeholder-analysis/ (with some amendments).

Box 37: Stakeholder analysis tool

The below tool/checklist can be used to think of a wide variety of stakeholders, and may help not to forget certain groups. The tool can be used only to list specific actors (the first three columns), as well as to identify their interest, influence and agreement with the proposition you are making (the project objective) (the last three columns). The latter is however also partly done in the next section, on Power-interest mapping.

How to use this tool:

1. Draw a table (similar to the below one). If a large number of people are involved, it may be best to use a blackboard or draw on the ground;
2. Insert all the 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 realization of the project (second column);
4. In the remaining columns, indicate H (high), M (medium) or L (low), depending on:
   - The stakeholder's degree of interest in the project (fourth column);
   - How influential they are (similar to powerful, fifth column);
   - How likely they are to support the project (sixth column).

The results will help you select your advocacy targets and with whom to collaborate. Based on the analysis, it may be best to work mainly with the most influential groups who are in agreement with the project. At the same time, it will be helpful to collaborate with groups who have a great interest in the project.

Stakeholder	Potential role	Name/Function	Interest in project	Level of influence	Agreement with us
The target community:			(H=high, M=medium, L=low)		
Those who will benefit from the project	Power to change their lives	.....	☐	☐	☐
		.....	☐	☐	☐
		.....	☐	☐	☐
		.....	☐	☐	☐
State actors:					
For example, the relevant government minister or local government officials	Power to change the situation	.....	☐	☐	☐
		.....	☐	☐	☐
		.....	☐	☐	☐
		.....	☐	☐	☐
Opinion leaders:					
For example, respected political, religious or other figures	Can influence the community	.....	☐	☐	☐
		.....	☐	☐	☐
		.....	☐	☐	☐
		.....	☐	☐	☐
International actors:					
For example, bilateral donors, INGOs	May support the project, and can put added pressure on those in authority	.....	☐	☐	☐
		.....	☐	☐	☐
		.....	☐	☐	☐
		.....	☐	☐	☐
Interest groups:					
Those interested in the project	May support or oppose the project	.....	☐	☐	☐
		.....	☐	☐	☐
		.....	☐	☐	☐
		.....	☐	☐	☐
Civil society organizations:					
Those interested in human rights and development	Could be allies, mobilize support, work on aspects of the project	.....	☐	☐	☐
		.....	☐	☐	☐
		.....	☐	☐	☐
		.....	☐	☐	☐
Specific groups:					
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	.....	☐	☐	☐
		.....	☐	☐	☐
		.....	☐	☐	☐
		.....	☐	☐	☐
Add rows if necessary	.....	.....	☐	☐	☐

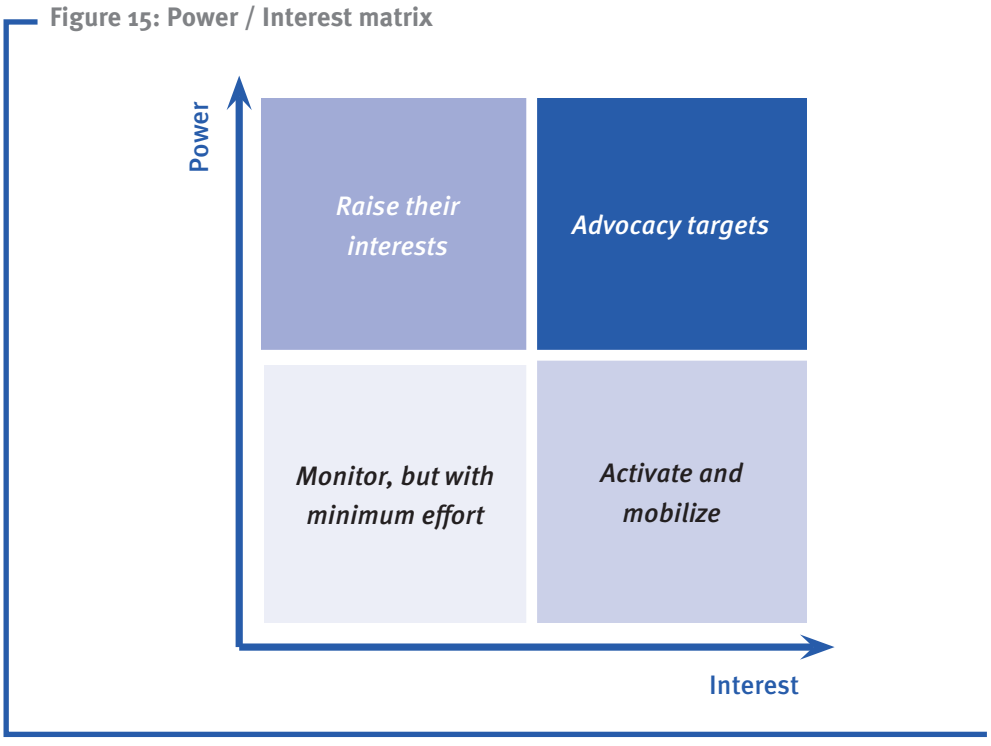
Source: *Haki Zetu* Main Book, pages 89-90.

Power-interest mapping

After you have identified the various stakeholders, you need to identify their power (influence to make changes to the situation) and interests (in changing the situation in accordance with your objectives).

Power-interest mapping is usually done using a matrix or grid: on the vertical axis you plot the stakeholders according to their level of power to make changes (from low to high), on the horizontal axis you plot them according to their interest in changing the situation in accordance with your objectives (from low to high).

Figure 15: Power / Interest matrix



This will lead you to identifying your primary targets of advocacy, who are usually those with high power and high interests, though sometimes they can also initially have a lower interest in the changes you propose. However, you also need to take the other groups into account and try to raise the interest of some power-holders currently with low interest, and raise the power of those with high interest but low power. Those having the power and interest to realize (or hamper) the changes sought are specifically identified and analysed as they become the primary targets of advocacy.

Stakeholder analysis and power mapping allow you to determine a number of factors that are necessary for developing your advocacy plan, including:

- Knowing who the stakeholders are;
- Being aware of their role, responsibilities and interest in the ESC rights issue that you are planning to carry out advocacy on;
- Determining who has the authority to make decisions about the issue;
- Establishing the best way you can influence them either directly or through others;
- Identifying the power struggles or conflicts between stakeholders where people have conflicting interests. This may help you identify how you can use this conflict for the benefit of your advocacy efforts; and
- Establishing what information you will need to collect in order to determine how to influence them.

Reminder: Those who have low interest or have low power may be important for you because they help you reach those who have high power and high influence.

Stakeholders from the community

Partners from the affected communities are often important stakeholders. Their involvement must be considered as early as possible during the process of strategy development. This will contribute to their future committed engagement in the plans, as well as their own learning and capacity-building. This in turn is important for the sustainability of the work and its continuation in the future.

Engaging the community in your ESC rights advocacy requires timely discussions and creating shared understanding. This may require investing resources, time and effort in order to enable meaningful participation. The shared involvement of partners from the community will also require that you maintain an open mind, willingness to "let go" of the control over every aspect of the plan, and willingness to include people who bring different views and ways of working from yours.

After making a decision on engaging members of the community, a number of practical issues need to be considered:

- Do you need to put in place specific measures to enable their participation? If yes, what kind of measures? (For example, measures to ensure their security, or holding meetings at times after their working or studying hours, or provision of transportation.)
- What process will you adopt to ensure that they are enabled to actively participate and feel ownership?
- At what stages in strategy development and implementation will they be involved and how can you ensure their meaningful involvement?

When working with a community, it is very important to be mindful of the power dynamics within that community. Various actors within the community may have active and supportive roles related to the ESC rights issue that you are developing your advocacy plan on, or may have inhibiting roles that impact your advocacy plans. Dynamics that relate to gender, age, religion, ethnicity, sexual orientation, refugee status, and other factors may also need to be kept in mind. Political, traditional and trade union leaders may enjoy powers and influence that may have an impact on your plan.

- *No community is free from tensions and conflicting interests even among those who are sincerely trying their best to improve the lives of community members.*
- *There are power relations within any community that favour some groups or sub-groups over others.*

> **Example:** An important example of power dynamics is the relation between men and women. Traditionally, most community leaders are likely to be men. This is changing slowly, but the level of meaningful participation of women in leadership varies in different contexts. Every effort must be made to include the views of women. It is not enough that they are present in meetings as they may feel intimidated and not speak up. You may need to consider activities like small group discussions, which may make it easier for women and other marginalized groups to express their views. There may even be times when separating the women and men during a community discussion may prove effective.

Traditional, religious, and political leaders, as well as trade union leaders may be important to engage in advocacy efforts as they will have a great influence on the community, lead opinions, and influence outcomes. However, at the same time, one must first analyse their attitudes towards the issue that is the focus of advocacy. They may have positions that are consistent with human rights law. In that case, one needs to engage them and maximize their position. On the other hand, they may hold views and positions that are contrary to your goal and your advocacy plans. In this case, it is important to work towards minimizing their influence.

> ***Reminder:*** People who appear to be community leaders may not actually have the trust of the community or some members of the community. With time, it will be possible to develop a stronger sense about which community leaders are the most respected or trusted.

While involving the community, it is important to consider the variant impacts of your advocacy plan on different groups of people, in order to come out with an appropriately targeted goal and objectives that respond to the true needs and priorities of the

diverse groups. In doing so, the special needs of various groups within the community must be taken into account when dealing with a particular problem.

> **Example:** When dealing with a problem related to education, there might be special issues and needs for refugees and IDPs within that community. Similarly, a gender analysis will help you identify the special needs of adolescent girls in education (for example, in relation to hygiene, sexual harassment, use of public transportation, and so on). Children with certain disabilities may also have special needs and require suitable set ups.

3.7 Identifying the audience and ways to reach them

You are at Step 6 of the 10 Steps of advocacy planning

Step 1	**Identifying the ESC rights issue** Tools: Problem tree and solution tree mapping
Step 2	**Setting goals and objectives** Tool: Using solution tree
Step 3	**Analysing the external environment** Tool: PESTEL analysis
Step 4	**Analysing your own internal capacity** Tools: SWOT and BEEM analysis
Step 5	**Analysing stakeholders** Tool: Actors/Power/Interests
Step 6	**Identifying the audience and ways to reach them** Tools: Force field analysis, pathway mapping
Step 7	**Messages and communication** Tools: Developing key messages and communicating results
Step 8	**Selecting advocacy tactics and channels of delivery** Tools: Campaigning and mobilizing, lobbying, litigation, engaging with international mechanisms
Step 9	**Action planning** Tools: Plan of action, advocacy ethics, risk assessment, and effective communication
Step 10	**Monitoring and evaluation** Tools: Monitoring, evaluation and exit strategy

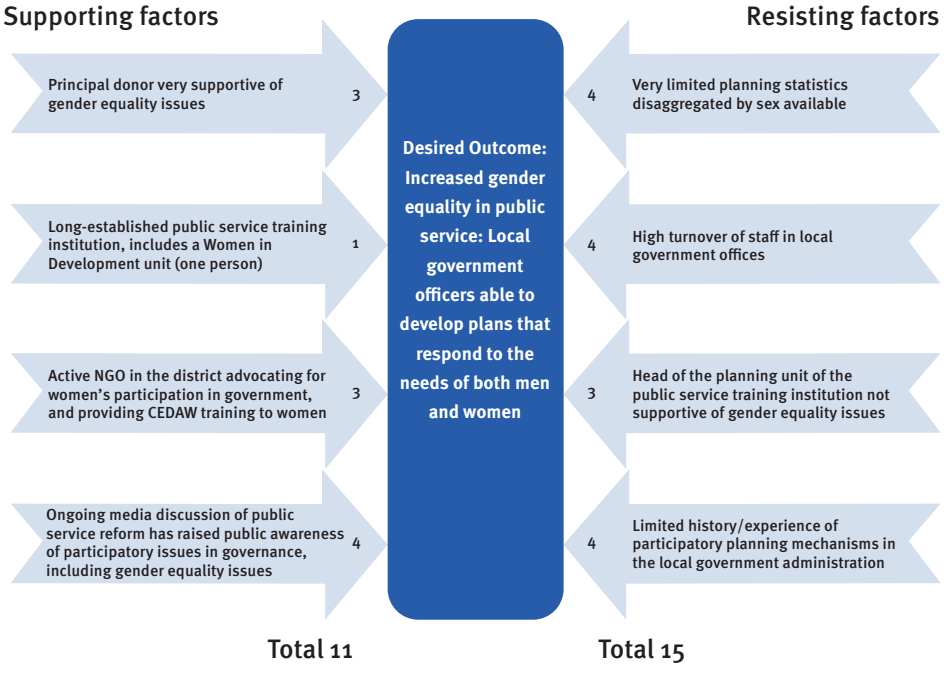
Now that you have identified the stakeholders, and the powers they hold or interests they have in the ESC rights issue you are tackling, it is time to identify what is the best way to reach and influence these stakeholders.

Force field analysis

Force field analysis is a strategic tool used to understand what is needed in order to achieve change. It is a structured technique used to help you to take decisions within a plan that may be influenced by many factors. When used within advocacy planning around ESC rights, force field analysis can be an effective tool for getting a picture of all the forces in favour of and against a plan. It helps to weigh the various factors and their importance in working in favour of and against the change that is planned to be achieved (see the example in Figure 16 below). Using this analysis helps to plan to reduce the impact of the stakeholders who are against your advocacy plan, and strengthen and reinforce the supporting stakeholders. Force field analysis can also help to weigh the likely outcomes of different approaches and decide on priorities.

- *Force field analysis is used in order to decide on how to:*
  - reduce the strength of the forces or stakeholders restraining the goal of your advocacy plan; and
  - increase the strength of the forces or stakeholders that are supportive of the goal of your advocacy plan.

Figure 16: Force field analysis



Source: Williams, S. with Seed, J. and Mwau, A. "The Oxfam Gender Training Manual", (1994) Oxfam, available at policy-practice.oxfam.org/resources/the-oxfam-gender-training-manual-141359/

Force field analysis is carried out through the following steps:

- On a diagram (see Figure 16 above), the plan or proposed change/goal is described in the middle;
- The space on the left is labelled “supporting factors”. All forces/stakeholders supporting the change are listed in this column;
- The space on the right is labelled “resisting factors”. All forces/stakeholders against change are listed in this column;
- Scores for each force, from 1 (weak) to 5 (strong), are assigned.

After completing the diagram of the force field, discuss with your team what it shows and how you can use it: How to build on the supporting factors? What can be done to overcome the resisting factors? Which resisting factors are within your control? Which factors are outside your control?

Pathway mapping

After you have identified the forces that are in favour or against your goal(s) through the force field analysis, it is time to plan for how to reach and influence them.

In advocacy plans, there are normally primary and secondary stakeholders. Primary stakeholders are the ultimate decision-makers. Secondary stakeholders are the intermediaries used as ladders to reach the primary audiences. The influence pathway mapping tool plots the path towards reaching the ultimate decision-makers (primary stakeholders) via intermediaries (secondary stakeholders).

Pathway mapping is the process of mapping the key stakeholders and how to engage with them. It can build on the Power-Interest Matrix by selecting first your primary advocacy target, or several ones, for which you could make several pathway maps (ideally, you make a different pathway map for each objective of your advocacy strategy). Then this tool helps you to select other stakeholders from your previous mappings, who you could use to reach your primary advocacy target, identifying the relationships between the various stakeholders and who can influence who. This is essential for developing your strategy and may help you to choose different tactics to reach your objectives and ultimate goal.

Figure 17: Example of pathway mapping by Amnesty International

To carry out pathway mapping, you follow the following steps:

- You start by putting your organization at the bottom of the chart, and the ultimate, primary stakeholder that you seek to influence in order to achieve the goal at the top of the chart. Often, the authority that you seek to influence in an ESC rights advocacy plan is the duty bearer (in the example above, it is the Minister of Justice).
- You then identify those who can influence the duty bearer (in the example above, those who influence the Minister of Justice are the Party Chair, the Ministerial Committee, national media, and your organization directly because you had direct contact with them in the past). In this stage, it is important not to think only of institutions, but also of individuals (possibly within institutions, possibly private contacts of the primary stakeholders) who could have an influence on the ultimate advocacy target.
- Then you move to ask, who can influence each one of these? For instance, in the example above, local groups influence local councils; civil servants influence the ministerial committee.
- The process is repeated until you get to a stage where you are charting the different duty bearers, stakeholders and influencers that you can influence directly.

Reminder: The best way to carry out a pathway mapping is through a collective brainstorming effort that involves your organization, other CSOs and CBOs that you will be working with, and members of the community, if you are working with a community.

Table 11: Some questions to ask when pathway mapping

Question	Answer
What is the current position/ interest of each of the identified stakeholders on the ESC rights issue you are working on, in relation to the goal you are seeking to realize?	
What power does the target have to influence others at local, national, regional or international levels?	
What could influence them to shift to a more favourable position on this issue?	
Who could influence them to change their position?	
Who and what could block them from shifting to a more favourable position?	
What level of influence do you have directly over the target?	
What level of influence do you have over the others you have identified as influencers on the targets?	

- *Given that you may have limited resources and that it may take considerable effort to change someone's position on an issue, you may have to be very selective so that you can focus on a few stakeholders with whom you can make some real impact. Pathway mapping is an important tool that helps you identify the stakeholders that you can prioritize in your advocacy efforts, and the other stakeholders that your partners can focus on.*
- *You can develop a pathway map for each advocacy target you identify in a brainstorming session to determine how you can influence them.*

3.8 Developing a key message and communication plan

You are at Step 7 of the 10 Steps of advocacy planning

Step 1	**Identifying the ESC rights issue** Tools: Problem tree and solution tree mapping
Step 2	**Setting goals and objectives** Tool: Using solution tree
Step 3	**Analysing the external environment** Tool: PESTEL analysis
Step 4	**Analysing your own internal capacity** Tools: SWOT and BEEM analysis
Step 5	**Analysing stakeholders** Tool: Actors/Power/Interests
Step 6	**Identifying the audience and ways to reach them** Tools: Force field analysis, pathway mapping
Step 7	**Messages and communication** Tools: Developing key messages and communicating results
Step 8	**Selecting advocacy tactics and channels of delivery** Tools: Campaigning and mobilizing, lobbying, litigation, engaging with international mechanisms
Step 9	**Action planning** Tools: Plan of action, advocacy ethics, risk assessment, and effective communication
Step 10	**Monitoring and evaluation** Tools: Monitoring, evaluation and exit strategy

As part of advocacy planning, you need to create a clear central message and a plan to communicate the results of your fact-finding and your proposal for change.

After you have identified your ultimate decision-maker(s) to influence, you need to develop a clear main message(s) or an "ask" that you will convey to them in order to convince them which steps to take to change the situation. A good advocacy message has the following ingredients:

- statement of the problem;
- evidence, possibly with an example;
- desired change; and
- concrete action being asked of the target.

For the general public, such a message should be short and focussed on the desired change or action. For decision-makers, it could be a little longer, and be formulated in a way that is easily remembered. You should give the decision-makers a very concrete alternative to what they are doing now (which is also feasible for their level of responsibility).

The "elevator pitch" is an exercise that helps you to develop the right messages. Imagine that you find yourself in the elevator with a decision-maker that you are trying to reach, and you only have 1 minute to convince them. What will you say to them that will enable them look into the issue seriously? You can do the same exercise by imagining that someone in the elevator from the general public asks you "what do you do"? What will you say?

This clear "ask" can be conveyed orally or in writing. It can be through a meeting, or in a report, press statement, or in intervention through a UN human rights body. It is also possible that you produce material to raise awareness of the ESC rights that you are focussing on, for example by using pamphlets, posters, infographics, slogans. Using these can support and increase the impact of your work.

You may choose a specific format depending on the purpose for communicating the information. Different formats may be appropriate for the various audiences you are addressing.

The advocacy messages you convey must be based on human rights analysis (see Figure 10 on the Steps in ESC rights analysis), and grounded in evidence and research (see Chapter 2 on monitoring and fact-finding). Further discussion on communicating results is included in Section 2.7.

3.9 Selecting advocacy tactics and channels of delivery

You are at Step 8 of the 10 Steps of advocacy planning

Step 1	**Identifying the ESC rights issue** Tools: Problem tree and solution tree mapping
Step 2	**Setting goals and objectives** Tool: Using solution tree
Step 3	**Analysing the external environment** Tool: PESTEL analysis
Step 4	**Analysing your own internal capacity** Tools: SWOT and BEEM analysis
Step 5	**Analysing stakeholders** Tool: Actors/Power/Interests
Step 6	**Identifying the audience and ways to reach them** Tools: Force field analysis, pathway mapping
Step 7	**Messages and communication** Tools: Developing key messages and communicating results
Step 8	**Selecting advocacy tactics and channels of delivery** Tools: Campaigning and mobilizing, lobbying, litigation, engaging with international mechanisms
Step 9	**Action planning** Tools: Plan of action, advocacy ethics, risk assessment, and effective communication
Step 10	**Monitoring and evaluation** Tools: Monitoring, evaluation and exit strategy

After the identification of your main audience or advocacy targets, the channels and the key message(s) to bring to them, you need to choose the "tactics" (sets of methods and activities to influence your audience). These tactics are described in more detail in the next chapter: lobbying, campaigning and mobilizing, litigation, engaging with international mechanisms (Chapter 4). While developing an advocacy strategy, you normally choose and describe the combination of such activities needed to reach every objective and every audience you selected.

3.10 Action planning

You are at Step 9 of the 10 Steps of advocacy planning

Step 1	**Identifying the ESC rights issue** Tools: Problem tree and solution tree mapping
Step 2	**Setting goals and objectives** Tool: Using solution tree
Step 3	**Analysing the external environment** Tool: PESTEL analysis
Step 4	**Analysing your own internal capacity** Tools: SWOT and BEEM analysis
Step 5	**Analysing stakeholders** Tool: Actors/Power/Interests
Step 6	**Identifying the audience and ways to reach them** Tools: Force field analysis, pathway mapping
Step 7	**Messages and communication** Tools: Developing key messages and communicating results
Step 8	**Selecting advocacy tactics and channels of delivery** Tools: Campaigning and mobilizing, lobbying, litigation, engaging with international mechanisms
Step 9	**Action planning** Tools: Plan of action, advocacy ethics, risk assessment, and effective communication
Step 10	**Monitoring and evaluation** Tools: Monitoring, evaluation and exit strategy

After strategizing and choosing the different tactics that can be used in advocacy efforts for claiming and defending ESC rights, it is time to make a concrete action plan. It is important that you examine and identify roles, responsibilities, resources, risks, and opportunities, and develop a timeline to carry out the plan.

- *Developing a plan to take action for implementation is the culmination of the development of an advocacy strategy on the ESC rights issue that you are concerned with.*

The plan of action is a tool that helps you identify the series of tasks that need to be completed to carry out advocacy. It will help achieve the goal and objectives. Having a clear plan is important for the success of your strategy. It details the tasks to be done, the resources needed for each task, who will complete each task, and a timeline for

when each task should be completed. The plan of action can be revisited and adjusted based on monitoring the progress of its implementation.

A clear plan will indicate the following elements:

What: This is the list of possible activities that are going to be used from the various tactics described in the next chapter (Chapter 4). This should take into consideration stakeholder analysis, power relations, and pathway mapping (as described earlier in this chapter).

Who: Who will be responsible for what? This takes into consideration the assessment of your internal capacities (SWOT and BEEM). It is therefore important that different partners or individuals within the organization take responsibilities for the activities that they are best suited to do. Coordination between those involved in the implementation of a plan is crucial. Hence the relevance of developing a coordination mechanism (regular meetings, regular reporting, email list, messaging groups).

When: The dates or time periods for implementing various activities will need to be planned properly. You may want to consider important dates to engage with the UPR or CESCR when your state is being considered (see Section 4.3 on engagement with UN mechanisms), to review draft legislation in Parliament, or dates of plans that may result in the destruction of houses.

How: This will relate specifically to the various tools for realization of ESC rights discussed earlier. You will need to decide how you will document and collect information and how you will convey your information (orally or in writing, through a report, press release, memorandum, and so on). How will you disseminate messages and influence decision-makers? Even for informal meetings with officials, you can plan those based on their likely presence at certain events. Will you need to travel to Geneva for the Human Rights Council session for the UPR? If yes, you will need to factor these activities into your plan as they will require time and resources.

Resources: Finally, you need to assess the resources needed and how you will get them. Resources needed may be financial, human, or related to equipment.

- *Developing a plan always needs to be a thorough and collective brainstorming effort. It takes time and patience. It is important that you allocate enough time to develop your plan.*

Table 12: Planning for advocacy

What?	**Who?** Name of responsible person(s) and possible partner(s)	**When?** Month or dates	**How?** Details of the activity	**Resources needed**
Activity 1				
Activity 2				
Activity 3				
Activity 4				

Source: Based on Campaign Strategy Development Guide, Amnesty International, page 59 (with amendments).

We have now come to the end of the pure advocacy planning steps. There is one step left in our framework of steps: monitoring and evaluation. This will be discussed in the final Chapter 5.

Chapter 4

Claiming and defending ESC rights

In this chapter we will explore the different tactics that can be used in advocacy efforts for claiming and defending ESC rights, the actual advocacy work. You need to choose these tactics while developing your advocacy plan. This chapter explores tactics such as lobbying, campaigning and mobilizing, litigation, and communicating with regional and international mechanisms.

This chapter deals with Step 8 of the 10 steps of advocacy planning that were discussed briefly in Section 3.9 on selecting advocacy tactics and channels of delivery.

4.1 General remarks on claiming rights

ESC rights advocates can help individuals or communities to claim or defend their rights, through efforts at their local community level, or at national regional or international levels. This can be done through using a number of actions. For example, they can:

People generally know their rights, because they know that they deserve to live in dignity. But they might not be aware of technical aspects of state obligations, and how to claim their rights.

- Inform government officials about the problem and request corrective action;
- Persuade parliamentarians and other influential members of the community to put pressure on the authority responsible to fix the problem;
- Work with others, if needed, to:
  - Take the case to an official governmental administrative or complaint mechanism;
  - 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 a national court (see Section 4.5.2 on national litigation); and after the court has upheld a right, take action to ensure that the authorities are implementing the judgement; and
  - Send reports to regional and international special rapporteurs and treaty bodies (see Section 4.3 on human rights mechanisms).

Advocates are defenders of rights of others who are claiming their rights. They aim to influence policies and action. Advocates use different tactics, strategies and tools, implement them at a number of stages, and work with various partners.

There are many tactics that can be used for claiming and defending ESC rights, as will be discussed below. Analysis of the problem, the internal and external environment,

interests and powers of stakeholders, and deciding on the goal and objectives will identify the most suitable tactic or combination of tactics that are most appropriate to be used (see Chapter 3 for details of these analyses).

An organization or a defender does not have to use all available tactics, but needs to choose those which are most relevant and most likely to achieve the desired objective.

It is important to integrate gender and diversity sensitive approaches across all stages of planning, research, advocacy and communications work. This requires an analysis of the different impacts of any issue or action on diverse groups: for example women, men, boys and girls; refugees; elderly; ethnic minority persons with disabilities; or persons from the LGBTI community. This analysis will help to identify appropriate strategies and advocacy recommendations to respond to diverse experiences and specific rights violations (see Part I Chapter 6 about discrimination).

Reminder:

- The state as a whole has the obligation to realize ESC rights through respecting, protecting, and fulfilling rights (see Part I Chapter 3 on state obligations);
- Within the state, the government must realize rights by enforcing laws and adopting strategies, policies and plans and implementing them;
- Parliamentarians play a key role through adopting legislation (laws and regulations), and through holding the government accountable; and
- The judiciary also play an essential role by ensuring access to justice and remedy for ESC rights violations or abuses.

4.2 Lobbying officials at the local, provincial and national levels

Lobbying is the process of informally but systematically influencing policy-making. It has the following characteristics:

It is an informal process: It aims at approaching the target audience in a cordial, personal and creative way with convincing arguments, facts and figures, through informal channels. In that sense, it does not use channels that are officially set up like those established for complaints, seeking remedy, or formal bodies of consultation.

It is systematic: This means that it is not a one-off reactive action. Rather, it is an action developed through a step-by-step planning process. Lobbying can be best achieved following regular and systematic contact with decision-makers, rather than one-off sudden contact.

- *Lobbying can be combined with other activities such as public campaigns, media work, public events, and sponsored adverts, amongst other activities. However, you can also decide to first do it quietly, if the decision-makers are more likely to act when they are not put in the public spotlight.*

You may need to lobby government officials who have responsibilities for the ESC rights issue you are working on at local, provincial or national levels. When carrying out lobbying, it is important to identify the most relevant official or officials to maintain the contact with. Relevant state officials may include:

The modern state is formed of three independent branches: the executive (normally referred to as the government); the judiciary; and the legislative (the Parliament or other representative councils). The relation between them is specified in the constitution. It is also common that states have other independent constitutional bodies (NHRI, National Women Machinery, elections high committee, corruptions monitoring body, and so on).

- Government officials responsible for:
  - The relevant sector: for example, the ministries of health, labour, education;
  - Planning and budgets (both in the finance ministry and finance departments in the various sectors or ministries);
  - Social services for individuals or groups who are at risk or marginalized or facing structural inequalities. In some countries there are departments or whole ministries for social welfare, or specialized ministries for women affairs.
- Traditional authorities in some countries, where the powers of traditional authorities are defined under the Constitution or other laws (including tribal or clan leaders, or village elders).
- Elected officials: members of parliament, or of the local council or assembly, and relevant committees within these.
- Other state bodies including statistical offices, research institutes (in some countries there are separate research bodies that work as part of the state), and development authorities.

Some ministries and departments have also established channels for civil society groups or individuals to talk to the authorities, to seek information or make requests or complaints. It is important to find out if these exist and use them. In some cases, you might find that within the framework of developing a national strategy or plan on the issue you are working on, or for monitoring its implementation, a multi-disciplinary working group is set up by the state. This may include the civil society. If this exists, it will give you a good entry point for advocacy.

Do not assume that state officials are going to be against finding solutions to the problem. They may be interested in finding a solution, but they may lack information or technical expertise. This may be a good entry point for cooperation. Local government officials may have a certain degree of power to assist the community. They might be supportive of a solution to the problem, but they may not have received sufficient resources from the central government to carry out their duties. They also may lack enough authority. This may lead government officials to inaction, frustration or even

corruption. Also, on the other hand, some local government officials understand local problems very well. They could become the allies of the local community by putting pressure on national government. All these various factors should be kept in mind when you lobby government officials.

Engaging with state officials may be useful/desirable for various reasons, including:

- 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;
- Providing them with an outcome of a research that you have carried out and discussing the findings and recommendations with them; and
- Persuading them to ensure rights are realized in line with their obligations, and on basis of your recommendations.

Targeted approaches to government officials must correspond to their levels of influence and power. Therefore, understanding the nature of the powers that different bodies have, and power relations between them, is crucial for successful lobbying within the advocacy plans. It is therefore important that prior to engaging with state officials, you must:

- Identify and analyse the relevant stakeholders within the official structures in terms of their level, their powers and their interests and positions in relation to the issue; and
- Set a clear purpose for engaging with officials.

Reminder: Engaging with different officials requires separate analysis and may require different purposes for engaging with them. Not all officials will be able to help you the same way.

Box 38: Examples of issues to consider when engaging with state officials

The following are examples of issues to consider when engaging with the state officials:

- Are there laws or policies in place related to the problem? Are they good laws or policies? If not, what aspects exactly need to be changed? Are they being implemented?
- What do the officials say about the issue? Are they committed to make a positive change? Do they want to be part of the change for the better? Or are they against change?
- Is there discrimination against certain groups? Are there groups particularly affected in a negative way because of direct or indirect discrimination? (See Part I Chapter 6 on discrimination.)
- How is the state exercising due diligence on this issue (especially

if the issue relates to non-state actors)? Who are the non-state actors involved and what is their relation with the state? (See Part I Chapter 8 on responsibilities of non-state actors.)
- What is the level of institutional commitment to the issue (for example allocation of budgets, human resources, plans)?
- How transparent are the processes that the government has put in place? Is it easy to get information about them?
- Are they geared towards serving rights holders? Do they adopt a human rights-compliant approach?
- Does the state recognize civil society as actors on this issue? Are there platforms for participatory decision-making? How possible or easy is it to participate in government discussions around the issue? What is the level of dialogue between state officials and the community or CSOs about the issue?

4.2.1 Ways to engage with officials

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

- **Frequent meetings:** Organizations often have frequent meetings with government officials or members of Parliament or local councils. Such meetings may be an opportunity to establish contact and trust. They are not designed to discuss a specific problem, or have specific asks. You can have these meetings to inform them of your work, discuss regular cooperation, discuss a project or initiatives they are involved in. This will help when there is a need to raise human rights concerns. So, these meetings are not meant to be held only when you have a specific demand on an ESC rights issue you are working on. These meetings do not have to be on a regular interval or set date, but they must be held frequently so that you maintain a regular contact with the officials.
- **Arranged meetings:** Sometimes you need to arrange for an appointment and visit the official's office on a specific occasion in relation to a human rights violation or abuse.
- **Approaches through others:** If it is difficult to approach local officials directly, for example if you did not have prior contact with them, you may want to consider using an "ambassador" or a "contact" such as a respected member of the community or of a large NGO to visit the official's office and represent your cause, or to make the contact with the official on your behalf, and perhaps accompany you in the visit.
- **Joint visits:** You might want to visit officials as part of a delegation that includes a number of organizations. This may be useful if you are working on the issue with

others, or for example if you want the official to hear testimonies of those directly affected by the ESC rights violation or abuse.

- **Correspondence:** You can write to officials, or parliamentarians, or members of local council, to make a complaint or suggestion, without having to meet with them first.
- **Invite an official to participate in a special event:** You can invite officials 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).
- **Invite them to attend seminars:** This can be on specific human rights topics (including issues that relate to a problem in the community that you are engaged in). You can invite a guest speaker with enough status to attract officials.

Planning a meeting

Meetings should be planned carefully, taking into account:

- **The level of power, influence and interest of the official in relation to the issue:** It is important that you do not ask an official to do something that is too low for his or her level of authority, or ask them to do something that is beyond their powers or authority.
- **The purpose:** The purpose of the meeting must be clear in advance. It might help to communicate the purpose of the meeting to the official in advance so that they also can come prepared (by letter or email or message). This may help reaching solutions.
- **Specific objectives:** For example, if your objective is to ensure that he or she is aware of the opinion of community members, it might be best to invite the official to visit the site to talk to the community members rather than just meeting in the office.
- **Who should be in the meeting, and who will lead the discussion?** It is best to choose someone who has adequate expertise or standing to lead your team. This could the director or head of the concerned department in your organization, who opens the meeting as the lead of the team, and then a specialist presents the arguments. Consider having an external specialist with you if needed. It is also best not to have many people in the team that will meet the officials, and consider having only a small number of people who have the needed knowledge and expertise. You should also ensure that you do not bring the press to the meeting if the official was not informed of this possibility or if this may cause sensitivity and friction with the official.
- **How to present the subject:** It is important that you prepare a note of the main points that you want to discuss in the meeting (“talking points”), and decide on who is going to speak about what.

- **The role of each team member:** The roles of the different team members must be agreed in advance; for example, who will be opening the meeting, presenting the arguments, asking questions, taking notes, summarizing at the end.
- **What to give to the official:** Decide in advance if and what to give the official in the meeting. This can be a memorandum, explanatory leaflet, pictures, or a report.

  Reminder: 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.

4.3 Engaging regional and international human rights mechanisms

Engaging with the various regional and international mechanisms is a good way of bringing your research, findings and recommendations to bodies who can issue recommendations that the states are expected to implement. Details of the roles of these bodies have been discussed earlier in Part I (see Part I Chapter 7 on human rights mechanisms). In this part, we will focus on the practicalities of what types of information to submit and how.

4.3.1 Engaging with treaty bodies

Engaging with treaty bodies through submitting parallel reports (see Part I Section 7.2 on treaty bodies) is an important way of making your information available and presenting your specific recommendations for achieving change in the ESC rights issues you are focussing on. CSOs can engage with treaty bodies at all the stages of the reporting cycle:

- Submitting parallel reports well before the treaty body sessions: CSOs do not need to include information about every article of the treaty they are reporting on, or respond to every aspect or information included in the state report. They can focus only on their area of expertise and the information available to them, while referring to the specific treaty articles they seek to address.
- Engaging in what is known as the “pre-sessional working group”: treaty bodies normally convene a meeting known as a “pre-sessional working group” in order to develop the list of issues. As the name indicates, this meeting is convened before the list of issues is sent to the state, and before the session in which the dialogue with the state takes place. In this meeting, the relevant treaty body meets in private with UN agencies and bodies, NGOs, national human rights institutions (NHRIs) and any other such bodies which have submitted additional information to the Committee.
- CSOs can also attend the sessions of the consideration of the state, and the dialogue between the state party and the treaty body, known as the “interactive

dialogue". CSOs cannot be involved in the dialogue formally. However, they can brief members of the treaty body informally.

- CSOs then play a very important role in the follow-up after the treaty body issues its concluding observations. They can monitor the implementation, and report on the implementation in the next cycle.

To engage in these stages, there are several steps to follow:

- Find out when the country's report is due to be submitted to the treaty body. The calendar of country reviews by treaty bodies can be found at tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/MasterCalendar.aspx?Type=Session&Lang=En
- Write to the treaty body several months before it is due to meet to consider the state report and submit your parallel report to bring your research and findings to its attention. The treaty body may use this information when it drafts the list of issues (see Part I Section 7.2 on list of issues) or may use it for formulating the questions that the members of the treaty body put to the government officials who are attending the session.
- After the treaty body has considered the state's report, it will issue its concluding observations and post it on its website. These concluding observations form an integral part of your follow-up advocacy on the issues that you raised in your submission to the treaty body, in order to ensure their implementation.
- Many states simply ignore the treaty body's recommendations. You must publicize the recommendations and lobby the government to implement them. Often, this needs to be carried out in cooperation with other CSOs, especially if others also made parallel reports to the treaty body. You may also have a role in assisting the various state bodies with creative ideas on how to implement recommendations, while taking into account the realities of individuals or groups discriminated against or in disadvantaged situations.

Box 39: CESCR guidance on the submission of parallel reports by CSO

The following is the specific guidance of the Committee on ESC rights on submission of parallel reports by CSOs. The guiding notes provide specific practical information.

"All submissions to CESCR should:

- Be submitted in English, French or Spanish. It is very useful if you could submit a report and/or summary translated into English. Please note that the UN Secretariat does not translate these reports.
- For the Session: Be transmitted to the CESCR Secretariat **preferably 6 weeks and latest 3 weeks before the beginning of the session.**
- For the pre-sessional working group (PSWG): Be transmitted to the CESCR Secretariat **preferably 10 weeks and latest 8 weeks before the beginning of the PSWG.**

- Be transmitted through the CESCR's online submissions system.
- Submissions should be as concise as possible, and should not exceed 10 pages, or max 15 pages for coalition submissions.
- Paragraphs in submissions should preferably be numbered for ease of reference.

Organizations that have submitted reports to the Committee may deliver a statement at a public meeting dedicated to partners (check the programme of work posted on the page of the relevant session for details of schedule) and/or organize an informal lunchtime briefing. The accommodation of requests for lunchtime briefings will depend on the availability of the Committee members. Organizations that have submitted information on a given country are encouraged to coordinate among themselves, especially for the organization of lunchtime briefings. For that purpose, mention of contact information in submissions is useful."

Source: ohchr.org/en/treaty-bodies/cescr/guidelines-civil-society-ngos-and-nhris

4.3.2 Engaging with UN Special Procedures

Any individual, group, civil society organization, inter-governmental entity or national human rights bodies can submit information to the Special Procedures (see Part I Section 7.3.1 on special procedures). Information can be submitted to Special Procedures about:

- allegations of past violations of the human rights of individuals;
- allegations of past violations of the human rights of a group or a community;
- on-going or potential human rights violations – which can be the object of an urgent appeal; or
- allegations that a bill, a law, a decree, a policy and/or a practice is not in compliance with international human rights law and standards.

Reminder: Special Procedures can receive information from CSOs anytime during the year. Special Procedures do not require the related state to have ratified any specific human rights treaty related to the rights subject to the submission.

There are specifications to the information submitted to Special Procedures (known as communications):

- the communication should not be manifestly unfounded or politically motivated;
- the communication should contain a factual description of the alleged violations of human rights;
- the language in the communication should be factual and clear;
- the communication should be submitted on the basis of credible and detailed information;
- the communication should not be exclusively based on reports disseminated by mass media.

It is extremely important that alleged victims and/or their families or representatives indicate in their submissions whether they **DO** or **DO NOT** consent that:

- the names of the victims be disclosed in the communications by the Special Procedures to governments, intergovernmental organizations, businesses, military or security companies; and
- the names of the victims appear in a public report by the Special Procedure to the Human Rights Council.

Communications to Special Procedures can be submitted via OHCHR's online submission tool, available at spsubmission.ohchr.org

4.3.3 Engaging with the Universal Periodic Review

The Universal Periodic Review provides a very important opportunity for CSOs to engage at the international level and bring information about the human rights situation to an international forum (see Part I Section 7.3.2 on the UPR). The UPR allows for review of the situation of human rights beyond the human rights treaties ratified by the state. The UPR review takes the following into account:

- The Charter of the United Nations;
- The Universal Declaration of Human Rights;

- Human rights instruments to which a state is party;
- Voluntary pledges and commitments made by states, including those undertaken when presenting their candidatures for election to the Human Rights Council; and
- Applicable international humanitarian law.

> *The UPR is not limited to one right or one area of rights or one group of people. It can cover all rights and all groups of people.*

One of the documents that is considered during the UPR is a summary of information submitted by civil society actors, national human rights institutions and regional organizations (these are called "other stakeholders"). The summary document is prepared by OHCHR.

The submissions to the UPR to be included in the other stakeholder document must be specifically tailored for the UPR and contain information on the follow-up to the implementation of recommendations and commitments in the previous reviews, and developments since the last review. It may include information on any other human rights developments.

- Specific practical instructions related to the form and size of the UPR submission by CSOs can be found at ohchr.org/en/hr-bodies/upr/ngos-nhris
- Organizations facing technical problems using the online system can contact the UPR Submissions Helpdesk through the following email address: uprsubmissions@ohchr.org
- Any act of intimidation or reprisal for cooperation in the context of the UPR should be promptly reported to the UPR Secretariat (uprreprisals@ohchr.org) as well as to the reprisals team of the Office of the High Commissioner for Human Rights (reprisals@ohchr.org)

4.3.4 Engaging with the 2030 Agenda

The 2030 Agenda for Sustainable Development provides a very good opportunity for CSOs to engage on ESC rights at national and international levels. The 2030 Agenda itself recognizes the role of civil society in developing national strategies and policies, the implementation process, and in the review and reporting process at the national and international levels.

At the national level

Contributing to national strategies and plans

The contribution of civil society to the elaboration and implementation of national strategies and plans for the implementation of the SDGs is essential. National Action Plans for the realization of the 2030 Agenda are important tools to ensure that the SDGs are adapted to the national and local needs, priorities and capacities. It is common that

various actors are involved in the elaboration of these Plans including representatives of ministries, the parliament, academic and specialized institutions, UN agencies based in the country, CSOs and individual experts. These Plans must be in line with human rights standards; CSOs can play an important role in ensuring that happens. In order to guarantee the effective implementation of these Plans, a mechanism is normally established to supervise the implementation. These mechanisms are normally independent of any government institution. It is important and common that they include CSOs in their membership.

Information gathering and data collection

Information gathering and data collection are important for the realization of the 2030 Agenda, as well as of ESC rights. Data and information may not be available from official sources to inform the development of strategies and plans, and to measure progress. Often, when the information is available, it tends to be quantitative and not qualitative. Civil society, on the other hand, may have such qualitative information and present an alternative to information presented by the state. There are many examples where civil society organizations and institutions have information and analysis as well as quantitative data. For example:

- Trade unions will have information on work conditions and other aspects of decent work.
- Academic institutions will have data, studies and analyses on a whole range of socio-economic issues.
- Women's rights organizations will have information and analyses of issues related to violence against women and girls and other aspects of rights of women and girls. Similarly, organizations representing other groups and sectors will have relevant data and research.
- Human rights organizations will have important information and analyses relevant to SDG 16 and other human rights targets.

Ensuring accountability

CSOs play a very important role in ensuring that actions for the realization of the SDGs do not violate or abuse rights. This highlights the need for justice, accountability, and access to remedy, which are all important elements of SDG 16 in particular. Many CSOs have experience in provision of legal advice and counselling for victims of human rights violations and abuses. This experience will be essential to ensure that national plans and actions for the realization of the 2030 Agenda are consistent with states' human rights obligations and the responsibilities of non-state actors. This will safeguard against actions taken in the context of development plans that lead to forced evictions, confiscation of land, or other similar human rights violations or abuses. In the cases of

such violations or abuses, CSOs with the relevant experience will be able to assist in ensuring access to remedy (see Part I Section 8.3.4 on access to remedy).

Service delivery

In addition to being advocates, many civil society organizations provide services to ensure that "no one is left behind", as promised by the 2030 Agenda. Service delivery by CSOs is often essential for the realization of ESC rights, especially when the state is not able or willing to fulfil its obligations in delivering these services (see Part I Section 8.3.2 on obligation to fulfil). Information from service delivery contributes to ensuring an evidence-base which can be used to inform strategies, policies and plans as well as reforms in legislation.

- *It is important to remember that the role of services provided by civil society is complementary, but does not replace the duty of the state to ensure services for the realization of rights.*
- *In any case, civil society providing services must be available for scrutiny and accountability.*

At the international level

CSOs have an important role in reporting and review mechanisms that are available at the international level through the High-Level Political Forum (HLPF) and through human rights review mechanisms.

Participating in the HLPF

Civil society has a role in the voluntary reporting system at the international level. There are a number of ways that national stakeholders, including civil society, the public, academia, media, and the private sector, can participate and contribute to the voluntary review processes. A national consultation should therefore be part of the preparation of the voluntary review.

Civil society organizations, as part of what is known as 'Major Groups and Other Stakeholders', can contribute to the work of the High-Level Political Forum (HLPF) through submitting information and parallel reports for the state review and also contributing to the thematic discussions. These CSOs must enjoy a special status at the UN to be able to do that, known as the ECOSOC Consultative Status. However, where they do not have this status, they can cooperate with organizations that do have this status in order that their information and concerns are incorporated in the CSO engagement process.

CSOs can also organize a roundtable or side event during the HLPF session, which is normally held in the UN headquarters in New York, and/or take part in events organized by other organizations.

After a country has been reviewed, it is fundamental for transparency and accountability that people learn about the HLPF process and its conclusions. Therefore, CSOs can play an important role in the following:

- Disseminate information on the outcome to other CSOs and the media within the country;
- Provide an assessment of the country's report and the outcome of the review;
- Continue to engage other CSOs and the media to follow up on the government's implementation of the Agenda; and
- Continue collective ongoing engagement in advocacy for the implementation of the SDGs.

Engaging with human rights mechanisms

Considering the strong connection between ESC rights and the 2030 Agenda, in addition to the HLPF, CSOs can use their engagement with UN and regional human rights mechanisms to also raise concerns over the implementation of the 2030 Agenda and the realization of ESC rights through this Agenda. (See Part I Section 9.3.3 on engagement of CSOs with human rights mechanisms.)

4.4 Engaging with non-state actors

As discussed in Part I (see Part I Chapter 8 on non-state actors), a number of non-state actors may have a direct or indirect impact on the realization of ESC rights. 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 organizations; and
- private citizens.

Getting information about each of these non-state actors, which will be essential in order to assess how to engage with them, varies and depends on each of these actors.

For example, 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. You may be able to get information from other sources, including through the following:

- reviewing national laws governing the operation of businesses;

- finding out which government authority is responsible for monitoring the business you are concerned with;
- obtaining a copy of the company's statutes; and
- obtaining information about that company or business from the trade unions.

Reminder: Non-state actors do not violate human rights, but can be held responsible for human rights abuses. The government ultimately has the obligation to protect people from human rights abuses by non-state actors. (See Part I Chapter 8 on non-state actors.)

4.4.1 Corporations

In this section, we will focus on advocacy towards the business community (see Part I Section 8.2.3 on responsibilities of business in human rights).

There might be occasions when national and international businesses or other organizations are responsible for human rights abuses. The state has an obligation to protect rights of people through laws to regulate business activities and appropriate penalties to be imposed in cases of abuses.

Therefore, your 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:** you must have prior evidence about the nature and impact of their actions, including the following:
  - What the non-state actor has done and what rights have been abused;
  - What the relevant national laws say;
  - Whether the company has its own code of ethics (if the issue relates to a company). These are not legally binding, but it is useful to quote them as the company chose to abide with them voluntarily;
  - 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.

Sometimes, the best way to influence the position of a business is through its shareholders or staff. Convincing them of the problem that you are concerned about and what needs to be done gives an additional force to advocacy efforts.

Example 13: Amnesty International calls on TripAdvisor's employees to stand against the company's role in human rights violations

In July 2019, Amnesty International sent an Open Letter to TripAdvisor's staff asking them to join the organization in speaking out against TripAdvisor's role in driving human rights violations in the Occupied Palestinian Territory. The work was based on Amnesty's report "Destination Occupation", which revealed that TripAdvisor and other online booking companies are profiting from war crimes by listing tourist attractions and properties in illegal Israeli settlements. Amnesty International specifically addressed the following to TripAdvisor's employees:

"As one of the most visited online tourism websites by foreign visitors to Israel, TripAdvisor is hugely influential – it has the power to help stop this injustice.

As TripAdvisor employees, we believe you too have a real power to make a difference by speaking out and demanding that the company stops listing accommodation and tourist attractions based in Israeli settlements.

Last year, Google employees joined Amnesty International in a call to drop a censored search engine in China, Dragonfly. Thanks to Google employees speaking out, the project was dropped.

By cutting business ties with illegal settlements, TripAdvisor would be leading the way in the travel sector and demonstrating a true commitment to ending human rights abuses.

We urge you to do the right thing: stand up for human rights and help us and your company put an end to decades of war crimes and other grave violations."

Source: Amnesty International, "Israel and Occupied Palestinian Territories: Open Letter From Amnesty International to TripAdvisor Staff", 10 July 2019, available at amnesty.org/en/documents/mde15/0659/2019/en/

Remedies for harm by corporations

It is possible to prevent or mitigate harm, or to obtain adequate remedy for the harm resulting from business activities. CSOs and community rights advocates play a critical role in assisting people affected by business activities to assert and defend their rights. They also help ensure that affected people's voices, complaints, and other relevant evidence of human rights violations and abuses are heard by government officials as well as those operating the projects (international and local businesses). This is based on the principles that governments have the obligations to protect people from human rights harm caused by businesses, and the responsibilities of businesses to respect human rights and remedy harm (see Part I Section 8.2.3 on business and human rights).

Box 40: Biashara na Haki: Impacts of Businesses on Human Rights series

This handbook series has been produced by the Human Rights Capacity-Building Programme of Amnesty International Netherlands.

"Part 1, Knowing Your Rights, introduces businesses and their impact on human rights, setting out the different types of businesses, the pressures they face to respect human rights, and the potential impacts they can have on human rights. Part 1 also provides an overview of international instruments, including the United Nations Guiding Principles on Business and Human Rights (UNGPs), which established the authoritative global standard that all businesses have a responsibility to respect human rights and reiterated the duty of the state as the primary protector of those rights.Part 1 also discusses the human rights-related roles and responsibilities of various actors, including businesses, governments of businesses' home and host states, international organizations, financial institutions, and multistakeholder and industry initiatives. Part 1 concludes by discussing specific human rights issues, including labour rights, environmental harm, access to land, security and armed conflict, corruption, and access to remedy.

Part 2 is designed to help you – CSOs, community rights advocates, and human rights defenders, and the communities you work with – develop your analytical, organizational, and engagement skills. It includes practical tools distilled from (and illustrated by) concrete examples and case studies from a broad range of business sectors. By highlighting and weighing different options for engaging with business actors and government, the handbook encourages you to take an evidence-based, constructive approach to engagement. Such an approach favours collaborative strategies and tactics such as negotiation, joint problem solving, and campaigning, but does not shy away from more adversarial approaches such as legal action, depending on the specific situation, context, and your defined goals. Ultimately, the affected communities must make an informed decision about which approach to use to reach their goals, with advice and guidance from you."

Source: Biashara na Haki – Impacts of Businesses on Human Rights, Amnesty International – Netherlands Section, available at amnesty.nl/actueel/biashara-na-haki-impacts-of-businesses-on-human-rights

Box 41: Corporate Crimes Hub

Companies should be held to account when they engage in illegal conduct linked to serious human rights abuses. To this end, the Corporate Crimes Project at Amnesty International, in collaboration with NGO partners from across the globe, developed the Corporate Crimes Hub. This aims to advance the investigation and prosecution of corporate crimes by providing legal and investigatory resources to those at the forefront of the fight against corporate impunity. The Hub includes legal information on offences involving corporate actors, a map of criminal cases filed by NGOs against corporate actors, and investigatory tools to aid in online, corporate crime research.

The Corporate Crimes Hub can be accessed at corporate-crimes.org

4.4.2 Armed groups

Engagement with armed groups is not easy. The main aims of engagement with armed groups throughout conflicts is twofold:

- ensure that they respect principles of IHL (see Part I Section 8.2.4 on non-international armed conflict) in their general conduct of hostilities and control of areas; and
- negotiate respect for ESC rights in specific areas and occasions.

While these two aspects are difficult to achieve, there are examples that you can build on and learn from. There are a number of materials produced by the ICRC and specialized organizations such as "Geneva Call" that are aimed at members of armed groups.

Example 14: Booklets by Geneva Call on responsibilities of armed groups

Geneva Call is a neutral, impartial and independent humanitarian organization working to improve the protection of civilians in armed conflict. It aims to strengthen the respect for the law of armed conflict by armed non-state actors. During conflict, fighters must comply with the "rules of war" as enshrined in international humanitarian law.

To this end, Geneva Call produced a number of educational tools on international humanitarian norms related to the protection of health care, displaced persons and cultural property in armed conflict. For each thematic area, a new booklet with illustrations and key messages has been produced, in consultation with relevant stakeholders.

See for example "Protecting health care in armed conflict: Key rules from Geneva Call's Deed of Commitment", Geneva Call.

There are also many examples showing how CSOs have played very important roles at local levels to secure access to ESC rights, through negotiations with parties to an armed conflict. In the recent conflicts in Syria, Iraq, Yemen and Libya, many examples have emerged of such efforts, which have made a huge difference to people's daily lives.

Example 15: Negotiating access to water during the conflict in Yemen

"Women are not passive victims of this war. They have been leading efforts to bring peace to Yemen and hold communities together with limited resources." (Muna Luqman briefing at the Security Council)

There are many stories of the work being done by Yemeni women in the area of negotiating access to water resources, which have had a life-saving impact. Food4Humanity is a Yemeni, women-led civil society organization founded by Muna Luqman which played a major role in saving lives and relieving suffering, especially as many humanitarian organizations left the country after the start of the conflict, leaving huge gaps in the provision of basic needs for communities. In Taiz, for example, Food4Humanity carried out mediation between armed groups in order to deliver food and water to children trapped in an orphanage. Food4Humanity also led a mediation process involving 16 community representatives. As a result, the community leaders signed a local peace agreement and formed a council to prevent future conflicts. Food4Humanity also launched the Water4Peace initiative, which aims to empower women and youth to bring their communities out of poverty and dispute by providing close, clean water supplies, awareness programs and income generating projects.

Source: "Deteriorating access to water during Yemen's conflict has had a disproportionate impact on women yet they face exclusion from peace talks", available at ceobs.org/international-womens-day-2020-women-war-and-water-in-yemen

4.5 Complaints and litigation

Using complaints mechanisms and taking cases to courts are extremely powerful steps towards the realization of rights. These cases can have an impact beyond the specific case concerned: they can develop new interpretations of law, and can be used to back

up arguments in other cases. CSOs should encourage journalists to report on such cases. States are required to include information about such cases in their reports to the Committee on ESC rights and other regional and international human rights treaty bodies.

4.5.1 Complaints

Complaints can be submitted at the national or international level to specially mandated bodies. While the mandate may not be specific to ESC rights, it is important to consider approaching these bodies and filing complaints in order to achieve better realization of ESC rights.

National complaints

If approaches to the legislature and executive branches of government bring no results, the matter can be taken to a number of bodies that may exist at the national level. For example:

- **Formal administrative bodies:** This includes public grievance offices, like complaint bodies in various ministries (for example on education or health), or in detention centres (to complain about detention conditions including food and health).
- **Independent bodies:** This includes complaint mechanisms through NHRIs or the ombudsman offices (which are bodies mandated specially to handle complaints) or other specialized complaint mechanisms like anti-corruption bodies when they exist in the country.
- **Non-judicial mechanisms:** Some institutions have processes to deal with complaints, outside the formal court system. These include complaint mechanisms inside companies. For more discussion on these mechanisms, please refer to "Biashara na Haki", available at amnesty.nl/actueel/biashara-na-haki-impacts-of-businesses-on-human-rights.

Each of these bodies have their specific mandates and 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, it is important to find out:

- Whether the complaint is "admissible", that is:
  - Whether the body is empowered to legally deal with the matter; and
  - Whether there is enough evidence;
- How the information should be submitted: it may be necessary to complete specific forms.

Regional and international complaints

As discussed earlier, complaints can also be brought to a number of international treaty bodies under their complaints or communications mechanisms (see Part I Chapter 7 on regional and international complaint mechanisms).

Who can complain?

Anyone can lodge a complaint with a regional and international committee against a state:

- That is party to the treaty in question (through ratification or accession) providing for the rights which have allegedly been violated;
- That accepted the Committee's competence to examine individual complaints, either through ratification or accession to an Optional Protocol (in the case of ICCPR, CEDAW, CRPD, ICESCR and CRC) or by making a declaration to that effect under a specific article of the Convention (in the case of CERD, CAT, CED and CMW).

Complaints may be submitted by or on behalf of individuals or groups of individuals. If a complaint is submitted on behalf of individuals or groups of individuals, the author of the complaint must either show proof of their consent or justify acting on their behalf without their consent.

How to file a complaint

Article 3, paragraph 2(a) of the Optional Protocol of the International Covenant on Economic, Social and Cultural Rights states that:

"The Committee shall declare a communication inadmissible when: (a) It is not submitted within one year after the exhaustion of domestic remedies, except in cases where the author can demonstrate that it had not been possible to submit the communication within that time limit".

It is not necessary to be a lawyer or even familiar with legal and technical terms to bring a complaint under the treaties concerned.

Your claim should be in writing, written legibly, preferably typed, and signed (complaints sent by email should be scanned). Only communications presented in one of the UN languages (Arabic, Chinese, English, French, Russian and Spanish) can be accepted.

Complaints can be filed by email to petitions@ohchr.org

Instructions on how to file complaints can be found on the OHCHR website at ohchr.org/en/treaty-bodies/individual-communications

Regional complaints

There is no complaint mechanism connected with the Arab Charter on Human Rights (see Part I Section 7.4.2 on the ACHR).

In the African system, the African Commission on Human and People's Rights is mandated to receive and consider communications from individuals and organizations alleging that a state party to the African Charter on Human and People's Rights has violated one or more of the rights.

Article 56 of the Charter sets out the following seven conditions to be met for a communication received to be considered admissible:

> "Communications relating to Human and Peoples' rights referred to in Article 55 received by the Commission, shall be considered if they:
>
> 1. Indicate their authors even if the latter requests anonymity,
> 2. Are compatible with the Charter of the Organization of African Unity [currently the AU] or with the present Charter,
> 3. Are not written in disparaging or insulting language directed against the state concerned and its institutions or to the Organization of African Unity,
> 4. Are not based exclusively on news disseminated through the mass media,
> 5. Are sent after exhausting local remedies, if any, unless it is obvious that this procedure is unduly prolonged,
> 6. Are submitted within a reasonable period from the time local remedies are exhausted or from the date the Commission is seized with the matter, and
> 7. Do not deal with cases which have been settled by those states involved in accordance with the principles of the Charter of the United Nations, or the Charter of the Organization of African Unity or the provisions of the present Charter."

The African Commission has issued an information sheet that explains a number of issues in details including conditions of admissibility, amicable settlement, evidence and burden of proof, the recommendations of the Commission and the follow-up. The Information sheet is available at achpr.au.int/en/communications-procedure.

4.5.2 National litigation

National litigation is useful in situations where there has been a violation of rights protected under the constitution or national law, or, in some cases, under international treaties which the state is a party to, specifically if international treaties form part of national legislation (see Part I Section 2.2.2 on monist and dualist systems).

Litigation is about bringing cases to courts and tribunals. These can be general courts at various levels or locations in the country, or specialized courts like labour courts or juvenile courts. Legal actions before these is known as "litigation".

- *Bringing cases before judicial bodies at the national, regional and international levels is for seeking remedies (see Part I Section 8.3.4 on access to remedies).*

The executive authorities in every country are obliged to implement the outcome of cases brought before national courts. Litigation is therefore an important tool of advocacy. It can be combined with other advocacy actions, such as public campaigns, to give extra attention to a court case or court judgement. The result of a court case can also be used in further campaigning to get the verdict implemented. Campaigning on court cases can be used as a tool to ensure its implementation in other similar cases too. Court cases are often used as a last resort if other advocacy actions have failed.

> ***Reminder:*** In using litigation as a tool for advocacy for ESC rights, you should not call on judges to make certain judgements to support your cases. The judiciary is independent, and no pressure must be put on the judiciary in any way. The independence of the judiciary should be respected in all situations.

In some situations, the case may go to a higher court and end up having wider significance, including in relation to interpreting the legal framework, use of international standards at the national level, and can result in changing laws. Some cases have significance to a large group of people and can mobilize large numbers of people in a community.

Strategic litigation: Often, organizations use what is known as strategic litigation as an important tool for claiming rights. Strategic litigation is the use of a test case as a strategy to set a precedent. This precedent may then have an impact on other cases, or lead to change in law or practice, or may affect a large group of people.

Class action: Sometimes, cases are taken on behalf of a large number of people affected by the same situation. This is called "class action".

Example 16: Litigating ESC rights in Egypt

In a lawsuit in 2010, the Egyptian Initiative for Personal Rights (EIPR) challenged a decree by Egypt's Minister of Health establishing a new pricing system for medicines, arguing that it constituted a violation of the right to access medicines, as the new system threatened the accessibility and affordability of medicines in Egypt. The Court issued an injunction to suspend implementation of the decree, pending further consideration on the petition which called for annulment of the system. Citing Article 16(2) of the African Charter on Human and Peoples' Rights, the Court found that the new system would lead to "inevitable repercussions...principally increased prices of pharmaceutical drugs and the consequences this will have for citizens' health and their right to obtain affordable medicine." The Court also said that the

decree failed to factor in the social dimensions of the old pricing system and that any system should seek to fulfil the "health security" of all Egyptians. The significance of this case is that it affects the whole population, and that the Court referred to regional standards (the African Charter on Human and Peoples' Rights).

In another case that also has great significance, the Egyptian Centre for Economic and Social Rights brought a case on behalf of an employee for his arbitrary dismissal from the Commercial International Bank. The dismissal came following the discovery by the employee of several corruption cases in the Bank. The complaint argued that this results in squandering public funds. The Court ordered the payment of a very large amount in compensation for arbitrarily dismissing the employee. The significance of the case is that it relates to challenging a large international bank in national courts.

Sources: "Case No 2457/64 Challenging the New Drug Pricing System", ESCR-Net, available at escr-net.org/caselaw/2010/case-no-245764-challenging-new-drug-pricing-system

"ECESR Wins LE 200,000 Compensation for Bank Clerk over Arbitrary Dismissal", Egyptian Centre for Economic and Social Rights (ECESR).

4.6 Campaigning and mobilizing

4.6.1 What is a campaign?

A campaign on an ESC rights issue aims to mobilize a large number of people in order to achieve the change as specified in the goal and objectives of your advocacy strategy, through public pressure. Campaigns on an ESC rights issue, therefore, are not random actions without clear objectives, but must be conducted as part of a larger advocacy strategy and plan.

- *A campaign is one of the tools that can be used in an advocacy strategy.*

Amnesty International defines a campaign as "a highly-focused, time-bound, and winnable project, strategically planned, coordinated and communicated to achieve explicitly defined external goals and objectives".

A campaign consists of interconnected actions that have the following elements:

- The campaign must have clear goals and objectives.
- The campaign as a whole and the actions within it must be time bound, that is, not simply consisting of ongoing actions that your organization continuously works on.
- The campaign must aim to reach large numbers of people with a message. A

campaign is not an action that is delivered only through one-to-one meetings.
- The campaign uses different strategies. It does not involve one method or strategy to achieve the campaign objective.
- The campaign will require coordination, considering the multiplicity of audiences, actors, strategies and actions.

There are many actions that can be carried out throughout campaigns. They do not all need to be carried out at the same time. They can be staggered, and used at different points of the campaign, depending on the messages and the audiences of the campaign. These include:

- protest, petitions, public meetings, debates, and so on;
- visuals for public mobilization including graffiti, visual arts, posters, digital art, and media work;
- mobilization via Facebook, Twitter, Instagram, and other such social media platforms.

Campaigns often make use of specific events, such as election times or the process of a law being debated and passed through parliament. They can also be launched on an important national or international anniversary (for example, 10 December every year marks International Human Rights Day, 8 March marks International Women's Day).

Campaigns are hugely strengthened through the involvement of the primary rights holders, who can participate in public meetings and give their own testimonies and stories.

Example 17: Campaign on access to water and sanitation in Kairouan – The Tunisian Forum on Economic and Social Rights

The Tunisian Forum for Social and Economic Rights (known mainly for the acronyms of its French name: Forum Tunisien pour les Droits Economiques et Sociaux – FTDES) is a Tunisian organization established in 2011 to campaign for people's economic and social rights at the national and international levels. FTDES works on labour rights, women rights, environmental rights and migrant rights. It is a coalition of tens of organizations across Tunisia, and has sections across the country.

One of the issues that the FTDES and a number of its partners and supporters are campaigning on is access to water and sanitation in Tunisia, as part of work on environmental rights. According to the FTDES and other studies, while the problem is found in many parts of Tunisia, Kairouan is severely affected. Parts of Kairouan suffers from long interruption of water and sanitation, sometimes extending to years. 175 out of 313 schools, as well as over 60,000 citizens, and numerous institutions are not connected to water or sanitation networks.

These are mainly people in rural areas, who are forced to collect unhygienic water from natural wells and pools, a task that is often carried out by women, who have to walk long distances in an unsafe environment.

FTDES bases its campaign on Article 44 of Tunisian Constitution (2014) which states: "The right to water shall be guaranteed. The conservation and rational use of water is a duty of the state and of society." Tunisia is a state party to the ICESCR.

The Campaign in Kairouan constitutes various elements. The Forum initiated the campaign in consultation with the local community and community-based organizations or initiatives. A number of activities are being implemented as part of this campaign:

- On 22 March 2021, on the occasion of World Water Day, a tent was set up to launch the campaign in the centre of the city, near the weekly market. The purpose of this was to increase awareness and mobilization on water and sanitation as human rights.
- A petition was also initiated in the tent, in the offices and online, where individuals and groups can add their names to the following demands:
  - ensuring drinkable water to every person, home and institution;
  - establishing a public institution that is tasked with ensuring access to water in rural areas;
  - cancelling contracts for privatization of water supply, especially since Article 13 of the Constitution states "Natural resources belong to the people of Tunisia"; and
  - ensuring that rural areas receive the same attention as urban areas.
- A film was also produced on the devastating extent and consequences of the situation, which was shown in the tent.
- Protest marches that ended in rallies in front of local Council offices and water authorities were also held.

The campaign was closely coordinated with the media and received wide media coverage.

In addition to lobbying government officials and members of Parliament, the FTDES also wrote to the UN Special Rapporteur on the human rights to safe drinking water and sanitation urging him to visit Tunisia to inspect the situation through a visit to the location. The FTDES communicated closely with the network of actors in the water and sanitation sectors and supported their efforts in defending the right to water and sanitation for the most disadvantaged and marginalized groups as well as emphasising the

importance of citizen participation in the evaluation and implementation of public policies through empowerment, accountability and transparency.

The Kairouan section of the FTDES has been leading on the activities in that region. Much of the activities and material are covered on its Facebook page.

While several activities were initially launched in Kairouan, FTDES and its partners also highlight the problem in other parts of Tunisia and carry out campaigning on this as well.

Sources: FTDES letter to the UN Special Rapporteur on the human rights to safe drinking water and sanitation, available at ftdes.net/en/rapporteur-special-sur-les-droits-de-lhomme-a-leau-potable-et-a-lassainissement/

Report on Celebrations on the occasion of World Water Day, 22, March 2021 (Arabic), available at ftdes.net/ar/journee-mondiale-de-leau/?fbclid=IwAR1nJeNwc2kQ2GdMVk-b4hn6ncc9jxlhTOq3XjLG337GzBdwl7NJK4WAobQ

The Facebook page of the Kairouan section of the FTDES, available at facebook.com/profile.php?id=100064624904634

4.6.2 How do you plan a campaign?

A campaign starts with identifying the issue or problem and carrying out research into it. Planning a campaign includes many of the elements of planning an advocacy strategy, including:

- Identifying, prioritizing and analysing issues/problems;
- Setting the campaign goal and objectives;
- Analysing stakeholders;
- Identifying suitable channels of influence;
- Developing the core campaign messages tailored to specific audiences;

- Selecting tactics and activities to achieve specific objectives;
- Developing a framework for measuring progress;
- Assessing physical, social and psychological risk to individuals and organizations and planning mitigation measures; and
- Developing an exit strategy.

Normally, a successful campaign includes the following:

- It includes clear communication of messages, advocacy and mobilization actions;
- It uses a range of methods;
- It requires a high concentration of human and operational resources;
- It may be carried out at global, regional, national or local levels, depending on the strategy identified for being the most effective way to create the necessary visibility and maximum pressure;
- A campaign will require various levels of well-coordinated engagement by various actors (depending on its strategy); and
- Ideally, a campaign should be:
  - established when there is a clearly identifiable opportunity to 'win';
  - run within a limited timeframe (typically for a period between six months to two years); and
  - based on an integrated approach employing multiple tactics throughout its lifespan.

A number of factors can contribute to the success of a campaign and can contribute to wide mobilization in support for your goal of the campaign:

- catchy mottos or slogans
- simple clear messages
- evidence/facts/statistics
- visual symbols or graphics
- lead persons or flag bearers
- coordination
- proper timing
- focused audience
- innovation (new and striking actions)
- contingency measures

Choosing a clear hashtag for the campaign, and maybe establishing a Facebook and other social media pages and publicizing them will help boost the campaign.

4.6.3 Issues to consider in campaigning

Communication during a campaign

In order to be able to influence the various audiences you wish to reach it is important to have clear messaging.

You will need to identify the central message about the statement of the problem (what concrete change you propose and why the desired change is important), evidence (facts and figures), example (actual case), goal (desired change) and desired action (what you would like the people to do).

Communicating a campaign, including through social media, will require:

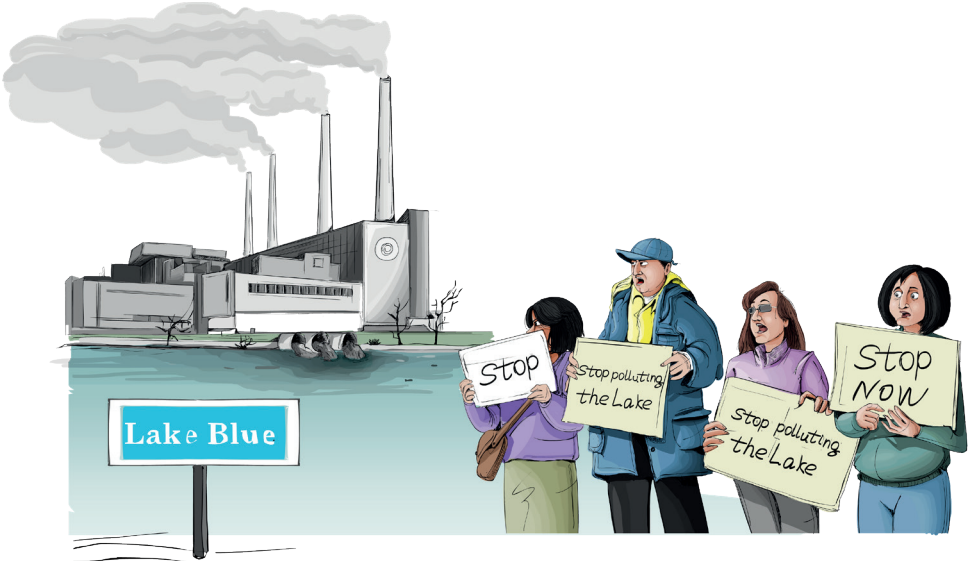
- a campaign slogan (short text of ideally 35- words indicating the desired change)
- communication objectives
- a campaign narrative (an explanation of the reasoning behind the campaign)
- key top-line messages (the major "asks", what you concretely propose and ask decision-makers to change)
- channels (a determination of the different platforms on which you want to convey your messages)
- guidelines about the use of visuals such as photo, video, and social media, editorial guidelines, or about the "tone of voice"

When designing a campaign, it is important that all communicators (spokespeople, writers of campaign materials, event organizers, and all other staff and volunteers) have clear messages and are able to communicate them. Campaign messages are different from a campaign slogan. This is the specific single message that defines what your campaign is about and what all communications should promote. The actual words of the campaign message might not be used in public. This message provides the basic sentiment to inspire and frame your communications.

> **Example:** In the case of Lake Blue used earlier, your organization and other organizations in the community decide to work on the issue through a public campaign to put pressure on the Factory and on the government of Country X. Your campaign messages can be "Factory Y: stop dumping polluted water and provide compensation to the population. Government of Country X: improve regulatation of private companies, carry out regular inspections, and ensure remedies for the people affected." Your slogan for the Campaign could be "We want clean water: Stop dumping!"

Mobilization

Often your campaign will aim to mobilize a large number of people. Mobilization means building movements of people who want change. These movements generally develop out of a sense of grievance about systems or practices that exploit and oppress people.



Often, ESC rights mobilization starts with a small group within the community, who then involve others and such mobilization spreads to include a larger number of people. Mobilization in this way results in increasing pressure on decision-makers to achieve the needed change.

Mobilization helps to create change by ensuring that larger numbers of people, and as wide a variety of people as possible participate in claiming and defending ESC rights. Through mobilization, a large pool of individuals and groups with specific expertise can participate.

Revolutions in several Arab countries that began during what is often referred to as the "Arab Spring" started by calls for mobilization of people around issues related to living conditions, freedoms, social justice and human dignity.
عيش - حرية - عدالة اجتماعية - كرامة انسانية

- *Involving as many people and as wide a variety of people as possible is especially important to show the strength of support for your ESC rights campaign.*
- *To ensure success in campaigning, it is important to mobilize the communities affected by the ESC rights violations or abuses that you are focussing on.*
- *Also, while bearing in mind power relations within the community, it is important to find various methods to ensure outreach to diverse actors within the community.*

Example 18: ABAAD's campaign "Lockdown Not Lockup"

Cases of domestic abuse in Lebanon, as in other parts of the world, have skyrocketed since the outbreak of COVID-19. Already existing gender-based violence risks at home and in public spaces exacerbated due to self-isolation, misuse of power, heightened tensions, financial uncertainties and disruption of life-saving services. In response, ABAAD, a Lebanese feminist organization, launched a nationwide awareness-raising campaign amidst lockdown under the hashtag **#LockdownNotLockup**, asking people to share ABAAD's Helpline number from their balconies along with messages of solidarity. The purpose was to tell women residing behind closed doors that they are not alone and that they can reach out for support when needed. Hundreds of people took part in ABAAD's initiative across Lebanon, sharing messages of hope and telling women that they don't have to suffer in silence. The hotline number was painted by many on large bedsheets that were hanged on balconies with the central message in Arabic (**lockdown NOT lockup**), and with the phone number of the hotline.

The #LockdownNotLockup campaign was picked up by national, regional and international media. It reached millions of people online through its various social media platforms:
facebook.com/abaadmena
twitter.com/abaadmena
instagram.com/abaadmena

Source: "#Lockdownnotlockup Campaign Reaches out to Victims of Gender-Based Violence", SDGs Action Awards.

Human rights education and awareness

Human rights education and awareness-raising are powerful tools in mobilization and campaigning. They empower partners, communities, and audiences to take action through fostering knowledge, skills, attitudes and behaviours. Human rights awareness can benefit people beyond the advocacy efforts on a specific problem or issue and can be used throughout life.

> *Human rights education is not undertaken only to raise awareness or knowledge on specific human rights issues, but essentially to stimulate action for social change, through and for human rights. It is about people changing their own lives. It is useful that you factor this in your campaign, as this contributes to the sustainability of the campaign.*

Raising awareness of human rights encompasses:

- Raising consciousness and awareness;
- Challenging attitudes, values and behaviour and transforming them;
- Creating capacities for critical thinking and analysis;
- Nurturing ongoing commitment and passion for human rights; and
- Taking organized actions to promote, defend and realize human rights.

Chapter 5

Ensuring and measuring success

This chapter introduces measures that you can adopt internally in your CSOs or as part of your advocacy plans, as well as considerations for your relations with outside audiences and stakeholders in order to ensure success for your advocacy plans.

There are several measures you need to take in your planning process, as well as during implementation, to ensure that your advocacy on ESC rights is successful. These include monitoring and evaluation, attention to ethics of advocacy, regular risk assessment, and continuous attention to proper communication. An exit strategy is essential to guarantee sustainability of the work.

You are now at Step 10 of the 10 Steps of advocacy planning

Step 1	**Identifying the ESC rights issue** Tools: Problem tree and solution tree mapping
Step 2	**Setting goals and objectives** Tool: Using solution tree
Step 3	**Analysing the external environment** Tool: PESTEL analysis
Step 4	**Analysing your own internal capacity** Tools: SWOT and BEEM analysis
Step 5	**Analysing stakeholders** Tool: Actors/Power/Interests
Step 6	**Identifying the audience and ways to reach them** Tools: Force field analysis, pathway mapping
Step 7	**Messages and communication** Tools: Developing key messages and communicating results
Step 8	**Selecting advocacy tactics and channels of delivery** Tools: Campaigning and mobilizing, lobbying, litigation, engaging with international mechanisms
Step 9	**Action planning** Tools: Plan of action, advocacy ethics, risk assessment, and effective communication
Step 10	**Monitoring and evaluation** Tools: Monitoring, evaluation and exit strategy

5.1 Respecting ethics of advocacy

The following ethical principles and considerations, which fundamentally underpin any human rights-compliant approach, must be taken into consideration all of the time in advocacy planning, implementation and follow-up:

- **Do no harm:** Protect the physical, social and psychological wellbeing of those you engage with in advocacy efforts.
- **Respect:** Uphold the autonomy, dignity, choice and privacy of those involved.
- **Confidentiality:** Do not disclose, share or publish views or information provided except with informed consent.
- **Informed consent:** Explain the different aspects of your advocacy plans so that people make well considered choices on participation.
- **Active participation:** Ensure that you meaningfully involve stakeholders.
- **Non-exploitation:** Do not take advantage of advocacy plans for your own benefits.
- **Equity and non-discrimination:** Include all different related groups and avoid bias.
- **Neutrality and impartiality:** This has two dimensions. Ensure that your statements are not partisan or biased, and you are not seen as such, otherwise you risk people not cooperating with you; and always be aware of possible political agendas of people you are talking to and how this may affect the information provided to you.
- **Integrity:** Exercise honesty, do not misuse actions and resources for other purposes. **Transparency:** Disclose what needs to be disclosed.
- **Accountability:** Take responsibility for your actions, as well as show how resources are used.

5.2 Assessing risks

Advocacy on human rights in general, including ESC rights, involves risks. It involves challenging power structures and therefore consequences may follow because of that. Organizations and individuals all over the world have been facing retaliation and risks for their work in defending rights of others.

You may risk criticism on your right to speak out and be accused of "being too political". You may face challenges to your legitimacy or to the accuracy of your information, or you may face questions regarding your motivations for working on the issue. While allegations may not be true, they can lead to a loss of credibility and a negative impact on your effectiveness in the future, as well as potential reductions of income to your organization and/or a reduction of numbers of supporters and a damage to morale. Operationally, you may find your ability to access or run programmes in a particular area is limited. Most seriously, you may find that you and your colleagues, along with staff or partner NGOs and rights holders face intimidation, physical violence, arrest and detention.

It is important to remember that in several countries, human rights organizations are not allowed to register, and therefore human rights work, including the defence of ESC rights, is carried out by individuals who face major risks to their security and the security of their families. In other situations, even when human rights defenders work within registered organizations, they also face risks because of the nature of the work they are carrying out and the issues they raise. Some ESC rights advocates (such as those working on land rights or forced evictions) are facing threats continuously. Your choice of tactics and your action plan needs to take such risks into account. Different strategies and tactics carry different risks: for example, doing silent lobbying versus going public.

- *Your organization may be in a situation to provide support and solidarity to other organizations or individuals who are at risk because of human rights work. Or your organization needs the support and solidarity of others.*

It is therefore important that a risk assessment is carried out. A risk assessment will help you identify how to mitigate against developments that may negatively impact your advocacy strategy. It can help you identify steps to take to stop the impact of such developments (for example, by not working in a certain area, or not engaging with certain groups). Sometimes, stopping the negative impact may not be possible, but you may be able to reduce its effects. In Table 13 below you will find a simple risk matrix which enables you to think of possible risks and how to tackle them.

Table 13: A simple risk matrix

Risk or threat (description – first brainstorm what such risks could be)	**Probability/ likelihood that it happens** (description and/or score, for example from very high to very low)	**Impact/ consequence when it happens** (description and/or score, for example from very severe to mild)	**Prevention and mitigation measures** (what measures should you adopt to prevent or mitigate the risk)

An important part of the advocacy for ESC rights is through defending defenders. Solidarity with defenders, special projects for defending defenders, allocations of

funds, training defenders on their security and the security of their information, and engagement with UN mechanisms to bring cases about violations of human rights defenders to their attention, are all important ways of defending defenders.

Example 19: Human rights researcher Ibrahim Ezz El-Din, Egypt

On the night of 11 June 2019, plain clothed police officer took Ibrahim from the street near his home in Cairo, Egypt. His family and lawyers enquired about him at the police station, but the authorities denied that he was in their custody and denied that he was detained at all. After enforced disappearance for 167 days, on 26 November 2019, Ibrahim was brought before the Supreme state Security Prosecution, where he said he was tortured during his degrading time in detention. In April 2020, Amnesty International reported that the health of detained human rights researcher Ibrahim Ezz El-Din's had deteriorated in Tora prison putting him at particular risk if exposed to COVID-19.

Ibrahim Ezz El-Din has been working towards ensuring that everyone has access to safe and affordable housing, investigating forced evictions and Egypt's urban planning policies. A number of national, regional and international organizations have been monitoring the case, intervening with national authorities and international bodies on the case, and issuing public statements. In December 2019, Amnesty International included Ibrahim Ezz El-Din as one of ten main cases from across the world who are the focus of concerted efforts of intervention and letter writing by Amnesty International members during its annual "Write for Rights" campaign. A call was made for people globally to write to the Office of the Public Prosecutor asking for:

- the immediate and unconditional release of Ibrahim;
- pending his release, ensuring that he has access to his lawyers and family and that he is protected from torture and other ill-treatment; and
- opening an investigation into Ibrahim's enforced disappearance and the torture.

Ibrahim Ezz El-Din was released on 26 April 2022 after 34 months of arbitrary detention.

Sources: "Egypt: Release Human Rights Researcher Ibrahim Ezz El-Din After His Torture and Enforced Disappearance", Amnesty International, available at amnesty.org/en/documents/mde12/1614/2019/en/, amnesty.org/download/Documents/MDE1219662020ENGLISH.pdf, amnesty.org/en/documents/mde12/5632/2022/en/

Also related: "Write for Rights", Amnesty International, 2019, available at amnesty.org/en/get-involved/write-for-rights

Box 42: Special Rapporteur on the situation of human rights defenders

Human rights defenders are all persons, who individually or in association with others, act to promote or protect human rights peacefully.

Any individual, group, civil-society organization, inter-governmental entity or national human rights bodies can submit information to the Special Rapporteur on Human Rights Defenders.

An online form includes information that is both required and desirable in order for the Special Rapporteur to properly examine a case and take action as needed. The online submission form can be accessed at spsubmission.ohchr.org

If you are not able to complete the form online, you may send your submission via e-mail to urgent-action@ohchr.org

Submissions may also be sent to:

OHCHR-UNOG,
8-14 Avenue de la Paix,
1211 Geneve 10,
Switzerland

In order to keep track of submissions, you are encouraged to use the online form.

5.3 Effective communication

Effective communication at different stages of your advocacy on ESC rights planning and implementation is important to ensure its success. It is therefore important that a clear communication framework is developed for your advocacy strategy. This not only relates to communication during campaigning and mobilization: other actions and tactics that you use in your advocacy strategy may also benefit from clear and effective communication.

- *You can develop a Communications Framework for your advocacy strategy. This will provide an overarching vision and clear guidelines for positioning and communicating your goal, objectives, tools and planned actions and partners. Additionally, you can develop communications on outcomes of different actions you have taken within your strategy.*

Example:

- Submitting a case to courts in your litigation efforts can be communicated to the media in order to generate interest in the case. The outcome of the case and the court judgement can then be communicated publicly through the media, your website, and through social media platforms.
- Summaries of the concluding observations of the CESCR can be communicated publicly, or to other CSOs and CBOs, especially when these concluding observations reiterate concerns and recommendations that you have raised in your submission to the CESCR.

Clear communication messaging is essential for engaging stakeholders, the community, partners, regional and international mechanisms, and the public. Communication with each of these may be different from the others, depending on their position and role, what you want from them, and how you can influence them.

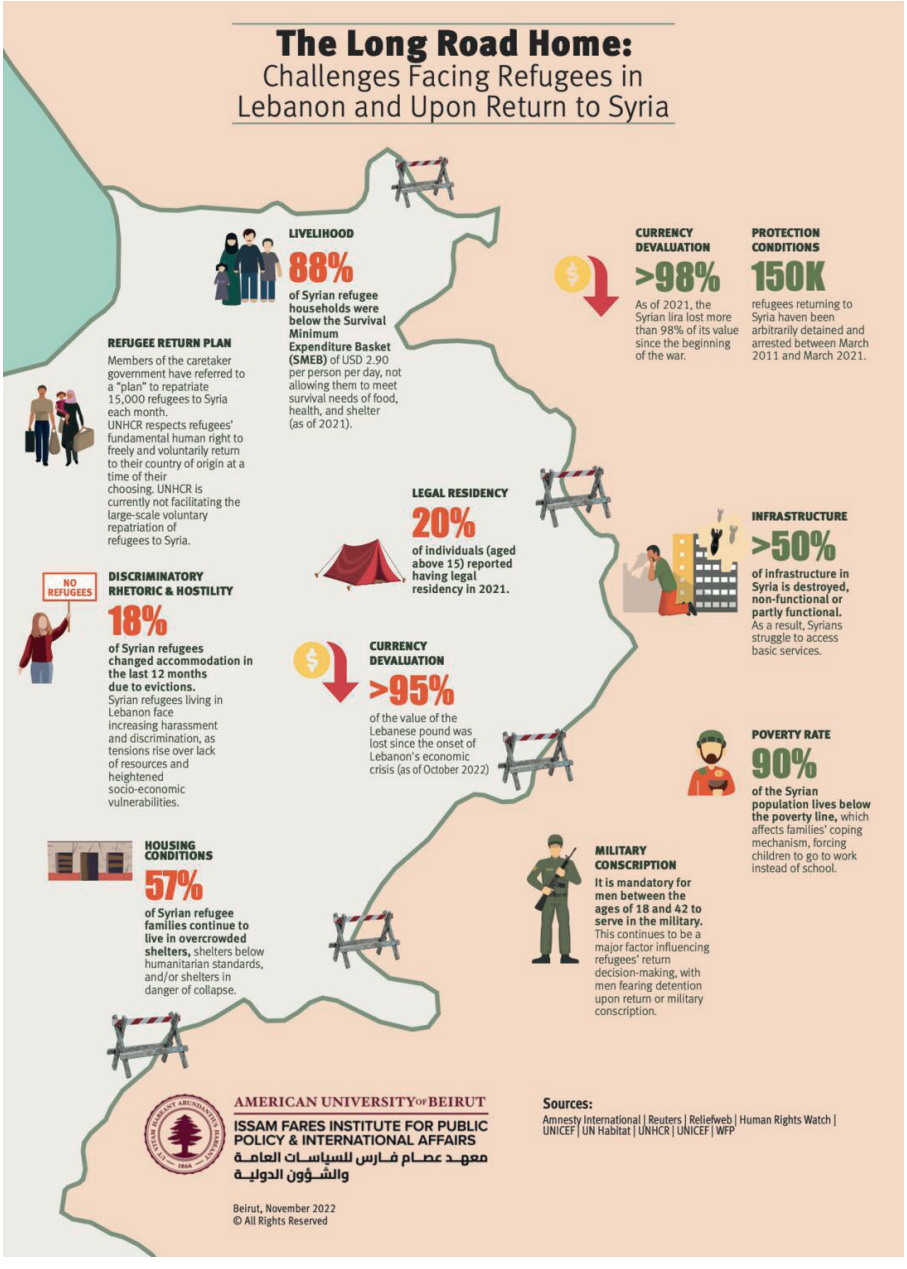
To ensure effective communication, you will need to develop advocacy messages in different forms, or for the various target audiences, depending on who they are and what they can or should do. Stakeholder analysis will help identify how advocacy messages are communicated with each (see Section 3.6 on stakeholder analysis).

- *While the ways messages are communicated need to be designed specifically for each audience, the meaning of each message must be centred and consistent with your advocacy strategy, goal and objectives.*

For example, there are different ways to communicate with governments: by sending letters and memorandums to government officials, or in a meeting. In all communications with government, it is important to remind officials of their obligations under national and international law and standards, referring to applicable national and international law.

It is also possible that sometimes you convey information to raise the awareness of the public so that they become part of the actors for change. The more they know and are convinced of the cause, the more they can engage in the efforts towards realizing the change. Public awareness-raising does not require detailed information and analysis. You may simply need to rely on little, but clear and factual information, including visuals (see for example Figure 18 below).

Figure 18: Example of infographics developed for public awareness-raising



Source: "The Long Road Home: Challenges Facing Refugees Returning to Syria from Lebanon", Issam Fares Institute – American University of Beirut, available at aub.edu.lb/ifi/Pages/publications.aspx

The media are key partners for communication in order to achieve wider impact, as the media can reach more people, and through that increase public pressure, which amplifies your information and messages.

- *Strong messages, clear language, human stories, and access to expertise are important to make this work.*

In your communication, it is important that you consider the following:

- 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 (your "ask"). A strategy for conveying each message should include:
  - Defining the objectives: for example, decide if you want to change people's opinions on a subject or you want to persuade 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.

5.4 Monitoring and evaluation

Monitoring and evaluation seek to address the following five main issues:

1. Are we doing the right things? (Relevance)
2. Are we doing what we said we would do? (Effectiveness)
3. Are we doing it at reasonable cost? (Efficiency)
4. Are we making any difference? (Impact)
5. Can it be replicated, and the impact be made to last? (Sustainability)

Monitoring and evaluation is often referred to as M&E. It is also sometimes referred to as MEAL, which stands for monitoring, evaluation, accountability and learning. Monitoring and evaluation ensure accountability and learning.

5.5.1 Difference between monitoring and evaluation

Monitoring involves systematically assessing progress towards achieving an intended result. It is a continuous ongoing process of data and information gathering, which provides the basis for decision-making, learning, action, and preparations for future evaluations.

- *Monitoring allows for decisions to be made on necessary adjustments to the plans.*

Evaluation can be broadly understood as the process of assessing the value of something. In terms of advocacy plans for ESC rights, such assessment should focus not only on the expected or actual results, but also on the processes contributing to these results. It is a systematic assessment of the design, implementation, and results of your advocacy plans. Evaluation can be carried out while the advocacy plan is still ongoing (for example, a mid-term evaluation) or when it is completed (final evaluation).

- *An evaluation is about understanding and assessing what has changed (or not), how it has changed, and why this change has occurred.*

Box 43: Differences between monitoring and evaluation

	Monitoring and regular review	Evaluation
Who?	Internal responsibility of management of the advocacy plan – at all levels	Usually by someone external to ensure objectivity
When?	Ongoing	Periodic – for example, mid-term and after completion
Why?	Check progress, take remedial action, update plans	Learn broad lessons that may be applicable to other work, input into policy review, a tool for accountability (justifying what you did to supporters, whether those who work with you or those who donated resources (donors))

Source: Based on a table included in Campaign Development Strategy Guide, Amnesty International, page 73.

5.5.2 Why is it important to monitor and evaluate?

Circumstances relating to human rights are never static. This, therefore, creates advocacy needs to adapt to changing circumstances. They will always require continuous modification and adjustment of plans. This may require that your team and project adjust to the changes as well. The outcomes of your advocacy efforts are also

strengthened as your audience's understanding of the ESC rights issue you are working on is developed and strengthened.

Further, it is also important to consider that there are many reasons that may require that an advocacy plan needs to be adjusted. For example, a few months into the plan, it may become clear that achieving the goal is not likely as external factors have changed, even though the strategy is implemented as planned. Perhaps a crisis has made it impossible to continue as planned. In another situation, unanticipated and relatively quick success might make some activities no longer necessary. Sudden shifts in public policy may occur, or unexpected information may become available on the ESC rights issue that is the focus of the strategy, its causes and possible solutions, which requires calling for different or additional tactics and activities. All this means that a regular and consistent revisiting of the plans is necessary. This is the reason why monitoring is essential.

5.5 Exit strategy and sustainability plan

An exit strategy describes how an organization will end its advocacy on a specific issue, or withdraw from an alliance that may continue its work on this issue without the organization.

An exit strategy should start by asking: what do you want to happen after you stop your intervention? The planning framework (what, who, when, where and how) (see Box 34 on the 10 steps of advocacy planning) will help you identify what is needed for a successful exit strategy. In this sense, your exit strategy will be initiated when the plans are achieved. However, there might be unexpected external factors (political crises, economic downturns, natural disasters) that are beyond your control. There may also be internal factors that relate to your organization that will require you to adopt an exit strategy (for example lack of funding, change of focus, security risks). In these cases, and as part of the learning process, it is important to connect the exit strategy with the process of monitoring and evaluation.

- *Your exit strategy must be connected with monitoring the implementation of the plan and with evaluation.*

There are a number of guiding notes that you should consider ensuring a smooth exit strategy:

- You need to plan for exit from the advocacy strategy or plan from the outset. If the exit strategy is for closing an advocacy plan, you should incorporate the planning for the exit strategy from the beginning.

Special consideration should be given to all the digital spaces that have been created and used for campaigning, including the need to terminate online actions, petitions, informative websites, Facebook/Twitter accounts.

- If you are forced to exit or to change your role while the advocacy strategy is still ongoing, you should start the planning for this as soon as possible. It is important that you think about how this change in your role does not affect the sustainability of the plan. So, for example, you need to make sure that there is someone else who can replace you in the role that you are exiting from, and that enough preparation is carried out.
- You need to think about sustainability of the advocacy plan early on. This needs to link with ensuring how the achievements of your goal and objectives will continue after the advocacy plan finishes. It is possible that the goal and objectives relate to setting a process in place, towards progressive realization of ESC rights (see Part I Section 3.3 on progressive realization). For this purpose, it is important that the process and progress are continuously monitored, and action is triggered when regression is detected. This includes ensuring that rights holders are empowered and enabled to fight back any reversal of the achievements. You need also to think with your partners about putting measures in place that safeguard against reversal. This could be a working group that monitors the achievements, and which meets regularly with the duty bearers to ensure safeguarding of these achievements.
- You need to consult with partners and stakeholders regularly. It is important that they are aware of your exit strategy as early as possible, and that they are not left to face your exit suddenly. Partners and stakeholders must be part of your planning for an exit strategy.
- All of this requires that you communicate constantly any changes in your plan.

Economic, Social and Cultural Rights in Practice: Part II – Taking Action on ESC Rights

Around the world, millions of people are still deprived of economic and social necessities, such as shelter, food, water, health care and education, while their governments agreed to protect their people from deprivation and discrimination. Such situations continue to lead to protests and conflicts, with causes and effects grounded in authoritarian tendencies and repression.

Human rights include what are often called civil and political rights (such as freedom of expression, freedom from being tortured or ill-treated, and the right to vote), and economic, social and cultural rights (such as the rights to education, health, food and housing). All these rights are equal, interconnected and inherent to human dignity. Increasingly, human rights organizations and defenders are moving beyond their traditional focus on civil and political rights, and civil society organizations are gradually strengthening their rights-based approach to dealing with economic, social and cultural issues.

This Handbook is written for such organizations and activists, to enable them to use ESC rights standards to stand up for the rights of deprived and marginalized people. Part I (a separate volume) explains what economic, social and cultural (ESC) rights entail, what states are obliged to do to uphold those rights, which legal frameworks and mechanisms can be used to claim these rights, as well as giving some specifics about most ESC rights and about ESC rights of marginalized groups and during armed conflict. Part II of the Handbook provides practical information about taking action on ESC rights, including through monitoring and fact-finding, and various advocacy actions, such as lobbying, engaging with international and non-state actors, campaigning and litigation.

The two volumes of this Handbook include specific information and examples from the Middle East and North Africa. Nevertheless, the Handbook is equally valuable for organizations and activists in other parts of the world, who want to explore and work on ESC rights.

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