

# WOMEN'S HUMAN RIGHTS

## **Step By Step Facilitator's Guide**

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**Women, Law & Development  
International**



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Step by Step: Strategy Workbook  
By Margaret Schuler  
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# ***INTRODUCTION TO WOMEN'S HUMAN RIGHTS STEP BY STEP: FACILITATOR'S GUIDE***

## **DEVELOPMENT OF THE GUIDE**

In 1997 Women, Law and Development International (WLDI), in collaboration with Human Rights Watch Women's Rights Project, produced Women's Human Rights Step by Step, a how-to manual designed as an educational tool and a resource to help advocates analyze the relevance and importance of human rights law and mechanisms in the promotion and defense of women's rights. Women's Human Rights Step by Step explores how to utilize the human rights system at national, regional, and international levels; explains in some detail the importance and methods of documenting and reporting violations of women's human rights; and articulates a vision of "human rights advocacy."

Over the past six years, Women's Human Rights Step by Step has been translated into 15 languages and became an invaluable resource for women's rights activists around the world. WLDI used it as the primary resource for a global capacity-building program aimed at developing a larger and more skilled community of women's human rights advocates.

In the program's first iteration, WLDI collaborated with the Open Society Institute's Network Women's Program to implement "The Human Rights Advanced Leadership Training for Women" in Central and Eastern Europe and the Newly Independent States. Over 122 women from 22 countries participated in the 20-month program, which involved participants directly in learning the substance and

the practice of women's human rights advocacy. Other regional iterations included programs in East and Central Africa, Indonesia and Nigeria. In 2002 and 2003, responding to increasing requests for trainings, WLDI implemented its first systematic and intensive program to develop facilitators of women's human rights advocacy. Today a cadre of 20 qualified trainers from Asia, Africa, and Latin America is available to implement WLDI's advocacy training program.

All WLDI's programs aim to build the capacity of organizations to use the human rights framework as a tool to advocate for greater government responsiveness to women's needs and concerns and to enlarge the power and influence of the global movement for women's human rights. By using "human rights" in this dynamic manner to effect changes in laws, policies, and practices of national and local government authorities and to bring them into line with human rights norms, advocates promote a stronger democracy at national and international levels, greater state responsiveness to women's demands, and ultimately greater government accountability for failures to protect and promote citizen's rights.

Through the several years' existence of this program, WLDI has had the unique opportunity to develop, use, and test ideas, materials, and approaches to advocacy and to training in many different contexts. Through application, evaluation, and modification, WLDI identified essential skills and information that activists need to master before becoming effective advocates. These have been incorporated into our program and this Facilitator's Guide to supplement the information contained in *Women's Human Rights Step by Step*.

Thus, the "WLDI Step-by-Step Advocacy Method" is an outcome of a process of engagement with women from different parts of the world, with varying levels of skills and knowledge, from diverse fields in addition to law, and in the context of actually doing advocacy. The Facilitator's Guide offers tools for helping people develop this critical set of skills and knowledge for human rights advocacy.



## THE WLDI APPROACH TO WOMEN'S HUMAN RIGHTS ADVOCACY

In addition to understanding the structure and workings of the international human rights system, WLDI has identified five main areas of competency required to carry out effective human rights advocacy. Advocates should be able to:

- 1. Frame a problem in human rights terms.** This requires being able to:
  - identify the right violated, clarifying how the right was violated and who committed the violation
  - appreciate the role and responsibility of the state in relation to the violation
  - grasp the scope and limitations of law as a tool for change
  - recognize the interrelation of the substance of the law (what the law says), the structure of the law (how the law is applied and enforced), and the culture of the law (how people regard the law)
  - know whether the problem is the violation of a protected right or the lack of a right
  - recognize that unless a problem can be framed in human rights terms, it will not lend itself to a human rights strategy
- 2. Identify a woman's human rights issue.** This means being able to:
  - analyze the gender dimension of a problem (e.g., discrimination, gender gaps)
  - recognize different categories of women's human rights and the challenges that accompany them
- 3. Propose a strong solution or remedy.** This requires the capacity to:
  - identify where the problem (rights violation) is addressed in human rights instruments
  - recognize whether a resolution or remedy can be found at the national level or whether an international mechanism is relevant
  - select the appropriate enforcement mechanisms to apply

- understand that the problem and the solution always include a cultural dimension—not just a legal one—that should be addressed in the solution

**4. Design a human rights advocacy strategy.** This calls for the ability to:

- discern the three functions of advocacy: defining a right, gaining recognition and acceptance of the right, and assuring enforcement and enjoyment of the right.
- recognize that effective advocacy:
  - amplifies the definition and understanding of human rights violations to include abuses of women that are not generally acknowledged as human rights violations
  - expands the scope of state responsibility for the protection of women's human rights in both the public and private spheres and
  - enhances the effectiveness of the human rights system at both national and international levels to hold abusers accountable
- understand that the process of enforcement leads to greater recognition and the process of recognition leads to better enforcement
- understand that human rights advocacy strategy planning should be a systematic, step-by-step process that includes the following elements:
  - a. identification of the “problem,” i.e., a human rights violation
  - b. analysis the problem which:
    - spells out the right involved
    - explains how the right is being violated
    - identifies the violator(s)
    - considers the political context
  - c. definition of outcomes with
    - objectives set strategically
    - demands or claims clearly articulated
    - criteria for success spelled out
  - d. a strategy design including:
    - appropriate political and legal actions
    - potential allies and opponents targeted

- how contextual and political variables will be addressed
- the who, what, when, where, and how of the actions to be taken
- e. a written plan
- f. a concise way to communicate the strategy
- g. an ongoing process to evaluate the strategy

**5. Incorporate the components of effective advocacy into the strategy design and implementation phases.** This requires being able to build and manage:

- strong organization and leadership
- a compelling human rights issue with –
  - clear human rights content
  - potentially positive impact on women
  - capacity to gain public support
- a clear definition, analysis and documentation of the issue, including
  - showing that a right exists
  - proving that a violation of the right has occurred
  - demonstrating that the state has responsibility
- an appreciable constituency or support groups.
- effective communication and education.
- visible mobilization and action

In addition to offering an identifiable set of skills and knowledge needed to do human rights advocacy, the WLDI human rights training approach contributes other concepts and processes to the goal of developing a larger and more skilled corps of women's human rights advocates around the world. One of these is its attention to language, specifically to translating the technical jargon of human rights law into a simple language, accessible to non-lawyers and activists. The Women's Human Rights Step by Step manual in all of its translations and the WLDI Step by Step Advocacy training program have already reached a large number of women and organizations around the world with the same content and methodology—thus contributing to the development of a common language and



understanding in the field of women's human rights. As a result of its attention to language, the WLDI Step by Step approach enhances activism by giving women the means to develop skill in using new language and tools in their own local reality. Helping women make the connection between the human rights framework and local realities is critical to the process and a vital element of this approach.

Perhaps the most innovative contribution of the WLDI methodology is the manner in which it systematically links advocacy with the human rights framework. One of our participants put it this way:

"For me, understanding how to systematically construct, design, implement, monitor and evaluate an advocacy strategy in women's human rights is completely new. The advocacy strategy concept is an important element that I want/need to incorporate into my work method. I mean, for the most part women and organizations do advocacy in a non-strategic way. We do some advocacy actions but we don't really plan them. We think about what is important, we look for how to take advantage of the political context, the media and so on, but we have not had instruments and guidelines that could help us to link and understand all the components that we need to analyze in order to design and implement an effective advocacy strategy. We have done advocacy in a much more intuitive than strategic way. We have worked based on our many years experience working as activists....but now, with the WLDI structured approach to help us in developing our own advocacy strategies; it will add a greater quality to our work."

## USING THE FACILITATOR'S GUIDE

This facilitator's guide is the intended to enhance the use of its core text, Women's Human Rights Step by Step. It also draws upon the following supporting materials:

1. **Women's Human Rights Step by Step: Advocacy Workbook**, which supplies the core content and discussion questions for Unit 4: Women's Human Rights Advocacy.

## 2. A CD-ROM for Women's Human Rights Step by Step: Facilitator's

**Guide** found in the pocket at the back of this guide. It contains the following tools:

- Power Point charts for each unit
- Copies of worksheets to accompany learning activities
- Copies of case studies for use in learning activities
- Copies of International regional human rights documents:
  - The Universal Declaration of Human Rights (UDHR) – Complete and simplified versions
  - The International Covenant on Civil and Political Rights (ICCPR)
  - The International Covenant on Economic, Social and Cultural Rights (ICESCR)
  - The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) including its Optional Protocol
  - The Convention on the Rights of the Child (CRC) – Complete and simplified versions
  - The Convention on the Elimination of All Forms of Racial Discrimination (CERD)
  - The Declaration on Violence against Women
- Copies of regional human rights documents:
  - European Convention on Human Rights (European Convention)
  - American Convention on Human and People's Rights (American Convention)
  - African Charter on Human and People's Rights (African Charter)
  - Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women.



## **ORGANIZATION OF THE GUIDE**

The facilitator's guide focuses on the essential information needed to use the human rights framework for advocacy.

### **Unit 1: Human Rights Fundamentals**

Topic 1: Definitions and History

Topic 2: The Universal Declaration of Human Rights

Topic 3: The International Bill of Rights

Topic 4: The UN Human Rights System

### **Unit 2: Human Rights Enforcement**

Topic 1: What is Enforcement?

Topic 2: The UN Enforcement System

Topic 3: Enforcement Procedures

Topic 4: Evaluating Enforcement Mechanisms

### **Unit 3: Women's Human Rights**

Topic 1: What Are Women's Human Rights?

Topic 2: The Development of the Women's Human Rights Movement

Topic 3: Achievements of the Women's Human Rights Movement

Topic 4: Recognition of Women's Human Rights

### **Unit 4: Human Rights Advocacy**

Topic 1: Law as a Tool for Change

Topic 2: Strategies and the Legal System

Topic 3: Human Rights Advocacy

Topic 4: Effective Human Rights Advocacy

Topic 5: Developing and Refining Your Strategy

## STRUCTURE OF THE UNITS

Each unit has five elements: key concepts, core content, discussion questions, learning activities and slides and charts.

**1**

### KEY CONCEPTS

A list of the core ideas to be covered in the unit.

**2**

### CORE CONTENT

The core content section summarizes the concepts essential to the unit. Facilitators should employ many different ways of getting the material across while remaining true to the ideas presented. The accompanying PowerPoint slides and learning activities offer some tools for doing this. Whichever way the material is presented, it is best to view the core content of each unit as a summary that must be further enhanced by explanation, discussion, and other interactive learning activities.

Words and phrases printed in boldfaced type are defined in the Glossary of the core text, *Women's Human Rights Step by Step*.

**3**

### DISCUSSION QUESTIONS

A series of questions cover the main points of the content. These questions could be used to enhance learning and also to help the facilitator evaluate whether the material has been understood.

**4**

### LEARNING ACTIVITIES

Although facilitators are encouraged to develop their own learning activities, a set of structured activities is offered for use in presenting or reinforcing the main concepts of the unit. Some activities require worksheets, which are illustrated in the text and available for reproduction on the CD-ROM. Worksheets are labeled with the name and number of the activity for which they are intended.

Some activities require case studies, which are supplied in Appendix A and also on the CD-ROM. Facilitators should choose the case studies that best suit the needs of the participants, adapting them with local names and conditions where possible.

## 5

### POWER POINT CHARTS

PowerPoint slides that can be used to present the core content of the unit are graphically illustrated in the Facilitator's Guide and can be found on the CD at the back of the volume.

Finally, in the spirit of the process that produced these materials, we will appreciate suggestions or insights that you may gain as you use this resource.

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# **UNIT 1**

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## **HUMAN RIGHTS FUNDAMENTALS**

### **TOPIC ONE:**

**Definition and History of Human Rights**

### **TOPIC TWO:**

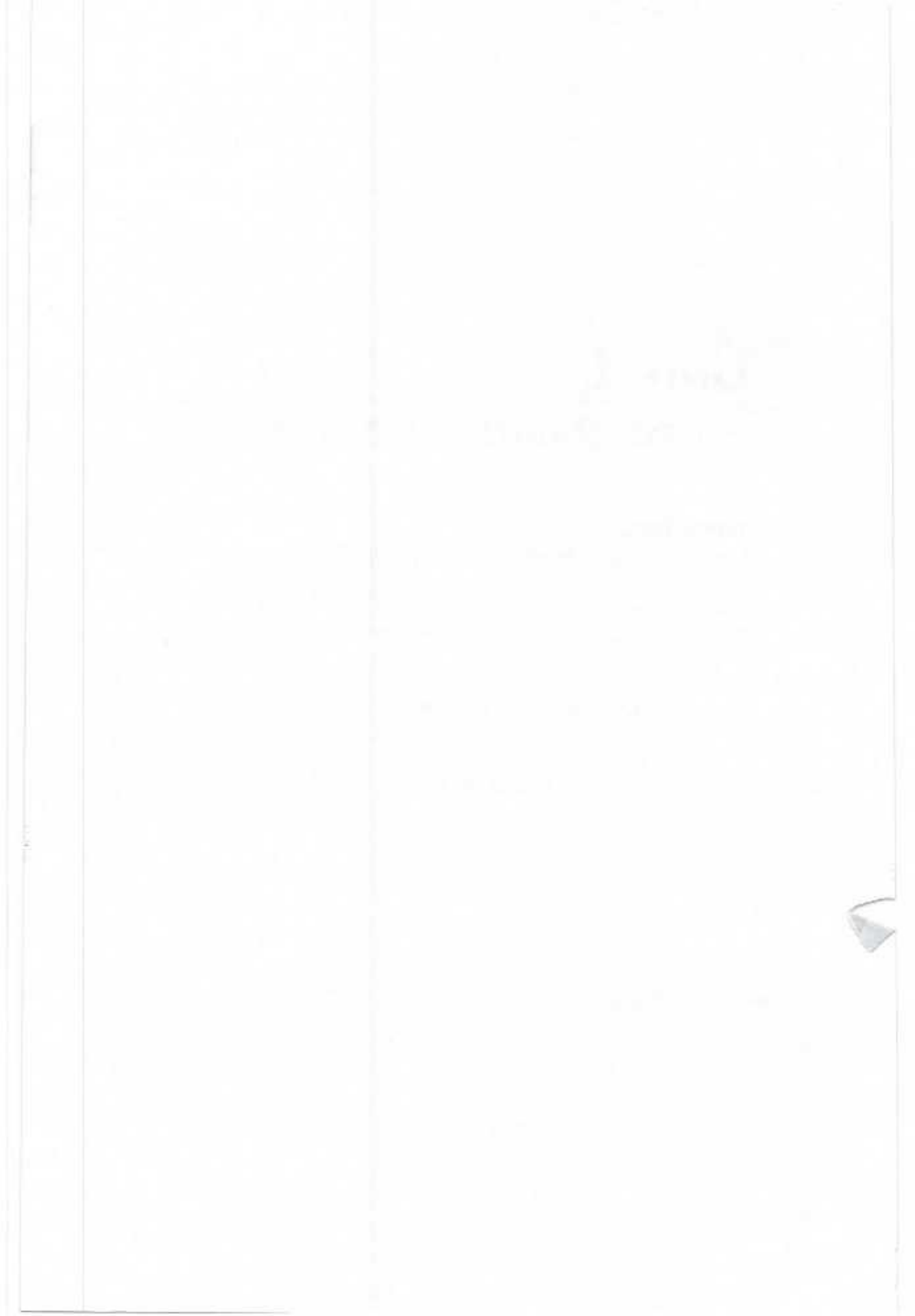
**The Universal Declaration of Human Rights**

### **TOPIC THREE:**

**The International Bill of Rights**

### **TOPIC FOUR:**

**The UN Human Rights System**



## TOPIC ONE

### Definition and History of Human Rights

#### KEY CONCEPTS

- The definition of human rights
- The dynamism of human rights as the product of a process

#### CORE CONTENT

- 1 Human rights are those rights that every human being possesses and is entitled to enjoy simply by virtue of being human. At the 1993 World Conference on Human Rights, governments reaffirmed in the *Vienna Declaration* that human rights are the birthright of all human beings and that the protection of human rights is the first responsibility of governments. Human rights are based on the fundamental principle that all persons possess an inherent human dignity and that regardless of sex, race, color, language, national origin, age, class, or religious or political beliefs, they are equally entitled to enjoy their rights.
- 2 Ancient historical documents from many cultures recognize the dignity of all human beings. However, the first attempt to codify such principles and set universal standards occurred after the Second World War with the founding of the United Nations (whose *Charter* established protection of human rights as central to its mission), the formulation of the *Universal Declaration of Human Rights* (UDHR), and the subsequent development of legal documents defining rights.

1

3

The development of human rights has been and continues to be a dynamic process of building consciousness and consensus about what rights mean and how they should be exercised.

- Our current, universally acknowledged list of protected human rights represents a powerful and important human consensus about the dignity that must be accorded all human beings and about the willingness of human society to respect the basic rights of all. At the same time, human rights that are not yet on any list of protected rights or acknowledged as part of the universal consensus may need to be recognized. As a result, violations of human rights occur which are not seen as such and for which no one is held accountable.
- The history of human rights essentially traces two intertwining streams of human development: one stream represents the struggle to name previously unnamed rights and to gain their acceptance as human rights; the other stream represents the ongoing struggle to ensure the enforcement of established rights.
- This dynamic characteristic is what makes human rights a powerful tool for promoting social justice:
  - If the right is not recognized, the struggle is to assure its recognition.
  - If the right is not respected, the struggle is to assure its enforcement.
  - The process of gaining recognition of a right leads to better enforcement, and the process of enforcing leads to greater recognition of the of the right.

### POWER POINT CHARTS

**Chart 1/1** What are Human Rights?

**Chart 1/2** Early Formulations of Principles Respecting Human Dignity

**Chart 1/3** The Dynamic of Human Rights



### DISCUSSION QUESTIONS

- What are human rights?
- Where do human rights come from?
- How did they develop?
- Explain in your own words the dynamic relation between recognition and enforcement of a right.

### LEARNING ACTIVITIES

**Learning Activity 1/1:** What Are Human Rights?

Page 4



## UNIT 1 HUMAN RIGHTS FUNDAMENTALS

### 1

## Learning Activity 1/1

### WHAT ARE HUMAN RIGHTS?

**Objective:** To develop a working definition of human rights.

**Suggested Use:** With Topic 1: Definition and History of Human Rights

**Time:** 15 minutes

**Materials:** Paper and markers; Chart 1/1, What Are Human Rights?

#### Chart 1/1

##### What Are Human Rights?

Human rights are those rights that every human being possesses and is entitled to enjoy simply by virtue of being human.

1. Ask participants what they mean when they use the phrase “human rights.” Record their suggestions. Circle key words mentioned (e.g., “entitlement,” “privilege,” “ability,” “responsibility”).
2. Based on this brainstorming, ask participants to create a working definition of human rights.
3. Explain the definition of human rights used in this course and in Women’s Human Rights Step by Step. Show *Chart 1/1, What Are Human Rights?* Compare it with the working definition developed in Step 2, above.

## TOPIC TWO

### The Universal Declaration of Human Rights (UDHR)

#### KEY CONCEPTS

- The Universal Declaration of Human Rights as the foundation document of international human rights
- The principles and structure of the Universal Declaration

#### CORE CONTENT

- 1 The traumatic events of the Twentieth Century, including wars, repression, and genocide, inspired the first attempt to *codify* the principles and standards of human rights in the form of the Universal Declaration of Human Rights (UDHR). The UDHR was drafted by the UN *Commission on Human Rights*, a body established by the UN to oversee and implement the UN human rights system.
- 2 Adopted in 1948 by the UN General Assembly, the Declaration has come to be recognized as a statement of principles for all peoples and all nations to strive for in the promotion of human dignity. It articulates the collective aspirations of states to uphold fundamental human rights. As a *declaration*, like most recommendations of the General Assembly, the UDHR is *non-binding*. Countries never *ratified* the UDHR as they would a formal *treaty* that creates legally binding obligations.

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The UDHR enshrines principles recognizing:

- The inherent dignity of all members of the human family
- Equality for all persons
- A universal standard for human rights

4

The 30 Articles of the UDHR lay out:

- Human rights principles
- Rights pertaining to individuals in community
- Civil, political, social and economic rights
- The role of the state in the realization of rights
- The role of the UN in protection of human rights

5

Among the rights enshrined in the Declaration are:

- the right to equality
- freedom from discrimination
- the right to life, liberty and security of the person
- freedom from slavery, torture or degrading treatment
- the right to recognition as a person before the law
- freedom of expression and political participation
- the right to an adequate standard of living
- the right to education
- the right to the highest attainable standards of health
- the right to family life





## UNIT 1 HUMAN RIGHTS FUNDAMENTALS

### 1

## Learning Activity 1/2

### EXAMINING THE UNIVERSAL DECLARATION OF HUMAN RIGHTS

**Objective:** To analyze the rights involved in a case study; to relate rights to specific articles of the UDHR.

**Suggested Use:** Topic 2: The UDHR

**Time:** 60 minutes

**Materials:** Case studies; Worksheet 1/A, Examining the UDHR and the Covenants; copy of the UDHR; Chart 1/7, Assessment of the UDHR

**Chart 1/7**



1. Select different case studies from those in Appendix A. Divide participants into small groups and give each group a case study. Give these instructions to all the groups in oral and/or written form:

#### **Instructions to the participants for Activity 1/2**

##### **Examining the Universal Declaration of Human Rights**

- A. Read your case study. List on Worksheet 1/A, *Examining the UDHR and the Covenants* the rights in the UDHR involved in the case.
- B. Next to each right, write the article(s) of the UDHR that address(es) this right.
- C. Choose someone to report to the whole group on the rights and articles you identified.

*You have about 30 minutes for this task.*



2. Ask for a report from each group. Record participant responses on a master chart like that below, listing rights and articles. If a violation is mentioned, ask that it be rephrased as a right.

**WORKSHEET 1-A, Learning Activity 1-2 and 1-3**
**Examining the UDHR and the Covenants**

Right	UDHR Article (s)	ICCPR Article (s)	ICESCR Article (s)	Regional Document Article (s)

3. Correct any misconceptions. Compare different examples of the same right.
4. Discuss the following:
- What rights appeared in several cases? Why do you think these particular rights occurred frequently?
  - Is any right in your case NOT included in the UDHR? If so, why do you think it is not included?
5. Point out some of the limitations of the UDHR. Possibly reshow Chart 1/7, *Assessment of the UDHR*.

**TOPIC THREE****The International Bill of Rights****KEY CONCEPTS**

- What constitutes the International Bill of Rights
- State responsibility to comply with legally binding documents
- The content and structure of the *International Covenant on Civil and Political Rights (ICCPR)*
- The content and structure of the *International Covenant on Economic, Social and Cultural Rights (ICESCR)*
- The differences between the two covenants
- The universality, indivisibility, and interdependence of all human rights

**CORE CONTENT**

- 1 The UDHR is a declaration, a statement of principles, and as such is not a legally binding document. In order to translate the Universal Declaration's principles into legally binding human rights obligations, the UN Commission on Human Rights drafted the first human rights *instrument*, a document containing legal definitions and setting up mechanisms for their enforcement. The General Assembly eventually split it into two treaties, one on *civil and political rights*, and the other on *social, cultural and economic rights*. This division was motivated by political considerations and reflected a compromise between states with a "market oriented" approach or "capitalist economies" (which tended to emphasize civil and political rights) and states with

“socialist economies” (which tended to emphasize economic, social and cultural rights). The International Covenant on Economic, Social and Cultural Rights (ICESCR) and the International Covenant on Civil and Political Rights (ICCPR) entered into force in 1977 after the prescribed number of ratifications had been received. The two *Covenants* together with the UDHR are collectively known as the *International Bill of Rights*.

**2** The Covenants are part of international law, a system of agreements between states whereby:

- rights are defined
- obligations of states are spelled out
- mechanisms to enforce obligations are specified
- procedures to challenge the state are provided

The UN *Human Rights System* is an international law based on:

- the Charter of the UN
- treaties among UN *member states*

**3** Human rights treaties do several things. They:

- Guarantee specific rights to individuals within each country that ratifies the treaty and therefore becomes a *state party* to that treaty
- Establish state obligations related to those rights
- Create *mechanisms* to monitor a state’s compliance with its obligations under the treaty and sometimes allow individuals to seek redress for violations of their rights
- Are therefore technically enforceable but in reality their enforceability depends on the goodwill of the states parties and their willingness to comply with their obligations

**4** There are some important differences between the content and structure ICCPR and the ICESCR.

The ICCPR:

- Asserts that States “must respect and completely refrain from violations of civil and political rights.” It mainly contains *negative obligations*, which basically mean that the government must refrain from infringing on the rights defined in the Covenant. These rights include:



## 1

- the right to life
- the right to be free from torture and slavery
- the right to liberty and security of the person
- freedom of movement, thought, expression, association and religion
- equality before the law.

The ICCPR also prohibits all forms of discrimination in the enjoyment of these rights including on the basis of sex and it further requires countries to ensure equal rights of men and women.

- Contains rights that are better defined and easier to enforce than those listed in the ICESCR.
- Allows for individual complaints against states. The ICCPR's First *Optional Protocol* permits individuals to lodge complaints against states that have ratified the Covenant.

#### The ICESCR:

- Asserts that States “must commit to progressive implementation of social and economic rights.” It mainly contains *positive obligations* requiring states to take certain steps and put in place certain structures in order to ensure compliance with the obligations. The rights include:
  - the right to work
  - the right to just and favorable conditions of work
  - the right to form and join trade unions
  - the right to family life
  - the right to an adequate standard of living
  - the right to the highest attainable standard of health
  - the right to education
  - the right to take part in cultural life.
- Like the ICCPR, the ICESCR also:
  - Prohibits all forms of discrimination in the enjoyment of these rights on any basis, including on the basis of sex.
  - Requires countries to ensure the equal rights of men and women.
  - Contains rights that are less developed because the progress each individual country makes is difficult to quantify. Implementation

of most of the rights is directly dependent upon the economic and social conditions in a country.

- Does not allow for individual complaints.

**5** Following the development of these two covenants, the UN human rights system started to speak of two main categories of rights: (1) civil and political rights, and (2) economic, social, and cultural rights. According to some interpretations, social, cultural and economic rights merely reflect “goals” while civil and political rights are the only “true” rights. The UN has rejected this kind of thinking. At the World Conference on Human Rights in Vienna in 1993, the Vienna Declaration was adopted, stating: “All human rights are universal, indivisible, interdependent and interrelated.” This reaffirmed the original intent of the framers of the human rights system, who gave civil and political rights equal weight with economic, social and cultural rights. This is evidenced in the UDHR, which enunciates both sets of rights. However, the oversight and enforcement mechanisms for civil and political rights remain far superior to those of economic, social and cultural rights.

**6** Over the years other human rights treaties/conventions have been adopted by the UN, have been ratified by UN Member States, and have entered into force to address particular rights. Together these form the international human rights system, composed of these principal human rights instruments:

- The International Bill of Rights, comprised of
  - UDHR, 1948
  - ICCPR, 1977
  - ICESCR, 1977
- Human Rights Conventions, including
  - Convention on the Prevention and Punishment of the Crime of Genocide, 1948
  - Convention for the Suppression of the Traffic in Person and of the Exploitation of the Prostitution of Others, 1949
  - Convention Relating to the Status of Refugees, 1951
  - Convention on the Political Rights of Women, 1953



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- Convention on the Nationality of Married Women, 1957
- Convention on the Reduction of Statelessness, 1961
- Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages, 1962
- Convention on the Elimination of All Forms of Racial Discrimination, 1966
- Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes Against Humanity, 1968
- Convention on the Suppression and Punishment of the Crime of Apartheid, 1973
- Convention on the Elimination of All Forms of Discrimination Against Women, 1979
- Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 1984
- Convention on the Rights of the Child, 1989
- Convention on the Rights of Migrant Workers and the Members of Their Families, 1990

**Instructions to the participants for Activity 1/3.****Examining the Covenants**

- A.** Reread your case study and review the rights identified in Activity 1/2:  
Examining the UDHR. Next to the identified right, write the number of article(s) of the ICCPR or IESCR that address(es) this right.
- B.** Choose someone to report to the whole group on the rights and articles you identified

*You have about 30 minutes for this task.*

- 2.** Ask for a report from each group. Record participant responses on a master chart like that below, listing rights and articles.  
If a violation is mentioned, ask that it be rephrased as a right.

**WORKSHEET 1-A, Learning Activity 1-2 and 1-3****Examining the UDHR and the Covenants**

Right	UDHR Article (s)	ICCPR Article (s)	ICESCR Article (s)	Regional Document Article (s)

- 3.** Discuss the following
- Which Covenant seemed to be most used in these cases?  
How do you explain this difference?
  - What important differences do you notice between the Covenants?

## Examining the UDHR and the Covenants

[illegible]

**Case Study:**

## **TOPIC FOUR**

### **The UN Human Rights System**

#### **KEY CONCEPTS**

- The process by which human rights instruments come into being
- The dynamic of human rights advocacy

#### **CORE CONTENT**

- 1** Human rights treaties, covenants, conventions, etc. constitute a system of agreement between states under international law where:
  - rights are spelled out
  - obligations of states are spelled out
  - mechanisms to enforce obligations are spelled out
  - procedures to challenge the state are provided
- 2** The UN has established a system for protecting human rights:
  - The Charter of UN states its purpose is to protect rights of people everywhere. All member states are bound by this principle.
  - Treaties (covenants or conventions) between UN member states constitute a system of agreements among states that ratify them. They:
    - spell out special rights and obligations of those countries that ratify a treaty
    - establish how the agreements will be enforced
    - set up means to hold states accountable for their behavior



1

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To become part of international law a convention goes through several steps:

- An idea for a convention is advocated by concerned people.
- The convention is drafted by a *working group* within the UN system.
- The convention then must be *adopted* by the General Assembly.
- Representatives of governments interested in committing themselves to the convention *sign* the convention, at which point they are signatories of the convention.
- Signatory states then must ratify the convention, at which point they become States Parties to the convention.
- Finally, when the specified number of signatories have ratified the convention, it *enters into force* as international law.

4

All of human rights law is the result of the advocacy of people who have a vision of what the standards of dignity should be everywhere and who have pressed to have their vision enshrined in a human rights instrument. *Advocacy* is a political process designed to influence policy decisions at national and international levels. Advocacy is citizen-initiated and aimed at changing popular interests, needs, and desires into definable policies, practices, and even rights. Advocacy consists of actions designed to draw attention to an issue and to direct policy makers to a solution. Without advocacy, the human rights system would not have achieved its present level of development.



## POWER POINT SLIDES

### Chart 1/8 International Bill of Rights

### Chart 1/9 International Law

### Chart 1/10 The UN System for Protecting Human Rights

### Chart 1/11 Comparing the Covenants

### Chart 1/12 Principal Human Rights Instruments

**International Bill of Rights**

The UDHR is the foundation of the International Bill of Rights. It is the basis for the ICJPR and the ICESCR. The ICJPR and the ICESCR are the two covenants that make up the International Bill of Rights. The ICCPR combines the civil & political rights of the ICJPR and the economic, social and cultural rights of the ICESCR.

**International Law**

A system of agreement between states where:

- rights are spelled out
- if states are spelled out to enforce obligations are spelled out
- to challenge the state are provided

**UN System for Protecting Human Rights**

- Human Rights Council (HRC) was established in 2006 to replace the Commission on Human Rights (CHR)
- HRC is made up of 47 member states
- HRC is responsible for promoting and protecting human rights
- HRC is the main body of the UN system for human rights
- HRC is the main body of the UN system for human rights

Source: Law & Government International, Chap 11-12

## DISCUSSION QUESTIONS

- What is a covenant? A treaty? A convention?
- How is a treaty or convention different from a declaration?
- Are the Covenants legally binding? Why or why not? Whom or what do they bind?
- What is the ICCPR?
- What is the ICESCR?
- What are the main differences between the two Covenants?
- What is a negative obligation?
- What is a positive obligation?
- Which do you think are more important, social/economic rights or civil/political rights? For women? For everyone?

## LEARNING ACTIVITIES

### Learning Activity 1/3: Examining the Covenants

Page 16

## UNIT 1 HUMAN RIGHTS FUNDAMENTALS

### 1

## Learning Activity 1/3

### EXAMINING THE COVENANTS

**Objective:** To relate rights in a case study to specific articles of the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR)

**Suggested Use** With Topic 3: The Inter-national Bill of Rights

**Time:** 60 minutes

**Materials:** Case studies; Worksheet 1/A, Examining the UDHR and the Covenants; copies of the ICCPR and IESCR

1. Divide participants into small groups and give each a case study to analyze (If this activity follows Activity 1/2: Examining the UDHR, use the same groups and case studies). You might give half the groups the ICCPR and half the IESCR. Give these instructions in written and/or oral form:

## POWER POINT SLIDES

**Chart 1/13** Emergence of the Human Rights system

**Chart 1/14** Human Rights from Concept to convention

**Chart 1/15** State Responsibility for Human Rights Enforcement



## DISCUSSION QUESTIONS

- Why and how are human rights treaties developed?
- What does it mean to adopt a convention? Who adopts it?
- What does it mean to ratify a convention? Who ratifies it?
- What does “enter into force” mean? What does it take for a convention to enter into force?
- What are the three main functions of human rights conventions?
- Which human rights conventions has your country ratified?
- Does your government take responsibility for seeing that these rights are enforced?
- What is the role of advocacy in the process of the development of human rights law?



A faint, light blue world map is visible in the background of the page, showing the continents of North America, South America, Europe, and Africa.

## **UNIT 2**

---

### **HUMAN RIGHTS ENFORCEMENT**

**TOPIC ONE:**  
**What is Enforcement?**

**TOPIC TWO:**  
**The UN Enforcement System**

**TOPIC THREE:**  
**Enforcement Procedures**

**TOPIC FOUR:**  
**Evaluating Enforcement Mechanisms**





## TOPIC 1

### What is Enforcement?

#### KEY CONCEPTS

- The definition of enforcement and enforcement mechanisms in the human rights context
- The various enforcement mechanisms that exist at the national, regional and international levels

#### CORE CONTENT

- 1** Enforcement is a process of ensuring that certain established rules are followed and any violations of those rules are punished. This process is essential to *due process* and *the rule of law*.

In the context of human rights, enforcement means setting up a system comprised of various legal mechanisms and procedures to ensure that human rights are upheld and not violated and that violations are punished. Enforcement systems typically include the laws to be enforced and the procedures to be followed in enforcing the laws, including various institutions that actually facilitate the enforcement.

- 2** To ensure enforcement of human rights obligations, various enforcement mechanisms exist at national, regional, and international levels.
- **At the international level:** The UN human rights system provides various mechanisms that can be used in enforcement of human

rights obligations. Some of the mechanisms are available to any state that is a member of the UN or its specialized agencies. These are known as *charter-based mechanisms*. There are also *treaty-based mechanisms*, which are available only to countries that have ratified a particular treaty and thus have accepted the procedures specified in that treaty to be used in enforcement, as well as *state responsibility* for the implementation of the treaty.

- **At the regional level:** Regional blocks of countries have come together and developed treaties to promote human rights within their territories. As a result, three regional human rights systems exist today:
  - the European System, based on the *European Convention on Human Rights and Fundamental Freedoms*
  - the Inter-American system, based on the *American Convention on Human Rights*
  - the African system, based on the *African Charter on Human and People's Rights*

These regional systems have established procedures that may allow people in the region to bring individual cases involving violations of human rights principles that are set out in the treaties. They may also provide for on-site visits to review systematic human rights violations. The systems have also set up courts to hear cases and commissions to monitor how countries are meeting their obligations, as well as creating other monitoring bodies to ensure compliance.

- **At the national level:** The principal focus of the human rights movement is the protection of individual rights. The state is therefore the most important actor in the enforcement of human rights. Thus, one should look first for enforcement mechanisms at the national level. The enforcement system at this level is the national legal system, which includes the laws as laid out in the constitution and legislation that enshrine human rights principles, the courts, commissions on human rights, and other investigative and judicial bodies as well as penal institutions. National systems generally offer concrete and enforceable remedies, and only when these domestic remedies fail should one turn to regional and international enforcement mechanisms.

International and regional enforcement mechanisms are less straightforward than national mechanisms because the international legal system and human rights laws depend on the states' goodwill or sensitivity to internal or international criticism of their human rights practices. International mechanisms have little power to force states to comply and should be considered only as a last resort.

## POWER POINT SLIDES

**Chart 2/1** Defining Terms

**Chart 2/2** Enforcement vs. Implementation

**Chart 2/3** Dynamics of Human Rights

**Chart 2/4** Elements of a Legal System

**Chart 2/5** Human Rights Instruments

**Chart 2/6** Human Rights Mechanisms

**Chart 2/7** Instruments and Mechanisms



## DISCUSSION QUESTIONS

- Give an example of laws that are generally enforced in your local community (e.g., traffic, health and safety, voting rights, professional qualifications).
- How are these laws enforced?
  - Who is responsible for enforcement?
  - What is their authority for enforcement?
  - What are their methods of enforcement?
  - Are other systems or authorities involved in enforcement?
- How is enforcement carried out at the national level?
- How do the rights provided in your national constitution compare with those in international instruments?
- What provisions does your constitution make for enforcement?
- Are these constitutional rights being enforced?
- Why is enforcement at the national level more effective than at the regional or international level?
- What is an “enforcement mechanism?”
- How are enforcement mechanisms established?
- How is enforcement carried out at the international level?
- Can international mechanisms force states to comply? Why do states comply?
- Why bother to use mechanisms if they are limited in their ability to force compliance?

## LEARNING ACTIVITIES

<b>Learning Activity 2/1:</b> What is Enforcement?	Page 29
<b>Learning Activity 2/2:</b> What is the Rule of Law?	Page 30
<b>Learning Activity 2/3:</b> Analyzing Enforcement	Page 31



## UNIT 2 HUMAN RIGHTS ENFORCEMENT

### Learning Activity 2/1

#### WHAT IS ENFORCEMENT?

**Objective:** To develop a working definition of enforcement

**Suggested Use:** With Topic 1: What is Enforcement?

**Time:** 20 minutes

**Materials:** Chart paper and markers;  
Chart 17, Implementation vs. Enforcement; Chart 18, The Dynamic of Human Rights

Chart 2/17



Chart 2/18



1. Ask participants what they generally mean when they use the word “enforcement.” Record their suggestions. Circle key words mentioned.
2. Narrow the focus and ask what they understand by “legal enforcement” or “enforcement of a law.” Record their suggestions.
3. Ask for examples of how laws are enforced in their community. Who enforces the law? By what authority do people enforce the law?
4. Based on this brainstorming, ask participants to create a working definition of “enforcement” in a legal sense.
5. Explain the definition of “enforcement” used in this course and in *Women’s Human Rights Step by Step*. Point out the difference between “enforcement” and “implementation.” Show Chart 2/2, *Implementation vs. Enforcement*.
6. Conclude by emphasizing how a defined and legally recognized right cannot be enjoyed without enforcement. Remind participants of the dynamic of human rights discussed in Unit 1. Show Chart 2/3, *The Dynamics of Human Rights*.

### Learning Activity 2/2

#### WHAT IS THE RULE OF LAW?

**Objective:** To understand the relationship of the legal system to human rights promotion and protection

**Suggested Use:** With Topic 1: What is Enforcement?

**Time:** 20 minutes

**Materials:** Chart paper and markers

1. On a chart like that below, write the phrases "state responsibility," "due process," and "rule of law." Ask participants what they mean by these phrases and record their suggestions. Circle key words mentioned in each category.

Learning Activity 2/2, What is the Rule of Law?		
State Responsibility	Due Process	Rule of Law

2. Compare participants' answers with the definitions used in *Women's Human Rights Step by Step*.
3. Discuss why the rule of law is critical for human rights.

## UNIT 2 HUMAN RIGHTS ENFORCEMENT

### Learning Activity 2/3

#### ANALYZING ENFORCEMENT

**Objective:** To deepen understanding of how a human right is enforced

**Suggested Use:** With Topic 1: What is Enforcement?

**Time:** 60 minutes

**Materials:** Worksheet 2/A, Analyzing the Elements of the Law; Worksheet 2/B, Analyzing Enforcement of Rights

1. Divide participants into small groups. (For an international group, divide by countries or regions; for a national group, consider dividing by province or state.) Give these instructions in oral and/or written form:

#### **Instructions to the participants for Activity 2/3.**

##### **Analyzing Enforcement**

- A. For this activity select a women's human right that is legally protected in your country or region but that is often violated.
- B. Use Worksheet 2/A, *Analyzing the Elements of the Law* to examine how the three elements of the law enforce this right.
- C. Use Worksheet 2/B, *Analyzing Enforcement of Rights*, to examine responsibility, authority, and methods for enforcement.
- D. Discuss how the existing enforcement system might be improved to protect this right.
- E. Choose someone to report your work to the whole group.

*You have approximately 45 minutes to complete this activity.*



## 2

2. Ask each group to report on their discussions. Record their findings on a chart like that below.

**Learning Activity 2/3. Analyzing Enforcement**

	Reflected In				
Violation	Content of Law	Structure of Law	Culture of Law	Responsibility for Enforcement	Authority for enforcement

3. Ask participants to point out significant similarities and differences in these findings.
4. Discuss the following points:
- What were some common recommendations for improving enforcement?
  - Where and when do enforcement systems seem to break down? Why?
  - Would these recommendations for improving enforcement be realistic goals for advocacy?
5. Conclude by emphasizing the responsibility of the state for enforcement and the role of activists in supporting or obtaining enforcement.



## TOPIC 2

### The UN Enforcement System

#### KEY CONCEPTS

- How the UN enforcement system works
- The different types of UN enforcement mechanisms

#### CORE CONTENT

- 1 Enforcement mechanisms are procedures at the national, regional, or international level that place obligations on states to ensure respect for human rights. Mechanisms include monitoring, reporting, complaints, and other procedures.
- 2 The UN enforcement system comprises three categories of enforcement mechanisms, each based on the source of its authority:
  - Charter-based mechanisms
  - Treaty-based mechanisms
  - Specialized agencies of the UN

#### A. Charter-based mechanisms

The Charter of the UN directly and indirectly creates several bodies that have a role in human rights standard-setting and enforcement. The type of enforcement mechanisms available under charter-based bodies are mainly *monitoring and reporting procedures*.

These mechanisms are available to all countries that are member states of the UN.

There are six principal Charter-based bodies:

- **The Economic and Social Council (ECOSOC)** is charged with the monitoring human rights questions generally. As part of its mandate, ECOSOC has authority under the UN Charter to set up commissions in the economic and social fields for the promotion of human rights. Accordingly, ECOSOC has established monitoring bodies such as the Commission on Human Rights, the Sub-Commission on Minorities, and the Commission on the Status of Women.
- **The Commission on Human Rights** is the primary body responsible for monitoring existing international standards, recommending new standards, investigating violations, and providing advisory and other technical services to countries in need of assistance. Human rights complaints can be brought directly to the Commission under the Resolution 1503 *procedure* and the Commission's various thematic and geographic working groups, sub-commissions, and special investigators, such as the Special Rapporteur on Violence against Women, who is responsible for reporting on violence against women.
- **The Sub-Commission on Prevention of Discrimination and Protection of Minorities** is a sub-commission of the Committee on Human Rights, which initiates substantive studies, proposes standards, and investigates human rights violations pertaining to minorities around the world.
- **The UN Commission on the Status of Women (CSW)** prepares recommendations and reports on promoting women's rights in political, economic, civil, social, and educational fields. The CSW also makes recommendations on urgent problems requiring immediate attention in the field of women's rights.
- **The General Assembly** is the most broad-based decision-making organ of the UN, with representatives from all UN member states. It has broad powers regarding human rights and over the years has adopted several human rights declarations and conventions.

- **The Security Council** is comprised of five permanent members and ten other members elected by the General Assembly. The Security Council's powers range from making recommendations to member states to end disputes to taking military action to maintain or restore international peace and security. The Council has increasingly taken an active role in peacekeeping, peace-making, and peace building, processes that inevitably involve human rights.

## **B. Treaty-based mechanisms**

Most human rights treaties establish a committee or a commission to monitor the compliance of states parties to their obligations under the treaty. The work of these committees applies only to the states that have ratified the respective treaty. Each treaty provides the substantive guarantees, while the committee oversees their implementation. The types of enforcement procedures available under treaty-monitoring bodies include monitoring, reporting functions, and interstate and individual complaint procedures.

Some treaties have additional enforcement mechanisms. For example, some treaties include an "optional protocol" allowing individuals as well as states to make complaints to the treaty committee. However, these additional mechanisms apply only to countries that have agreed to the procedure by ratifying the optional protocol setting out the procedure.

The committees of the UN human rights system are known as *treaty monitoring bodies*. These committees include:

- the Human Rights Committee, which monitors the International Covenant on Civil and Political Rights (ICCPR)
- the Committee on Economic, Social and Cultural Rights, which monitors the International Covenant on Social and Economic Rights (ICESCR)
- the Committee on the Elimination of All Forms of Discrimination Against Women, which monitors the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)



## 2

- the Committee on the Elimination of All Forms of Racial Discrimination, which monitors the International Convention on the Elimination of All Forms of Racial Discrimination (CERD)

### C. Specialized Agencies of the UN

The UN has created various semi-autonomous agencies to focus on specific areas of development within the UN mandate. Each of these organizations may consider human rights questions within their topical area of focus. These agencies provide complaint and/or monitoring procedures as part of the enforcement machinery of the UN.

These bodies include:

- the Office of the High Commissioner for Refugees (UNHCR)
- the International Labor Organization (ILO)
- the United Nations Educational, Scientific and Cultural Organization (UNESCO)
- the World Health Organization (WHO)

## 3

*Office of the High Commissioner for Human Rights (OHCHR)* The High Commissioner for Human Rights is the highest official charged with coordinating and heading human rights activities at the UN. The Office of the High Commissioner for Human Rights (OHCHR) facilitates the functioning of treaty-based bodies, the Commission on Human Rights, and its various sub-commissions and special investigations. Although the High Commissioner may investigate human rights conditions and make suggestions to governments for implementing rights, the OHCHR has no function in the enforcement of human rights.



## POWER POINT SLIDES

**Chart 2/8** Types of Mechanisms

**Chart 2/9** Charter-Based Mechanisms

**Chart 2/10** Treaty-Based Mechanisms

**Chart 2/11** Mechanisms of UN Agencies



## DISCUSSION QUESTIONS

- What are the three categories of UN human rights enforcement mechanisms?
- What is a charter-based mechanism? Name some.
- What is a treaty-based mechanism? Name some.
- What is the difference between a charter-based mechanism and a treaty-based mechanism?
- What are some specialized agencies and what do they do regarding human rights?
- Name some treaty-based bodies and what they monitor.
- Who can use treaty-based procedures?
- What is the main body responsible for monitoring existing international standards?
- What is the Commission on the Status of Women? What does it do?

## LEARNING ACTIVITIES

**Learning Activity 2/4:** Classifying Mechanisms

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### Learning Activity 2/4

#### CLASSIFYING MECHANISMS

**Objective:** To survey and compare enforcement mechanisms

**Suggested Use:** With Topic 2: The UN Enforcement System

**Time:** 60 minutes

**Materials:** Worksheet 2/C, *Categories of Human Rights Mechanisms*

1. Divide participants into pairs and ask them to complete Worksheet 2/C, *Categories of Human Rights Mechanisms*. Suggest that they use *Women's Human Rights Step by Step* to find needed information. Explain that the pairs have about 25 minutes to complete this worksheet.
2. After about 25 minutes, ask each pair to combine with another pair to form a group of four participants. Each group of four should compare and correct their work. Explain that they have about 20 minutes to complete this part of the task.
3. When the groups of four have completed their task, discuss the following points with the whole group:
  - Were any questions left unresolved?
  - Which questions created conflicting answers?
  - What was the purpose of Learning Activity 2/4?
  - Why do advocates need to understand so many legal structures?

**Suggestion**

If participants seem especially confused, you might make a copy of a completed Worksheet 2/C, Categories of Human Rights Mechanisms or create one from their reports. Every participant should have an accurate copy at the end of the learning activity.

## TOPIC 3

### Enforcement Procedures

#### KEY CONCEPTS

- The procedures available under the regional and international enforcement mechanisms
- The procedures available at the national level
- The relationship between international, regional, and national human rights instruments and enforcement

#### CORE CONTENT

##### 1 Procedures under regional and international enforcement systems

There are generally two types of procedures that are available under the international enforcement systems: *complaint procedures* and *monitoring and reporting procedures*.

- Complaint procedures

There are two types of complaint procedures depending on different goals and outcomes: complaint recourse and complaint information procedures.

- Under complaint recourse procedures, the goal of the procedure is the redress of specific grievances. The person making the complaint is entitled to participate in the proceedings to various degrees. A successful complaint may result in legally enforceable or formally unenforceable remedies. Such remedies may include



orders that force the government to compensate a victim, reprimand the perpetrator, or even change government policies and practices.

The decisions reached under UN complaint recourse procedures are not technically binding on states, but most states comply. An example of this procedure is the individual complaint procedure available under the First Optional Protocol to the ICCPR. Under the regional human rights systems in Europe and Africa, judgments of special courts are legally binding under international law.

- Under complaint information procedures, the goal is not to redress individual grievances but to identify broad human rights violations affecting a large population. Petitions are received only as part of the information before a body considering the matter. The authors of petitions have no personal right to a remedy and may not even have a right to be informed about the disposition of the case. The UN Human Rights Commission's *1503 Procedure* is an example of a confidential proceeding of this kind.

- Monitoring and reporting procedures

Monitoring and reporting procedures do not generally result in legally enforceable remedies. Their main purpose is to bring publicity to human rights abuses in order to shame governments and other human rights violators into changing their behavior. Most charter-based and treaty-based bodies rely on these procedures for enforcement. The three regional human rights systems have commissions whose main task is monitoring and reporting. Reporting procedures are activated in two ways:

- Governments may report on their own compliance with human rights obligations. This kind of reporting is usually required by treaty-monitoring bodies, which require governments to submit periodic reports on their compliance with human rights obligations under that treaty.
- A monitoring body may initiate the report on government behavior. Monitoring may also proceed according to a regularly scheduled plan of inspection by the monitoring body. This monitoring process the process could also be triggered by advocates who articulate a particular issue.

- Procedures under national systems and their relationship with regional and international mechanisms

Before people can resort to the international mechanisms for human rights enforcement, they must exhaust domestic remedies. This means that they must look for redress for human rights violations at the national level, because the national mechanisms are more easily accessible and legally enforceable.

The types of mechanisms and procedures available vary from country to country. Generally, however, national legal systems consist of a set of elements including the constitution, legislation, courts, and other institutions such as commissions on human rights. Most states have some type of laws protecting various aspects of human rights. National constitutions increasingly reflect a commitment to human rights, usually listing them in a separate section known as the bill of rights. Other legislation may specifically guarantee women's rights, for example, by protecting various aspects of these rights under criminal codes, family law, or property law.

States that have ratified a treaty normally incorporate the standards of that treaty into the state's legal structure to make them easier for state authorities to enforce. In some countries, treaties are considered to be *self-executing* because as soon as a treaty is ratified, it automatically becomes part of national law. In other countries, a law incorporating the new treaty must be passed before the treaty norms become part of national law.

A person whose human rights have been violated can seek redress in national or regional courts, which are normally accessible to individuals as well as groups. The remedies given by the courts are legally enforceable. Such remedies may include compensation to the victim of a violation or a change in a certain law or policy. In reaching their decisions, the courts not only apply national laws but may also look to international and regional human rights norms in deciding how to interpret and apply national law.

States may also establish administrative bodies to monitor and carry out compliance with international and regional agreements. Such political and administrative bodies form an important component in the enforcement of human rights, as do local nongovernmental organizations (NGOs), which monitor governments to ensure that they uphold human rights norms.

## POWER POINT SLIDES

**Chart 2/12** Types of Procedures

**Chart 2/13** How a Complaint Procedure Works

**Chart 2/14** How a Monitoring/Reporting Procedure Works

**Chart 3/15** The Human Rights Committee

**Chart 2/16** Special Rapporteurs and Working Groups

**Chart 2/17** UN Committee on the Elimination of Discrimination  
Against Women

**Chart 2/18** 1503 Procedure

**Chart 2/19** International Labor Organisation

**Chart 2/20** Commission on the Status of Women

**Chart 2/21** Office of the High Commissioner for Refugees





## DISCUSSION QUESTIONS

- What kinds of procedures do the enforcement mechanisms offer at the international level?
- What is a complaint procedure?
- What is a monitoring procedure?
- What is the difference between a monitoring procedure and a complaint procedure?
- What are the advantages and disadvantages of each procedure?
- Name some enforcement mechanisms at the national level.
- Why should someone first seek redress for a human rights violation at the national level?
- What are some human rights monitoring mechanisms that exist in your country?
- What is the role of activists in the various stages of the procedures?
- Explain how a monitoring procedure can help with developing strategies for promoting and protecting women's human rights.

## LEARNING ACTIVITIES

**Learning Activity 2/5:** Drafting a Complaint

Page 45

**Learning Activity 2/6:** Using a Monitoring Procedure

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### Learning Activity 2/5

#### DRAFTING A COMPLAINT

<b>Objective:</b>	To understand how to write a complaint
<b>Suggested Use:</b>	With Topic 3: Enforcement Procedures
<b>Time:</b>	90 minutes
<b>Materials:</b>	Case Study from Appendix A; Worksheet 2/D, Model Human Rights Committee Complaint Form; Worksheet 2/E, Information Needed

1. Review how a complaint procedure works and the “typical” steps a complaint takes through the UN system.
2. Select case studies for use in this activity from those in Appendix A. Divide participants into an even number of small groups and give the same case study to two groups. Give these instructions in oral and/or written form:

**Instructions to the participants for Activity 2/5.****Drafting A Complaint**

- A. Imagine you are an NGO helping the woman in your case study to draft and file a complaint about her case.
- B. Use Worksheet 2/D, *Model Human Rights Committee Complaint Form*, to draft a complaint for this woman.
- C. On Worksheet 2/E, *Information Needed*, keep a list of any information you are missing. When you have completed the complaint form, write out the steps you would take to find the missing information.
- D. Choose someone from your group to report on your work.

*You have approximately 60 minutes to complete this activity.*

3. When groups finish the draft complaint and Worksheet 2/E, combine groups working on the same case study and ask them to compare their work. They should try to resolve any contradictions between their complaints.
4. Ask someone from each of the larger, combined groups to report on their work.
5. Discuss the following points:
  - How useful was the complaint mechanism for your case?
  - Would another mechanism have served the woman in the case more effectively?
6. Conclude by summarizing the advantages and disadvantages of the Complaint Procedure.

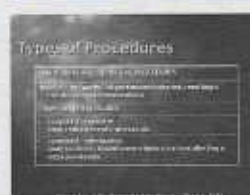
## UNIT 2 HUMAN RIGHTS ENFORCEMENT

### Learning Activity 2/6

#### USING A MONITORING PROCEDURE

<b>Objective:</b>	To clarify how a monitoring procedure can be used
<b>Suggested Use:</b>	With Topic 3: Enforcement Procedures
<b>Time:</b>	75 minutes
<b>Materials:</b>	Case studies from Appendix A; Chart 2/12, Types of Procedures

**Chart 2/12**



1. Review how a monitoring procedure works, using the Committee on the Elimination of Discrimination Against Women as an example. Reshow Chart 2/12, *Types of Procedures*.
2. Select case studies for use in this activity from those in Appendix A. Divide participants into an even number of small groups and give the same case study to two groups. If you did Learning Activity 2/5: Drafting a Complaint, use the same groups and case studies for this activity.



## 2

3. Give these instructions in oral and/or written form:

**Instructions to the participants for Activity 2/6.****Using a Monitoring Procedure**

- A. Analyze your case and plan an appropriate action based on a monitoring procedure.
- B. When you have finished, combine with another group using the same case study and compare your plan. Try to combine your plans, retaining the best ideas of each group.
- C. Choose someone from your group to report on your plan.

*You have approximately 45 minutes to complete this activity.*

4. Ask someone from each group to explain their plan.
5. Discuss the following points:
- What similarities, problems, and good ideas did you observe among the groups' plans?
  - Do you think the monitoring procedure could help to make a difference in your case?



## TOPIC 4

### Evaluation of Human Rights Mechanism

#### KEY CONCEPTS

- The factors to consider in evaluating enforcement mechanisms

#### CORE CONTENT

**1** Whether on the national, regional, or international level, the effectiveness of human rights enforcement mechanisms must be evaluated. This is especially important for human rights advocates who have to choose among the various instruments that may be available to them when they are trying to seek redress for a particular issue. Such an analysis should address the following key questions:

1. Procedure type

The type of procedure available will influence the strategies and goals of an advocacy effort. For example, while a complaint procedure may help to gain a clear remedy in a particular case, it may not be available.

2. Availability of procedure

Some enforcement mechanisms, such as those that are charter-based, do not require a country to agree to submit itself to their jurisdiction. For those that are treaty-based, however, the

availability of a procedure will depend on whether or not the state in which the abuse has occurred has ratified the relevant treaty and/or protocol.

### 3. Admissibility requirements

Even if a procedure is generally available, advocates will not be able to use it in a particular case unless they satisfy admissibility requirements. These are the general rules defining who can have access to a particular enforcement mechanism and what they have to do to use it. These rules may vary from stringent requirements for stating a case to straightforward requirements that domestic remedies be exhausted.

### 4. How the system works and the role that activists can play

The degree of formality and openness to activist input varies greatly depending on the mechanism and how it works. Some mechanisms are very formal while others are more flexible and informal. The rules of some systems do not allow advocates direct contact with the human rights experts who are charged with reviewing the matter, while others allow for active participation by advocates, who may be allowed to make arguments in a case.

### 5. Remedies

Advocates need to know what remedies are available in different mechanisms in order to enable them to tailor their strategies. Remedies can be very specific and geared towards an individual, while others may be geared toward changing certain laws and policies in general. Some remedies may be legally enforceable while others may consist only of recommendations.

### 6. Weighing advantages and disadvantages

In weighing advantages, advocates should consider these factors, among others:

- whether a certain mechanism provides a wide scope of remedies
- the enforceability of the remedies
- the speed of decision making
- the degree of input permitted from activists

In weighing the disadvantages, advocates should consider these factors, among others:

- limited remedies
- lack of government respect for the outcome
- limited input from activists

## POWER POINT SLIDES

**Chart 2/22** Evaluating Mechanisms and Procedures Consideration #1

**Chart 2/23** Evaluating Mechanisms and Procedures Consideration #2

**Chart 2/24** Evaluating Mechanisms and Procedures Consideration #3

**Chart 2/25** Evaluating Mechanisms and Procedures Consideration #4

**Chart 2/26** Evaluating Mechanisms and Procedures Consideration #5

**Chart 2/27** Evaluating Mechanisms and Procedures Consideration #6

**Chart 2/28** Evaluating Mechanisms and Procedures Consideration #7

**Chart 2/29** Evaluating the Human Rights committee

**Chart 2/30** Evaluating Special Rapporteurs and Working Groups

**Chart 2/31** Evaluating The committee on the Elimination of Discrimination Against Women



**DISCUSSION QUESTIONS**

- What are some factors activists need to consider when evaluating a mechanism?
- Why is it important to consider the type of procedure?
- Why is it important to consider to whom the procedure applies?
- Are all procedures open to activists?
- How do activists know what kind of role they can play?
- Why is it important to know what remedy the procedure offers?
- How does one assess the advantages and disadvantages of using a particular mechanism?

**LEARNING ACTIVITIES**

**Learning Activity 2/7:** Evaluating Human Rights Mechanisms Page 53

**Learning Activity 2/8:** Review of Units 1 and 2 Page 55



## UNIT 2 HUMAN RIGHTS ENFORCEMENT

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### Learning Activity 2/7

#### EVALUATING HUMAN RIGHTS MECHANISMS

<b>Objective:</b>	To clarify the advantages and disadvantages of different mechanisms
<b>Suggested Use:</b>	With Topic 4: Evaluation of Human Rights Mechanisms, or as a review for Unit 2, Human Rights Enforcement
<b>Time:</b>	60+ minutes
<b>Materials:</b>	Case studies from Appendix A; Worksheet 2/F, Evaluating Mechanisms (2 copies per participant); Worksheet 2/G, Mechanism Advantages and Disadvantages

1. Select case studies for use in this activity from those in Appendix A. Divide participants into groups of four and give the same case study to two groups. (If you did Learning Activity 2/5: Drafting a Complaint or Learning Activity 2/6: Using a Monitoring Procedure, use the same case studies for this activity.)

## 2

2. Give these instructions in oral and/or written form:

**Instructions to the participants for Activity 2/7.**

**Evaluating Human Rights Mechanisms**

- A.** A. Each member of the group will complete Worksheets 2/F, *Evaluating Mechanisms*, and 2/G, *Mechanism Advantages and Disadvantages*, for any two mechanisms listed below. Assign two of the following mechanisms to each member of the group:
- The Human Rights Committee
  - Special Rapporteurs and Working Groups
  - UN Committee on the Elimination of Discrimination Against Women
  - 503 Procedure
  - International Labour Organisation
  - Commission on the Status of Women
  - Office of the UN High Commissioner for Refugees
  - Regional mechanisms
- B.** When the Worksheets are complete, each member of the group will explain the two mechanisms she examined to the rest of the group. Use this information to decide together as a group what mechanisms would be most effective for your case.
- C.** Choose someone from the group to report on your group's assessment.
- You have approximately 45 minutes to complete this activity.*

3. Ask someone from each group to explain their evaluating.
4. Discuss the following points:
- Which mechanisms were most frequently selected for use? Why?
  - Which mechanisms were selected least often? Why?
  - Can you draw any conclusions from this activity about using mechanisms to promote and protect human rights?

## UNIT 2 HUMAN RIGHTS ENFORCEMENT

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### Learning Activity 2/8

#### REVIEW OF UNITS 1 AND 2

**Objective:** To review Unit 1, Human Rights Fundamentals, and Unit 2, Human Rights Enforcement

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**Suggested Use:** At the conclusion of Unit 2

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**Time:** 60+ minutes

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**Materials:** Women's Human Rights Step by Step; Worksheet 2/H, Review of Units 1 and 2

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1. Ask participants, working in pairs to complete Worksheet 2/H, Review of Units 1 and 2.
2. After the pairs have completed the worksheet (about 45 minutes), ask them to combine with another pair to compare and correct their work.
3. Discuss these points with the whole group:
  - Were any questions left unanswered?
  - Which questions had conflicting answers? Were there any that could not be resolved?
  - Are there any questions still in need of clarification?
  - What kinds of questions proved most difficult?

## The Content of the Law

## The Structure of the Law

## The Culture of the Law

(e.g., shared attitudes and behaviors about the law)

[illegible]

1. Describe a violation of women's human rights in your country that you will analyze.
2. Referring to Chart 19, Elements of a Legal System, analyze how the different elements of the law reflect this right.
3. Which element is strongest in supporting this right? Which is weakest?



**WORKSHEET 2/B, Analyzing Enforcement of Rights**

**Describe how the right you have chosen to analyze is enforced in your country.**

- 1.** Who is responsible for enforcement?
- 2.** What is their authority for enforcement?
- 3.** What are the methods of enforcement?
- 4.** What other systems or authorities are involved in enforcement?
- 5.** How do you evaluate the enforcement system? In what ways does it work well? What are the major areas where improvement is needed?
- 6.** Make some specific recommendations for improving the enforcement system and indicate which element of the law each recommendation involves, i.e., the content, structure, or culture of the law. Write these out on chart paper or a transparency.
- 7.** In what ways can human rights advocates help to improve the enforcement system?

2

# **WORKSHEET 2/C, Categories of Human Rights Mechanisms**

	Source of Authority			Type		Geographical Coverage					Issue & Rights Focus					
	Charter-based Mechanism	Treaty-based Mechanism	Agency-based	Reporting/ Monitoring	Complaint	Global	Regional	Europe	Africa	The Americas	All rights, all people	Labor	Women	Refugees	Civil & political	Social and Economic
International Labor Organization																
Office of the High Comm. for Refugees																
1503																
Commission on the Status of Women																
The African Commission																
CEDAW Committee																
InterAmerican Court																
World Health Organization																
The ICC																
Special Rapporteur on Violence Against Women																
UNESCO																
European court of HR																
The UN Human Rights Committee																
InterAmerican Commission																
Comm. On CERD																

## **WORKSHEET 2/D, Model Human Rights Committee Complaint Form**

### **For communications under:**

- Optional Protocol to the International Covenant on Civil and Political Rights
- Convention against Torture, or
- International Convention on the Elimination of Racial Discrimination

Please indicate which of the above procedures you are invoking:

\_\_\_\_\_

Date: \_\_\_\_\_

### **I. Information on the complainant:**

Name: \_\_\_\_\_

First name(s): \_\_\_\_\_

Nationality: \_\_\_\_\_

Date & place of birth: \_\_\_\_\_

Address for correspondence on this complaint: \_\_\_\_\_

\_\_\_\_\_

Submitting the communication:

on the author's own behalf: \_\_\_\_\_

on behalf of another person: \_\_\_\_\_

[If the complaint is being submitted on behalf of another person:]

Please provide the following personal details of that other person:

Name: \_\_\_\_\_

First name(s): \_\_\_\_\_

Nationality: \_\_\_\_\_

Date & place of birth: \_\_\_\_\_

Address or current whereabouts: \_\_\_\_\_

If you are acting with the knowledge and consent of that person, please provide that person's authorization for you to bring this complaint

Or



and detail why you consider it appropriate to bring this complaint on his or her behalf

Name of the State that is either a party to the Optional Protocol (in the case of a complaint to the Human Rights Committee) or has made the relevant declaration (in the case of complaints to the Committee against Torture or the Committee on the Elimination of Racial Discrimination):

Articles of the Covenant or Convention alleged to have been violated:

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There is no handwriting or other markings on the paper.



### III. Exhaustion of domestic remedies/Application to other international procedures

Steps taken by or on behalf of the alleged victims to obtain redress within the State concerned for the alleged violation - detail which procedures have been pursued, including recourse to the courts and other public authorities, which claims you have made, at which times, and with which outcomes:

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If you have not exhausted these remedies on the basis that their application would be unduly prolonged, that they would not be effective, that they are not available to you, or for any other reason, please explain your reasons in detail: \_\_\_\_\_

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Have you submitted the same matter for examination under another procedure of international investigation or settlement (e.g. the Inter-American Commission on Human Rights, the European Court of Human Rights, or the African Commission on Human and Peoples' Rights)? \_\_\_\_\_

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If so, detail which procedure(s) have been, or are being, pursued, which claims you have made, at which times, and with which outcomes: \_\_\_\_\_

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**IV. Facts of the complaint**

Detail, in chronological order, the facts and circumstances of the alleged violations. Include all matters which may be relevant to the assessment and consideration of your particular case. Please explain how you consider that the facts and circumstances described violate your rights.

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Author's signature: \_\_\_\_\_

[The blanks under the various sections of this model communication simply indicate where your responses are required. You should take as much space as you need to set out your responses.]

**V. Checklist of supporting documentation (copies, not originals, to be enclosed with your complaint):**

- ☐ Written authorization to act (if you are bringing the complaint on behalf of another person and are not otherwise justifying the absence of specific authorization).
- ☐ Decisions of domestic courts and authorities on your claim (a copy of the relevant national legislation is also helpful).
- ☐ Complaints to and decisions by any other procedure of international investigation or settlement.
- ☐ Any documentation or other corroborating evidence you possess that substantiates your description in Part IV of the facts of your claim and/or your argument that the facts described amount to a violation of your rights.

If you do not enclose this information and it needs to be sought specifically from you, or if accompanying documentation is not provided in the working languages of the Secretariat, the consideration of your complaint may be delayed.

**WORKSHEET 2/E, Information Needed**[illegible]

**Instructions:**

Use this sheet to note any information you lack to complete your Human Rights Committee complaint form.

## WORKSHEET 2/F, Evaluating Mechanisms

### Mechanism Evaluated:

What procedure  
does the  
mechanism offer?

To whom is the  
procedure available?

What must  
advocates  
do to access  
the procedure?

How does the  
system work (i.e.,  
what are the steps)?

What role can  
activists play?

What remedies  
does the  
mechanism offer?

What are the  
advantages and  
disadvantages of  
the mechanism?



## **WORKSHEET 2/G, Mechanisms Advantages and Disadvantages**

	<b>Applies to this Mechanism</b>	<b>Important to You</b>
Allows for direct participation.		
Allows for indirect participation.		
Remedies are specific.		
Remedies are geared toward compensating individual women.		
Remedies are broad.		
Remedies are geared toward change in government policies.		
Results in a legally binding decision		
Results in a non-binding decision		
Women cannot participate unless named.		
NGOs can have substantial input.		
NGOs have limited input.		
Quick procedure		
Slow procedure		
Other criteria		
Other criteria		

**WORKSHEET 2/H, Review of Units 1 and 2**

Topic	What's Important/Essential to Know
What are human rights?	
Basic definition	
Where did they come from?	
How did they develop?	
What was the impetus for developing the UDHR?	
What does the charter of the UN have to do with human rights?	
Why was the UDHR important, if human rights principles have been around for a long time?	

**WORKSHEET 2/H, Review of Units 1 and 2**

Topic	What's Important/Essential to Know
What are the main rights covered in the UDHR?	
What is the UN Commission on Human Rights?	
Why was it established? What does it do?	
What is a declaration?	
What is a convention?	
What is the difference between them?	
What is a covenant?	
What is a treaty?	

**WORKSHEET 2/H, Review of Units 1 and 2**

Topic	What's Important/Essential to Know
Is the UDHR binding? Why or why not?	
Why were the two covenants developed?	
Are the conventions binding? Whom/what do they bind?	
What are the three main things human rights treaties offer?	
What is the ICCPR?	
What is the ICESCR?	
Name some other conventions. Why did they develop?	



**WORKSHEET 2/H, Review of Units 1 and 2**

Topic	What's Important/Essential to Know
What is human rights law?	
Where is human rights law found?	
How are human rights standards found?	
What is a negative obligation?	
What is a positive obligation?	
What does it mean to adopt a convention? Who adopts it?	
What does it mean to ratify a convention? Who ratifies it?	

**WORKSHEET 2/H, Review of Units 1 and 2**

Topic	What's Important/Essential to Know
What does "enter into force" mean?	
How is enforcement carried out at the national level?	
How is enforcement carried out at the international level?	
What is an enforcement mechanism?	
Who establishes enforcement mechanisms?	
Can international mechanisms force states to comply? Why do states comply?	
Why bother to use these mechanisms if they are limited in their ability to force compliance?	

**WORKSHEET 2/H, Review of Units 1 and 2**

Topic	What's Important/Essential to Know
What are the three general categories of human rights mechanisms?	
What is a charter-based mechanism? Name some charter-based mechanisms.	
What is the primary body responsible for monitoring existing international standards?	
What is the Commission on the Status of Women? What does it do?	
What are treaty-based mechanisms and bodies?	
Name some treaty-based bodies and what they monitor.	

2

## WORKSHEET 2/H, Review of Units 1 and 2

Topic	What's Important/Essential to Know
Name some specialized agencies and what they do in relation to human rights.	
What types of procedures do the mechanisms offer?	
What is a complaint procedure?	
What is the difference between complaint-recourse and complaint information procedures?	
What is a monitoring procedure?	
What are the two ways in which monitoring takes place?	



**WORKSHEET 2/H, Review of Units 1 and 2**

Topic	What's Important/Essential to Know
Where are enforcement mechanisms found?	
Name some at the national level.	
What kind of human rights monitoring mechanisms exist in your country?	
What is a "regional" human rights system?	
Name the regional human rights systems.	
What is the UN human rights system?	
Who can use treaty-based procedures?	

**WORKSHEET 2/H, Review of Units 1 and 2**

Topic	What's Important/Essential to Know
List some of the things advocates need to consider when evaluating a mechanism.	
Why is it important to consider the type of procedure?	
Why is it important to consider to whom the procedure applies?	
Are all procedures open to activists?	
How do activists know what kind of role they can play?	
Why is it important to know the remedy the procedure offers?	
How do you assess a procedure's advantages and disadvantages?	



# **UNIT 3**

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## **WOMEN'S HUMAN RIGHTS**

### **TOPIC ONE:**

**What Are Women's Human Rights?**

### **TOPIC TWO:**

**The Development of the Women's Human Rights Movement**

### **TOPIC THREE:**

**Achievements of the Women's Human Rights Movement**

### **TOPIC FOUR:**

**Recognition of Women's Human Rights**





## TOPIC 1

### What are Women's Human Rights?

#### KEY CONCEPTS

- The definition of women's human rights
- Where women's human rights are defined
- The challenges to women's rights activists in protecting women's human rights

#### CORE CONTENT

**1** Human rights are those rights that every human being possesses and is entitled to enjoy simply by virtue of being human. Human rights are based on the fundamental principle that all persons possess an inherent human dignity and that they are equally entitled to enjoy these rights regardless of sex, race, color, language, national origin, age, class, or religious or political beliefs. Human rights therefore apply to both men and women equally. At the most basic level, women's human rights are those rights that apply to both women and men and are found in general human rights documents, such as the International Covenant on Civil and Political Rights (ICCPR), which articulates rights applicable to all without discrimination.

On the other hand, there are rights that are specific to women or that need to be amplified for women's situations. Thus, women's human rights also include those rights that apply specifically to women and

2

The concept of "women's human rights" can lead to some confusion because these rights are found in different instruments or have not yet been recognized in international law. Each of these situations offers a different challenge for women.

- **Rights found in the general human rights instruments:** These rights may not always be applied equally to men and women, even though most people may assume that they are. The challenge for advocates is to assure that these rights be equally applied to both sexes (e.g., right to life, education, political participation).
- **Rights found in specialized instruments** such as (CEDAW): These rights may not be taken with equal seriousness as the general rights or those that apply to men. The challenge for advocates is to assure that these rights be given equal importance (e.g., non-discrimination, affirmative action to overcome established discrimination).
- **Rights not yet defined and protected** in any human rights document: The challenge for women's human rights advocates is to work to have these rights defined and recognized.

### Chart 3/1 Women's Human Rights

Worries: Human Rights		
<b>What's the problem?</b> The U.S. has a reputation for being a human rights violator.	<b>Where's the danger?</b> Human rights violations are rampant in Cuba, China, and elsewhere.	<b>What's the fix?</b> The U.S. should pressure other nations to respect human rights.
<b>What's the solution?</b> The U.S. should pressure other nations to respect human rights.	<b>What's the solution?</b> The U.S. should pressure other nations to respect human rights.	<b>What's the solution?</b> The U.S. should pressure other nations to respect human rights.

## DISCUSSION QUESTIONS

- What are women's human rights?
- Why do we make a distinction between human rights and women's human rights if human rights apply to all persons?
- Why is there a special convention covering women's rights?
- Is CEDAW sufficient to cover women's rights? Why or why not?
- If rights are not yet found in any instrument, why do we call them rights?
- What are some of the instruments that define general human rights? How do women advocate for these rights?
- What is the challenge for women's rights advocates with regard to those rights found in the general instruments?
- What are some of the specialized instruments that define rights specific to women? How do women advocate for these woman-specific rights?
- What is the challenge for women's rights advocates with regard to those rights found in specialized instruments?
- Name some areas of concern to women that are not yet defined as rights. How do women advocate for still-evolving rights?
- What is the challenge for women's rights advocates with regard to those rights not found in any instruments?

## LEARNING ACTIVITIES

**Learning Activity 3/1:** What are Women's Human Rights? Page 80



## UNIT 3 WOMEN'S HUMAN RIGHTS

### Learning Activity 3/1

3

## WHAT ARE WOMEN'S HUMAN RIGHTS?

**Objective:** To develop a working definition of women's human rights

**Suggested Use:** With Topic 1: What are Women's Human Rights?

**Time:** 20 minutes

**Materials:** Chart paper and markers; Chart 3/1, Women's Human Rights

Chart 3/1

Women's Movement	Women's Rights	Women's Human Rights
Women's movement is a social movement that seeks to achieve equality for women in all areas of life.	Women's rights are the rights that women should have as equal citizens of the world.	Women's human rights are the rights that women should have as human beings.
Key words: feminism, women's studies, women's liberation, women's movement, women's rights, women's human rights.	Key words: equality, justice, fairness, equity, human rights, women's rights, women's human rights.	Key words: equality, justice, fairness, equity, human rights, women's rights, women's human rights.

1. Ask participants what they mean when they use the terms "women's movement," "women's rights," and "women's human rights." Record their suggestions on a chart like that below. Circle key words mentioned. Suggestion: You might also add other words that are often confused such as "feminist," "feminism," "women's studies," and "women's liberation."

#### Learning Activity 3/1, What are Women's Human Rights?

Women's Movement	Women's Rights	Women's Human Rights

2. Discuss whether these terms all mean the same thing.
3. Provide a clear definition of women's human rights for use in this course. *Show Chart 3/1, Women's Human Rights.* Suggestion: Put this definition on chart paper and post in the workshop room.



## TOPIC 2

### The Development of the Women's Human Rights Movement

#### KEY CONCEPTS

- The history and development of the women's human rights movement
- Some factors that influenced the development of the movement
- A new paradigm of human rights

#### CORE CONTENT

**1** The women's human rights movement is different from the women's rights movement of the 19th and early 20th centuries, which was essentially a Western and middle-class movement. The women's rights movement offers many examples of 19th century women in the Western world struggling to enter universities, practice professions, obtain rights to own property, and to vote and take part in government.

**2** The contemporary women's human rights movement on the other hand is rooted in both developing and developed countries. There are several factors that shaped the women's human rights movement:

#### A. The emergence of the UN human rights system

The UN human rights system emerged at the very foundation of the UN in 1945, with human rights principles enunciated in the UN Charter and further articulated in the UDHR and the ICCPR

and ICESCR. Because these foundations of the UN human rights system were laid well before the emergence of the women's human rights movement, women were essentially excluded from the process of defining the rights and creating the evolving structures for monitoring and enforcing the rights.

In the early years of the evolution of the human rights system, the focus was on two things:

- Curtailing powers of the state rather than demanding accountability for positive actions to ensure women's human rights
- Civil and political rights rather than social, economic, and cultural rights, where many of the rights most central to women's experiences are located

The "Public/Private Split": This emphasis on civil and political rights in the early years of the UN human rights system had particular impact on women. Most women in the world were effectively excluded from public activities such as commerce, government, law, and political activity, which is most affected by civil and political rights. The vast majority of women's lives centered on the home and family, where social, economic, and cultural rights were much more relevant. So long as the UN human rights system gave greater importance to civil and political rights, women's human rights concerns would remain at a disadvantage.

Thus, part of the impetus for the women's human rights movement has been the struggle to seek inclusion in the system, both through separate institutions and through integration into the mainstream of the UN human rights system. Nevertheless, despite its limitations, the very existence of the system gave later generations of women's rights advocates new tools to use in their struggle.

#### B. Economic development and underdevelopment

Economic development and underdevelopment first became common concepts and major concerns after World War II. Factors included in this growing awareness were:

- poverty in the developing world

- inequality between social classes
- growing economic disparity between the developed and underdeveloped world

The “development decades” of the UN (1960s and 1970s) addressed agriculture and food production while failing to acknowledge that in most parts of the world women were the primary producers of food. These decades offered new technologies but excluded women from access and training, and they initiated land reforms but failed to recognize that women were usually restricted from ownership of land. Women became displaced from many of their traditional roles and were disempowered as a result. Later development projects emphasized employment and income generation and recognized the importance of the informal sector and women’s critical role in it. This beginning of real understanding of the social role of women also laid foundations for women’s activism related to rights.

### C. Political struggles and human rights activism

Political repression throughout the world after World War II also led to new awareness and new forms of activism. The experience of dictatorships, disappearances, extra-judicial killings, and “totalitarianism” of many kinds led to armed conflict. Struggles to oust dictatorships and gain independence from colonial rule engaged women in a new way and developed their skills as activists.

A new form of activism began to emerge that used human rights as its basis for bringing about social change. Activists began to utilize the newly developing human rights framework to oppose oppression and to pressure for international recognition and support.

In this period many international human rights organizations were founded, such as Amnesty International, Human Rights Watch, and the Helsinki committees, as well as regional and national groups both large and small.

Thus, ordinary citizens in grassroots groups around the world began to monitor human rights violations, develop new skills in advocacy,



and forge links with international human rights groups worldwide. As part of this process, women gained awareness and capacity.

#### D. The development of gender theories

As women became more active in the process of development, the women in development (WID) framework emerged as a response to women's unequal status in the developing world.

The WID framework:

- redefined "development" to go beyond economic definition
- acknowledged gender roles recognizing different needs, skills, and access to resources
- asserted equality in gender roles to be essential to equality in development

Developing at the same time was feminist theory, principally a product of Western academic women whose analysis of the systematic subordination of women energized efforts to emancipate women in the developed world. Among its results were:

- research of all kinds on women (e.g., sociology, medicine, literature, economics)
- recognition of the pervasiveness and effects of violence against women and the inadequate response of both society and the law
- the development of gender theory (now institutionalized at most universities), which analyzed how consciousness and societal position created differing constructs of social concepts and institutions

#### E. Emergence of the Women's Human Rights Movement

The women's human rights movement can be seen as a synthesis of these influences. The more women became politically active in their own countries and attuned to the concept of human rights, the more they recognized their own marginalization from the system and the more they mobilized to change the situation. By the time of the World Conference on Human Rights in Vienna in 1993, a solid corps of women human rights activists had developed, ready to take on an ever more proactive approach, now using the international system as a critical tool in their struggle to have their human rights recognized and respected.



The rallying cry of the 1990s, "Women's rights are human rights," sums up the "women's human rights" paradigm: unless women realize and enjoy their human rights on an equal basis with men, they are being denied their full humanity. This paradigm is characterized by:

- assertion that the full range of defined human rights apply to women, not just those rights found in women-specific instruments
- use of more complex analytical tools and strategies by women to address the life experience of women and advocate for change
- an understanding of the link between the national and the international human rights systems
- greater participation of women at the national and international level
- the necessity of a gender analysis for all aspects of the human rights system

## POWER POINT SLIDES

**Chart 3/3** Factors that Shaped the Women's Human Movement

**Chart 3/4** Emergence of the UN Human Rights System

**Chart 3/5** Economic "Development" and "Underdevelopment"

**Chart 3/6** A New Human Rights Activism

**Chart 3/7** Gender Theories Develop

**Chart 3/8** Emergence of the Women's Human Rights Movement

**Economic "Development" & "Underdevelopment."**

- Poverty in the Third World
- Equality and inequality between social classes
- Growing economic disparity between developed and underdeveloped world
- UN "Decades for Development" 1960s-1970s

Source: Lucio Fernandez-Morales (2004) Chart 3/3-3

**A New Human Rights Activism**

Political repression throughout the world—theater, independence struggles, "totalitarianism" of different stripes.

- Human rights organizations formed in response.
- Citizens begin to use human rights mechanisms and pressure system.

Source: Lucio Fernandez-Morales (2004) Chart 3/4-4

**Gender Theories Develop**

Women in Development (WID) framework responds to women's unequal status in the developing world.

- Recognition of female "subordination" energizes efforts to emancipate women in the developed world.

Source: Lucio Fernandez-Morales (2004) Chart 3/5-5

**Emergence of the Women's HR Movement**

Source: Lucio Fernandez-Morales (2004) Chart 3/8-8

**Developments in the Protection of Women's Human Rights**

Source: Lucio Fernandez-Morales (2004) Chart 3/6-6

**UN Conferences**

- 1993: World Conference on Human Rights, Vienna
- 1995: Fourth World Conference on Women, Beijing
- 1998: World Conference on Human Rights, Vienna
- 2002: World Conference on Human Rights, Durban
- 2005: World Conference on Human Rights, Vienna
- 2008: World Conference on Human Rights, Vienna
- 2012: World Conference on Human Rights, Vienna
- 2015: World Conference on Human Rights, Vienna
- 2018: World Conference on Human Rights, Vienna
- 2021: World Conference on Human Rights, Vienna

Source: Lucio Fernandez-Morales (2004) Chart 3/7-7

## DISCUSSION QUESTIONS

- What are some ways women in your country experience the “Public/Private Split”?
- What influences and obstacles mentioned in the presentation have affected women in your country (e.g., economic development, political struggles, women-in-development framework, feminist theory)? Which have you not experienced?
- How has the presence or absence of these influences impacted women’s activism in your country?
- What other factors have influenced the development of the women’s rights movement in your country or region?

## LEARNING ACTIVITIES

**Learning Activity 3/2:** The Roots of Our Activism

Page 87

## UNIT 3 WOMEN'S HUMAN RIGHTS

### Learning Activity 3/2

#### THE ROOTS OF OUR ACTIVISM

**Objective:** To relate the women's human rights movement to participants' personal and professional experience

**Suggested Use:** With Topic 2: Development of the Women's Human Rights Movement

**Time:** 45 minutes

**Materials:** None

1. Divide participants into small groups. Give each group these instructions in written and/or oral form:

#### ***Instructions to the participants for Activity 3/2.***

##### ***The Roots of our Activism***

- A.** Discuss the factors that have influenced your own activism for women's human rights:
- personally, in your private and family life
  - professionally, in your work and public life
  - nationally, in the women's human rights movement in your country
- B.** Ask someone to take notes during your discussion and summarize your experiences for the whole group. You would take to find the missing information.

*You have approximately 30 minutes for this activity.*

2. Ask someone from each group to summarize their discussions.
3. Discuss the following, listing positive and negative influences in separate columns:
  - What were the main factors that have influenced our activism for women's human rights?



## TOPIC 3

### Achievements of Women's Human Rights Activism

#### KEY CONCEPTS

- How women's advocacy within the UN system gained recognition of women's human rights
- Some advances with regard to the recognition of women's human rights

#### CORE CONTENT

- 1 In the 1980s and 1990s, due to the advocacy of women within the UN system as well as from nongovernmental organizations (NGOS), progress occurred in the form of the development of women-specific instruments and institutions, including:
  - The Convention to Eliminate All Forms of Discrimination Against Women (CEDAW), which entered into force in 1981, is the first legally binding international instrument prohibiting discrimination against women and obligating governments to take affirmative steps to advance the equality of women.
  - The Declaration on the Elimination of All Forms of Violence Against Women, adopted by the General Assembly in 1994, recognizes the right of women to be free from violence, and the obligations of governments to take steps to eliminate violence against women.

## 3

- The Special Rapporteur on Violence Against Women, established in 1994, has the responsibility to investigate and make reports on cases of violence against women worldwide.
- The Optional Protocol to CEDAW, adopted by the General Assembly in 1998, permits individual complaints to be made to the CEDAW Committee by people in those states that have ratified the protocol.

However, as these instruments and institutions became operative, women realized that exclusive recourse to separate, women-specific institutions contributed to the marginalization of women's concerns within the system. In response, women began to push for full integration of women into the mainstream of the human rights system.

## 2

The strategic use of UN conferences to further women's human rights by putting them on the international agenda was a powerful and empowering approach, resulting in many advances. Some highlights:

- 1992 World Conference on Environment and Development, Rio
  - recognized women's role in environmental management
  - improved status of women necessary for sustainable development
- 1993 World Conference on Human Rights, Vienna
  - first official recognition of violence against women as incompatible with human dignity and as such a violation of human rights, including violence in armed conflict, murder, systematic rape, sexual slavery, forced pregnancy, gender-based sexual harassment and trafficking
- 1994 International Conference on Population and Development, Cairo
  - For the first time, 180 countries agreed that population growth can be stabilized and development efforts enhanced by the advancement of women.
  - Its Programme for Action recognized the need of women and men to be informed about and have access to safe, effective, and affordable means of contraception and other health care services.
  - Condemned harmful practices such as prenatal sex selection, female infanticide, female genital mutilation, trafficking of girl children, and use of girls in prostitution and pornography

- Called on men to take responsibility for sexual behavior
- 1995 Fourth World Conference for Women, Beijing
  - Largest ever intergovernmental conference to address women's issues and most-attended NGO Forum (30,000 participants)
  - Its Programme of Action contextualized women's concerns in the framework of human rights and called on the UN to integrate gender perspectives into all policies and programs—a clear advance from Vienna.

## POWER POINT SLIDES

**Chart 3/7** Some Developments in the Protection of Women's HR

**Chart 3/8** UN Conferences

**Chart 3/9** Optional Protocol to CEDAW

**Developments in the Protection of Women's Human Rights**

**UN Conferences**

- 1945-1948: United Nations Conference on International Law, San Francisco, California, U.S.A.
- 1948: Universal Declaration of Human Rights, Paris, France
- 1966: International Covenant on Civil and Political Rights, New York, U.S.A.
- 1966: International Covenant on Economic, Social and Cultural Rights, New York, U.S.A.
- 1979: Convention on the Elimination of All Forms of Discrimination Against Women, New York, U.S.A.
- 1984: Convention on the Rights of the Child, Geneva, Switzerland
- 1988: Convention on the Rights of Persons with Disabilities, New York, U.S.A.
- 1993: Convention on the Rights of Women, Beijing, China
- 1994: Convention on the Rights of Women, Beijing, China
- 1995: Fourth World Conference on Women, Beijing, China
- 1998: Convention on the Rights of Women, Beijing, China
- 2000: Convention on the Rights of Women, Beijing, China
- 2002: Convention on the Rights of Women, Beijing, China
- 2004: Convention on the Rights of Women, Beijing, China
- 2006: Convention on the Rights of Women, Beijing, China
- 2008: Convention on the Rights of Women, Beijing, China
- 2010: Convention on the Rights of Women, Beijing, China
- 2012: Convention on the Rights of Women, Beijing, China
- 2014: Convention on the Rights of Women, Beijing, China
- 2016: Convention on the Rights of Women, Beijing, China
- 2018: Convention on the Rights of Women, Beijing, China
- 2020: Convention on the Rights of Women, Beijing, China
- 2022: Convention on the Rights of Women, Beijing, China

**Optional Protocol to CEDAW**

Adopted by the General Assembly of the United Nations on 18 December 1989.

The Optional Protocol to CEDAW is a legal instrument that allows women to bring individual complaints to the CEDAW Committee. It was adopted by the General Assembly of the United Nations on 18 December 1989.

The Optional Protocol to CEDAW is a legal instrument that allows women to bring individual complaints to the CEDAW Committee. It was adopted by the General Assembly of the United Nations on 18 December 1989.

## DISCUSSION QUESTIONS

- What are some major achievements of women's human rights in your community? Your country? Your region?
- How have UN conferences contributed to the development of women's human rights?

**TOPIC 4****Recognition of Women's Human Rights****KEY CONCEPTS**

- How women's issues are becoming integrated into the general human rights movement
- The process of developing rights
- The dynamic of women's human rights
- Challenges to the Women's Human Rights Movement

**CORE CONTENT****1****Progress**

The interactive quality of the human rights process permits new ideas and needs to challenge current thinking and approaches and to articulate new theory and practice. The vision of women's rights advocates and their engagement with the system challenged its inadequate view of women's human rights and led to significant change.

Violence against women provides an excellent example of how women's advocacy has led to change. Violence against women is not mentioned in any human rights document, including CEDAW, the most women-specific rights document. Only in 1993 in the Vienna Declaration, as the result of intense pressure from women's human rights advocates, was violence against women by both the state and private actors recognized as a human rights violation.



The women's rights movement has reinterpreted human rights traditionally thought not to apply to women. In so doing, they have expanded to some degree the scope of state responsibility and increased the power of international mechanisms to monitor government actions and omissions related to women's rights.

## 2 Obstacles

On the other hand, women and women's interests are still not totally integrated into the human rights arena and continued action is needed. In particular the following obstacles face the women's human rights movement:

- Failure to recognize the universality of human rights: Despite progress, many women still enjoy far fewer of their human rights than do men.
- The "Public/Private Split": In many parts of the world human rights stop at the door of the family home, where many of the most serious violations against women occur.
- Neglect of social and economic rights: Whereas civil and political rights restrain governments, the more weakly defined social and economic rights require governments to take action and thus are more difficult to enforce. Yet these are the rights often most significant to women's lives.
- Weak human rights monitoring and enforcement.

## 3 Challenges

- Women's activism aims primarily to:
  - expand the definition of rights to include new interpretations
  - expand the scope of government responsibility for the defense and protection of women's rights
- Developing human rights entails three elements:
  - naming the right
  - gaining acceptance of the right by the public
  - assuring that the right is enforced
- Advocacy is essentially a process of:

- ## POWER POINT SLIDES

**Chart 3/17** Developing Human Rights



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- Can you give examples from your country or region where women's issues have been marginalized by segregating them in special legislature, administrative departments, or agencies?
- Can you give examples where women's issues have been neglected by NOT giving them special focus?
- What are some ways women in your country experience the conflict between universality of human rights and cultural and religious traditions?
- What are some ways women in your country experience the inadequacy of definitions and enforcement of social and economic rights?
- What, if anything, can women do to confront these challenges?
- Can you give examples of attempts to mainstream gender issues nationally? Regionally? Internationally? Have they been successful? Why or why not?

### **LEARNING ACTIVITIES**

**Learning Activity 3/3:** Analyzing Women's Human Rights      Page 96

## UNIT 3 WOMEN'S HUMAN RIGHTS

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### Learning Activity 3/3

#### 3

### ANALYZING WOMEN'S HUMAN RIGHTS

**Objective:** To compare how rights are addressed in general instruments and women-specific instruments and identify rights not covered by any instrument.

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**Suggested Use:** With Topic 4: Recognition of Women's Human Rights

---

**Time:** 60 minutes

---

**Materials:** Case study or other story; Worksheet 3/A, *Analyzing Women's Human Rights*.

---

1. Select a current article in the media, a case study from Appendix A, or a personal story told by a participant to use for this activity.
2. Divide participants into pairs. Ask them to complete Worksheet 3/A, *Analyzing Women's Human Rights*: Give these instructions in written or oral form:



**Instructions to the participants for Activity 3/3.****Analyzing Women's Human Rights**

- A.** List the specific rights involved in the case or story and enter them in the column labeled "Rights" on Worksheet 3/A, Analyzing Women's Human Rights.
- B.** Identify:
- the articles that define these rights in at least one general human rights instrument (e.g., UDHR or ICCPR)
  - the articles that define these rights in a human rights instrument specific to women (e.g., CEDAW )
  - any rights as not yet written into a human rights instrument (e.g., environmental, indigenous, or collective rights)
- C.** In the column labeled "Meeting the Challenges," list any actions you know about that women are currently taking to advocate for these rights.
- D.** Compare your results with another pair.

*You have approximately 30 minutes to complete this activity.*

**3. Discuss the following points:**

- Were most rights involved found in a general instrument or a women-specific instrument?
- Did the way rights were addressed in CEDAW differ from the way they were addressed in the UDHR or ICCPR?
- What rights were not found in any of the instruments? How do you explain their absence?
- What rights seem to be getting the most attention from human rights advocates? What seem to be neglected? How do you explain these differences?
- Which of the advocacy efforts seem to be the most effective?

**4. Conclude by emphasizing how all these factors influence the human rights environment and women's human rights activism in particular countries.**

[illegible]

1. Identify the rights in the case you are considering and list them under "Rights."

- the articles that define these rights in a general human rights instrument (e.g., UDHR or ICCPR)
- the articles that define these rights in a human rights instrument specific to women (e.g., CEDAW)
- the rights as not yet written into a human rights instrument (e.g., environmental, indigenous, or collective rights)

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# **UNIT 4**

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## **HUMAN RIGHTS FUNDAMENTALS**

### **TOPIC ONE:**

**Law as a Tool for Change**

### **TOPIC TWO:**

**Strategies and the Legal System**

### **TOPIC THREE:**

**Human Rights Advocacy**

### **TOPIC FOUR:**

**Effective Human Rights Advocacy**

### **TOPIC FIVE:**

**Developing and Refining Your Strategy**





## TOPIC 1

### Law as a Tool for Change

#### KEY CONCEPTS

- How law functions in society
- How the law can affect women's status
- Areas where the law fails women
- Understanding strategies for change

#### CORE CONTENT

1

Societies organize themselves in order to develop, allocate, and utilize resources for the social and economic benefit of their members. Unfortunately, this is not always an equitable process, and some people or groups are excluded from the process. Women comprise one major excluded group.

The mechanism for regulating the economic, social, and political process is the law. Thus, the “socio/political/legal” environment, which we often refer to as the “law” or the “legal system,” operates to promote or inhibit access to resources—primarily economic (land, jobs, credit and other goods and services) and political (participation and power over the allocation or administration of economic and social resources). Women and other groups are excluded from access to resources through one or a combination of mechanisms related to the law:

- through the formulation of laws and policies that are aligned toward the benefit of some and the burden of others

## 4

- through the arbitrary or selective application of laws and policies
- through attitudes and behaviors of people that promote or condone the existence of inequitable laws and uneven compliance

Examples of laws that disadvantage women:

- laws (state or customary) that favor males in family matters (e.g., marriage, divorce, inheritance, parental authority)
- laws or law enforcement systems that victimize the victim of rape while treating the perpetrator with leniency
- labor laws that fail to protect “women’s occupations”

- 2** Because the character of the law is linked to the character of the state, people struggling for equality link the political and economic realities of their countries in their strategies for change.

While most would agree that it is women who often bear the brunt of economic and political disadvantage supported by the law, over the past decades women have also come to the realization that the law can also be used as an instrument to serve women. The result of this recognition has been an upsurge of action initiatives (strategies) that utilize the law in some way to improve women’s status.

- 3** **Action Strategies:** The starting point for such action is real problems regulated by law that women face in their lives. Action strategies using the law often set out to change the situation of women through activities that confront violations of rights or the lack of rights.

Action strategies in this context have the following characteristics:

- Have clearly articulated goals and objectives
- Consist of a set of planned activities designed to fulfill the goals
- Are carried out over a period of time in a systematic way
- Are carried out by a group in a collaborative and organized manner

- 4** **Advocacy Strategies:** Advocacy is a political process designed to influence policy decisions at national and international levels. Advocacy is citizen-initiated and aimed at changing the interests/needs/desires of citizens into definable policies, practices, or even rights.

Advocacy consists of actions designed to draw a community's attention to an issue and to direct policy-makers to a solution. It consists of political and legal activities that influence the shape and practice of laws or public policies. Advocacy strategies have all of the characteristics of action strategies as defined above; however, they differ from action strategies in being geared toward policy change. Advocacy strategies both use the law and challenge the law.

## POWER POINT SLIDES

**Chart 4/1** The Role of Law in Society

**Chart 4/2** The Law Regulates Access to Resources

**Chart 4/3** How the Law Can Fail Us

**Chart 4/4** Examples of Laws that Disadvantage Women

**Chart 4/5** Advocacy As a Response

### Role of Law in Society

- Societies organize themselves in order to develop, allocate, and utilize resources for the social and economic benefit of their members.
- Law is the mechanism for regulating economic, social, and political process in society.

Source: Law & Development International (2004) 4:1-4:2

### The Law regulates access to resources, i.e.,

- economic (land, jobs, credit and other goods and services) and
- political (participation and power over the allocation or administration of economic and social resources).

Source: Law & Development International (2004) 4:1-4:2

### How the law can fail us:

- By the formulation of laws and policies that are aligned toward the benefit of some and the burden of others.
- By the arbitrary or selective application of laws or policies; and
- By the attitudes and behaviours of people that promote or condone the existence of inequitable laws and uneven compliance.

Source: Law & Development International (2004) 4:1-4:2

### Examples of laws that disadvantage women:

- Laws (state or customary) that favor males in family matters (e.g., marriage, divorce, inheritance, parental authority)
- Laws or law enforcement systems that victimize the victim of rape while treating the perpetrator with leniency
- Labor laws that fail to protect "women's occupations"

Source: Law & Development International (2004) 4:1-4:2

### Advocacy As a Response:

- Advocacy is a political process designed to influence law and policy decisions at national and international levels.
- Advocacy is citizen-initiated and aimed at changing the interests/needs/ desires of citizens into definable policies, practices, or rights.

Source: Law & Development International (2004) 4:1-4:2

## DISCUSSION QUESTIONS

- Give some examples from your community of state or customary law that favors males in family matters such as marriage, divorce, inheritance, and parental authority.
- Give examples of customs in your community that conflict with state law.
- Give examples of how the law in your community fails to protect women who are victims of violence and exploitation.
- Why is the law a good starting point for women's action strategies for change?
- Explain the characteristics of an action strategy and explain why each is important.

## LEARNING ACTIVITIES

<b>Learning Activity 4/1:</b> What is Advocacy?	Page 105
<b>Learning Activity 4/2:</b> Identifying an Issue	Page 106
<b>Learning Activity 4/3:</b> Articulating Goals and Objectives	Page 108



## UNIT 4 HUMAN RIGHTS ADVOCACY

### Learning Activity 4/1

#### WHAT IS ADVOCACY?

<b>Objective:</b>	To develop a working definition of advocacy
<b>Suggested Use:</b>	With Topic 1: Law as a Tool for Change
<b>Time:</b>	15 minutes
<b>Materials:</b>	Chart paper and markers; Chart 4/5, Advocacy as a Response

#### Chart 4/5

##### Advocacy As a Response

- Advocacy is a political process designed to influence law and policy decisions at national and international levels.
- Advocacy is citizen-initiated and aimed at changing the interests/needs/ desires of citizens into adequate policies, practices, or rights.

- Ask participants what they mean when they use the word “advocacy.” Record their suggestions. Circle key words mentioned (e.g., “representing another,” “acting on behalf of”).
- Where participants speak several languages, create a list of words in different languages that are used for “advocacy.” Ask if there are any difficulties in translating this word into their languages (e.g., Advocate in many languages means “lawyer.”)
- Based on this brainstorming, ask participants to create a working definition of advocacy.
- Explain the definition of “advocacy” in this course and in *Women’s Human Rights Step by Step*. Show Chart 4/5, *Advocacy as a Response*. Compare this definition with the working definition developed in Step 3.

### Learning Activity 4/2

#### IDENTIFYING AN ISSUE

4

<b>Objective:</b>	To identify problems in the community that could have a legal solution
<b>Suggested Use:</b>	With Topic 1: Law as a Tool for Change
<b>Time:</b>	30 minutes
<b>Materials:</b>	Chart paper and markers

1. Divide participants into small groups of two or three to discuss among themselves problems faced by women in their community that they would like to change. Ask each group to make a list of the most pressing problems on chart paper.
2. Ask a representative from each group to share her group's list. Create a master list from these presentations. Check problems that are repeated.
3. When the presentations are complete, ask the group to survey the list of problems and consider which of these is related to either:
  - a) laws and policies that disadvantage women
  - b) lack of law to protect women
  - c) unfair enforcement of laws and policies

List the problems on a chart like that below.

**Learning Activity 4/2, Identifying an Issue**

Unfair Laws	Lack of Law	Unfair Enforcement

4. Review this chart and discuss which of these problems could be addressed by a change of law or development of new law? Circle these.

### Learning Activity 4/3

#### ARTICULATING DESIRED OUTCOMES

4

**Objective:** To articulate specific changes you want to achieve in relation to the problem.

**Suggested Use:** With Topic 1: Law as a Tool for Change

**Time:** 60 minutes

**Materials:** Chart paper and markers

- A.** Review the list of problems that could be addressed by changing, creating or enforcing the law generated in Learning Activity 4/1: Identifying an Issue. Assign each problem to a small group, especially those with a special interest in this problem.
- B.** Give the following instructions in oral and/or written form:



**Instructions to the participants for Activity 4/3.****Articulating Desired Outcomes**

- 1. Define the problem:** Describe the problem in a few sentences. Try to include in your statement who is affected by the problem, why, and how. Keep your language clear and simple.
- 2. Define the outcome you want to achieve:** What do you want to change in the situation? In other words, what final result do you want to achieve? For example: What is the change in the content of the law or the way that the law is enforced or implemented that you want to achieve?
- 3. Write it up:** On chart paper write your problem statement in a brief paragraph. Under the problem statement list your desired outcomes.
- 4. Choose someone to present your work to the whole group.**

*You have 30 minutes for this work.*

- C.** Ask each group to present its work and ask for observations and suggestions about each problem. Record their responses on a chart like that below, separating each problem.

**Learning Activity 4/3, Articulating Desired Outcomes**

Problem	Desired Outcomes

- D.** Discuss, compare and contrast these presentations.
- Do some problems seem easier or harder to address?
  - Do some objectives seem easier or harder to achieve?
  - Which are best suited to change through the law?

**Suggestion:** Keep these statements for use with later topics.

**TOPIC 2****Strategies and the Legal System****KEY CONCEPTS**

- A systems approach to understanding the law (substance, structure, and culture)
- How strategies relate to the legal system
- Advocacy strategies and components of the legal system

**CORE CONTENT**

- 1** Analysis of the problem is a prerequisite for selecting an appropriate strategy. A useful tool for developing an analysis is a model that views legal processes, such as law making, law enforcement, and the interpretation and application of the law by courts, as a “system.”

The legal system is made up of three principal components:

- The substance of the law, that is, what the law says in legislation, constitutions, policies, and administrative rules and regulations. The substance of the law is a matter of the laws themselves, what they say, what they mean, and how they are formulated.
- The structure of the law, that is, how the law is applied or enforced through the courts, police, and administrative agencies of the state. The structure of the law is a matter of institutions: how they are set up, what they enforce, or how they apply the law.

- The culture of the law, that is, how people think about and behave toward the law. The concept of the “culture of the law” does not refer to culture in general, but to those aspects of culture that have legal implications. The culture of the law is a matter of what people think and how they act.

## 2 These three components of the legal system are useful for understanding the nature of the problem that a strategy will seek to resolve.

- First, it may be a problem of substance, that is, the content of the law. Elements may be lacking in the law; there may be flagrant inequality and injustice or ambiguities that make the law inadequate or repressive. With the analysis of the problem, the emphasis of a corresponding strategy would be on changing the content of laws and policies, eliminating them, or adding new laws and policies.
- Second, it may be a problem of the institutions that uphold and apply the law, that is, the structure of the legal system. Often legal institutions and structures are inaccessible or unable to serve the interests of the people they were meant to serve. Strategies derived from this perspective generally emphasize transformation or creation of more responsive and accountable structures for the administration of justice.
- Third, it may be a problem of attitudes and behaviors, that is, the culture of the law. Cultural issues with the law may range from acceptance of discriminatory or unjust practices to basic ignorance about the possibilities and limitations of the law. When the problem is perceived this way, strategies tend to emphasize the empowerment of people through their active engagement with the political process.

## 3 In summary, a strategy for change must be based on skillful analysis of the problem.

- Strategies represent a solution to a problem; therefore it is necessary to begin with a clear analysis of the problem, its causes and consequences.
- Strategies respond to problems as they are analyzed.



- The problem and the strategy will always include cultural elements, although the strategy may target primarily the substance or the structure for change.
- Strategy components are interactive and related to the whole structure of the system.
- Strategies use legal and political methods.

## POWER POINT SLIDES

**Chart 4/6** Components of the Legal System

**Chart 4/7** Dynamics of the legal system

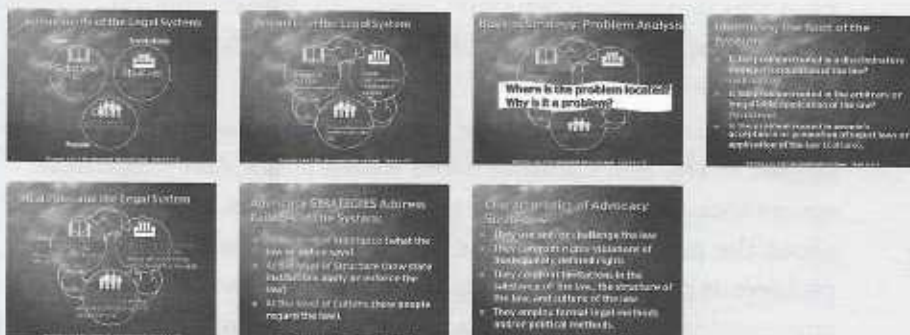
**Chart 4/8** The Basis of Strategy: Problem Analysis

**Chart 4/9** Identifying the Root of the Problem

**Chart 4/10** Strategies and the Legal System

**Chart 4/11** Advocacy Strategies Address Failures of the System

**Chart 4/12** Characteristics of Advocacy



## DISCUSSION QUESTIONS

- Give examples of problems from your experience that are related to (1) the content of the law, (2) the structure of the law, and (3) the culture of the law.
- What are essential components of an advocacy strategy?



- If a strategy is aimed at a problem with the content of the law, what kinds of activities will it include?
- If a strategy is aimed at a problem with the structure of the law, what kinds of activities will it include?
- If a strategy is aimed at a problem with the culture of the law, what kinds of activities will it include?
- Why do both a problem and a strategy to change it always include cultural elements?
- Explain in your own words how strategy components are interactive and related to the whole structure of the system.

### **LEARNING ACTIVITIES**

**Learning Activity 4/4:** Analyzing an Advocacy Strategy      Page 114

## UNIT 4 HUMAN RIGHTS ADVOCACY

### Learning Activity 4/4

#### ANALYZING AN ADVOCACY STRATEGY

4

**Objective:** To apply the definition of advocacy to real-life examples

**Suggested Use:** With Topic 2: Strategies and the Legal System

**Time:** 30 minutes

**Materials:** Recent newspapers and news magazines; Worksheet 4/A, Analyzing an Advocacy Strategy; Chart 7, The Bases of Strategy: the Legal System.

Chart 4/7



1. Divide participants into small groups. In an international workshop, you might group participants by country or region. Provide each group with newspapers and other publications to examine for examples of advocacy. You might also use a video on advocacy such as *A Woman's Place*.<sup>2</sup> Give these instructions in oral and/or written form:

<sup>2</sup> Maryland Public Television, 1998.

**Instructions to the participants for Activity 4/4.****Analyzing an Advocacy Strategy**

1. Find some real-life examples of advocacy. Draw on your own experience and any examples you find in the newspapers and magazines provided.
2. Choose one example that you think fits the course definition of advocacy and use it to answer the questions on Worksheet 4/A, Analyzing an Advocacy Strategy.
3. Choose someone to report on your work to the whole group

*You have approximately 30 minutes to complete this work.*

2. Ask for a report from each group.
3. Discuss the following points:
  - Which of these examples fit the course definition of advocacy?
  - What were some common features of these examples?
  - Which were legal strategies? Which political?
  - How can you judge whether an advocacy strategy was successful or not?
4. Remind participants of the "three components of the legal system" discussed in Topic 2: Strategies and the Legal System. Explain that this concept should now be reconsidered in terms of advocacy. Show Chart 4/7, *Dynamics of the Legal System*.
5. Ask participants to re-examine the example they used in this activity and analyze what part of the legal system that case involved: the content, structure, or culture of the law.

**TOPIC 3****Human Rights Advocacy****KEY CONCEPTS**

- The links between law, advocacy, and human rights
- What is human rights advocacy?
- The process of defining, recognizing, and enforcing human rights
- The dynamics of human rights advocacy

**CORE CONTENT****1 What is Human Rights Advocacy?**

Human rights advocacy responds to citizen interest in transforming formal human rights into genuine and effective human rights. It uses constitutional guarantees and international norms, standards and mechanisms to hold governments accountable for their actions, to expand the core content of the rights framework, and to make the system itself more responsive and effective.

Women's human rights advocacy aims to assure respect for and protection of women's human rights and in particular to:

- Amplify the definition and understanding of human rights violations to include abuses of women that are not generally acknowledged as human rights violations.
- Expand the scope of state responsibility for the protection of women's human rights in both the public and private spheres.
- Enhance the effectiveness of the human rights system at both national and international levels to hold abusers accountable.



Women's human rights advocacy strategies tends to focus on a few key targets within the human rights system at national, regional, and international levels, particularly on:

- The laws and policies that define how women's human rights are interpreted
- The institutions at national, regional, and international levels charged with upholding these rights
- The attitudes and behaviors of officials and ordinary citizens (including women) about women's rights

## 2 How human rights advocacy works

Human rights advocacy entails three indispensable and interactive processes related to rights:

- Defining and clarifying the right
- Achieving formal and practical acceptance of the right
- Assuring the enforcement or enjoyment of the right

Advocacy orchestrates the “define,” “recognize” and “enforce” elements of a particular process to achieve the desired change in law and practice.

**“Define”:** First, rights must be defined or “named,” which means spelling out the nature of the right, identifying its violations, and showing how such a conception can be incorporated into law and how and by what standards enforcement will be measured. The methods used to achieve this substantive, definitional advocacy goal are research, fact finding, and documentation.

**“Recognize”:** Second, the right must be accepted by society—another goal of advocacy. Recognition happens when the right is incorporated into law (e.g., legislation, policies, a constitutional provision) as the result of a political process. Advocates use political action, such as education, constituency building, lobbying, mobilization, to gain recognition of the right, to change people's values and behaviors to reflect the right, and to engage people as citizens and subjects of rights to make rights real in law and practice. The concrete outcome of this advocacy goal is inclusion of the right in legal instruments such as constitutions, legislation, and treaties.

**“Enforce”:** Third, since a right that cannot be enjoyed is no right at all, another goal of advocacy is assuring the proper implementation/realization of the right. Here advocates use legal action targeting enforcement structures as the principal tool. Monitoring the performance of enforcement agencies exposes failures of enforcement. Litigation in national courts or filing complaints at the international level aims to seek justice for victims, to hold violators accountable, and to make the system responsive. Each process contributes in some way to assure citizens the enjoyment of the right.

Strategic advocacy arranges the elements—legal and political activities aimed at contributing to the definition, recognition, and/or enforcement of human rights—according to the particular socio/legal context within which it must operate. The important thing is that the initiative, one way or another, contribute to expanding the scope of rights (definition), expanding the scope of state responsibility (recognition as defined in law), and holding states accountable for violations and assuring the abusers are punished and remedies are provided (enforcement). Being strategic means having and acting on a clear understanding of the interaction between political and legal dynamics in achieving these goals.

## POWER POINT SLIDES

**Chart 4/13** Human Rights Advocacy is a Process

**Chart 4/14** The Dynamics of Human Rights Advocacy

**Chart 4/15** Another View of the Human Rights Process

**Chart 4/16** Women's Human Rights Advocacy Process

**Chart 4/17** At the substantive level . . .

**Chart 4/18** Chart 20, "Define"

**Chart 4/19** At the Cultural level . . .

**Chart 4/20** "Recognize"

**Chart 4/21** At the Structural Level . . .

**Chart 4/22** "Enforce"

**Chart 4/23** Human Rights Advocacy Goals and Methods



## DISCUSSION QUESTIONS

- How does human rights advocacy differ from advocacy in general?
- What are the three key elements of human rights advocacy?
- What does it mean to "define" or to "name" a human right? Give examples where a right already appears in the constitution or an international treaty. Give examples where it does not.

- What kinds of activities are undertaken to “define” a right?  
Are they political or legal?
- What are the two key factors in “recognition” of a human right?  
How do we know if the right is recognized? Give examples where all of the factors are present. Where only one factor is present. Where none are present.
- What kinds of activities are undertaken to “recognize” a right?  
Are they political or legal?
- What does it mean to “enforce” or to “assure enjoyment” of a human right?
- Give examples where the right is not adequately enforced. Give examples where the right exists but is not implemented. What is the difference?
- What kinds of activities are undertaken to “enforce” a right?
- What is strategic human rights advocacy?

### LEARNING ACTIVITIES

**Learning Activity 4/5:** Framing a Human Rights Issue Page 121

**Learning Activity 4/6:** Analyzing a Human Rights Issue Page 123



### Learning Activity 4/5

#### FRAMING A HUMAN RIGHTS ISSUE

<b>Objective:</b>	To put a problem in a human rights context
<b>Suggested Use:</b>	With Topic 3: Human Rights Advocacy
<b>Time:</b>	30 minutes
<b>Materials:</b>	Charts created in Learning Activity 4/3, Articulating Goals and Objectives; Worksheet 4/B, Framing a Human Rights Issue; Copies of human rights instruments.

1. Remind participants of Learning Activity 4/3: Articulating Goals and Objectives, in which they identified a problem of concern to women in their community and used it to develop a problem statement, goals and objectives.
2. Ask participants to return to the same groups in which they worked for Learning Activity 4/3 and give each group the chart they developed in that activity.

3. Give these instructions in oral and/or written form:

**Instructions to the participants for Activity 4/5.**

**Framing a Human Rights Issue**

- A. Identify the human rights that are involved in the problem you have selected. List the specific rights (there may be several) on worksheet 4B, Framing a Human Rights Issue.
- B. If possible, identify articles of international human rights instruments that define that right. Do the same for your national constitution(s) and legislation.
- C. Choose someone to report to the whole group.

*You have about 30 minutes to complete this work.*

4. Ask someone from each group to report on their work. Record their work on a chart like that below. After each presentation ask these questions:
1. How is this right violated?
  2. Who is the violator
  3. Whose rights are violated

**Learning Activity 4/5, Framing a Human Rights Issue**

Problem	Rights Involved	Where Defined

5. Discuss the following topics:
- Were some problems more clearly defined as human rights issues?
  - Were some problems not well defined to human rights? Would it help if they were?
  - Were some problems defined as human rights issues internationally but not nationally? Vice versa?
  - Why is it helpful to frame problems in a human rights context?
  - On the basis of this work would you now see some problems as better suited for human rights advocacy? Some as less suited? Why?

## UNIT 4 HUMAN RIGHTS ADVOCACY

### Learning Activity 4/6

#### ANALYZING A HUMAN RIGHTS ISSUE

<b>Objective:</b>	To analyze a human rights problem
<b>Suggested Use:</b>	With topic 3: Human Rights Advocacy
<b>Time:</b>	30 minutes
<b>Materials:</b>	Charts created in Learning Activity 4/3, Articulating Goals and Objectives; Worksheet 4/C, Analyzing a Human Rights Issue; Chart 4/15, The Essence of Human Rights Advocacy.

**Chart 4/15**



1. Use the same problem addressed Learning Activity 4/5: Framing a Human Rights Issue. Reshow Chart 4/15, The Essence of Human Rights Advocacy and remind participants of the difference in defining, recognition and enforcing a right.
2. Divide participants into an even number of small groups and assign at least two groups the same problem to analyze.



3. Give these instructions in oral and/or in written form:

**Instructions to the participants for Activity 4/6.**

**Analyzing a Human Rights Issue**

- A. Analyze your problem in terms whether the definition of the right, recognition of the right, and enforcement of the right is needed. Use Worksheet 4/C, Analyzing a Human Rights Issue, to record your findings.
- B. Based on this analysis, answer these questions about the problem:
- What kinds of activities can you take to define this right? Are they political or legal?
  - What kinds of activities can you take to have this right recognized? Are they political or legal?
  - What kinds of activities can you take to have this right enforced? Are they political or legal?
  - Which kinds of activities will be most important in advocating for this right?

*You have about 30 minutes to complete this work.*

4. Ask for reports from each group.
5. Discuss the importance of this analysis in planning an advocacy strategy.



## TOPIC 4

### Effective Human Rights Advocacy

#### KEY CONCEPTS

- What makes effective advocacy?
- Characteristics of human rights advocacy
- Design variables

#### CORE CONTENT

- 1 Not all advocacy is necessarily effective. To be effective it must be strategic, meaning that it has and acts on a clear understanding of the interaction between political and legal dynamics in achieving its goals. Moreover, effective advocacy initiatives require organization, information, communication, outreach, and mobilization.
  - Organization and leadership are among the most critical elements in advocacy. An advocacy initiative only happens when someone makes it happen. Moreover, a complex strategy requires careful management of various elements, including information gathering, communication, education, and mobilization.
  - A compelling human rights issue is the next characteristic of an effective human rights strategy. A compelling issue is one that has clear human rights content and a potentially positive impact on women and one with which they and the public can identify.
  - Next, an effective advocacy strategy has a clearly defined, analyzed and documented issue. Three elements go into building a strategic human rights case:

- Showing that a right exists
- Proving that a violation of the right occurred
- Demonstrating that the state was responsible for the violation

**2** Each of these components can pose a challenge. Fact finding and analysis contribute to overcoming conceptual problems in each of the following areas:

**4**

- A dynamic strategy plan is an essential component of an effective advocacy initiative. This means the strategy plan is based on a clear set of goals and objectives, it outlines what is to be achieved and the types of actions to be carried out, and it defines the structure and sequence of activities, when they will be carried out, and by whom. In an effective strategy, specific objectives and demands are clearly articulated and understood by everyone involved, and the political and legal activities that make up the strategy are appropriate and strategic.
- An appreciable constituency or support group is another critical element of effective advocacy. Success of advocacy depends in large part on citizen support. When entire communities join women in mobilizing to demand their rights, their voices will be heard. Thus, an effective advocacy strategy includes outreach and constituency building. The stronger and more vocal the support group, the better poised the advocacy strategy will be for success.
- Effective communication and education are integral to outreach and constituency building. People cannot support a cause unless they know about it. Organizations with effective advocacy strategies understand the power of communication and know how to use the media well. Campaigns in the media can be particularly effective, but a variety of educational may be needed to reach specific individuals who have the capacity to play important roles in the success or failure of the effort and who may become either allies or opponents.
- Finally effective advocacy includes visible mobilization and action. The organizers must have the capacity to mobilize individuals and groups to take action in support of the desired change. Successful advocacy has both breadth and depth among its supporters. In addition to counting on expertise to build the case in legal terms,

shape arguments, draft legislative proposals, and document and verify abuse, effective advocacy counts on ordinary people to stand up and defend or promote the issue from their own experience and perspective. The final test of advocacy is measured by the effective support it can muster.

History shows us that the mechanism for pushing forward the human rights process—from the articulation of basic human rights to their consistent application—has been the organized groups around the world willing to press for the definition of new or unrecognized rights and to hold governments and the human rights system itself to their word.

## POWER POINT SLIDES

**Chart 4/24** Leadership

**Chart 4/25** Clear Analysis

**Chart 4/26** Strategy

**Chart 4/27** Communication

**Chart 4/28** Mobilization

**Chart 4/29** Critical Components of the Advocacy Process in Action

### 1. Leadership

- Ability to initiate advocacy effort
- Ability to inspire and attract interest
- Ability to manage process
- Ability to mobilize support

### 2. Clear analysis

- Clarity about the problem (research)
- Understanding of the context political & legal

### 3. STRATEGY

- Clear objectives
- Clear demands
- Clear targets
- Activities planned
- Schedule made

### 4. Communication

- Message reaches public
- Message reaches policy makers

### 5. Mobilization

- Plan implemented
- Interested/affected groups take action to affect change



## DISCUSSION QUESTIONS

- What are the key characteristics of effective advocacy?
- What is a human rights issue?
- What is a compelling issue?
- Why does effective advocacy presuppose a strong human rights case clearly defined, documented, and analyzed? Give examples of such cases.
- What are the three essential parts of an advocacy plan?
- What is a strategy design? What does it include?
- What is a “constituency” in the context of advocacy? What is an “appreciable” constituency?
- Name some communication and educational activities that are essential to effective advocacy.



## TOPIC 5

### Developing and Refining Your Strategy

#### KEY CONCEPTS

- The key components of an advocacy strategy
- The importance of defining and analyzing the problem
- The steps involved in designing an advocacy strategy
- The criteria for identifying an appropriate women's human rights problem
- The importance of defining desired outcomes.

#### CORE CONTENT<sup>3</sup>

The task of actually designing a strategy needs to be broken down into several steps. *Women's Human Rights Step by Step* recommends a 5-step process, with a sixth step as an on-going evaluative progression.

These steps are:

1. Choosing the problem
2. Analyzing the problem
3. Defining outcomes
4. Designing the strategy
5. Writing the plan
6. Assessing your strategy

<sup>3</sup> This section consists almost entirely of skills development. See Topics 1 to 4 for the concepts and definitions that are implemented in this section. Also see Part 2 of the *Women's Human Rights Step by Step Strategy Workbook* for a systematic guide to developing a strategy.

## 4

- Choosing the problem consists of finding and selecting an issue or problem that deserves attention. Here it is important to select a problem with human rights content (review the section on women's human rights) and think about what can be done about it and what change can occur as a result of advocacy. Think about whether the problem is "compelling" as discussed in Topic 4: Making Human Rights Advocacy Effective.
- Analyzing the problem consists of coming to a deeper understanding of the problem and exploring solutions. In this activity, which is really critical to developing a superior strategy, it is important to:
  - Clarify the right involved in the selected problem.
  - Be clear about how the right is being violated.
  - Identify the violator.
  - Explore whether you can solve the problem at the national level or whether recourse to an international mechanism is appropriate.
  - Consider the potential role of advocates.
  - Clarify what you might be able to achieve by working on this issue.

Fact-finding will be necessary during this process in order to gain sufficient information to actually develop an understanding the problem and conceive potential solutions.

- Defining outcomes is a process of deciding what the group wants to achieve. In this task it is critical to clearly define the outcome they want to happen and what their measure of success will be. Often, advocates realize at this point that they cannot take on the whole problem and decide to select a "piece" of the problem that they feel they can manage.
- Designing the strategy involves choosing an approach and process. After the problem is clarified, solutions explored, and desired outcomes specified, the next step is to plan the strategy. It means planning the kind and sequence of actions that must take place to achieve the desired outcomes. The strategy design phase requires analysis of the positive and negative forces that can help or hinder the effort. At this stage, allies and potential supporters need to be identified and plans made for integrating them into the process.

Opponents also need to be identified and actions designed to counter their negative potential. The “who,” “what,” “when,” “where,” and “how” of action must be defined during the strategy design step.

- Writing the plan means articulating what you are going to do in clear, concise language, describing:
  - A. The problem you will work on
  - B. The people and groups who will collaborate
  - C. The outcomes that will be achieved (short term and long term)
  - D. Demands to be placed on government, if any
  - E. A plan of action covering the list and sequence of actions to be taken
  - F. Target audience and how you will engage them
  - G. Special considerations and resources needed for each action

## POWER POINT SLIDES

**Chart 4/30** Steps in Designing an Advocacy Strategy

**Chart 4/31** Choosing the problem

**Chart 4/32** Analyzing the Problem

**Chart 4/33** Defining Outcomes

**Chart 4/34** Designing the Strategy

**Chart 4/36** Writing the Plan

**Chart 4/36** Assessing the Strategy

<p><b>Steps in designing the strategy</b></p> <ul style="list-style-type: none"> <li>• Choosing the Problem</li> <li>• Analyzing the Problem</li> <li>• Defining outcomes</li> <li>• Designing the Strategy</li> <li>• Writing the Plan</li> <li>• Assessing the Strategy</li> </ul>	<p><b>Choosing the problem</b></p> <ul style="list-style-type: none"> <li>• Is it a problem that deserves attention?</li> <li>• Does it have a human rights context?</li> <li>• What does it concern?</li> <li>• Is it a compelling issue?</li> </ul>	<p><b>Analyzing the problem</b></p> <ul style="list-style-type: none"> <li>• What is the root problem in the identified strategy?</li> <li>• How is the government involved?</li> <li>• What is the role of the civil society?</li> <li>• Can it be solved at the national level or does it require international human rights involvement?</li> <li>• What is the role of advocates and what will you be able to do?</li> </ul>	<p><b>Defining outcomes</b></p> <ul style="list-style-type: none"> <li>• What do you ultimately want to achieve in taking on this issue?</li> <li>• How much do you need to achieve this strategy?</li> <li>• What are the outcomes of national?</li> </ul>
<p><b>Designing the Strategy</b></p> <ul style="list-style-type: none"> <li>• Develop a common understanding and agree on the objectives of the strategy</li> <li>• Find individuals willing to be involved</li> <li>• What are the roles of allies, opponents, supporters?</li> <li>• What are the power to make the change?</li> <li>• Develop the "what," "when," "where," "how," and "who" of the strategy.</li> </ul>	<p><b>Writing the Plan</b></p> <ul style="list-style-type: none"> <li>• How do you want to work on the problem or groups who will collaborate with you?</li> <li>• The outcomes that will be achieved</li> <li>• Demands to be made on the government, if any</li> <li>• A plan of action involving the list and sequence of actions to be taken</li> <li>• Target audience and how you will engage them</li> <li>• Special considerations and resources needed</li> </ul>	<p><b>Assessing the Strategy</b></p> <ul style="list-style-type: none"> <li>• Take a step back, reflecting upon the plan to remember what business you are doing and the strategy is working, and what changes need to be made</li> </ul>	

## DISCUSSION QUESTIONS

- Why does the problem need to have human rights content?
- What factors are important to consider when choosing a problem issue?
- Why is it important to analyze the role of the state in the problem?
- Is there always a violation of a right involved in human rights advocacy?
- What is the difference between an objective and a desired outcome?
- What is a “measure of success?”
- What factors should be considered when designing a strategy?
- Why is it important to write out the plan?

## LEARNING ACTIVITIES

<b>Learning Activity 4/7:</b> Identifying the Problem	Page 133
<b>Learning Activity 4/8:</b> Analyzing the Problem	Page 135
<b>Learning Activity 4/9:</b> Defining Desired Outcomes	Page 137
<b>Learning Activity 4/10:</b> Designing Your Strategy	Page 139
<b>Learning Activity 4/11:</b> Writing Your Plan	Page 140
<b>Learning Activity 4/12:</b> Articulating Your Strategy	Page 141



### Learning Activity 4/7

#### IDENTIFYING THE PROBLEM

**Objective:** To practice the skill of problem identification

**Suggested Use:** With Topic 5: Developing and Refining Your Strategy

**Time:** 45 minutes

**Materials:** Worksheet 4/D, Identifying the Problem

1. Divide participants into small groups. In an international workshop, consider national or regional groups. Give the groups instructions in oral and/or written form:

#### ***Instructions to the participants for Activity 4/7.***

##### ***Identifying the Problem***

- A. Working with your group, brainstorm a list of potential human rights problems faced by women in your country.
- B. Out of this list, choose two or three problems that seem to meet the criteria and use them to complete Worksheet 4/D, Identifying the Problem.

*You have approximately 30 minutes to complete this activity.*

2. Ask for reports from each group. Record their responses on a chart like that on Worksheet 4/D.
3. Discuss the following points:
  - What were some problems that seemed appropriate for human rights advocacy?
  - What problems did NOT seem appropriate?
  - Was any part of this evaluation difficult?

### Learning Activity 4/8

#### ANALYZING THE PROBLEM

**Objective:** To practice the skill of problem analysis

**Suggested Use:** With Topic 5, Developing and Refining Your Strategy

**Time:** 45 minutes

**Materials:** Worksheet 4/D, Identifying the Problem; Worksheet 4/E, Analysing the Problem

1. Divide participants into the same groups as Activity 4/4, Identifying the Problem. Give these instructions in written or and/or oral form:

#### ***Instructions to the participants for Activity 4/8.***

##### ***Analyzing the Problem***

- A. Select one of the problems you identified in Learning Activity 4/3: Identifying the Problem, and use it to complete Worksheet 4/E, Analyzing the Problem
- B. Select someone to report on your work.

*You have approximately 30 minutes to complete this activity.*

2. Ask for reports from each group. Invite participants to compare and contrast their analyses.

3. Discuss the following points:

- What kind of information was lacking? How do you think you could get more information?
- Did this analysis further your understanding about the problem itself? About how the problem relates to the law? About how an advocacy strategy might address the problem?



### Learning Activity 4/9

#### DEFINING DESIRED OUTCOMES

**Objective:** To develop the skill of outcome definition

**Suggested Use:** With Topic 5: Developing and Refining Your Strategy

**Time:** 45 minutes

**Materials:** Worksheet 4/F, Defining Desired Outcomes

1. Divide participants into the same groups as for Learning Activities 4/7 and 4/8. Give these instructions in oral and/or written form:

#### **Instructions to the participants for Activity 4/9.**

##### **Defining Desired Outcomes**

- A. Discuss with your group what specific outcomes you would like to result from advocacy on the problem you have been considering. You may have any number of outcomes you wish. However, try to make them very concrete (e.g., "An apology from the government of Japan" and "Inclusion of what happened to 'comfort women' in school textbooks about World War II").
- B. Write them on Worksheet 4/F, Defining Desired Outcomes.
- C. Write out the problem in a few sentences

*You have approximately 40 minutes to complete this activity.*

2. Ask someone from each group to report on their discussions.
3. Discuss the following points:
  - What were your desired outcomes?
  - Did you have difficulty in deciding what the outcomes should be?
  - Do you think you could actually achieve these outcomes

### Learning Activity 4/10

#### DESIGNING YOUR STRATEGY

<b>Objective:</b>	To develop the skill of strategy construction
<b>Suggested Use:</b>	With Topic 5: Developing and Refining Your Strategy
<b>Time:</b>	45 minutes
<b>Materials:</b>	Worksheet 4/G, Designing Your Strategy

1. Divide participants into the same groups as for Learning Activities 4/7 and 4/8 and 4/9 Give these instructions in oral and/or written form:

#### *Instructions to the participants for Activity 4/10.*

##### ***Designing Your Strategy***

- A. Based on your desired outcomes, discuss with your group what your approach will be to achieving them. Consider alternative approaches.
- B. Use the Worksheet 4/G, Designing your Strategy to explore options.
- C. Use Worksheet 4/H, Preparing an Action Plan to spell out the strategy for each of your desired outcomes. Use one worksheet per outcome.

*You have approximately 90 minutes to complete this activity.*

2. Ask someone from each group to report on their discussions.
3. Discuss the following points:
  - Describe your main strategy. Why so?
  - After considering all the actions that need to be taken, did you have any second thoughts about your selected outcomes?

### Learning Activity 4/11

#### WRITING YOUR PLAN

4

**Objective:** To develop the skill of planning

**Suggested Use:** With Topic 5: Developing and Refining Your Strategy

**Time:** 2 hours

**Materials:** Worksheet 4/1, Writing Your Plan

1. Divide participants into the same groups as for Learning Activities 4/7, 4/8, 4/9 and 4/10 Give these instructions in oral and/or written form:

#### ***Instructions to the participants for Activity 4/11.***

##### ***Writing Your Plan***

- A. Use the Worksheet 4/1, Writing Your Plan, as a guide and write out your strategy as completely as possible.
- B. When you have completed your plan, decide which members of your group will present this plan to the plenary in a 20 minute presentation.

*You have approximately 2 hours to complete this activity.*



### Learning Activity 4/12

#### ARTICULATING YOUR STRATEGY

<b>Objective:</b>	To develop the skill of verbal articulation of the strategy
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<b>Suggested Use:</b>	With Topic 5: Developing and Refining Your Strategy
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<b>Time:</b>	2 hours
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<b>Materials:</b>	Video Camera,
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1. Ask each participant to prepare individually a presentation to be taped describing the agreed upon advocacy strategy. Give these instructions in oral and/or written form:

##### *Instructions to the participants for Activity 4/12.*

##### **Designing Your Strategy**

- A. Individually you will prepare a two minute presentation for videotaping.
- B. The presentation will be part of a role play in which you will be given two minutes of television time to tell the public about your issue, what, the problem, what you hope to do about it, etc. The goal is to speak with clarity and dynamism about your advocacy initiative in a short period of time.

*This activity will last as long as it takes to tape each participant.*

2. Ask one participant to role play a television talk show personality who will interview each participant regarding her advocacy strategy.
3. Give sufficient time for each participant to tape her presentation.
4. Play back the presentation to the whole group and ask for feedback.

## WORKSHEET 4/A, Analyzing an Advocacy Strategy

### Instructions:

- A. Choose a real-life example of advocacy that you think fits the course definition.
- B. Use it to complete this worksheet.

1. Describe the advocacy strategy briefly. (If you took an example from a publication, attach the article to this sheet.)
2. What was the problem the advocacy addressed?
3. Who initiated the advocacy?
4. Who else participated?
5. What did they want to achieve?
6. What did they do? Briefly describe the action(s) they took.
7. What was the outcome?
8. Do you consider the advocacy strategy successful or unsuccessful? What is your basis for evaluating success?

**WORKSHEET 4/B, Framing a Human Rights Issue**[illegible]

**Instructions:**

- Identify the human rights involved in the problem you have selected.
- If possible, identify articles of international human rights instruments that define that right.
- Do the same for your national constitution(s) and legislation.



### WORKSHEET 4/C, Analyzing a Human Rights Issue

Definition of the Right	Recognition of the Right	Enforcement of the Right
Possible Activities to Achieve Definition of the Right	Possible Activities to Achieve Recognition of the Right	Possible Activities to Achieve Enforcement of the Right

**Instructions:**

- Analyze the problem you have selected in terms of whether definition, recognition or enforcement of the right(s) is needed.
- Brainstorm some activities that could be taken under each category. Put an "L" next to legal activities and a "P" next to political activities.
- Which kinds of activities will be most important in advocating for this right?



**WORKSHEET 4/D, Identifying the Problem**[illegible]

**Instructions:**

- A. Brainstorm a list of potential human rights problems faced by women in your country.
- B. Choose two or three problems that seem to fit the criteria and use them to complete this worksheet.

## 4

**WORKSHEET 4/E, Analyzing the Problem****Instructions:**

Select one of the problems you identified in Learning Activity 4/7: Identifying the Problem, and use it to complete this worksheet.

- A.** State the problem in a few sentences.
- B.** "Locate" the problem in the context of the law.
  1. How does the problem relate to:
    - The structure of the law, e.g., courts, administration, law enforcement agencies?
    - The substance of the law, e.g., the constitution, laws, regulations?
    - The culture of the law, e.g., shared attitudes, behaviors, ideas of right and justice?
  2. If the problem relates to all of these elements, how do they interact?
- C.** Analyze the problem.
  1. Does this problem involve the violation of a protected right?  
If so, what is the right?
  2. Is the right defined in the national constitution?
  3. Is the right defined in international human rights conventions?  
Which one(s)?
  4. Is the right defined through customary practice or tradition?
  5. What is the nature of the problem?
    - How is the right being violated?
    - Who is the violator?
    - What is the extent of the violation?
    - What is the state's role in the violation?
  6. How will you prove the violation? Are there documented cases that can be used to demonstrate the violation?
  7. Can the state be shown directly or indirectly to be responsible for the violation?

**WORKSHEET 4/E, Analyzing the Problem**

8. Does the public understand that the problem involves violation of human rights?
9. Does the public accept the abuse or just not know about it?
10. Has this problem been challenged through courts or national-level human rights mechanisms?
11. Are you likely to resolve the problem at the national level? Why or why not?
12. Could you use international mechanisms to address the problem?
13. What kind of remedies do these mechanisms offer?
14. Are you likely to resolve the problem at the international level? Why or why not?

**D. Summarize your analysis.**

1. What information do you lack? How will you find what you need to know?
2. Is there additional information about the problem that you think is important?
3. On the basis of your analysis, does this still seem like a good problem on which to build an advocacy strategy? Why or why not?



## WORKSHEET 4/F, Defining Desired Outcomes

### Instructions:

- A. Write out the problem in a few sentences.
- B. Discuss the specific outcomes you would like to result from advocacy on the problem you have been considering.
- C. Enter them on the worksheet.

### A. Write out your problem:

### B. Explore and define your desired outcomes:

1. What do you think you can achieve by working on this problem? Write out your desired outcomes as separate sentences.
2. Is your goal related to:
  - expanding the understanding of the right involved? Explain.
  - assuring the enforcement of the right? Explain.
  - both? Explain.
3. Does some practice need to be stopped or does positive action need to be taken to comply with human rights standards? Explain.
4. Are you demanding something of the government?
5. What exactly and specifically must the government do?
6. What would constitute satisfactory action by the government?
7. What must you do at the national level to achieve your goal?
8. Does this require legal reform? Explain.
9. Does this require litigation? Explain.
10. Are you planning to do something at the international level?
  - If YES, does this involve a remedy provided by one of the human rights mechanisms?
  - If YES, does this action involve some alternative approach?
11. What actions will you undertake to achieve to achieve your desired outcomes? List these in sequence.



**WORKSHEET 4/F, Defining Desired Outcomes**

**c.** Write out your chosen outcomes on the chart below.

<b>Defining Desired Outcomes</b>	
<b>Problem</b>	
Outcome 1	
Outcome 2	
Outcome 3	
Outcome 4	
Outcome 5	
Outcome 6	
Outcome 7	
Outcome 8	
Outcome 9	
Outcome 10	

## WORKSHEET 4/G, Designing Your Strategy

### Instructions:

Consider the overall strategy you will be using by answering the following questions.

1. Will you be challenging existing law or using the law to achieve your desired outcomes?
2. **Structure (Litigation)** Given your desired outcomes, will the strategy rely heavily on legal action?
  - What is the sequence of actions that need to be taken?
  - Who will do the legal work involved (e.g., the NGO, an international human rights group, someone else)?
  - Does additional legal work need to be done?
  - If YES, who will do it?
3. **Substance (Legislation)** Does the strategy involve legislative work?
  - Does a legislative proposal need to be drafted?
  - If YES, who will draft it?
  - What process will be used to draft it?
  - What process will be used to present it to the appropriate legislative body?
  - Who will present it?
  - Who will follow up with the legislative work?
4. **Culture (Public Education)** What will you do to educate the public about the problem, the litigation, or the legislation?
  - At what point will lobbying be needed? When will the public be drawn in?
  - Will the strategy be primarily an awareness raising campaign?
  - What methods and approaches will you use to raise awareness?
  - Will you put on an extensive media campaign? Explain why or why not?
  - Will you use face-to-face education in communities and potentially interested groups? Explain why or why not?

**WORKSHEET 4/G, Designing Your Strategy**

**5. Roles & Responsibilities** How will you divide roles and responsibilities among the collaborating groups and individuals in the strategy?

- Who will take charge of each aspect of the strategy? (You may want to express this as a chart of responsibilities)
- Have you covered all aspects of the strategy?
- Are the different skills and expertise of the collaborators being used appropriately and efficiently?
- Do participants understand and agree on the coordination of roles and activities?
- Do all participants understand and agree on how information will be shared?

## WORKSHEET 2/H, Preparing an Action Plan

### Instructions:

For each long-term goal, indicate interim goals, action, method(s) of action, and dates of completion

### LONG-TERM GOAL:

### INTERIM GOAL 1:

Action (What you will do)	Method (How you will do it, including alternatives)	When Completed
	1.	
	2.	
	3.	
	4.	
	1.	
	2.	
	3.	
	4.	
	1.	
	2.	
	3.	
	4.	
	1.	
	2.	
	3.	
	4.	
	1.	
	2.	
	3.	
	4.	



**WORKSHEET 4/1, Writing the Plan****Instructions:**

Use the following outline to write up the plan.

**Your plan should include the following:**

- 1.** The problem you will work on;
- 2.** Who will collaborate with you;
- 3.** The outcomes you hope to achieve over a long period of time (i.e., long-term goals);
- 4.** Demands to be placed on the government or other entity, if any;
- 5.** What process you will use to reach those goals;
- 6.** What actions toward those outcomes you will take during the next 6 months (i.e. short-term goals);
- 7.** A Plan of Action, including these elements:
  - The sequence of actions ( i.e., what will be done first, second, etc);
  - Who has responsibility for each action;
  - Who will do the actions;
  - When will the action will start;
  - When should the action be completed;
  - How you will involve others in the process;
  - Special resources or considerations needed for each action.





# APPENDIX A

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## CASE STUDIES

These case studies have many potential uses, especially in learning activities such as the following:

### **Unit 1: Human Rights Fundamentals**

Learning Activity 1/2: Examining the UDHR

Learning Activity 1/3: Examining the Covenants

### **Unit 2: Human Rights Enforcement**

Learning Activity 2/4: Drafting a Complaint

Learning Activity 2/6: Using a Monitoring Procedure

Learning Activity 2/7: Evaluating a Human Rights Mechanism

### **Unit 3: Women's Human Rights**

Learning Activity 3/3: Analyzing Women's Human Rights

### **Unit 4: Advocacy**

The facilitator should select the cases to use that are most appropriate to the participants' needs. Facilitators should also feel free to edit and adapt any case study to better fit the context of the workshop (e.g., adding specific local family names, places, and issues).

**NB:** *These case studies are also found on the CD-ROM that accompanies this facilitator's guide.*





AA is a beautiful 21-year-old woman who had always wished that someday she would be rescued from the poverty and hopelessness of a remote village life. After answering an advertisement for a position as a restaurant waitress in country QQ, she sneaked out of her village to the city. There she met an agent of her prospective employer, who made all her travel arrangements for QQ.

When she arrived in QQ, she was brought to a small hotel to meet her boss. At first she was glad that her boss knew how to speak the language of her country. Before the meeting was over, however, her boss took her passport and told her the true nature of her job: the hotel was a brothel where she was to work as a prostitute. AA was shocked and threatened to leave, but her boss only laughed at her. The boss told her that she owed all the money that had been spent to bring her to QQ and she would have to work in the brothel until she paid it all back. The boss also warned AA of the consequences if she tried to leave the brothel: she does not have any papers, she does not speak the language of QQ and she would be arrested for trying to cheat her employer of the money she owes. Finally AA felt she had no choice but to do as she was told. She did not know where to go and she did not know anyone who could speak her language or anybody she could trust.

Because of her threat to leave, AA was closely guarded and she was locked in her quarters when she was not working. AA had to work for long hours at night and was given only a few hours to sleep during the day. Her boss deducted 40% from her earnings each week. These deductions were "installment payments" for the expenses for bringing her to QQ, but she never received an accounting of these expenses or her earnings. Although she did receive some money after the deductions, there was no way she could spend it because she could not go out of her quarters without an escort.

AA later discovered that there were women from other countries working in the same brothel who had also been tricked by false information and brought into QQ. She tried to talk to these women to find a way out of their situation. Some of the women, however, thought it was better that they were getting some income instead of being back home where they experienced extreme poverty and deprivation. They also did not know what to do and where to go.

One day, the police raided the brothel where AA worked, and she and the other women were arrested for working as prostitutes. The police also told her that her documents, which they recovered from the boss, were forged. Although AA claimed innocence, she was put in jail.

While in detention, she wrote to your NGO for help.

BB was an excellent student at school and one of the few young women in her country given a scholarship to study at the university. There she devoted herself entirely to her work, earning top grades and a first-class degree in statistics. After graduation, she was again fortunate to be one of the few women given a job with the government. She joined an all-male team of statisticians in the Ministry of Economics.

As the only female statistics student at the university, BB had become accustomed to working in an all-male environment where she dealt calmly with sexually aggressive remarks and teasing about her being unmarried. However, BB was not prepared to find her performance undervalued. She repeatedly saw her male colleagues given advantages over her: opportunities for further training, trips abroad, prestigious assignments. She also felt excluded from their lunch breaks at all-male cafes and clubs, and she resented being the only one expected to help out when secretarial assistance was lacking. As a new employee, BB said nothing about the situation, but the next year when a young man with less education was hired and given a higher salary than she was receiving, she went to her boss to complain. He explained that the new employee needed more money because he had a family to support, while she was single. Although she was a fine employee, the boss admitted that he considered women a “poor investment” because they usually left their jobs after they fell in love and got married.

During the next few years, BB worked conscientiously and was very productive. After she got married, she still continued in her job. Soon she was in line to be the manager of her department. However, when a less-qualified male was appointed over her, she decided to complain to the Director. Although the Director acknowledged her outstanding record, he explained that she would probably never be a

manager because men would not "take orders from a woman." When BB threatened to take her case further, the Director offered her a raise and a transfer to another Ministry. "But," he told her, "you will find yourself in the same situation wherever you work." Even BB's husband and parents agreed that she should not fight the system because the society thinks a woman's place is at home. Her parents began to pressure her to stop working so hard and give them some grandchildren.

However, BB was determined to persist. She organized meetings with other women employed by the government to discuss their experience of job discrimination and found her story was not an exception. Moreover, as a result of her organizing with other women, BB gained the reputation of a "trouble-maker" among her superiors. She also received subtle threats from the Director that she is risking her current job by "stirring up dissatisfaction among fellow government workers."

BB appeals to your NGO for help.



CC, eldest daughter of a large family, lived in a poor, developing country where many people are forced to work abroad to subsidize their family's income. The government encourages this foreign labor force by facilitating travel and placements abroad. When her husband was killed in an traffic accident, CC felt she had no way to support her three small children but to accept a job outside the country, leaving the children in the care of her parents.

With the help of a government agency, CC signed a contract to work as a maid in E, a country far from home with a totally different culture, language, religion, and life style. Although she hated the separation from her children, she was proud that she could earn money to support them and her parents.

When CC arrived in E, however, she found that she was almost a slave: she was isolated in her employer's household; she was forced to work long hours and live in degrading conditions; she had no access to leisure, health care, or companionship of others. Her employers considered her racially inferior. The money she earned was paid directly to the agency, who kept part of it to repay her transportation to E and sent part of it home to her family, so she was dependent on her employers for basic necessities. She could say only a few words in the language of E.

The teenage son of the family began to harass CC sexually, and when she rejected his advances, he beat her. When she tried to report this attack to his mother, CC was verbally abused, called a liar, and threatened with dismissal. The son's harassment continued. CC lived in fear of rape, but she could not go to the authorities. Nor could she quit her job because she had no way to find another or to return home until her contract was completed.

Ultimately, despite her defensive tactics, the son succeeded in breaking into her room at night and raping her. She reported it to her employers and said she would go to the police. They countered her claim by accusing her of immoral behavior, saying that she had seduced their son. They fired her. By the time she finds help, it is too late to prove her rape charge. She is left unemployed in a foreign country.

CC appeals to your NGO for help.

From the start DD and her husband XD had a stormy marriage. Their verbal quarrels often led to physical violence, so much so that on one occasion DD's jaw was broken and on another she suffered several broken ribs. Despite this abuse DD stayed with her husband for many years, partly because she had three children, nowhere to go, and no way to support herself. She never reported his abuse to authorities and made up excuses for her injuries.

When the children were all in school, DD finally found the courage to leave XD; she moved back in with her parents, found a job, and struggled to bring up the children on her own. XD became enraged when she left him and promised to kill her if she did not return. He stalked her when she left her parents' house and often came to the restaurant where she worked to threaten her. Once the restaurant owner called the police, but XD had left before they arrived. Another time, when she refused to let XD in and he tried to break down the door of her parents' house, DD's father called the police, but they refused to get involved in a "private matter" and only advised XD to leave the premises.

XD's attacks intensified. One night as she left work, he stepped out of an alley armed with a knife, but fellow workers helped to hold him while DD ran away. Another time he met her as she returned home from the market and threw her down the stairs, giving her a concussion. This time DD reported the attack to the police, but they responded by asking what she had done to provoke this anger. Was she seeing another man? When DD insisted on filing charges against XD, the police called him in for questioning, but he denied everything. It was his word against DD's. The police took no action.

DD now felt her life was in danger if she remained where XD could continue his attacks. With her parents' help, she and the children

were able to travel to a neighboring country where she applied for asylum. The authorities asked her to prove a "well founded fear of persecution." She had only her story to offer. The only concrete evidence was police records. The police had only three reports involving XD: from her employer and her father, both of which involved trespassing on their property, and XD's reported but unproved attack on DD on the stairs. DD was denied asylum on grounds of insufficient evidence.

DD appeals to your NGO for help.



EE, a citizen of M, was studying abroad when she met ZZ, a citizen of country X. After they obtained their degrees, EE and ZZ decided to get married. As customary in her country, EE first asked her parents' permission to marry ZZ. However, they refused to give their permission because ZZ was of a different nationality and race. In spite of her parents' objections, EE and ZZ got married in the country where they studied, but EE's parents have since refused to communicate with her. Later EE was offered a good job by a multi-national company that recently opened a factory in M, her home country. Both EE and ZZ decided to move to M, where EE immediately started working.

According to the law of M, spouses of citizens had the right to live in M and were considered *de facto* permanent residents. Government jobs in M were open both to citizens or residents. Thus, as a spouse of a citizen of M, ZZ was able to reside in M and get a job with a government agency. With their jobs, EE and ZZ could afford to buy a house and live comfortably.

However, after EE and ZZ have lived in M for 3 years, the immigration laws changed. The new laws limited the right to enter and reside in M to the wives of male citizens of M. Foreign husbands lost their residence status and had to apply for a residence permit which could be refused or removed anytime by the Minister of Interior. Applying for a residence permit was a long process, and there was no limit to the waiting period for applicants. As a result, ZZ lost his resident status and could no longer work for the government.

EE was pregnant at the time ZZ lost his job. She now became the only one earning a salary, and she feared that her income would not be sufficient to support their growing family. Depressed by his

inability to find another job in M, ZZ wants to return to his country X to find work. EE does not want to be left behind in M, especially because she will soon be giving birth to their first child. However, she cannot give up her job since she and ZZ need her income. EE thinks that the government's change of immigration law was unjust and wants to do something about her situation.

EE goes to your NGO for help.

FF is a young widow with three small children. She is a citizen of a country where the law states that the government will provide its citizens social benefits, including free medical and hospital services and a monthly monetary support for citizens who become unemployed and have no other means of support. The law also provides that those who have minor children can receive monthly financial support from the government, depending on the number of children who need support.

In 1993, FF lost her job because the government-owned factory that employed her closed down. Since the new government in her country began privatizing enterprises, many such government factories have closed. FF tried to find another job, but the few new private companies preferred to hire men instead of women. After she lost her job, FF started receiving a small monthly allowance from the government that was hardly enough to support her and her three children. In 1996, these monthly payments stopped altogether.

After going without any subsistence payments for more than two months, FF insisted on meeting with the officer-in-charge of the Ministry of Social Services in her district to find out why she was not receiving her monthly support. The official told her to wait and be patient, explaining that their office had not yet received any money from the main office in the capital city for more than six weeks. They had no idea when this fund from the government would arrive nor when FF could expect to receive her monthly subsistence payments again.

FF patiently waited for almost a year, but she never received anything. She and her children had to resort to begging just to be able to eat. Finally FF again went to the Social Services office to follow-up on her unpaid social benefits and to ask for help. She explained to the government official that her children were starving

and that they needed clothing for the winter. Again the officer told her that the government had no funds for monthly subsistence support and again advised FF to go home and wait quietly.

However, while FF was trying to claim her social benefits, she found out that she was not the only one who was not getting the monthly support from the government to which they were legally entitled. She met many other women in her town who had not received their social benefits for more than a year. FF then decided to organize the women to petition the government to do something about their situation. They asked for a meeting with the officer-in-charge of the Ministry of Social Services in their district, but they were ignored. They wrote to the Minister of Social Services, but they never received any answer.

FF and her group then decided to go to the capital city to force the national government officials to listen to their grievances. Since they had no money, they requested free transportation on a train, but the operator refused. In desperation, FF and her group stood in the tracks and blocked the train from leaving the station. They were determined to stay there until they were allowed to board the train and travel to the capital city. The police, however, arrived and arrested them. As the leader and organizer of the group, FF was put in jail for disturbing the peace and causing public disorder.

FF writes to your NGO for help.









# **APPENDIX B**

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## **PLANNING TOOLS FOR FACILITATORS**

### **1. PLANNING CHECKLISTS**

- A. Making a Needs Assessment
- B. Setting Objectives
- C. Gathering Background Information
- D. Planning the Agenda
- E. Evaluating the Workshop
- F. Evaluating the Facilitation

### **2. A WORKSHOP TIMELINE**

- A. Three or Four Weeks before the Workshop
- B. One Week before the Workshop
- C. One Day before the Workshop
- D. One Hour before the Workshop
- E. One Hour after the Workshop

### **3. A CHECKLIST FOR MATERIALS AND EQUIPMENT**

### **4. A CHECKLIST FOR PARTICIPANT PACKETS**





## Planning Checklists

### 1 MAKING A NEEDS ASSESSMENT

#### A. The Big Questions

- What are the gaps between the existing knowledge and skills and those needed, which the workshop or training is intended to fill?
- What are the gaps between the knowledge and skill of the organization's leaders and that of its staff and volunteers?

#### B. General Principles for Needs Assessments

- Set aside your assumptions about the organization and the participants and what you already think their needs are.
- Make clear why you are doing a needs assessment.
- Set parameters for what you are and are not prepared to do as a facilitator.
- Prepare some broad, open-ended questions that facilitate discussion and elaboration and encourage people to open up.
- Set up focus group discussions with different categories of staff and volunteers (e.g., what is a typical day like? Are there specialized needs?).
- Ask questions about both individual and organizational future aspirations.

#### C. The Organization

- What is the vision and mission of the organization?
- What are the objectives of the organization?
- does it work to achieve its mission? What are its principal programs?

- Does the organization have a strategic work plan or other key informative documents?
- What is its organizational culture and management structure?
- Whom does the organization network with (e.g., alliances, coalitions, partnerships)?
- What advantages does the organization enjoy in doing its work?
- What obstacles does the organization face in doing its work?
- What are the learning needs of the organization?
- What resources does the organization have for the workshop (e.g., materials, transportation, meeting space)?

#### D. The Learning Needs

- What does the organization expect from this workshop?
- Can this workshop accomplish what they expect?
- Has the organization had previous training related those needs? Was it effective? Why or why not?
- How does the staff and/or participants normally receive training?
- What kinds of training do the participants themselves want and/or need from the workshop? Do participant expectations differ from those of the organizers?

## 2 SETTING OBJECTIVES

### A. General Objectives

- Do the sponsors or any others involved in the workshop share the same goals and objectives?
- Do the objectives reflect the needs assessment?
  - the needs of the participants?
  - the needs of the sponsoring organization?
- Do the objectives include knowledge, skills, and attitude?
- Are the objectives specific?
- Are the objectives measurable?
- Are the objectives realistic?
- Are the objectives time-bound/sensitive?
- What subject-matter will you choose to focus on in order to achieve your objectives?

## B. Learning Objectives

- Do the objectives match the contents and procedures planned?
- Does the facilitation team have the skills and knowledge to meet the objectives? If not, how can you obtain them?

# 3 GATHERING BACKGROUND INFORMATION

## A. The Participants

- How many participants are expected?
- What is their sex, age, and educational level?
- What is their professional situation and/or the job that they perform?
- What is their relationship with the organization (e.g., full-time staff, interns, volunteers, allies and associates)? Have a variety of people been asked to participate?
- How were they contacted? Selected?
- Has an effort been made to seek out and accommodate participation by many sectors of society? Have any segments of the population been excluded, intentionally or unintentionally?
- Do I have an adequate assessment of the learning needs of participants?
  - What knowledge, skills, and experience do they have?
  - What knowledge, skills, and experience do they need?
- What language(s) do they speak? Will translation be needed?
- What are the culture(s), practice(s), and ethnic background(s) of the group?
- Are there any special needs (e.g., special diets, disabilities, child care)?
- Can everyone who wants to attend afford any fees or expenses involved in the workshop? Has the financial impact of participation been considered and addressed?

## B. The Timing

- How long will the workshop be? How many days? How many hours per day?

- Is the timing of the session appropriate and convenient for most people?
- Is it a single workshop or one in a series?
- Is it residential? If so, can you use evening hours for training?

C. The Physical Setting

- Do we have an efficient, safe, and comfortable meeting place?
- Is it in an area where participants will feel comfortable and at ease?
- Is it accessible for the disabled? (You may need to start earlier to find or create accessible facilities.)
- Can other special needs of participants (e.g., religious, dietary, health) be accommodated?
- Is it accessible by walking or by public transportation?  
If not, how will participants be transported to the workshop?  
Is parking available?
- Is childcare available if needed?
- Can the furniture be arranged so that everyone can be seen and heard?
- Is there sufficient space for small group work?
- Can needed equipment be made available?

D. The Social and Political Setting

- Are there important events or issues that will affect the workshop?
- Do participants and/or organizers share important experiences that will affect the workshop?
- Are there sacrifices or negative consequences involved for participants attending this workshop?
- Are there internal conflicts that may affect the workshop?
- Are the location, content, timing, and other aspects of the workshop culturally appropriate for participants?



## 4 PLANNING THE AGENDA

### A. Content

- Is the content based on the identified learning needs and workshop objectives?
- Do facilitators have the knowledge and skills to deliver the content? Are outside resources needed?
- Does content reflect the time constraints of the workshop (i.e., do you have enough time to cover the content)?
- Does the content take into consideration resources available?
- Into what major themes will you divide the general category of content?
- Is the content covered systematically and sequentially (i.e., does each workshop session build on and relate to the preceding one)?
- Is the content appropriate to the educational level, background, and needs of the participants?
- Do participants have an opportunity to react, ask questions, and comment on content?
- Is there flexibility in the agenda to spend more time on a topic if needed?
- Does the presentation of content make a link to the participants' own knowledge and life experience?

### B. Methodology

- Have you allocated most time to the most important topics or objectives?
- Is there a good balance between content and learning activities?
- Is the process participatory?
- Does the learning process build rapport among participants and between facilitators and participants?
- Does each session build on and reinforce previous sessions?
- Do content and learning activities enhance learning?
- Is there a balance of different kinds of learning activities?
- Is the process appropriate to the background, culture, and knowledge of the participants?

- Is sufficient time allowed for opening and closing the workshop?
- How can you remain sensitive to the dynamics of the group?
- Do the facilitator's voice and body language reflect positive engagement and support?

#### C. Balancing Content and Methodology

- Does the workshop include:
  - thinking: building knowledge and understanding?
  - feeling: strengthening commitment and community?
  - building: skills?
  - taking action: putting learning into practice?
- Does the presentation take into consideration different learning styles?
- Are cases of human rights violations balanced with examples of enjoyment of rights?
- Do participants work with at least one human rights document?
- Do participants have opportunities to link personal experience with human rights?
- Will participants create something that they can apply directly to their lives or work?
- Are participants offered some options for taking action?

#### D. Follow-up

- What kind of follow-up is needed after the workshop?
- Will participants have opportunities to keep in touch? Meet again? Receive further learning? Practice what they have learned?
- Do participants receive some information to take home for further reading and reflection?

## 5 EVALUATING THE WORKSHOP

- Will participants have an opportunity to express their expectations at the beginning of the workshop?
- How will you evaluate whether their expectations were met?
- How will you know whether your objectives were met?

- What will you evaluate and why?
- Will participants be able to give feedback on their own involvement?
- Are some evaluation questions open-ended to permit any kind of participant concerns?
- What feedback will you give to participants about the evaluations?
- If the evaluation is written, how will you ensure confidentiality?
- Is your method of evaluation appropriate to the participants?
- At what stage do you evaluate (e.g., midway, end of day, daily, end of workshop)?
- Does your evaluation include the content? methods? facilitation? facilitators? logistics?

## 6 EVALUATING THE FACILITATION

### A. As a Facilitation Team

- What were the most successful aspects of this workshop?  
What factors contributed to this success?
- What were the least successful aspects of this workshop?  
What factors contributed to this lack of success?  
What could you do another time to avoid these problems?
- How was your team work (e.g., did everyone contribute equally, did you work harmoniously together)?
- What lessons did you learn from this workshop as a facilitation team?
- In what aspect of facilitation do you need to improve as a team?

### B. As an Individual Facilitator

- In what ways do you think you contributed to this workshop?  
Were you satisfied with your contribution?
- What were some of the problems that arose in planning and conducting this workshop? In what way did you contribute to their solution?
- What lessons did you learn from this workshop as an individual facilitator?
- In what aspect of facilitation do you need to improve?

## A Workshop Preparation Timeline

### A. THREE OR FOUR WEEKS BEFORE THE WORKSHOP

- Have I gathered all the background information I need about the participants, the timing, the physical setting, and the preliminary planning? (See Planning Tools for Facilitators)
- Do I have the factual information and resources I need to facilitate the workshop?
- Are there any preliminary readings, assignments or pieces of information to send participants before the workshop? Is there anything participants should bring to the meeting? If so, who is taking care of this communication?
- Does everyone involved know the location and times for the workshop?

### B. ONE WEEK BEFORE THE WORKSHOP

- Do I have a list of who will participate and all the available information about them?
- Do I need to make copies of the participant list to distribute?
- Do all participants and staff know the time and logistics for the first meeting?
- Do participants have a contact person for last-minute questions and problems?
- Do people know how to get to the workshop? About public transportation? About where to park?
- Will I be able to get into the meeting place before the workshop?
- Who will receive and welcome participants when they arrive?



- What information do participants need to receive when they arrive?
- Who is responsible for cleaning and closing up the meeting place after the workshop?
- Do I have all the materials I need for the first session? (See Materials Checklist)
- Have all the needed support and resource persons been arranged?
- Have all the logistical arrangements been made?
- Will there be water? Refreshments? If so, who will prepare and serve them?
- Are signs needed to indicate the meeting place?
- How will I organize the agenda for the session?
- Who will take responsibility for follow-up with participants after the workshop?
- Have requested audiovisual equipment and other materials been confirmed?
- When can the facilitation team meet to finalize the agenda and go over the first day?

### **C. ONE DAY BEFORE THE WORKSHOP**

- Will I be able to arrive at least an hour before the opening of the workshop?
- Have there been any changes in the resource people or participant list?
- Is presentation material prepared?
- The agenda?
- The statement of objectives?
- The daily evaluation form?
- Are the handouts for the first day prepared?
- Are participant packets (if any) prepared?
- Are all materials and resources needed packed and ready to go?
- Is everyone on the facilitation team and staff informed about the agenda and needs for the day?

#### **D. ONE HOUR BEFORE THE WORKSHOP**

- If needed, are signs up for the meeting place?
- Is the furniture arranged to best advantage? Can everyone be seen and heard? Has a "power spot" been avoided?
- Are the lighting, ventilation, and temperature of the room comfortable?
- Are bathrooms open, clean, and accessible?
- Do I have a sign-up sheet for names and addresses?
- Do I have a way to get copies of this list to everyone involved?
- Is my clock accessible and correct? Does it agree with the clock in the room?
- Do I need someone to cue me when the time is nearly over?
- Does any needed audio-visual equipment work?
- Are needed materials laid out for easy access?
- Who will welcome participants as they arrive?
- Who will take care of late arrivals? Who will check on participants who do not arrive?

#### **E. ONE HOUR AFTER THE WORKSHOP**

- Can the facilitation team meet to evaluate the day?
- What changes in the agenda are needed on the basis of this day's work?
- What additional preparations are needed for the next day?
- Does any participant need special attention?
- What logistical problems need to be solved?

### ***A Checklist for Materials and Equipment***

<b>Materials</b>	<b>Equipment</b>
<p><b><i>General</i></b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Chart paper/flip charts</li> <li><input type="checkbox"/> Markers of many colors, large and small</li> <li><input type="checkbox"/> Blackboard &amp; chalk/whiteboard &amp; markers</li> <li><input type="checkbox"/> Whiteboard cleaner</li> <li><input type="checkbox"/> Cards of different colors</li> <li><input type="checkbox"/> White paper</li> <li><input type="checkbox"/> Colored paper</li> <li><input type="checkbox"/> Colored "Post-it's"</li> <li><input type="checkbox"/> Tubes of glue</li> <li><input type="checkbox"/> Scotch/Cellar tape</li> <li><input type="checkbox"/> Masking tape</li> <li><input type="checkbox"/> Stapler and staples</li> <li><input type="checkbox"/> Paper clips</li> <li><input type="checkbox"/> Pins/push pins/thumb tacks</li> <li><input type="checkbox"/> Rubber bands</li> <li><input type="checkbox"/> Transparency sheets for projection</li> <li><input type="checkbox"/> Markers for transparency sheets</li> <li><input type="checkbox"/> Pens and paper for participants</li> <li><input type="checkbox"/> Envelopes</li> <li><input type="checkbox"/> Name tags</li> <li><input type="checkbox"/> Ball of string or yarn</li> <li><input type="checkbox"/> Ruler</li> <li><input type="checkbox"/> Scissors</li> <li><input type="checkbox"/> Hole punch</li> <li><input type="checkbox"/> Clipboard(s)</li> </ul>	<p><b><i>Specialized</i></b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Map to locate participants' homes</li> <li><input type="checkbox"/> Place cards to identify participants</li> <li><input type="checkbox"/> Folders or packets for participants</li> <li><input type="checkbox"/> Cash box with change</li> <li><input type="checkbox"/> Receipt book or forms</li> <li><input type="checkbox"/> Screen or suitable surface</li> <li><input type="checkbox"/> Overhead projector</li> <li><input type="checkbox"/> Video tape player and monitor</li> <li><input type="checkbox"/> Audio tape player</li> <li><input type="checkbox"/> Computer with projector</li> <li><input type="checkbox"/> Film projector</li> <li><input type="checkbox"/> Microphone(s)</li> <li><input type="checkbox"/> Computer and printer</li> <li><input type="checkbox"/> Photocopier</li> <li><input type="checkbox"/> Camera and film</li> <li><input type="checkbox"/> Video camera and tape</li> <li><input type="checkbox"/> E-mail access</li> </ul>

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## PLANNING TOOLS FOR FACILITATORS

### ***A Checklist for Participant Packets***

- ☐ Agenda for the workshop
- ☐ List of names and addresses of everyone at the workshop
- ☐ Name tag and/or place card
- ☐ Information about the sponsoring organization(s)
- ☐ Map of the workshop site, including location of toilets, telephones, etc.
- ☐ Information about reimbursements, meal tickets, and other housekeeping items.