

WOMEN'S HUMAN RIGHTS

Step By Step Strategy Workbook

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**Women, Law & Development
International**

Women's Human Rights Step by Step: Strategy
Workbook

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Introduction

Developing a Conceptual Framework

This workbook is intended to help women's rights advocates and activists make connections among several key concepts involved in "human rights advocacy." It supplements the material contained in the *Women's Human Rights Step by Step* manual, adding analytical tools for understanding the role of law in society and incorporating a structural analysis of the issues into a strategy design.

Why this Workbook

The various sections lay out key concepts and provide working definitions. They also offer step-by-step guidelines for working with the concepts and integrating them into concrete action strategies that effectively advocate for the rights of women.

The use of terms can sometimes be a source of confusion, especially when people use different words for the same thing, or when the same term is used to denote different things. For example:

Set 1

- "programs"
- "organizational responses"
- "strategies"
- "collective action"

Set 2

- "lobbying"
- "advocacy"
- "campaigns"
- "mobilization"

One of the advocate's challenges is to develop a common set of categories and definitions.

It is imperative that everyone be on the same "wavelength" when discussing what we do to improve women's situation!

The better we are able to name our experiences, and to share those names, the more useful our experiences become both to ourselves and to others.

In Set 1, all the words have something in common and all have been used to describe similar phenomena, yet each has its own nuances of meaning and none is adequate to convey the richness of the list taken as a whole. For example, in certain circles "program" has bureaucratic connotations and is rejected for its association with oppressive institutions. "Strategy," on the other hand, can have military or manipulative overtones. The term "experiences" is concrete and conveys a more humanistic sense of group activity, but can also have a certain passive or reactive sense about it. In Set 2, the words represent quite different activities, but are sometimes used interchangeably.

Need for Definition

In today's world "democracy," "civil society," "advocacy," and a host of other "in" words bounce around freely, but often without the precision that should be shared by everyone in the dialogue.

Moreover, our thought and analysis are circumscribed by the terms we use. Often, even pioneers do not recognize their own excellent and innovative contributions due to their limited lexicon. On the other hand, rhetorical clichés become devoid of meaning by the obligatory character of their use. It is popular to speak of "mobilization" and "empowerment," for example, but what do they really mean and how do we do them? "Educating women about their rights" is another popular phrase. But what kind of education is this phrase referring to? And, of course, "women's rights are human rights" is a phrase we all use, but how many of us can really define what it means or know to what degree our meaning is shared by everyone else who uses the phrase?

For advocates to respond critically to the question "what are you doing and why are you doing it that way?" so as to reveal the power or the limitations of their work, a high level of awareness or analysis is required.

In this context it is important, therefore, to identify functional categories or concepts that will help articulate a new and deeper comprehension of the structure and utility of our efforts.

This workbook proposes a series of simple definitions and categories to help name our experiences.

First, it explores the role of law and its affect on women and presents a conceptual approach for identifying the major legal issues facing women in the world today.

Second, it explores the meaning of action strategies and advocacy strategies and how to develop them.

Third, it explores the power of human rights as an organizing framework for engaging in effective advocacy.

Part I

"Definitions and Concepts" lays out the framework, definitions and concepts needed to design a powerful human rights advocacy strategy.

Part II

"Developing and Refining your Strategy" presents a step by step process for designing and evaluating your advocacy strategy.

PART 1

Definitions and Concepts

The Role of Law in Society

How the Law Affects Women

1

Societies organize themselves in order to develop, allocate and utilizing resources for the social and economic benefit of their members—which is another way of describing the process of development. Unfortunately, the net result of many of these processes in the world today is the political and economic advancement of certain groups and the marginalization or exclusion of others. Women comprise one major social sector that is systematically excluded through these mechanisms from full economic and political participation in the production and benefits of development.

Among the underlying factors that create and maintain women's inferior status are:

- *patriarchal social structures*
- *biological differences*
- *class divisions based on economic structures*
- *women's awareness and consciousness of their situation*

All of these play a role to varying degrees and none of them stands alone as the singular cause of the problem, although it is sometimes tempting to fall into the trap of finding simple explanations and selecting from among several appealing interpretations, such as:

- *the cultural explanation that blames the structures of patriarchy exclusively*
- *the biological explanation that sees physical factors as primary*
- *the economic explanation that argues that class divisions based on economic structures is the primary factor in determining women's condition in society*
- *the psychological interpretation that locates the cause of the problem with the consciousness of women themselves*

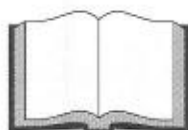
The law functions as an instrument of regulation and control.

The law plays a critical role in regulating the levels of participation by women in society.

It is important to note that although these are the underlying factors supporting women's exclusion from full participation in the economy and the political process, we all live in a socio/political/legal environment in which society assigns the law a critical role in regulating control over and share of resources.

How Women Are Excluded from Participation

This "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). It accomplishes this through one or a combination of mechanisms:



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

- *the arbitrary or selective application of laws or policies*



- *attitudes and behaviors of people that promote or condone the existence of inequitable laws and uneven compliance*

Because the character of law is linked to the character of the state, the struggles for equality are linked to the varying political and economic realities of the countries where these struggles unfold.

Appreciating contextual differences helps us to understand the relative success, failure, and variations of strategies women pursue to achieve *de jure* and *de facto* equality. The nature of the task in countries currently engaged in economic transition, for example, is different from that in countries with relative political and economic stability. In all cases, the nature of the struggle is linked to the larger political and economic issues that give character to both the state and the law.

Three Critical Areas Where the Law Fails Women

1. Custom, Religion, Ethnicity, and Law

"Custom, Religion, Ethnicity and Law" is the first major point of reference for considering legal issues facing women. In the world of the new millennium ethnic revivalism and religious fundamentalism have played a major role in circumscribing the status of women and defining the geo-political challenges of the entire human race. Religious interpretations often contribute to the public/private dichotomy, in which family, home and personal matters are ignored by the state, leaving women vulnerable to the tyranny of customs that have not been seen as subject to international human rights standards.

Both revivalism and fundamentalism exist within religious and ethnic communities for a variety of reasons. In conflicts between ethnicity and womanhood, a woman will often opt for her ethnic group over her own rights so as not to lose or challenge her identity as a member of the group. The two phenomena of fundamentalism and revivalism pose a major challenge to advocates of women's rights.

Example 1: Customary Law

One of the most relevant aspects of the theme of custom and ethnicity is customary law. In many countries of Asia and Africa, customary law (dating from the pre-colonial era) governs relations within the family (especially inheritance, marriage, divorce, maintenance, and child custody) while state law governs all other matters. Although customary law is not always detrimental to women, in many contexts it affects women adversely, especially

Reference to a political and economic analysis becomes critical in considering laws affecting women.

Ethnic revivalism and religious fundamentalism play a major role in circumscribing the status of women.

when supported by patriarchal and patrilineal customs of marriage, divorce, and inheritance, which by definition always favor men. The challenge is to create strategies that promote those aspects of custom that are not detrimental to women while replacing those that are.

Example 2: Religious Fundamentalism

Religion poses a similar concern to women, especially where fundamentalist interpretations of religious tenets reinforce practices that maintain women's subordinate position in society.

Fundamentalist tendencies have emerged in most of the religions of the world, and there are numerous instances of reversals of gains for women due to the strength of fundamentalist movements. There are differences of opinion as to whether a religious approach or a secular one is more appropriate for combating these religious interpretations that discriminate against women. Today, many advocates employ both strategies simultaneously.

Example 3: Family Law

In family law, an area most often weighted against women, the character of law and the state also conditions the degree to which the system will permit legislative changes or applications of the law favorable to women. The possibilities for the development of effective strategies focused on family law are also linked to economic and political factors.

2. Violence Against Women

The link between violence and the factors of class, race, and patriarchy makes violence against women a theme of considerable importance.

A second point of reference for considering legal issues facing women is violence against women. Although inroads have been made in the last few years recognizing the problem of violence against women, from sexual violation to domestic violence to honor killings, it is quite clear that neither the structure of the law nor the culture of the law has caught up with the substantive changes being pressed forward by human rights and women's organizations worldwide.

Example 1: Laws on Rape and Domestic Violence

The law generally condones domestic violence by protecting the patriarchal family from intervention by outside forces. Victims of violence, such as genital cutting, battering, rape and murder of women (all attempts to control female sexuality) are often further victimized by legal systems that treat the perpetrator with leniency. This is clearly the case in "sex work," to which women are increasingly resorting for economic reasons. The exploitation of

sexuality in the form of prostitution has a clear relationship to development in many countries. In fact, in certain countries, "sex tourism" has developed into a veritable industry vigorously promoted by the state. While society usually condemns prostitution as undesirable, it is generally the sex worker and not the client who is prosecuted. In all of these areas, penal codes in most countries are out of step with the reality of violence directed toward women.

Example 2: Political Rights Violations

"National security" states are notorious for their repression of opponents and disregard for human rights. Women are not excluded from political repression. The extent of torture and imprisonment of women for political reasons has only recently been documented, and it can be shown that violations of individual human rights are linked to larger issues of social, economic, and cultural rights.

3. Globalization and Economic Exploitation of Women

The character of the economic system has special relevance to the situation of women. The growing recognition among Third World women of the link between violence and the factors of class, race, and patriarchy also makes this a theme of considerable importance. Given the political and economic dimensions of these three critical variables, it is often women from developing countries and/or those in transition who are most vulnerable to sexual and labor exploitation and violations of human rights.

Example 1: Domestic Labor Laws in the Informal Sector

In most of the world, the law affords "women's occupations" few rights and little protection: their jobs are usually not in an organized sector and thus expose them to great exploitation. Developing strategies for organizing the women engaged in occupations like domestic labor, vending, and other jobs in the informal sector calls for special attention to the structure of the economy in order to secure the minimal protections afforded men and women in other "non-female" occupations.

Example 2: Free Trade Zones and the Global Economy

Another area of economic exploitation related particularly to women and development is in the formal sector. The proliferation of Free Trade Zones in the global economy is predicated on the abundance of cheap and docile female workers. The most exploited of industrial workers, women in Free Trade Zones,

are unorganized and without legal protection. Migrant domestic servants and unskilled workers who leave their own countries in search of jobs elsewhere also suffer gross exploitation. If in their own countries they have little protection, the situation in most "host" countries is intolerable, with little or no regulation.

In enumerating these issues and linking them to the larger global political and economic realities, we are reminded that the legal constraints women face are survival issues—often life and death concerns. Women's struggles for equality and justice are not peripheral to social development but, in many ways, measure the quality of development unfolding in their societies. They are part of the larger search for general social justice.

EXERCISES:

The Role of Law in Society

Give two examples of how the ideological character of a particular state is reflected in the way laws are formulated.

1.

Give one example of how religious law has affected secular law and practice related to divorce.

2.

Give an example of customs in conflict with state law.

3.

Give examples of how of how the law fails to protect women who are victims of violence and exploitation.

4.

Law as a Tool for Change

Understanding Strategies for Change

2

Increasingly, over the past couple of decades women throughout the world have recognized the fact that they share a common experience of legally sanctioned discrimination or exclusion. Most would agree that ***it is women who most often bear the brunt of economic and political disadvantage, and the law plays a major role in this inequity.***

Moreover, growing awareness about the dynamics of gender and law also brought about the realization that the law can be used as instrument to ***serve*** women. This notion in turn triggered vigorous and creative collective efforts by women to overcome the constraints placed on them by societal structures and their mechanisms of control—particularly the law. These efforts crystallized into ***action strategies*** that utilize the law in some way to reduce constraints and improve women's status.

Birth of a Movement

It was the process of clarifying the role of law as a political resource and the potential use of law as a strategy for raising the social and economic and political status of women that gave impetus to the global women's rights movement.

The starting point for action is a problem or limitation women face in their lives that is regulated by the law. Since law regulates virtually all aspects of people's lives the law can also serve as a resource and tool for change. Action strategies set out to change the situation of women through activities geared toward confronting specific limitations, particularly violations of their rights or the lack of rights.

The challenge comes first, in knowing how to recognize and understand the problem and second, in knowing how to design a strategy that will achieve change. In the next section of this workbook, we will look at different kinds of action strategies to achieve change.

THE PROBLEM: Violation of Rights or Lack of Rights?

Civil and political rights

- inequality and discrimination
- disregard of civil rights
- violation of political rights

Labor rights

Breach of labor rights, such as

- *unfair wages*
- *unhealthy working conditions*
- *inadequate maternity benefits*
- *unequal opportunity for employment*
- *discriminatory hiring*

Social rights

- inadequate provision of health care
- educational inequalities
- lack of social security

Family rights

- unequal marriage and divorce rights
- unfair child custody and guardianship laws

Violence and exploitation

- rape
- domestic violence
- forced prostitution
- trafficking in women
- coercion in birth control and reproductive decisions

Economic rights

Failure to recognize economic rights, such as rights to:

- *inadequate or no credit*
- *unfair or unequal laws governing Ownership and Control of Property Inheritance*

Action Strategies and the Law

Most dictionaries define a **strategy** as the science and art of employing the political, economic and psychological forces of a group to afford the maximum support for adopted policies; a careful plan or method; the art of devising or employing plans toward a goal.

The critical words here are **group, plan, and goal**. Making the definition more explicit for our purposes, a strategy:

- *has clearly articulated goals and objectives;*
- *has a series of planned activities—not spontaneous or serendipitous—designed to fulfill these goals;*
- *is carried out over a period of time in a systematic fashion—not occasionally or sporadically;*
- *is carried out by a group in a collaborative and organized manner.*

According to this definition, then, a series of activities carried out over a relatively short period of time for a very specific purpose would be considered a “strategy.” So would a long-term complex of activities and tasks geared toward achieving a series of goals and objectives.

Advocacy Strategies

Advocacy, as we have defined it in *Women’s Human Rights Step by Step*, 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 strategies as defined above but they are geared toward policy change. Another way of looking at advocacy strategies is to recognize that they both **use** the legal system and **challenge** it.

Remember:

Dynamics **Advocacy** is a citizen-initiated process that draws a community’s attention to an issue and seeks to influence policy makers to a solution through both

- Political action and
- Legal action.

Purpose **Advocacy** seeks to change people’s interests/needs/desires into definable policies, practices or even rights.

Definition of “strategy”

Definition of “advocacy”

EXERCISES:

Law as a Tool for Change

- 1.** What is the starting point for designing a strategy for change?

- 2.** What kinds of issues are considered “problems”?

- 3.** What is a “strategy”?

- 4.** What is an advocacy strategy?

What kind of change does an advocacy strategy seek to achieve?

5.

What is a "policy change"?

6.

Advocacy Strategies and the Legal System

3

Analyzing the Problem and Identifying the Solution

Adequate analysis of the problem is a prerequisite for selecting an appropriate strategy. A very useful tool for developing this analysis is a theoretical model that views law making, law enforcement/implementation, adjudication, etc. as a "system." A systems approach is useful because it attends to the relationships and dynamics among various elements that come into play in the socio-legal context in which society deals with issues of rights and justice.

A Systems Approach to Law

A legal system is made up of three principal components. First, is the **substance** of the law, that is, what the law says in legislation, constitutions, policies, administrative rules and regulations, etc. The substance of the law is a matter of the *laws themselves*: what they say, what they mean, how they are formulated. Second, is the **structure** of the law, that is, how the law is applied or enforced through the courts, police, administrative agencies of the state, etc. The structure of the law is a matter of *institutions*: how they are set up, what they enforce or how they apply to the law. Third, is the **culture** of the law, that is, how *people* think about

Structure of the Legal System

LAWS



SUBSTANCE:

What the law says

INSTITUTIONS



STRUCTURE:

How the law is applied

PEOPLE



CULTURE:

How people regard the law

and behave toward the law. (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 people, what they think and how they act.

Approaching strategies from the systems perspective is useful for analyzing and understanding the nature of the problem the strategy will seek to resolve.

- First, it may be a **problem of substance**, that is, the content of the law. There may be elements lacking in the law; there may be flagrant inequality and injustice, or there may be ambiguities that make the law inadequate at best and repressive at worst. With this 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.
- Alternately, 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 seen as inaccessible or unable to respond to the interests of the people they are meant to serve, especially the poor. Strategies derived from this perspective generally emphasize transformation or creation of more responsive and accountable structures for the administration of justice.
- Finally, it may be a **problem of attitudes and behaviors**, that is, the culture of the law. From this perspective, the problem stems from the manner in which those who administer the law, as well as the population in general, have been conditioned to regard the law. Cultural issues may range from acceptance of discriminatory and unjust practices to basic ignorance about the possibilities and limitations of the law. Where the problem is perceived in this way, strategies tend to emphasize the empowerment of people through increased awareness of their rights and through their active engagement.

How Strategies Relate to the Legal System

1. To begin with, strategies represent a solution to a problem.

To achieve the correct solution, it is essential to begin with a clear understanding of the problem itself, its causes and consequences.

2. Advocacy strategies respond to problems as they are analyzed.

3. There is usually one aspect that is perceived as the most problematic, although strategies generally address several aspects of a problem. Therefore, strategies and the activities that make them up tend to target one of the major components of the legal system: content, structure, or culture, such that:

- *Activities aimed at law reform target the substantive components of the legal system.*
- *Activities aimed at educating people about the law target the cultural component.*
- *Activities aimed at advocacy within the courts and administrative agencies focus on the structural component of the system.*

4. Both the problem and the strategy always include cultural elements, although the perception of the problem and the strategy may target primarily the substance or primarily the structure of the law for change.

5. Just as the system components are integrally linked to one another, so strategy components are interactive and related to the structure of the system.

6. Advocacy strategies use legal and political methods.

Advocacy strategies use not only legal remedies and methods but political ones as well. For example, effecting a change in legislation requires an organized, conscious constituency, able to articulate grievances and exert pressure. The tasks of building this constituency and exerting pressure are political in nature. The technical work of drafting the legislation and building persuasive arguments for it are legal. In most cases it is a combination of legal and political methods.

The graphic below connects “strategy” to the perception of the problem. For example, if the problem is perceived as one of attitudes and behavior, then the strategy of choice is likely to focus on enabling, serving, and empowering people. If the problem is perceived as one of inadequate laws, then the strategy of choice will likely target a change in the law rather than focusing on the implementation of the law or people's behavior toward the law. Thus, the graphic links analysis of the problem to the corresponding strategy for addressing the problem.

Strategies and the activities that make them up tend to target one of the major components of the legal system.

If the Location of the Problem is Analyzed to Be in:

What the law says



**The structure
of the law**



**Attitudes and
behaviors of people**



The strategy will tend to emphasize:

Changing, abolishing
or creating new laws
and policies

Engaging, using,
challenging,
institutions

Enabling, empowering,
educating,
challenging people

Advocacy Strategies and Components of the Legal System

Following is a description of how strategies that address the three components of the legal system interact to produce change.

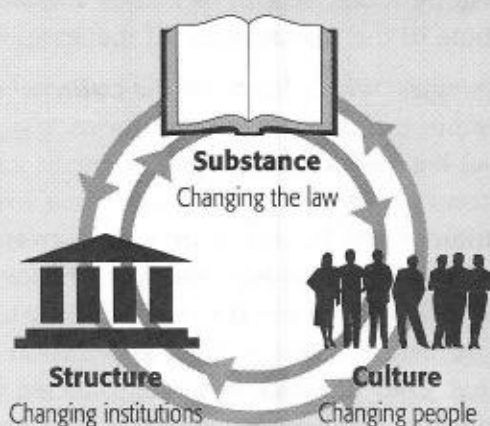
A strategy focusing on the ***substance of the law*** is made up of activities geared toward changing discriminatory or unjust legislation or policy. The principal activities it might include are:

- *legal and social research to clarify rights and determine the impact of the law on women*
- *drafting of alternative legislation and policies*

When these efforts fulfill their objectives, they result in better understanding about the content of the laws and related policies as well as their practice and impact on women, and they produce changes in the laws themselves.

However, research and lobbying efforts alone are unlikely to produce the desired outcomes unless they are consciously linked to other strategic activities that target the other components of the legal system, i.e., its structure and culture. To be truly effective, any legal change benefiting women must respond to women's real interests. This can be assured only through the active participation of a conscious constituency of women in the formulation of the law, its implementation, and enforcement. Thus, building a conscious

Strategies and the Legal System



constituency through education and organization is a necessary complement to research and policy level activities. Nor is it sufficient that equitable laws exist and that people be aware of them. For such laws to be effective there must be some means to assure access to the system at the structural level for those the law is meant to serve.

A strategy focusing on the **structural component** of the legal system will have as its objective making the law functional for those who have least access to resources within the legal system and thus are the most vulnerable to injustices. Strategies of this type include activities such as:

- *litigation*
- *filing complaints*
- *using the court system*

But again, without direct interaction between lawyer or "advocate" and client or "participant," these activities will not achieve their objectives. The women affected need to become participants themselves; aware of the law and how it affects them, and to see their own problems as "legal" problems in order to gain the confidence they need to press their demands. Thus, the success of legal advocacy is, to a large degree, contingent upon activities that focus on education or awareness-raising (cultural level activities) to complement activities aimed at increasing access to the resources of the legal system at the structural level.

The law can be used as an effective—though not sufficient—means to promote structural as well as attitudinal and behavioral change.

In addition, should a program focusing on the structural dimension remain uncritical with regard to the substance of the law, strategic effectiveness will be weakened. In fact, such a strategy might actually contribute to the maintenance of the status quo.

Educational strategies, which focus on the **cultural component** of the legal system, can take a variety of forms: e.g., structured, community-level legal education programs; media campaigns; public fora; reform of law school curricula. Their main purpose is to change attitudes and behaviors by raising awareness about the legal status of women and how the law functions to women's detriment. Educational efforts are directed primarily toward women, particularly those whose access to such information is limited by their social status. They are also, however, directed toward men and those who serve as advocates, policy-makers and legislators. Indeed, as previously mentioned, awareness is a critical factor in making advocacy and reform strategies effective. Awareness alone, however, is insufficient and creates frustration unless accompanied by access to the courts and influence over legislative and policy-making levels.

Since application or enforcement of the law depends on the attitudes and biases of judges, lawyers, administrators, and citizens in general, activities geared toward equitable application of adequate laws generally target all three components of the legal system, with particular emphasis on the cultural. The task becomes one of creating the force to place political pressure on the system at its structural and substantive points.

In sum, this framework suggests that the law can be used as an effective—though not sufficient—means to promote structural as well as attitudinal and behavioral change. It suggests, moreover, that the interaction of the structural, substantive, and cultural components of the legal system has implications for the development of effective strategies. Thus, any strategy aimed at improving the status of women vis-à-vis the law, if it is to achieve this goal, must include activities that address all three components of the legal system.

EXERCISES:

Strategies and the Legal System

Give examples of a problem of the content of the law.

1.

Give examples of a problem of the structure of the law.

2.

Give examples of a problem of the culture of the law.

3.

What activities are always included in an advocacy strategy?

4.

5. How do advocacy strategies relate to the law?

6. What kind of methods do advocacy strategies include?

7. Give an example of a strategy that includes both legal and political activities.

The Advocacy Strategy Matrix

Strategy Focus and Activities

4

In summary, the task of developing an advocacy strategy requires a clear notion of the problem to be addressed and an understanding of how the legal system is organized and functions in society as an instrument of regulation and control. In addition, we have seen that advocacy strategies have a number of characteristics, as summarized in the following chart:

1

ADVOCACY STRATEGIES EITHER:

- use the law
- challenge the law
- a combination of both

2

ADVOCACY STRATEGIES CONFRONT:

- the culture of the law
- the structures of the law
- the content of the law
- a combination of all three

3

ADVOCACY STRATEGIES CONFRONT:

- rights violations or inadequately defined rights in the arenas of civil and political rights and social and economic rights

4

ADVOCACY STRATEGIES EMPLOY:

- formal legal methods and the law
- political methods
- a combination of both

The charts on the next few pages offer some tools to help identify and analyze issues and plan a strategy.

The first one, the Analytical Tool for Planning Advocacy, helps identify the violation or problem issue for women in the context of the content, structure, and culture of the law. It also suggests remedies for the problems found in the content, structure, and culture of the law. Finally, this tool identifies the analytical and action skills needed to take action for change.

On the following page the Advocacy Strategy Matrix summarizes the major categories of strategies according to the outcomes desired and the process and activities that are used to achieve them.

The matrix attempts to clarify terms and concepts by defining and categorizing activities functionally. Once activities can be located according to their function, we can more easily assess their validity and value. Thus, the matrix is intended primarily as a tool for categorizing relationships among components of strategies.

Analytical Tool for Planning Advocacy

The Problem of the Law

Laws and policies are:

- Inadequate
- Discriminatory
- Unjust

Enforcement of adequate laws and policies by police and courts is:

- Inadequate
- Discriminatory
- Unjust

Rights defined by law are not accessible because of:

- Failure of the state to promulgate laws
- Contradictory messages about the meaning of the law
- Lack of knowledge, skill, and motivation needed to assert rights and to confront the unfriendly system

Its Effect on Women

Unequal definition of gender roles in the law makes women more:

- Vulnerable to violence
- Likely to be denied economic, health and other social rights and benefits
- Marginalized politically

Unjust application of the law permits:

- Violation of women's rights to be the norm, reinforcing women's subordinate status
- The state to violate rights defined by law and international agreement with little accountability
- Adverse effects on women's social, economic and political status

Through the lack of knowledge and misinformation, women are:

- Marginalized from the mechanisms and processes by which society defines and defends legitimate interests
- Adversely affected in their social, economic and political status

The Remedy

Laws and policies:

- Redefining rights to achieve gender equality in the law and in practice
- Democratizing law-making processes

Exercise of rights:

- Demystifying the legal system to make it intelligible, understandable, and usable
- Developing self and social advocacy strategies

Enforcement of the law:

- Exposing and challenging the inadequacies of the legal system (courts, police, etc.)
- Requiring the system to be accountable and responsive to gender issues

Content



Structure



Culture



Skills Needed for Doing Advocacy






Critical and analytical skills:

- Awareness and assessment of the validity of socially defined gender (and other relations) and their expression in law
- Recognition that the law and culture are not immutable but so and must change to remain vital
- Articulating the meaning of rights in everyday life and knowing how to use, change, or challenge the law
- Developing the self confidence and commitment to take action for change

Action skills:

- Ability to access the resources needed to assert rights
- Ability to assert rights through the legal system where appropriate
- Ability to make the legal and political system functional to the needs of women
- Ability to make gender an issue of broad social and political interest
- Ability to design and carry out strategies for social change and
- Ability to mobilize for change

Advocacy Strategies Matrix

	RESEARCH	INTERVENTIONS	
	UNDERSTANDING THE PROBLEM/ISSUE	RESPONDING TO THE PROBLEM/ISSUE (IMMEDIATE)	RESPONDING TO THE PROBLEM/ISSUE (LONG TERM)
 The Women Affected	<p>Document and identify:</p> <ul style="list-style-type: none"> • kind and extent of the problem • conditions supporting it • effects on women • what is needed to stop it • appropriate programmatic responses. 	<p>Design direct interventions responding to the need, problem, etc.</p> <p>Provide assistance, training, etc. as appropriate.</p> <p>Establish support systems.</p>	<p>Empower women to:</p> <ul style="list-style-type: none"> • Develop a social analysis of problem • Understand extent/limits of the law • Create new options by developing skills (self confidence, self defense, employment, political, etc.) • Organize for political action.
 The Community	<p>Identify:</p> <ul style="list-style-type: none"> • popular beliefs sustaining problem or practice • especially attitudes of tolerance towards the problem by men and women 	<p>Provide information on the prevalence of problem within society.</p> <p>Supply information on available resources/services/procedures, etc.</p>	<p>Make issue a political issue, relevant to all.</p>
 Institutions (Religious, social, governmental, etc.)	<p>Identify:</p> <ul style="list-style-type: none"> • local and international institutions and groups • their mechanisms for affecting social values and attitudes, social policies and practices <p>Identify:</p> <ul style="list-style-type: none"> • cultural and economic practices that contribute to problem or could contribute to changing it. 	<p>Assist institutions (religious, social, etc.) to provide relevant support.</p> <p>Collaborate with state agencies to respond to problem, provide adequate services if necessary, etc.</p> <p>Train medical, legal, and other personnel to adequately respond to victim's needs/rights.</p>	<p>Cultivate constituencies and allies in key institutions and groups.</p> <p>Challenge religious, educational, professional, economic authorities to take appropriate action.</p> <p>Engage them in political action.</p> <p>Counter negative institutional influences (through education, dialogue, protest, boycott, etc.)</p>
 Laws and Policies	<p>Evaluate relevant laws and policies (ideological base, intent, adequacy)</p> <p>Identify how laws can be improved to expand women's rights in this area.</p> <p>Develop a new legal framework to reflect alternative standards, etc.</p>	<p>Use legal means available to obtain protection, redress or promote women's interests.</p>	<p>At local, national and international levels:</p> <ul style="list-style-type: none"> • Propose more adequate laws and policies • Introduce new frameworks and arguments • Mobilize public support through campaigns, protests, etc. • Lobby legislative bodies for passage of new laws, procedures and policies.
 Law Enforcement Agencies	<p>Document how laws are enforced, (e.g., behavior of police, magistrates, judges).</p> <p>Identify what is needed to improve enforcement of the law.</p> <p>Document how cases are handled in the courts (e.g., number of cases prosecuted, judgements, sentences, bias of judgment).</p>	<p>Pressure for enforcement of adequate laws and policies.</p> <p>Propose suitable procedures, if needed.</p> <p>Set up accountability mechanisms.</p> <p>Identify and use sympathetic courts.</p> <p>Challenge or confront the courts through legal and political means to comply with the law.</p>	<p>Educate authorities to develop new attitudes and skills in dealing with problem.</p> <p>Monitor police handling of violence cases and police behavior.</p> <p>Elaborate alternative approaches regarding victims and perpetrators.</p> <p>Make judges aware of their gender biases and cultivate new patterns of judicial behavior.</p> <p>Use litigation and test cases to improve behavior of the courts.</p>

EXERCISES:

The Advocacy Strategy Matrix

- 1.** What is the general direction of a strategy aimed at a problem with the content of the law?

- 2.** What kinds of activities are done in this kind of strategy?

- 3.** What is the general direction of a strategy aimed at a problem with the structure of the law?

- 4.** What kinds of activities are done in this kind of strategy?

What is the general direction of a strategy aimed at a problem with the culture of the law?

5.

What kinds of activities are done in this kind of strategy?

6.

Why are self-empowerment and social empowerment of women important?

7.

What skills are needed to take action for change?

8.

Human Rights

Seeing the Links Between the Law, Advocacy Strategies and Human Rights

5

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. In the same context, *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 to include abuses of women that are not yet 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 in enforcing women's rights and holding abusers accountable.*

Within the framework of promoting and protecting women's human rights, advocacy initiatives vary widely because they are always grounded in particular circumstances, issues, opportunities and constraints. They tend, however, 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 level charged with upholding these rights*
- *the attitudes and behaviors of officials and ordinary citizens (including women) about women's rights*

Definition of human rights advocacy

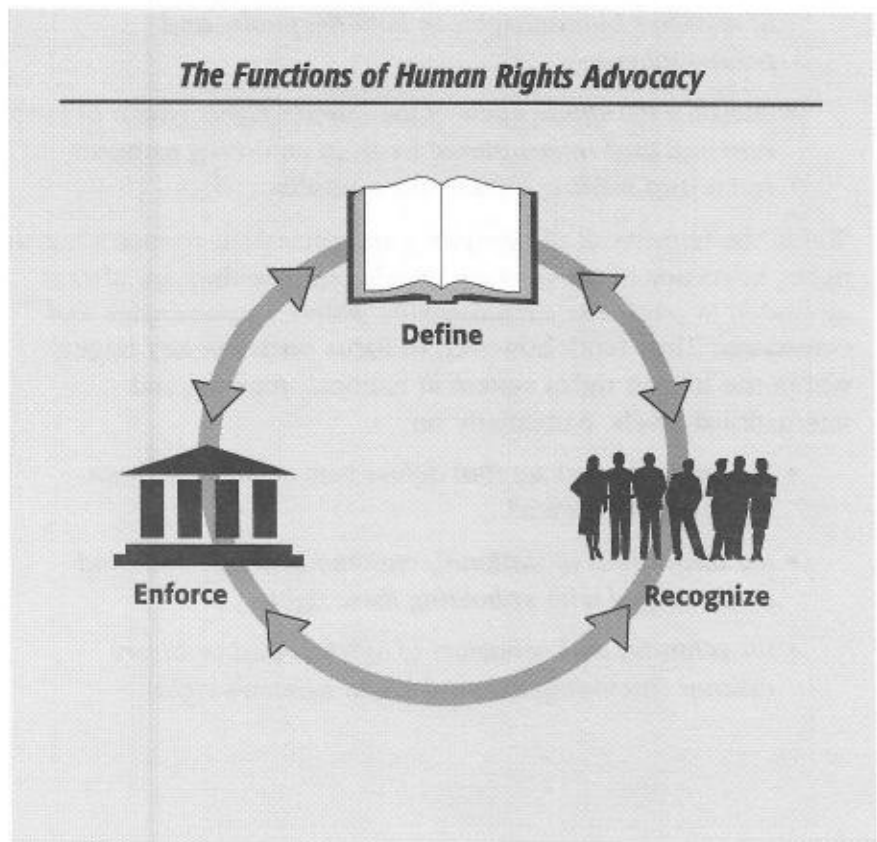
Relating human rights advocacy to the legal system

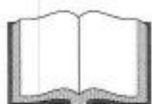
The Meaning of Human Rights Advocacy

Human rights advocacy in essence entails three indispensable and interactive processes related to rights: defining and clarifying the right; achieving formal and practical recognition of the right; and assuring the enforcement or enjoyment of the right.

Ensuring that women can effectively exercise their rights, and that the promise of international human rights be made a reality for women, requires understanding and managing these dynamics of "define," "recognize," and "enforce." It means venturing into both the legal and political spheres and being strategic in the choice. There are substantive, structural, and cultural dynamics that are constantly in play as society determines what values and behaviors it wishes to promote or forbid, to reward or sanction. Achieving a social consensus about the manner in which human beings should be treated is the product of both legal and political processes. Advocacy orchestrates the "define," "recognize," and "enforce" elements of a particular process to achieve the desired change in law and practice.

The Meaning of "Human Rights Advocacy"





“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 by what standards enforcement will be measured. The methods used to achieve this substantive, definitional advocacy goal are research, fact finding, and documentation.

“Define,” i.e., name the human right

Advocacy uses primarily research and fact finding at the substantive level, to:

- define the nature of the right;
- identify its violations and demonstrate that (and how) rights are violated;
- propose how the right can be incorporated into law (as legislation, policies, constitutions, treaties, conventions, etc.).



“Recognize” Second, the right must be accepted by society—another goal of advocacy. Recognition happens when the right is incorporated into law (as legislation, policies, constitutional provisions, etc.), as the result of a political process. Advocates use political action (education, constituency building, lobbying, mobilization, etc.), to gain recognition of the right, 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 goal is the inclusion of the right in constitutions, legislation, policies, etc.

“Recognize,” i.e., gain acceptance of the right

Advocacy uses political action at the cultural level (education, constituency building, lobbying, mobilization, etc.), as the primary method to:

- change people’s values and behaviors to reflect the right;
- engage/mobilize people as citizens and subjects of rights to make rights real in law and in policies.



“Enforce” Third, since a right that cannot be enjoyed is no right at all, another goal of advocacy is to assure 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. Litigating in the national courts or filing enforcement complaints at the international level aims to seek justice for victims; to hold violators accountable; and to make the system responsive. Each action contributes in some way to assure citizens the enjoyment of the right.

“Enforce,” i.e., assure enjoyment of the right

Advocacy mainly uses legal action at the structural level (monitoring and litigation), to:

- hold violators accountable;
- seek justice for victims;
- make the system responsive.

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. Strategies will vary considerably in relation to issues and goals and political context. For example, one advocacy initiative may aim to ensure that governments and human rights bodies take women’s human rights more seriously, while another may seek to bring violations to the attention of monitoring bodies, governments, or human rights organizations with the political influence and credibility to take up or remedy the cause of the victims. Still another may aim to achieve a definite decision or action with regard to a specific case. Another yet may seek to bring state law into compliance with human rights standards by pushing for reform of national laws.

The important thing is that the initiative, in one way or another, contribute to expanding the scope of rights (definition); expand the scope of responsibility (recognition as defined in law); and hold states accountable for violations and assure that abusers are punished and remedies provided (enforcement). Being strategic means having and acting on a clear understanding of the interaction between political and legal dynamics in achieving these goals.

The Dynamics of Human Rights Advocacy



EXERCISES:

Human Rights Advocacy

- 1.** How does human rights advocacy differ from advocacy in general?

- 2.** What are the three key elements of human rights advocacy? How do they relate to the structure of the legal system?

- 3.** What does it mean to “define” or to “name” a human right? Give one example where a right already appears in the constitution or an international treaty and one where it does not.

**What kinds of activities are undertaken to "define" a right?
Are they political or legal?**

4.

**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, one where only one factor
is present and one in which none are present.**

5.

**What kinds of activities are undertaken to "recognize"
a right? Are they political or legal?**

6.

- 7.** What does it mean to “enforce” or to “assure enjoyment” of a human right? Give one example where the right is not adequately enforced and one where the right is not implemented? What is the difference?

- 8.** What kinds of activities are undertaken to “enforce” a right? Are they political or legal?

- 9.** What is strategic human rights advocacy?

Effective Advocacy

Putting the Elements Together

6

Not all advocacy is necessarily effective. To be effective it must be strategic, before all. As we said in the last section, being strategic means having and acting on a clear understanding of the interaction between political and legal dynamics in achieving goals. Moreover, effective advocacy initiatives require organization, information, communication, outreach and mobilization.

Characteristics of Effective Human Rights Advocacy

Achieving a “policy solution,” at the level of “define,” “acknowledge,” or “enforce,” means that advocates must:

- identify a clear issue, concern or problem that citizen action can play role in resolving;
- investigate the nature and extent of the problem/concern;
- define a clear position and desired outcomes (i.e., articulate the entitlements or the rights desired and offer policy or legislative proposals, etc.);
- articulate the strategy: goals, targets, actions to be taken, etc.
- build alliances in support of the proposition;
- educate constituents, allies, and the public about the issues;
- mobilize action to make the needed changes or litigate test cases to clarify the content of the rights and/or achieve the desired judgment.

The following section examines some key characteristics of effective advocacy:

- strong organization and leadership
- a compelling human rights issue
- clear definition, documentation, and analysis of the issue
- a strategic plan of action
- an appreciable constituency or support group
- effective communication and education
- visible mobilization and action

Strong Organization and Leadership

Organization and leadership are among the most critical elements in advocacy. An advocacy initiative only happens when someone makes it happen. Moreover, a complex advocacy strategy requires careful management of various elements, including information-gathering, communication, education and mobilization.

An advocacy initiative only happens when someone makes it happen.

In the field of women's human rights, the groups best positioned to initiate and carry out advocacy strategies are those who know the women's human rights issues in their area, what the government has or has not done, and what women want. Often this is a local or national group; sometimes it is a regional or international group; sometimes it is a coalition of national and international groups collaborating to achieve a specific goal. Irrespective of the level, if the lead group is democratic, participatory, open to new ideas, flexible, and disciplined, it is even better positioned for the exacting work of advocacy.

Leadership inspires its own members as well as others to join in the process. Leadership knows how to build alliances, when to invite broader participation, and when to seek expert input or obtain international support. It engages women and men to take the "right" kind of action at the "right" time in pursuit of the desired change. Initially, leadership provides the vision needed to frame the goals and recognize what needs to be done. In the course of the campaign, leadership contributes the coordination, drive, and continued inspiration required to press toward the achievement of the goal. Leadership with organizational capacity is thus the first pillar of advocacy.

A Compelling Human Rights Issue

The next characteristic of an effective strategy is a “compelling” human rights issue, that is, one that has a clear human rights content and a potentially positive impact on women. The starting point for this kind of advocacy is often the violation of a right, generally an act of gender-specific violence suffered by women or a law or practice that discriminates against women. Gender-specific women’s rights violations take place where the abuse constitutes a type of harm particular to the person’s sex, such as rape, genital mutilation or pregnancy-related employment discrimination. There are also abuses that occur as the result of discrimination based on socially defined gender roles, as for example, when women (but not men) are denied the freedom to choose whether, when and whom to marry.

Another consideration is the impact the issue will have on women and the community. Finding an issue that inspires people to active interest and commitment to action is also important. The “comfort women” advocacy issue, for example, (see case study in *Women’s Human Rights Step by Step*) is powerful and engaging not only because of the number of abused women who might directly benefit from a legal resolution, but also because of the way in which it has engaged various communities in Asia and the rest of the world.

Clear Definition, Documentation, and Analysis of the Issue

In addition to having an engaging issue, effective advocacy presupposes a strong human rights case, clearly defined, documented and analyzed. 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.*

Because considerable ambiguity about women’s rights still exists, arguing the existence of a right is not always simple.

As noted above, major aspects of women’s lives, such as reproductive and sexual freedom, are not yet fully recognized as being crucial to women’s human dignity and therefore do not receive full protection as human rights. Demonstrating state responsibility for the violation poses another challenge (especially when the perpetrator of the violation is a private actor and not a direct agent of the state) due to the same underdevelopment of

A “compelling” women’s human rights issue has a potentially positive impact on women.

Effective advocacy presupposes a strong human rights “case,” clearly defined, documented and analyzed.

The architects of effective strategies know what they want to achieve and what they have to do to get there.

human rights with regard to women and the fact that the women routinely suffer abuse at the hands of non-state actors.

Fact-finding and analysis with regard to women's human rights contribute to overcoming conceptual problems in these areas. By revealing the link between women's day-to-day experience and human rights regimes at national, regional and international levels, investigation and documentation can contribute to expanding advocates' and governments' understanding of human rights as they apply to women. This process involves not only field research by women's human rights activists, but also academic inquiry and research.

Research and fact-finding around specific human rights abuses can thus serve an essential purpose in building a powerful case. Moreover, they can foster the development of human rights as a whole by clarifying and exposing inadequacies in the human rights system with respect to women.

A Dynamic Strategy

In addition to a compelling human rights issue and a strong human rights case, an effective advocacy initiative has a dynamic advocacy **strategy** based on a clear set of goals and objectives.

Effective advocates for women's human rights understand the remedies and the mechanisms offered by the human rights system at the local, as well as regional and international levels. They evaluate and select the most appropriate approach available, given the nature of the issue, the behavior of the state, and other relevant local circumstances. The advocacy groups with the most clarity on the issues involved and the possible actions that can be taken will be in the best position to succeed in this endeavor.

There are three parts of the advocacy plan that need to be in place:

- **clear goals and objectives**, outlining what will be achieved
- **a strategy design**, outlining the type of actions to be carried out
- **a plan of action**, defining the structure and sequence of activities, when they will be carried out and by whom

The nature of the violation identified, the context of the abuse, and the availability of remedies will shape the objectives and demands of the advocacy process. The objectives define what the advocacy strategy proposes to achieve, what its desired outcome will look like, and what it will accept as "victory."

If it is to expand the scope of recognized rights, any given advocacy initiative (such as asserting state responsibility for violations of women's human rights and/or seeking remedies for individual violations) must have **concrete and specific** objectives.

Targeted objectives answer clearly such questions as:

- *Is the government being asked to reform a particular law?*
- *Is it being asked to stop specific actions constituting a violation of women's human rights?*
- *Is it being asked to ratify a treaty guaranteeing women's human rights?*

In an effective strategy specific objectives and demands are understood by everyone involved.

The second part of the strategic plan defines the **political and legal actions** that participants will undertake to achieve the objectives of the advocacy initiative. Women's human rights advocacy is essentially a political process because it seeks to influence policy decisions and conduct in favor of women's human rights. Yet, because it rests on the bedrock of national and international human rights law and enforcement mechanisms, human rights advocacy work often includes legal action. To achieve their objectives, advocacy strategies combine legal action (which directly engages the law) and political action (which mobilizes constituencies to pressure governments or institutions for change in both law and practice).

Legal and political actions are mutually reinforcing and work together to shape more equitable policies, standards, and attitudes and assure that governments and citizens comply with international human rights law. In the last analysis, effective strategies have a ratio between political and legal action that is appropriate to the nature of the issues, the political situation in the country, and the human and material resources available to the group.

Based on the activities that have been clearly identified as essential to achieving the initiative's objectives and goals, the plan of action consists of the steps that must be undertaken. Building on the strategy design, the plan of action simply spells out what will be done, when and by whom, and criteria by which to measure progress. The plan also corresponds to the short- and long-term goals of the advocacy effort.

An essential part of the plan defines how the work will be divided and who will take the lead on which activity. A clear division of roles and responsibilities among the participants is essential in order to prevent contradiction and confusion in the message being put across and to maximize efficiency and effect. When each participating organization or individual takes charge of a specific aspect of the strategy, it ensures that all aspects will be covered and that different skills/expertise will be used appropriately.

Effective advocacy requires a well thought-out, strategic plan that is focused and targeted, but also flexible. Such a plan is the product of good organization and leadership.

An Appreciable Constituency or Support Group

The next element to be considered in an effective advocacy initiative is participation and support. Indeed, success in advocacy depends on citizen support. This is particularly true in women's human rights advocacy. Women are at such a disadvantage in most societies that it requires the strength of numbers to make an impact on governments and other human rights actors. All women are affected by discrimination, violence and other forms of human rights abuse and they all can play a role in advocacy at the different levels of state power. Women, like other disadvantaged groups, can and will fight to end their own oppression when they recognize it and when they feel there is a clear solution or possibility of change. In addition, there are men who would like to promote social justice across gender divisions and be involved in advocacy to promote women's human rights. In short, anyone concerned about justice can be involved in advocacy.

Law-making bodies, government agents (including judges), and international agencies whose decisions affect women's rights respond to political pressure. If no one pushes them, the inertia of the status quo will rule the day. The effectiveness of an advocacy initiative will depend on the number and range of people involved and how they target their efforts. An organized, diverse and articulate constituency exerting influence on decision

*Success in
advocacy depends
on citizen support.*

makers is a powerful engine for change in favor of women's human rights. When entire communities join women in mobilizing to demand their rights, their voices cannot be ignored.

All effective advocacy strategies include outreach or constituency-building activities. The stronger and more vocal the support group, the better poised the advocacy strategy will be for success.

Effective Communication and Education

The next characteristic of an effective strategy is a strong communication and public education program, a necessary condition for building citizen support for the advocacy initiative. People cannot support a cause if they don't know about it. Organizations with effective advocacy strategies understand the power of communication and public education and know how to use the media well.

In most countries few people or organizations have experience working on issues of women's human rights. National laws remain discriminatory or silent on many aspects of women's human rights. Customary and religious laws, where applicable, often reinforce the systems that violate women's human rights. Under these circumstances, consciousness-raising, education, training, and media strategies are important tools for developing a constituency of individuals committed to respecting women's human rights.

For affecting public opinion, nothing equals positive media coverage as a tool for publicizing the issue, getting the message out, and influencing policy makers and the general public. Public opinion, educated by media reports, can be powerful in swaying states to redress internal violations of women's human rights.

Media strategies can range in sophistication from minimal—e.g., one or two press conferences advertising the launch and the successful conclusion of an advocacy effort—to full-blown campaigns that include an in-house media relations office and ongoing relationships with national and international media contacts.

Not all awareness-raising and educational goals associated with an advocacy initiative can be achieved through the media. A variety of educational activities are 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.

Organizations with effective advocacy strategies understand the power of communication and public education and know how to use the media well.

Public education and media

Education and training

*Empowering women
through advocacy*

*Through empowering
rights education the
dysfunctional structures
of the system can be
exposed, challenged and
required to be responsive
to gender issues.*

Most individuals interested in promoting greater respect for women's human rights need assistance in understanding how human rights systems work. Because of their long exclusion from the human rights field, women's rights activists particularly require training. Police, judges and lawyers are also prime targets for training since their concepts of human rights are often biased or incomplete when it comes to women. People working with human rights bodies at all levels need training to build their capacity to protect women's human rights, as do human rights activists working in national or international human rights organizations that do not routinely address the rights of women.

Training can be very limited if approached only as a technical exercise to help women understand the human rights system. What is needed is an educational process that fosters a deeper understanding of women's status as expressed in law and practice and the development of women's capacity to take action for change. Rights education in the context of advocacy should be aimed at facilitating the involvement of more women in exercising their human rights and demanding accountability for violations of those rights.

In the context of creating and defending rights, education plays an important role. Through empowering rights education the structures of the system can be exposed, challenged and required to be responsive to gender issues. In the final analysis, it is not changing the law or getting the favorable judgment that defines the value of women's human rights advocacy, it is the process by which women not only activate the rights they do have, but also redefine and reshape inadequate laws and human rights standards and ensure their full and fair application. Rights education in this context is about helping women to use the law, rights, and the human rights system as a political resource to gain the power needed to effect change.¹

¹See Shuler, Margaret, and S. Kadigama-Radasingham (eds.) *Legal Literacy: A Tool for Women's Empowerment* (New York: United Nations/UNIFEM, 1992) for a fuller exploration of the methodology of rights education as empowerment. See also, Mertus, Julie, with Mallika Dutt, and Nancy Flowers, *Local Action/Global Change: Learning About the Human Rights of Women and Girls* (New York: United Nations/UNIFEM, 1999) for a specific examination of how women can develop an understanding of their human rights.

Visible Mobilization and Action

The final element in an effective advocacy strategy is its capacity to mobilize groups and individuals to take action in support of the desired change. Successful advocacy has both depth and breadth among its supporters. In addition to counting on expertise to build the case in legal terms, shape arguments, draft legislative proposals, document and verify abuse, etc., effective advocacy counts on ordinary people to stand up and defend or promote the issue from their own experience and perspective. Mobilization activities that call on supporters for different inputs might include:

- *meetings with decision-makers and other persons who have influence over the violators*
- *meetings with the violators themselves*
- *media interviews to publicize the issue*
- *public hearings in which victims of the human rights violation narrate their experiences*
- *public meetings rallying the communities of the victims*
- *parliamentary hearings considering the merit of a law reform initiative*
- *court testimony*
- *turnout at the electoral polls*
- *petitions calling for specific reforms*
- *boycotts*
- *protest marches to highlight and oppose abusive practices*
- *letter writing or e-mail campaigns targeting officials responsible for abuse*

The final test of advocacy is measured by the effective support it can muster.

In sum, advocacy is a powerful tool in the hands of citizens and particularly of non-governmental organizations. History shows us that the mechanism 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.

EXERCISES:

Effective Advocacy

- 1.** What are the key characteristics of effective advocacy?

- 2.** Why is leadership important?

- 3.** What is a human rights issue? What is a compelling issue? Give examples.

- 4.** What does it mean that effective advocacy presupposes a strong human rights case clearly defined, documented and analyzed? Give an example.

What are the three parts of an advocacy plan that need to be in place?

5.

What is a strategy design? What does it include?

6.

**What is a "constituency" in the context of advocacy?
What is an "appreciable" constituency?**

7.

Name some communication and educational activities that are essential to effective advocacy.

8.

**9. What is visible mobilization and action?
Why is it important?**

Design Variables

How Variables Influence Strategy

7

One last issue remains in developing our framework for understanding and assessing strategies. We have already indicated a series of elements considered critical to the effectiveness of a strategy. However, there are probably few strategies that include all of the ideal components. We suggest that there are certain factors that influence which elements are included in a strategy and the degree to which they can be implemented. These factors, described below, influence the design and structure of a strategy as well as its efficacy, success, validity, and value.

Socioeconomic and Political Context

The social, political, and economic character of the society in which the strategy is developed is significant in defining both the opportunities for, and the limitations of, action. What can be done within a liberal democracy, for example, is not the same as in a military dictatorship or in a post-revolutionary society or a theocratic state. To be more specific, a government orientation that is neither democratic nor participatory (in the sense of providing mechanisms for its citizens to have any meaningful input into policy formation) would influence whether policy or legislative activities might be effectively included in the strategy.

Similarly, where grassroots organizations are either not allowed to develop or are repressed when they do, the risks involved in working to change the status quo are obvious. (On the other hand, the very repressive character of a society can sometimes inspire a militant challenge.) Clearly, the openness of the society has an important influence on the possibility of implementing certain activities aimed at promoting political consciousness and mobilization at the grassroots level.

Ideological Orientation of Strategy Organizers

Another important variable is the ideological orientation of strategy organizers with regard to the issues of women, law, development, class, race, and patriarchy. For example, a feminist perspective (i.e., one that emphasizes the role of patriarchy in creating and maintaining the subordination of women) would incline the strategy to a different direction than one that does not consider this factor important. Either perspective will influence both the kind of activities and the kind of women to include in the strategy. Moreover, even within a feminist perspective, there are differences about the best way to approach the struggle.

An approach that sees economic development within the current system as the cornerstone of women's empowerment would focus primarily on those legal constraints that hinder or facilitate women's incorporation into the economy. On the other hand, one that sees women's empowerment in political rather than strictly economic terms would focus on women acquiring power to alter inequitable structures. Each of these perspectives implies a different strategic response.

With regard to the law, there is also variation. Some strategies or programs clearly articulate the use of the law as a means of exercising power; others see it as a means for increasing awareness at an individual level, leading to the exercise of rights, and still others as a means to access economic resources at the micro level. Some provide law as a service to the needy; others promote it as a political resource.

Another variation on this theme of ideological orientation would be the weight the strategy organizers give the issues of class and race, in addition to patriarchy. A clear and progressive perspective on the need to transform social relations in the economic sphere does not always imply that a need for change in gender relations is acknowledged. On the other hand feminist perspectives can also be void of understanding about class and ethnic factors. However defined, these views have a strong effect on the strategy's design and methodology.

Organizational Sponsorship and Leadership

The organizational setting of the strategy is also an important factor. Specifically, leadership, skill, and commitment to the strategy by the sponsoring organization play a major role in shaping its design, structure, methodology, and content.

Variations here are almost unlimited. For example, sometimes strategies are carried out by one group alone and other times they are a collaborative effort of several organizations. Often it is a women's organization, as such, that develops the strategy, but sometimes women attached to a university or some other institution create and implement the strategy. Even under the rubric of "women's organizations" there is variety. Some are large, voluntary, and national in scope, while others are local or limited to members of a single profession. Some are issue-focused (health, labor, etc.) and others have a more generalized concern about women's situation. Some organizations developing legal strategies around women's issues are not women's organizations at all, but are development or research institutes with a concern for women.

All of these institutional frameworks can be equally effective, provided they develop and implement strategies which promote a comprehensive understanding of the problem and implement empowering strategies leading to the exercise of political power by women. Nevertheless, we can point out a few of the factors that will have a bearing on the way a program or strategy is conceptualized, organized, and implemented. A development group will have a different approach, for example, than will a political group or an academic group, or an ad hoc group organized to confront a specific issue. The composition and experience of the group in designing strategies, organizing, and implementing them is another factor. A group composed exclusively of lawyers will have a different perspective from one composed of lawyers, social scientists, educators, and psychologists.

Of course, leadership and management styles figure as factors and will be reflected in the structure and style of the strategy. An organization with a hierarchical structure will tend to reproduce this characteristic in the design of the strategy. Similarly, a group that operates within participatory structures will tend to produce a strategy with participatory methodologies.

Funding

A final, perhaps obvious, variable in the development and design of strategies or programs is the availability of funding, which of course determines the extent to which activities can be carried out. The interest of funders in supporting certain kinds of strategies determines to a large degree the existence and even design of programs. If there had been no interest in human rights, public interest law, and legal services over the last 2 decades, many initiatives would never have come into being. Nevertheless, resource availability is not the only critical variable in the establishment of advocacy programs. Many, after all, are self-financed or began modestly before they received outside support. Still assuming commitment, skill, and vision on the part of the leadership, resources play a major role in the possibilities for action in the execution of legal strategies.

EXERCISES:

Variables Influencing Strategy Design

What kind of socioeconomic and political factors should advocates pay particular attention to in developing a strategy? Give examples.

1.

How does understanding one's own ideological orientation, biases, etc. help in the design of the advocacy strategy?

2.

How do institutional frameworks and arrangements affect a strategy and what are some factors to be aware of?

3.

How can funding sources affect or influence a strategy?

4.

PART 2

Developing and Refining Your Strategy

Choose the Problem

1

Find a Problem that Deserves Attention

The first task that must be accomplished in advocacy is finding and selecting an issue or problem; in human rights advocacy it needs to be a human rights issue.

Describe in a few sentences the problem you have selected (or will most likely select).

1

By what process did your group make this decision?

2

Is the problem selected a women's human rights problem? Explain.

3

4

Do you know the extent of the problem? If YES, how do you know? If NO, how can you find out?

5

Will the solution to the problem contribute to clarifying women's human rights? How?

6

Will the solution to the problem contribute to recognizing women's human rights? How?

7

Will the solution to the problem contribute to enforcing women's human rights? How?

What will its most important impact be on women?

8

**Who will collaborate with you on this project?
Explain in as much detail as possible.**

9

Analyze the Problem

2

Understand the Problem and Explore Solutions

Answer the following questions to the best of your ability. If you do not know an answer, put a star by the question and explain how you could get the information you lack.

Does your problem involve a violation of a protected right (i.e., one covered in some legal instrument)? What is the right?

1

Is the right defined in the national constitution? Explain.

2

Is the right defined in international human rights conventions? Explain.

3

4

Is the right defined through common practice? Explain.

5

Do national laws conform to international human rights standards? If not, what do they need to do so?

6

What is the nature of the problem you want to address?

7

How is the right being violated?

Who is/are the violator(s)?

8

Can the state be shown to be directly or indirectly responsible for the violation?

9

How will you prove the violation? Are there documented cases that can be used to demonstrate the violation?

10

Does the public understand that the problem involves a violation of human rights?

11

12

Has this problem been challenged through courts or national-level human rights mechanisms? If so, can you use these challenges for this case?

13

Are you likely to resolve the problem at the national level? Explain why or why not.

14

Could you use international mechanisms to address the problem?

15

If YES, do you have access to international mechanisms or must you apply pressure in other ways?

What kind of remedies do international mechanisms offer?

16

Are you likely to resolve the problem at the international level? Explain why or why not.

17

What are the advantages and disadvantages of using national or international approaches to the problem?

18

**Can advocates play a role in solving this problem?
Are advocates likely to make a significant contribution
to solving the problem? Explain why or why not.**

19

What do you think you can achieve by working on this problem? Write out your desired outcomes as separate sentences.

Define Outcomes

3

Decide What You Will Achieve

The next step is to decide what the strategy will be about and the outcome expected.

Is your goal related to expanding the understanding of the right involved? Explain.

1

Is your goal related to assuring the enforcement of the right? Explain.

2

Is your goal related to expanding the understanding of the right and assuring its enforcement? Explain.

3

4

Does some practice need to be stopped or does positive action need to be taken to comply with human rights standards? Explain.

5

Are you demanding/requiring something of the government? If yes, what specifically must the government do?

6

What would constitute satisfactory action by the government?

7

If you are not demanding something of the government, why not?

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 or does this action
involve some alternative approach? Explain.**

11

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Designing the strategy 4

Choose your Approach and Process

After you have clarified the problem, the possible solutions, and the desired outcomes, the next step is to plan the strategy, i.e. the kind and sequence of actions that must be taken to achieve the desired outcomes.

Given your desired outcomes, will the strategy rely heavily on legal action? Yes ___ No ___

1

Will you be using existing law to achieve your desired outcomes? If YES, what actions will be taken and in what sequence?

2

Who will do the legal work involved (e.g., the NGO, an international human rights group, someone else)?

3

4

Does the strategy involve legislative work? Explain.

5

Does a legislative proposal need to be drafted? If YES, who will draft it?

6

What process will be used to present it to the appropriate legislative body? Who will present it?

7

What follow up legislative work will be done and who will do it?

What will you do to educate the public about the problem, the litigation, or the legislation?

8

**At what point will lobbying be needed?
When will the public be drawn in?**

9

Will the strategy be primarily an awareness-raising campaign? What methods and approaches will you use to raise awareness?

10

**Will you put on an extensive media campaign?
Explain why or why not.**

11

12

Will you use face-to-face education in communities and potentially interested groups? Explain why or why not.

13

How will you divide roles and responsibilities among the collaborating groups and individuals in the strategy?

14

**Who will take charge of each aspect of the strategy?
(You may want to express this as a chart of responsibilities.)**

15

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?

16

Do all participants understand and agree on how information will be shared?

17

Writing the Plan

5

Spell Out Exactly What You Will Do

Now that you have adequately answered the questions on the previous pages, you are ready to write out your plan. Please use the following outline. Your plan should include the following:

The problem you will work on.

1

List of people and groups who will collaborate with you.

2

List of outcomes that will be achieved over a long period of time (i.e., long-term goals).

3

4

List of demands or requirements to be placed on the government or other entity, if any.

5

A plan of action, including: list and sequence of actions (i.e., what will be done first, second); who will do the actions; when the action will start; when should the action be complete; who has responsibility for each action.

6

How you will involve others in the process?

7

Special resources or considerations needed for each action:

Assess Your Strategy

6

Prepare an Evaluative Case Study as a Learning Exercise

During the process of carrying out your strategy, it is useful to return now and again to assess what you have done, where you are and how effective your strategy is. The following questions help you make this assessment.

1. Clarify the Nature of Your Strategy

What is the major problem you are addressing and in general terms what are you doing about it?

1

Does it relate to the law in some way? How?

2

**Is your strategy a human rights advocacy strategy?
What makes it so?**

3

4

Is the issue a women's human rights issue?

5

Does it affect only a few women or many?

6

Does the issue have potential to educate a wide audience and engage them in support activities?

7

Does the issue contribute to amplifying the understanding of women's human rights, expanding the scope of state responsibility or enhancing the effectiveness of the human rights system?

What goals or objectives have you set, i.e., what do you hope to achieve?

8

What activities have you undertaken to achieve your goals (e.g., Education, consciousness raising, organizing constituencies, network building, assistance, legal counseling, research, lobbying, drafting new legislation, monitoring enforcement)?

9

How does your strategy relate to the advocacy tasks of "define," "recognize" and "enforce" we have outlined?

10

11

Among these, which is your primary focus and emphasis? Are you trying to change 1) discriminatory/unjust laws and policies (substance/definition); 2) attitudes and behaviors (culture/recognition); 3) practice and application of the law, access to justice (structure/enforcement)?

12

Is there another focus not covered in the conceptual framework presented here that better describes the nature of your strategy?

13

What kind of methods do you use? Formal legal remedies? Which ones? Political methods? Which ones? How are they related in your strategy?

2. *Reassess Your Strategy*

What changes do you think are needed to really solve this problem?

14

How does your strategy contribute to this?

15

How did the political context influence your strategy in design and conceptualization and in results?

16

17

How did the cultural context influence your strategy in design and conceptualization and in results?

18

How did the economic context influence your strategy in design and conceptualization and in results?

19

What other factors influenced your strategy in design and conceptualization and in results?

20

What are the most significant limitations you have encountered in carrying out your strategy?

How does your strategy relate to other political movements or efforts toward social justice?

21

What have you achieved to date with your strategy?

22

**How do you define "success" in your context?
How do you know you have been successful?**

23

Has your strategy improved the economic, political or social status of women in your country? How?

24

25

How many has it affected? How do you know?

26

What lessons have you learned from this experience?