

THIRD GLOBAL LINKING & LEARNING PROGRAMME ON
ECONOMIC, SOCIAL AND CULTURAL RIGHTS

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ACKNOWLEDGEMENTS

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GLOBAL LINKING & LEARNING PROGRAMME ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Who this learning program is designed for

This program is designed for up to 24 human rights activists, development workers, legal aid workers and community leaders coming from different countries and regions of the world. All have experience advocating on behalf of the people they work with, and all are eager to learn more about how to adopt an economic, social and cultural rights strategy in their own work.

Why this learning program is proposed

Many community leaders and development workers have limited experience working from a rights perspective on economic, social and cultural issues. However, many national constitutions, international covenants and treaties, and regional conventions carry important legal provisions that can help advance support for economic, social and cultural rights. These participants want to strengthen their understanding of what rights are, where they came from, what rights are recognized by their governments, what their government's obligations are, and how to claim already existing rights through effective campaign strategies. They could also benefit from practice analyzing actual cases.

When

This is an 8-day program with one day of rest in between. The daily schedule runs from 9:00am – 1:00pm in the morning and from 2:00pm – 5:30pm in the afternoon. Tea and coffee breaks are provided in both the morning and afternoon. A variety of evening activities are also scheduled on an impromptu basis.

The learning program makes for a total of about 56 hours total.

Where

Hotel Al Foz, Alcochete, Portugal. This is a residential program.

The Program of Learning Tasks

Day One

SECTION 1

LAYING OUR FOUNDATION:

WELCOMES, INTRODUCTIONS, PROGRAM AND EXPECTATIONS

Task # 1: The Spirit of Human Rights

Task # 2: Getting to know one another: Our symbols

Task # 3: Program Review and Case Studies

Task # 4: What do you need to learn?

SECTION 2

WHAT ARE RIGHTS AND WHERE DO THEY COME FROM?

Task # 5: What is a right?

Task # 6: Where do rights come from?

Task # 7: Gender and rights

Task # 8: When have we recognized rights?

Day Two

SECTION 3

THE POWER OF HUMAN RIGHTS

Task # 9: What is power?

Task # 10: Family property and power – a case study

Task # 11: Where is it? Different dimensions of power

Task # 12: "Assembly of the Poor" video

SECTION 4

DRAWING ON RIGHTS

Task # 13: Drawing on national constitutions

Task # 14: Development of international human rights law

Task # 15: Some human rights jargon

Task # 16: Principal international ESC rights standards

Task # 17: Kampong Reap - Applying the standards

Task # 18: Filling in the picture

Day Three

SECTION 5 CULTURE AND RIGHTS

Task # 19: Barnga: A simulation game

Task # 20: "Clashes" between culture and rights

Task # 21: What is culture? What are cultural rights?

SECTION 6 WHO IS OBLIGED TO DO WHAT?

Task # 22: The State's obligations to Asni

Task # 23: Identifying the obligations

Task # 24: Actors and factors in Asni's situation

Task # 25: Looking at Asni's situation in-depth (optional!)

Task # 26: Who else is responsible for Asni's situation and what is their responsibility?

Task # 27: Human rights obligations of corporations (national and multinational)

Day Four

SECTION 7 MONITORING, INVESTIGATING AND DOCUMENTING OBSERVANCE OF ESC RIGHTS

Task # 28: Similarities to monitoring, investigating and documenting civil and political rights and specific challenges presented by ESC rights

Task # 29: Human rights benchmarks and indicators: Dispelling the mystery!

Task # 30: Budgets and ESC rights: Some initial steps

Task # 31: "Right to Information" campaign video

Day Five

SECTION 8 STRATEGIES TO PROTECT AND PROMOTE ESC RIGHTS

Task # 32: What is an ESC rights strategy?

Day Six and Seven

SECTION 9

DEVELOPING YOUR ESC RIGHTS CAMPAIGN

Task # 33: Putting what you've learned into practice!

Day Eight

SECTION 10

WHAT HAVE WE LEARNED – AND WHAT WILL WE DO WITH IT?

Task # 34: A rights framework: what more do you need?

Task # 35: "Myths" about ESC rights

Task # 36: Evaluation of workshop

Task # 37: Closing and Celebration!

SECTION 1

LAYING OUR FOUNDATION: WELCOMES, INTRODUCTIONS, PROGRAM AND EXPECTATIONS



Learning Objectives

By the end of this section, we will have

- Learned each other's names
- Shared something about ourselves and our work with other participants
- Reviewed and commented upon the program
- Described and shared expectations

Task # 1: The Spirit of Human Rights

Gather in a circle. Together, **find** an object in the room that symbolizes the spirit of human rights.

Memorize one another names by passing the bottle around the circle. Begin by saying your name and explaining that the object is the spirit of human rights. Pass the object around the circle, with each person saying their name and the names of the previous persons all the way to the beginning person, who said that the object is the spirit of human rights.

Continue until you've gone all the way around the circle, and learned each person's name.

Task # 2: Getting to know one another: Our symbols

Now, on your own, **find** an object that symbolizes your work in this world. Then, **introduce** yourself to one other person and **share** your symbol and what it means with a partner. Then we'll hear all in the large group circle.

Task # 3: Program Review and Case Studies

- A. This binder reflects the content of the program. **Review** the opening pages of the binder, including the proposed table of contents, the proposed learning objectives, and the program of learning tasks.

What questions do you have about who the course is designed for, the purpose of the course, the daily schedule, locations, proposed content, and learning objectives?

- B. **Notice** the central role played by case studies in this course. In Section 9, you will have the opportunity to work (in pairs) on actual *cases* or situations. They will be *your* cases and situations.

To prepare for Section 9, each of you will have the opportunity to write up a case or situation over the next couple of days.

When you get to Section 9, other participants will analyze your case or situation and prepare an esc rights campaign on the basis of your case study. We will share the guidelines and timeline for writing up your case study at the end of the first day!

Your experience is essential!

- C. **Assess** your learning at this point, using the ESC myths below. **Circle** which myths sound familiar to you.

What myths have you heard that should be added to our list?

Common "myths" about ESC rights

1. ESC rights are vague, we don't really know what they mean, so they are not really rights.
2. ESC rights are not justiciable. ESC rights can be only directive principles of State policy and not fundamental rights. ESC rights are collective and thus can only be embodied in State policies, while civil and political rights are individual and so can be enforced by courts.
3. Poor countries cannot guarantee ESC rights, because they require a lot of resources. Civil and political rights are negative rights (don'ts), and this is cheap for governments, but ESC rights are positive rights (do's) and thus require lots of resources to guarantee.
4. As they are to be progressively achieved, ESC rights are only aspirations, not rights.
5. Governments intentionally torture people; they don't intentionally starve people.
6. ESC rights and CP rights are different. ESC rights are second generation rights, while CP rights are first generation (and thus more important)
7. Rights are theoretical. What people need is not the "right to food," "right to housing," or "right to education," but food, housing and education.
8. ESC rights require government intervention, but as human rights activists, you should know that governments can be very oppressive. How can you call for more government?
9. Rights make people lazy. People expect to be fed, for example, instead of working to be able to buy food for themselves.
10. Culture and religion are obstacles to human rights.

Choose a partner and a myth. Be ready to present what you've learned about the accuracy or inaccuracy of your "myth" on the final day!

D. Consider the following list of learning principles and practices used in the design and facilitation of this course.

What do you like about what you see?

What concerns do you have?

What principles or guidelines would you add to our list?

Task # 4: What do you need to learn?

- A. After reviewing the program, respond to the question: what do you need to learn? On post-its, write what, by the end of this workshop, you would most like to
- know (head)
 - feel (heart)
 - do (hands)

Call out your expectations and post them on the flip chart labelled "Our Expectations".

- B. So What? What difference will your learning make?

On your own, **complete** the following sentence, "I would consider this workshop to have been successful, if in six months in my work, I ..."

Share your responses with a partner. We'll hear a sample of your responses. Save your responses, we will use them again at the end of the course as part of the course evaluation and action planning.

SECTION 2

WHAT ARE RIGHTS AND WHERE DO THEY COME FROM?

Learning Objectives

By the end of this section, we will have

- considered and shared our understanding of rights
- identified the sources of rights
- considered the role of consensus formation in the recognition of rights
- illustrated the role of gender in our understanding and experience of human rights
- identified key historical events that have resulted in the recognition of rights
- placed those events on a rights timeline



Task # 5: What is a right?

A. Imagine the following scenario:

You are in a poor village where few people have benefited from more than a couple of years of formal education. Your organization is planning to undertake a development project in the village. In the course of discussions with some people in the village during your visit, one skeptical person asks, "I hear about rights, but I don't understand what people are talking about when they talk about rights. What is a right?"

The person sitting next to you is that villager. Take turns responding to the question. Villagers, be sure to interrupt when you do not understand!

We will see a sample of your responses in the form of a role play.

What is a right?

What difficulties did you encounter in responding to the question?

Task # 6: Where do rights come from?

- A. **Draw** a picture that best represents to you where rights come from. Post your picture in our gallery for all to see. How would you describe where rights come from?

Task # 7: Gender and rights

- A. How we experience human rights and rights abuses varies from individual to individual and group to group, depending upon our personal situations and the contexts within which we live. The rights abuses that women suffer are often different from those suffered by men. At the same time, human rights laws are often written in supposedly "gender neutral" terms that fail, in reality, to adequately reflect women's different experiences.

Consider the following questions with the others at your table:

- What examples can you give of experiences of human rights and "gender neutral" laws that fail to take into account women's rights experiences?
- How might we best keep this topic in mind throughout the remainder of the course?
- What lessons have you learned about this topic that can help all of us?

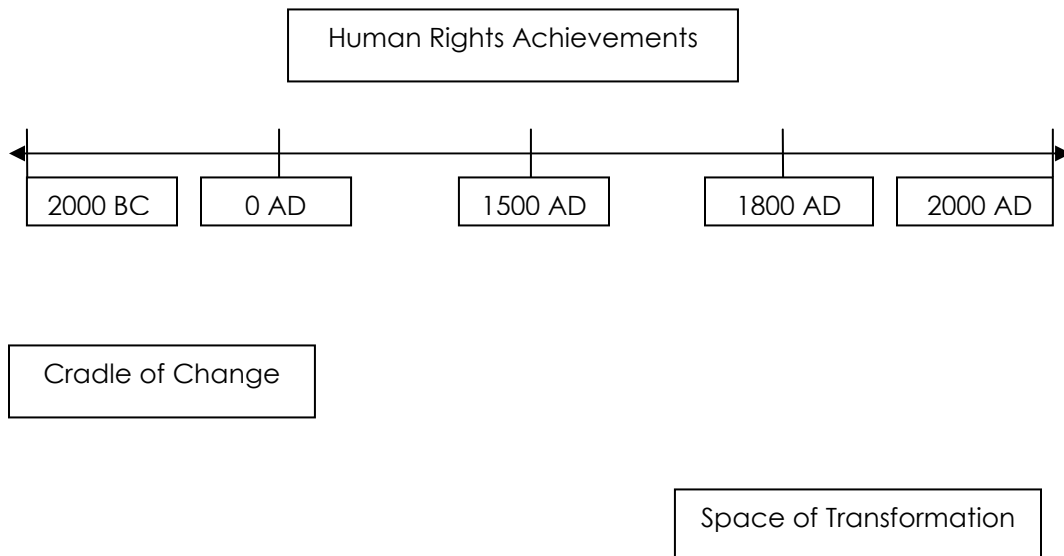
Task # 8: When have we recognized rights?

- A. Before coming to the course, you were asked to do some research about events and achievements in your own country's history that directly or indirectly led to the recognition of rights. **Write** these events on post-it notes and **classify** them as either
- 1) events, social movements, conflicts that created the space for transformation, change and the recognition of rights, and
 - 2) specific achievements, agreements or documents that named specific rights.

Post your responses on our timeline: events, social movements or conflicts below the line in the area marked, "Cradle of Change" and specific achievements, agreements or documents above the line in the area marked, "Achievements".

- What trends do you see?
- What surprises you about our completed timeline?
- What do we still need to learn about our history?

Historical Timeline



B. Read the text below on "The Dynamics of Human Rights." Circle what you find useful.

The Dynamics of Human Rights

The universally acknowledged list of protected human rights (as found in the Universal Bill of Rights and subsequent human rights instruments) 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 basic rights for all. At the same time, human rights may exist that are not yet on any list of protected rights or acknowledged as part of the universal consensus. 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 recognition.
- If the right is not *respected*, the struggle is to assure enforcement.
- The process of gaining recognition of a right leads to better enforcement and the process of enforcing leads to greater recognition of rights.

From: *Women's Human Rights, Step by Step: A Practical Guide to Using International Human Rights Law and Mechanisms to Defend Law and Mechanisms to Defend Women's Human Rights*, by Women, Law and Development International and Human Rights Watch's Women's Rights Project, Washington, D.C., 1997.

Preview of Day Two, Feedback on Day One, Case study guidelines

- A. Listen to this brief preview of tomorrow's learning tasks.
- B. What worked well for you today? What suggestions do you have for improvement tomorrow?

We'll capture your responses in the form of a T-Chart.

- C. Guidelines for developing the case/situation study are as follows:

1. The case should be a real problem addressed by your organization
2. Explain the problem/case/situation
3. Give relevant context and history
4. Identify those affected
5. Identify the actors impacting the situation
6. Describe, do not analyze
7. One page, single-space, typed.

There will not be time provided during the day to write up your case study. It is your responsibility to complete the case study on your own outside the normal course hours. It is due on Monday morning at 9am. Others will work from your case study, so be sure to write as clearly as possible.

For an example of the sort of case study we are looking for, see "Asni's story" in Section 6.

Supplementary reading for tomorrow: Module 2 in <i>Circle of Rights</i>

SECTION 3 THE POWER OF HUMAN RIGHTS¹

Learning Objectives

By the end of this section, we will have

- Listed different understandings of power
- Identified where power lies in a concrete situation and the impact of that power on activism
- Diagrammed the different dimensions of power
- Suggested strategies appropriate to addressing different dimensions of power



Task # 9: What is power?

- A. Effective human rights advocacy focuses on altering unequal and unjust relationships and structures, and so requires a clear understanding of power.

Write down the words that come to mind when you consider power that is used in this way. Call them out in the large group!

- B. In groups of two or three, share what you know about power and altering unequal and unjust relationships and structures. Together, prepare a human sculpture for all to see. Perform your sculpture!

What does each sculpture help you see about power?

¹ This section is based on materials produced by Just Associates, Washington, D.C., info@justassociates.org

Task # 10: Family property and power – a case study

A. Power is integral to the dynamics of all communities and societies, and affects the ability of organizations and social movements to bring about sustainable change. In small groups, read the attached case study, "Family Property and Power". Then, respond to the following questions:

1. Zimbabwean women's groups assumed that the problem of "property grabbing" would be solved by the legislators and the courts. In what ways were their assumptions valid? In what ways were they flawed?
2. What were the different powerful forces at play in this case? What were the sources of power that the women's groups were hoping to draw upon?
3. In the end, what was the strategy that proved most effective in protecting basic rights? Why?

FAMILY PROPERTY AND POWER ¹

Over the last two decades Zimbabwean women's and human rights groups have been concerned about the lack of women's rights to inherit and own family property. Aside from being a serious violation of women's rights, the lack of control over basic assets is a serious impediment to the success of development initiatives involving poor women. The sudden loss of all property—from houses to dishes to farming implements—upon the death of a husband has led to increased poverty for widows and their children, a problem that is exacerbated by the HIV/AIDS epidemic.

During the last few decades, a growing number of women and children are left destitute when their husbands/fathers die (without a will), due to a social phenomenon often referred to as "property grabbing." Immediately after a death, the wife's in-laws quickly take over and remove the family property, leaving the widow with nothing. In the early 1990s, groups launched an advocacy campaign to reform property laws to give widows basic legal protection against such injustices. They believed that broad public support coupled with facts and information about the problem would compel legislators to reform the laws and give widows automatic protection and inheritance rights without the need for a formal will.

The women's groups, which were mostly urban-based and had good relations with the supportive Law Reform Commission inside government, believed that there was widespread public support for changing policy on these matters. They proceeded with a policy reform plan, unaware that their proposal might generate conflict with groups outside the formal policy process. But traditional authorities, primarily in rural areas, were firmly against the plan. They felt that by challenging customary law, the new national law would further erode their authority on family matters and control over their communities. These leaders were also a vital source of political support for the President in rural areas and had considerable influence. Many other politicians opposed the reforms as a western feminist import that would destroy the African family. The reform never had a chance.

After two years, it became clear that the policy-focused advocacy initiative would fail and, worse, further alienate potential allies and supporters, so the groups shifted their strategy. The courts had demonstrated independence and a commitment to the furtherance of human rights, so the advocates took their battle to the High Court. They hoped they could win the case on the grounds that customary practice contradicted the constitution. When the case in the High Court broke down due to a number of problems, they ultimately resorted to a community education strategy involving teaching women and men to write wills. By writing wills, families simply used existing laws that legitimized a signed document regarding inheritance intentions and thus women and children were better protected from "property-grabbing" when a husband or father died. The evolving slogan for widows in Southern Africa became "cry with one eye open".





¹ *Case study and exercise are from material produced by Just Associates, Washington, D.C.*

Task # 11: Where is it? Different dimensions of power

Power operates at many levels and in many guises. An effective analysis of power requires our recognizing not simply the *visible*, but also the *hidden* and *invisible* dimensions of power.

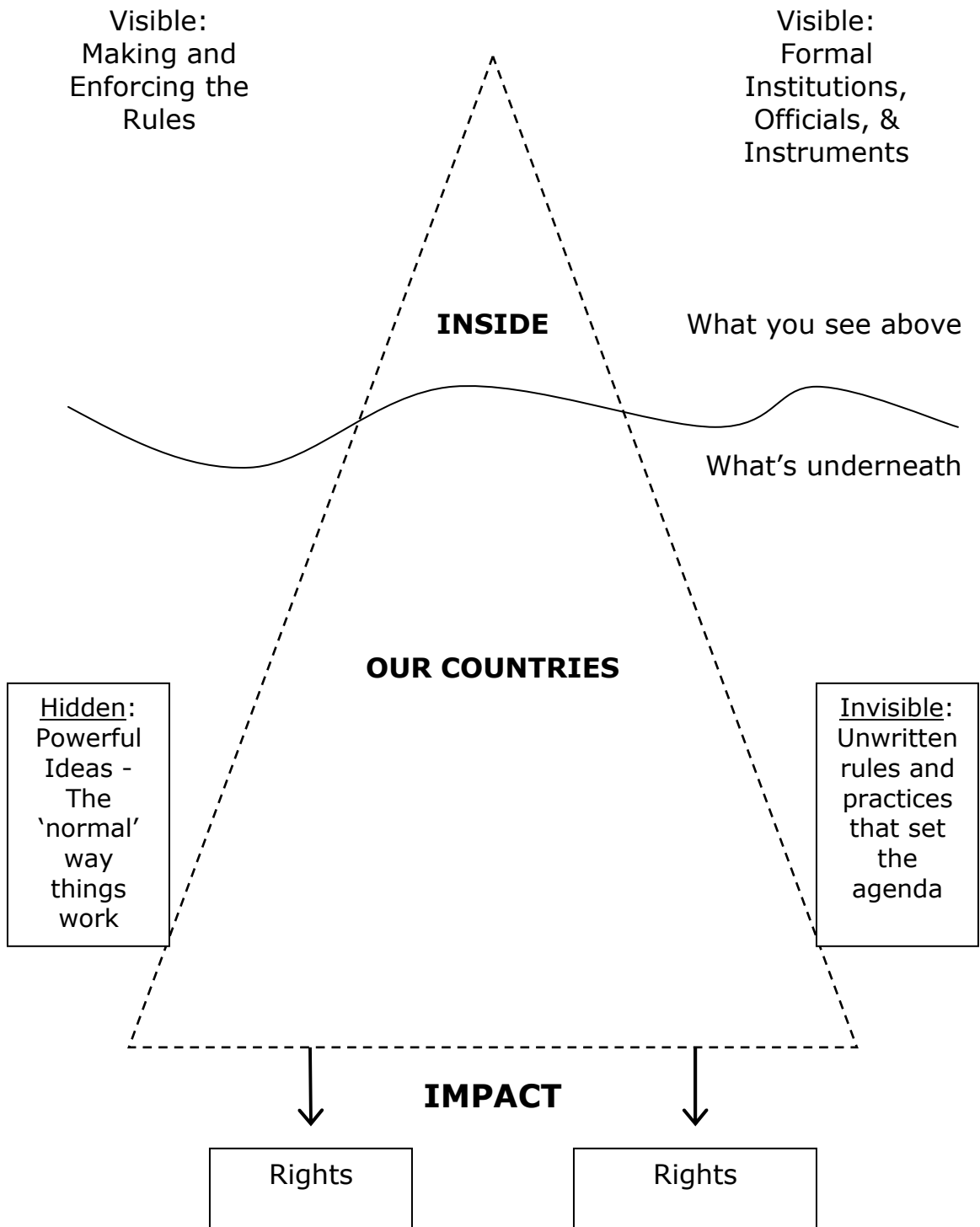
- A. **Listen** to this brief presentation on “Dimensions of Power. **Follow along** on the chart on the next page, and the triangle diagram of these ideas on the following page. What questions do you have about these three dimensions of power?
- B. Look back to the “Family Property and Power” case study. **Use** the triangle diagram to **name** and **analyze** the different dimensions of power operating there.
- C. What impact do the different dimensions of power have on the struggle for recognition and enforcements of rights in this situation?

Dimensions of Power: What They Look Like, Where You Will Find Them

Mechanisms through which these dimensions of power operate:	Examples	Responses / Strategies
<p>Visible: Making & Enforcing the Rules</p> <p>Formal institutions & officials: President, Prime Minister, legislature, courts, ministries, police, military, etc. United Nations, IMF, World Bank; Private sector: industry, multinational corporations, chamber of commerce, businesses, etc.</p> <p>Instruments: Policies, laws, constitutions, budgets, regulations, conventions, implementing mechanisms, etc.</p> 	<p>Biased laws/policies (e.g. health care policies that do not adequately address the needs of poor children);</p> <p>Decisionmaking structures (parliaments, courts, etc.) are closed to people's voices and unrepresentative</p> <p>The principle of 'equality' may exist in law, but parliaments and courts are not fairly representative of women and minorities.</p>	<ul style="list-style-type: none"> - Lobbying & monitoring - Negotiation & litigation - Public education & media - Policy research, proposals - Shadow reports - Marches & demonstrations - Voting & running for office - Modeling innovations - Collaboration - Etc. 
<p>Hidden: Setting the Agenda</p> <p><i>Exclusion & delegitimization:</i> Certain groups (and their issues) excluded from decisionmaking by society's and politics' unwritten rules, practices, and institution.</p> <p>They and their grievances are made invisible by intimidation, misinformation and co-optation.</p> <p>Often, formal institutions with visible power, also exercise hidden power.</p> 	<p>Leaders are labeled trouble-makers or unrepresentative.</p> <p>Issues such as domestic violence, childcare, and others are relegated to the private realm of the family and therefore not considered worthy of public action.</p> <p>The media does not consider these groups' issues to be mainstream or newsworthy.</p>	<ul style="list-style-type: none"> - Building active constituencies around common concerns - Strengthening organizations, coalitions, movements, and accountable leaders - Mobilizing around shared agendas; demonstrating clout through direct action - Participatory research and dissemination of information that legitimizes the issues of excluded groups - Etc. 
<p>Invisible: Shaping Meaning, Values & What's 'Normal'</p> <p><i>Socialization & control of information:</i> Processes, practices, cultural norms and customs shape people's understanding of their needs, roles, possibilities and actions in ways that deter effective action for change.</p>	<p>Among marginal groups, people internalize feelings of subordination, apathy, self-blame, powerlessness, unworthiness, hostility, anger, etc.</p> <p>Poor farmers blame themselves for poverty, despite unequal access to global markets for fairly priced goods. Women believe that it is their own fault that their husbands beat them.</p> <p>Crucial information is concealed or inaccessible, e.g. by government on its violations of human rights.</p>	<ul style="list-style-type: none"> - Education for confidence, citizenship, collaboration, political awareness & analysis, using alternative media - Sharing stories, speaking out and connecting with others, affirming resistance, linking concrete problems to rights - Investigation, action research and dissemination of concealed information - Etc.

Note: The distinctions among the different dimensions are not neat or clean. The arrows are intended to indicate the interaction among the various manifestations of power.

– From materials produced by Just Associates, Washington, D.C.



Task # 12: "Assembly of the Poor" video

The Assembly of the Poor is a network of people who are victims of over four decades of Thailand's development policies, policies that have neglected the rural agricultural sector, the backbone of the country's economy. The video shows how the different sectors of people organized themselves to become the Assembly of the Poor—a powerful lobby force within Thai society.

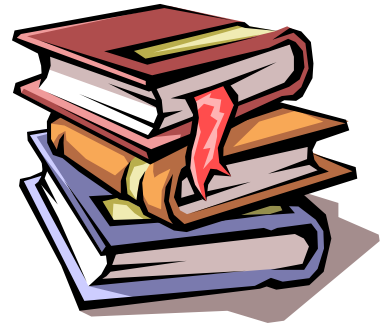
- A. As you are watching the video, **notice** who has power, the type and dimension of power they have, and how that power is used—to positive or negative effect. We will share our findings in the large group following the video.

SECTION 4

DRAWING ON RIGHTS

Introduction

As we saw in section 2, there are two strands in the history of human rights: the struggle to name and gain recognition of previously unnamed rights, and the struggle to enforce established rights.



Established rights are written down in a number of places—in national constitutions and laws, in regional treaties and in international treaties. In section 4 we are going to look more closely at these rights and do some work with them.

Learning Objectives

By the end of this section, we will have

- Identified the ESC rights provisions in our national constitutions, their legal status, and included the dates they were enacted on the human rights timeline
- Reviewed the development of international ESC rights standards and included some important dates on the human rights timeline
- Remembered some human rights “jargon” or technical language
- Located ESC rights provisions in key international documents and treaties
- Categorized the provisions in these documents by rights
- Practiced applying these provisions
- Identified difficulties in applying them
- Reviewed how the meaning or content of specific rights gets developed and where those developments can be found

Task # 13: Drawing on national constitutions

- A. Rights provisions within national constitutions are the first “line of defense” in protecting human rights, because they are the rights most readily recognized and acknowledged within a country. It is important, in using those provisions in your work, however, that you know the “legal status” of those rights: are they considered “fundamental” or “policy-oriented” rights? **Watch** this presentation of the difference on powerpoint slides. How would you summarize the difference in legal status?
- B. In preparation for this workshop, you were asked to review your national constitution and highlight all the ESC rights provisions. Take out your copy of your national constitution. Then, **decide** whether any economic, social and cultural rights provisions are “fundamental rights” or “policy directives”.
- Jot down** your findings, noting which ESC rights provisions are “fundamental rights” and which ones are “policy directives”. Include the name of your country and the date the provisions were enacted. Post them on our T-chart for all to see.
- C. Move the post-it notes to our historical timeline. How does it fill in the picture illustrated by the timeline?

Task # 14: Development of international human rights law

- A. Listen to this brief presentation on the principal early developments in international human rights law. Where do they belong on our human rights timeline?

Task # 15: Some human rights jargon

For better or worse, the human rights field is littered with technical terms and jargon. It is generally desirable to avoid using these when we can, but there are situations when it is necessary and sometimes even desirable to use them. In any event, it is important to be familiar with some of the basic ones.

A. Lay out our jargon cards. **Match** the term with the appropriate definition. Once you've completed the matching, test your understanding with a partner.

What questions do you have?

<i>You will find copies of these jargon cards in the appendix</i>

Task # 16: Principal international ESC rights standards

- A. Take a walk along the ESC Rights Boulevard, where there are posters that identify the main provisions related to ESC rights in the UDHR and the four principal treaties mentioned. Take a look at these provisions.
- B. When you return to your table, look for a copy of the UDHR and these same treaties in your binder. **Highlight** the ESC rights provisions in each of the documents. Also, if there are regional standards applicable for your region, **identify** the relevant ESC rights provisions in them as well.
- C. **Select** one of the treaties you would like to work on. In groups of four **jot down** the specific articles and esc rights that are included in the document you chose. Post your results on the corresponding esc rights charts on the wall.
- D. Then fill in your own individual "Where are the rights?" chart. List the document abbreviation and specific article(s) in the relevant box. We'll review and compare our findings together. What do you notice about our completed charts?

Where are the rights?

FOOD	WATER
HEALTH	EDUCATION
WORK AND WORKING CONDITIONS	SOCIAL SECURITY
HOUSING	ENVIRONMENT
CULTURAL RIGHTS	LAND RIGHTS

Task # 17: Kampong Reap - Applying the standards

A. **Read** the case study on Kampong Reap on the following page.

B. Looking at your “Where are the rights?” chart, **decide**:

- What ESC rights are at risk?
- Which provisions or articles on your ESC rights list relate to these rights?

We will review your conclusions together.

C. What difficulties did you encounter in trying to decide what rights are relevant and what provisions apply?

Task # 18: Filling in the picture

As you will have realized in trying to apply rights and provisions of treaties to the case study, these general standards are quite vague. As a result it is often hard to know if a right is relevant and whether a specific provision applies. How do we move from these vague standards to fuller understandings of the meaning of the rights?

A. Let’s look at a short Power Point presentation that addresses this question. What would you add to this presentation from your own experience?

Kampong Reap Case Study

Kampong Reap is a village of some seventy-five households in country C. The nearest school is five to seven kilometers away. The few children who are sent to school are sent when they are old enough to walk the distance. Those who go to school pay money to the teachers, who demand it since they are not paid regularly by the government. Most parents find it economically difficult to send their children to school. Only a handful of people in the village can read and write.

People in the village have to travel a long distance for medical treatment, which is itself an expensive and difficult undertaking, since the village is several kilometers from a motorable road. A significant amount of money is spent on health care by the villagers. With poor nutrition and nonexistent sanitation, disease flourishes. Illness is the most important reason that poor villagers sell their land.

Fishing has traditionally been a very important occupation. Recently, the government reintroduced auctioning of fishing lots for private owners. The area claimed by the lot owners has expanded and areas previously reserved for public fishing have shrunk. Villagers have been told that wherever the water reaches, the lot reaches. This is a powerful assertion in an area where the water floods up to the edge of the houses for six months of the year. Lot owners or their subcontractors threaten and use violence against people for fishing in front of their houses.

Lack of access to fishing lots particularly affects those who do not have land. The landless households are completely dependent on the rapidly declining fish population. Lacking access to fishing and without alternative employment, some families face starvation.

The right to freedom of association and assembly is not guaranteed in the country. The government does not tolerate any form of protests by the people. Impunity is a major problem in the country.

Faced with a dire situation, some villagers broke the barriers marking fishing lots and began to fish. The lot owners brought in the police and during the ensuing skirmish several villagers were shot and killed by the police. Many were arrested, kept in illegal detention and tortured. An international human rights organization conducted a fact-finding mission and concluded that it was a case of arbitrary killing. The international group also severely criticized the government for illegal detention and torture of villagers.

(Included in *Circle of Rights*, pp. 603-604)

SECTION 5 CULTURE AND RIGHTS



Introduction

Past participants have asked that greater attention be paid in this program to culture and rights questions. Because culture affects our understanding and experience of rights and we have just completed Section 4, which has explored rights in some depth, this is a good place to pause in the program to look—briefly—at these questions before moving on.

Learning Objectives

By the end of this section, we will have

- Shared examples of “clashes” between culture and rights
- Played a game of cultural clashes and developed insights into some of the dynamics involved
- Provided examples of different meanings of the word “culture”
- Explored different ways in which the term “cultural rights” is used
- Examined the ways different concepts of culture affect our understanding of the relationship of rights to culture, as well as our understanding of a situation and strategies that could be effective to address it

Task # 19: Barnga: A simulation game

Play “Barnga,” a card game! Practice following the rules, and have fun!

Afterward, we will together respond to a series of questions on culture and rights.

Task # 20: “Clashes” between culture and rights

Human rights are sometimes seen as incompatible with certain cultural perspectives or practices. Two examples of such an incompatibility that are frequently cited are:

- o Human rights focus on the individual. This emphasis on the individual is incompatible with cultures where the group and the needs of the group take priority
- o Human rights, which call for equal rights for women, interfere with traditional practices of cultures related to, for example, inheritance, where the women often are not provided any inheritance of the husband's or family's property

What examples can you give from your own experience?

Task # 21: What is culture? What are cultural rights?

A. **Listen** to this brief presentation on three common sources of confusion on discussions of culture and rights.

1. One of the sources of confusion around discussions on culture and rights (or cultural rights) is that people are often using different definitions of the word. Three frequently used definitions are:
 - o Acquaintance with and taste in fine arts, humanities, and broad aspects of science as distinguished from vocational and technical skills
 - o The integrated pattern of human behavior that includes thought, speech, action, and artifacts and depends upon man's capacity for learning and transmitting knowledge to succeeding generations
 - o The customary beliefs, social forms, and material traits of a racial, religious, or social group²
2. Another source of confusion in discussions about cultural rights is that there is no single agreement on what cultural rights are.

The principal reference to culture in ICESCR is article 15. What definition of culture does this article seem to be using?

² From Webster's New Collegiate Dictionary, 1974.

Another key reference to cultural rights is in article 27 of the International Covenant on Civil and Political Rights, which says: *"In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language."*

What definition of culture does this article seem to be using?

Other international declarations and resolutions address different understandings or definitions of culture. One of the results of the use of differing definitions of culture is that people are often talking about different things when they are talking about "cultural rights."

3. A third source of confusion (and potential conflict) is different concepts of culture
 - One concept is that cultures are discrete (you can "draw a line" around them), they can generally be described and their characteristics can be defined
 - A quite different concept is that cultures are fluid, always changing, and are hard to describe precisely because they are not internally homogeneous (e.g., people within a culture don't all think or act the same way)

What questions do you have about these three sources of confusion?

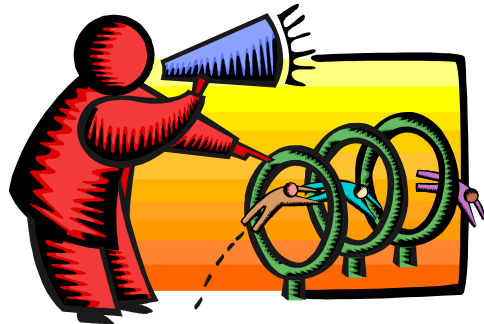
B. **Consider** these tips for use when addressing questions of culture and rights:

1. Adopt the fluid definition of the concept of culture.
2. Insist on clarification of terms. Never assume that you share a common meaning in your use of the word culture, or cultural rights.
3. Be ready for conflict. Culture is closely related with religion and identity, deeply held beliefs that generate strong feelings.

SECTION 6 WHO IS OBLIGED TO DO WHAT?

Introduction

Each right places corresponding obligations on others to uphold that right. Section 6 looks at *who* is obliged to uphold rights and *what* they are obliged to do.



Learning Objectives

By the end of this section, we will have

- Listed actors and factors at different levels implicated in a situation
- Identified what the State should and should not have done in the situation
- Reviewed the different elements of a State's obligations related to rights
- Analyzed the State's obligations in specific cases
- Considered the effect of other than State actors on a situation
- Reviewed the obligations of non-State actors, including individuals as well as corporations, with respect to rights
- Shared approaches that can be used to hold non-State actors accountable, and explored the potential usefulness of the new UN Human Rights Norms

Task # 22: The State's obligations to Asni

According to international law, the State has certain legal obligations with respect to Asni's rights. Let's look at what they are. (Power Point presentation)

Task # 23: Identifying the obligations

Understanding a government's obligations and being able to identify a failure to meet those obligations is key to effectively using a rights framework. Let's practice. Working in your same groups:

- read the short cases listed in "Identify the obligations", and
- fill in the chart "Case studies on obligations," p. 43.

We'll look as a whole group at what you come up with.

IDENTIFY THE OBLIGATIONS

1. 250 families have lived in the Salvador settlement for over 20 years. They bought the land from a private owner, but they have not been able to regularize the land tenure. Without any previous conversations, local authorities evicted them overnight. The land has been sold for a penny to a private corporation, in order to build a golf course.
2. Country A ratifies the ICESCR. Five years later a community of 200 people is evicted from their homes in Tree Town. The community invokes the assistance of a legal aid organization, which submits a complaint to the court charging violation of the right to housing. The court sympathizes with the community, but says that the law does not currently guarantee the right to housing (treaties are not self-enforcing in country A).
3. The army budget has risen by 10% this year and the Parliament has allocated 2 million dollars to build a monument to the President in the capital center. Meanwhile, the government has cut the budget of the program on housing for the low-income population, citing the effects of the global economic crisis on public resources.
4. The Mingun Secondary School is the main public institution of the country, and has always been free for all students. Its administration has decided to establish a tuition fee equivalent to the annual minimum wage. They argue that the money will allow funding of scholarships for the poor sectors of the population, but actually all students have to pay the fee. After massive protests of the student community, the measure is abandoned.
5. People in the rural areas of Blossom County in Country C have to walk, on average, 20 miles to get to their nearest health clinic. There is no nearer clinic and no public transportation available. As a result, significant numbers of people, including pregnant women, die annually as the result of lack of medical care. Over the course of several years, the government has claimed it has no resources to build additional clinics, but during that time the budget of the army has increased by 25%, even though there was no war going on at the time.
6. In order to increase the productivity of small plots of land, the government announces the establishment of a rural support system to farmers that includes access to low-cost tools and fertilizer. In two areas of the country where indigenous groups are the majority of the population, the government is slow in establishing the system, with the result that after 5 years, these areas enjoy only half the support provided to other areas of the country.

7. Huge amounts of water are needed to keep the Salvador golf course green. The nearby villages have been having progressive water supply cuts. During the dry season, there is no running water at all, while golf players enjoy their game under the sunshine. The local authorities are denying the claims of the villagers, and consider it is their fault because they are not stocking enough water at home during the wet season.
8. The new irrigation system in the North provinces of country Z is designed to support people living there during future droughts. Developing and maintaining the system will need a lot of additional resources. The government has cancelled its space program and most of those resources are being allocated to the development of the irrigation system.
9. Over the course of a decade Country B enjoys an annual growth rate that averages 6% annually. During that time spending on secondary education fluctuates significantly, with spending increasing 10% a year during the first two years, as the result of a new government initiative to expand access to secondary education. Over the next 3 years, however, spending on secondary education drops altogether 9%, so that at the end of 5 years it is almost at the same per capita level it was at the beginning of the 10-year period. The next 5-year period experiences almost the same pattern of ups and downs in expenditure. At the same time, throughout this period, increasing numbers of children are finishing primary school and anxious to attend secondary school.
10. The previous government developed a series of plans to promote employment and professional education among young people of the informal sector. After two years of a progressive decrease in unemployment rates among the young, the new government shut down the programs, arguing that the youth in the informal sector are born street sellers.
11. The San Antonio shoe factory has been in operation over 20 years, providing jobs to over 600 workers in town. Two years ago, the owners decided to use a cheaper, highly toxic kind of glue. Since then, workers have suffered respiratory problems. The trade union submitted a complaint to the Office for the Protection of Labour. After a thorough inspection and research, the Office found a close relation between the two factors and has forced the factory owners to go back to the old system of manufacturing.
12. Country D is anxious to encourage foreign investment. When it learns of an increasing number of injuries to workers in foreign-owned factories, it turns a blind eye, believing that insisting that the companies introduce appropriate safety measures will discourage these and other companies from further investing and expanding their plants. Some of the injured workers come to your organization looking for assistance.

13. As a result of women rights NGOs' permanent campaigning, the authorities are implementing a plan related to women's health-related rights. A special health education program for adult women is being developed in all major primary health assistance centers, with the participation of local women's organizations. According to the plan, 100% of the women should have access to reproductive health services by the end of the decade.
14. In recent years there has been a severe increase of polio among children in Kandula. Vaccines from past immunization campaigns are available in storage, but the health authorities are dedicating all their attention to the privatization of hospitals.
15. There has been a severe drought for the past years in the North province of country Y. The government has designed a special program for food delivery. It is also developing a new irrigation and canalization system to support local agriculture, with the participation of local authorities and peasant organizations.

Task # 24: Actors and factors in Asni's situation

- A. Read "Asni's Story." Working in pairs, fill in the "Actors and factors" chart by identifying those factors and actors at the individual, household, community, national and international levels *that have affected Asni's situation*. We will share what you find as a whole group.

Asni's Story

Asni, her husband and three children were living in a rural area of the province. They belonged to a local indigenous community that was a minority in the province. In the village they had owned a plot of land where they grew rice and vegetables. Asni was semi-literate and her husband had completed only primary school.

In 1986, the government evicted Asni's family and other small farmers to set up a plantation for producing fruit for export. It was part of the government's policy to develop the economy by encouraging exports. The World Bank supported the plantation project. The government paid some compensation to the evicted farmers. As a small indigenous community, they were not able to demand proper compensation.

Asni's husband used the money for his sister's wedding. He also bought clothes and jewelry for Asni and the children. The compensation money was soon gone. The government did not have a policy or program for providing alternative occupations or advising the farmers evicted from their land. Without any money or land, the family moved to Jakarta. Asni found a job in a factory as a sweeper. She was not even paid the minimum wage. Male workers were paid more for the same work. The factory did not permit unions to be formed.

Asni's husband found a job in a multinational company producing shoes for export. The workers were not paid minimum wages and there was no insurance or social security benefit. Government policy forbade the formation of unions in factories producing goods for export.

Asni was keen for her children to study. There were no government primary schools near the place they were living. She sent them to a private school and paid high fees for their primary education. Living in a place without proper hygiene, water or sanitation, Asni's daughter was affected by malarial fever and one of her sons contracted dysentery. The family's medical expenses were constant and high. Asni and her husband balanced the family budget by borrowing money at a high interest rate. They were able to borrow money because they had a monthly income.

In 1997, due to the global stock market crash, the country's economy was affected. The multinational company closed down the shoe factory and moved to another country. Asni's factory also cut down production and Asni lost her job.

Asni and her husband did not have any social security. Asni's children stopped going to school. Asni's daughter became an invalid, since she was not able to get proper, nourishing food. Without jobs, they were not able to pay the rent and they were evicted from their house. Now they are living on the street.

Asni's story
Actors and factors at different levels

	Asni	Family	Community	National	International
ACTORS					
State/ government					
Non-state					
FACTORS					

- B. Let's look back at the "Actors and factors" chart. Take each State action and move it to the "State obligations to Asni" chart. Working in groups of four, then
- list in the appropriate column any right(s) affected by each State action
 - determine what the State's obligations were with respect to that right and put a check in the appropriate column

Case studies on obligations

State action	Right(s) involved	Obligation: Non-discrimination	Obligation to Respect	Obligation to Protect	Obligation to Fulfill	Obligation under Art. 2(1) Progressive achievement	Obligation under Art. 2(1) Use of maximum available resources	Obligation under Art. 2(1) Legislative measures

State action	Right(s) involved	Obligation: Non-discrimination	Obligation to Respect	Obligation to Protect	Obligation to Fulfill	Obligation under Art. 2(1) Progressive achievement	Obligation under Art. 2(1) Use of maximum available resources	Obligation under Art. 2(1) Legislative measures

Task # 25: Looking at Asni's situation in-depth (optional!)

Look back at the "Where are the rights?" chart. Select one of those rights. Read the relevant module in *Circle of Rights* (together with any relevant General Comment; see list below). After reading the module and General Comment(s), reflect again on Asni's story. Come back to the group prepared to share with us three further insights you gained about Asni's situation from your reading.

Food: Module 12 and General Comment 12

Water: Module 15 and General Comment 15 (in binder)

Health: Module 14 and General Comment 14 (in binder)

Education: Module 16 and General Comments 11 and 13

Work and Working conditions: Module 10

Social security: Module 11

Housing: Module 13 and General Comments 4 and 7

Environment: Module 15 and General Comment 15 (in binder)

Cultural Rights: Module 17

Land Rights: Module 18

Task # 26: Who else is responsible for Asni's situation and what is their responsibility?

The State was not the only actor affecting Asni's situation. Who were the other actors? What was their responsibility for violations of Asni's rights?

Examine this review of the current state of international law with regard to the responsibility of individuals for human rights violations.

Task #27: Human rights obligations of corporations (national and multinational)

- A. Listen to this story about a human rights campaign addressed to a corporation.
- B. At your table groups, respond to the following questions, then share your own stories of advocacy work with corporations.
- What was the situation?
 - What corporation was involved?
 - What rights were impacted?
 - What did your organization (or other organizations) do to try to stop any negative impact?
 - What was the effect of your actions?
- C. Now let's review the responsibility of corporations under international human rights law.

In addition, the UN Norms on the Responsibility of Transnational Corporations and other Business Enterprises with regard to Human Rights are a recent and ongoing effort to place direct human rights responsibility on corporations. Let's explore their potential relevance to some of the cases just described as well.

Supplementary reading: Module 25 of Circle of Rights

SECTION 7 MONITORING, INVESTIGATING AND DOCUMENTING OBSERVANCE OF ESC RIGHTS

Introduction

To build a human rights case, we need to

- Show that a right exists
- Prove that non-compliance with obligations has occurred, and
- Demonstrate that the State (or non-State actor) was responsible for the non-compliance

In section 2 we looked at what rights are and how their existence is recognized. In sections 4 and 6 we looked at the content of the rights and at obligations, so we have some basic measuring tools by which to assess a situation to determine whether obligations have not been met and, if so, who has failed to meet their obligations. First and foremost, however, we need information about what happened in the situation. We need facts. Monitoring, investigating and documenting is about getting and analyzing those facts.

Learning Objectives

By the end of this section, we will have

- Reviewed similarities in monitoring/investigating/
- documenting civil and political rights and ESC rights
- Reviewed some of the specific challenges of monitoring, etc., ESC rights
- Clarified the meaning and use of benchmarks and indicators
- Developed examples of the use of indicators and benchmarks in documenting ESC rights observance
- Considered the relationship of budgets and budget work to ESC rights activism
- Practiced initial steps in budget analysis for monitoring the observance of specific ESC rights
- Analyzed how budget work can be used in informing and mobilizing grassroots communities on ESC rights issues



Use of terms in this context

Monitoring: tracking situations, practices, cases, laws, etc.

Investigating: undertaking fact-finding about a case or situation through, for example, interviews with victims, witnesses, research, etc.

Documenting: storing information that has gathered

Task # 28: Similarities to monitoring, investigating and documenting civil and political rights and specific challenges presented by ESC rights

A. Regard this short presentation on this topic. What would you add or change?

Task # 29: Human rights benchmarks and indicators: Dispelling the mystery!

Indicators and benchmarks are concepts and tools that are used in different fields of work. Human rights indicators and benchmarks are those that are used specifically to measure compliance with human rights obligations.

B. Let's look at some of the characteristics of as well as examples of benchmarks and indicators

C. Working in pairs, identify a human rights problem in your own country and the related human rights standard, and

- suggest a benchmark that has been or could be set as a target towards which the government and the society should aim as a step towards meeting this rights standard;
- suggest 2-3 indicators that could be used to measure progress made in moving towards this benchmark

Task # 30: Budgets and ESC rights: Some initial steps

*"Public budgets are the instruments by which governments raise and allocate the financial resources of the state. They also are the means by which govern-ments provide for basic necessities that relate to human rights. Public budgets are more than a collection of numbers, they are a declaration of a community's or a nation's priorities. From a human rights perspective, budgets are the concrete means by which governments either fulfill or violate human rights".*³

- A. What can human rights groups gain from budget analysis (and vice versa)? Some points are included on the enclosed page, "Introduction to Human Rights and Budget Work."
- B. Let's consider a few ways groups have used budgets to assess a government's compliance with its obligations or to push it to live up to its obligations.
- C. You are staff of the Hope Centre for People's Rights. You need to start looking at your country's budget to see if the government is in compliance with its ESC rights obligations. This is our first meeting, and it's mainly intended to get us all thinking about the budget. We can't learn an enormous amount in just a short time, but let's see what we can find out. The case study in this section gives you the basic starting information.
- D. Debriefing:
 - What difficulties did you encounter?
 - Where did you find expenditures?
 - What can you say about the government's obligations with respect to "progressive achievement" or "use of maximum available resources"?
 - What else did you notice?

³ *Using public budgets as a tool to advance economic, social and cultural rights*, Fundar, Mexico, January 2002.

Introduction to Human Rights and Budget Work⁴

APPLIED BUDGET WORK **by Warren Krafchik**

Budget analysis can help to lay bare the choices confronting a country – The central assumption in budget work is that there are insufficient resources available to meet all existing needs. Budget work forces one to concentrate on the choices for allocating a nation's resources. While budget work can assist in finding optimal solutions to given priorities, it is not in itself equipped to generate these priorities. This is one major area where budget analysts can benefit from an interaction with human rights groups.

Costing out the implications of policy choices

Analyzing the impact of budgetary choices on citizens

Analyzing the economic efficiency and quality of spending

Assessing the adequacy, quality, and congruency of budgets relative to public policies or international or local conventions and commitments

Analyzing the most likely effective financial channels for distributing government resources to identified target groups

Identifying blockages in the flow of resources within government and to the intended beneficiaries

Identifying sources of (new and reprioritized) policy funding

The advocacy efforts of both groups can be strengthened by increased interaction – Budget groups often develop expertise in understanding the budget process and the most effective opportunities for intervention; they may also have contacts and networks with key policymakers specifically involved with budgetary policy decisions. However, budget groups are often relatively new to advocacy and the experience of others, particularly those in the rights movement, may contribute to the effectiveness of a budget group's work.

HUMAN RIGHTS WORK **by Ann Blyberg**

Keeping the human being as the focus – Human rights are about putting the welfare of people first. Asking what the human rights implications are of different budget decisions or options is a powerful way of helping ensure that individual human beings don't get lost in the technical process of budget analysis.

Moral suasion – While applied budget work focuses on the poor, budget analysis as a skill or tool is value-neutral. Human rights are about what is "right" to do. Human rights can thus provide a compelling vision and a moral suasion to arguments made by applied budget groups.

A recognized legal framework – Human rights have been embodied in national, regional and international laws. As such, they are an accepted basis, and in many cases a legal obligation, for government action. Choices made among options using this framework are not perceived as being the subjective wishes of one group, but as priorities agreed upon by a society as a whole.

A way of choosing among different options – Some human rights standards have been developed in great detail; others are currently more broadly stated, but are becoming more elaborated year by year. As standards become more elaborated, they can provide key guidance to policy makers and legislators who need to decide among competing demands on limited resources.

Transparency, accountability and participation are rights-based concepts – Greater transparency, government accountability and participation of affected groups help ensure that budget-making and expenditures are more accurate and effective. Transparency, accountability and participation are, at the same time, basic political rights. As a result, a rights-based approach can add weight to calls by applied budget groups for this transparency, accountability and participation.

⁴ From web site of International Budget Project, <http://www.internationalbudget.org/themes/ESC/index.htm#Background%20of%20the%20two%20movements>

MOONLIGHT CASE STUDY ON BUDGET ANALYSIS

Moonlight is a country rich in natural resources. It has a dependent economy, with a history of colonialism. The majority of the population lives outside the capital city. The Hope Centre for People's Rights, based in Big Star, the capital, focuses on a range of rights concerns.

It came to the attention of the Hope Centre that a joint effort between governmental agencies and NGOs was to be launched shortly to draw up a National Plan for Human Rights. The first thing the Centre decided to do was to check if the draft plan included the concerns of the sectors they are working with and how it would impact on the particular rights that the Centre has focused on.

The Centre called an internal meeting and invited some consultants and activists from other organizations who usually assisted the Centre when asked.

Despite the shortage of adequate governmental statistics (since the government does not have a formal body for that purpose), the Centre was able to secure the attached figures from friends inside the government.

Based on these figures, reports of the Centre's field workers, and information from other NGOs working in different areas, they learned that, as of 2002,

- o 18.1% of the population is classified as living below the "poverty line"
- o Housing is becoming a problem; newly married children have to stay with their families
- o Out of 1,250 villages in the country, 300 still have no central electricity and have to rely on their own generators
- o 265 villages have no proper sewage system; dirty water runs down the streets in the open air
- o No village has a proper recreation place for children
- o Only 70 villages have a local health clinic, and even these are open only one or two days a week
- o Public transportation is not available on a regular basis for most villages.
- o Of the 1,250 villages, 200 share primary school facilities with a nearby village. There are only 10 secondary schools in the country.

The Hope Centre formed a number of different working groups. Each group is to develop findings related to its area to take to the committee drafting the National Action Plan. Before breaking into working groups for their first meeting, however, the staff and advisors meet together to make sure that there is a common understanding, first of all, about the figures received from friends in the government:

- o Do you have any questions about the meanings of specific lines in the different charts?
- o What is the difference between the two pages of Moonlight Revenues?
- o Other questions?

The meeting then breaks into working groups, as follows, to consider questions assigned to them:

1. Working Group on Women: This is a group of women's rights activists and academics. Their goal is to ensure that the budget is in line with CEDAW.
 - Where should the group look to find expenditures related to women?
 - What initial questions would the group ask related to these expenditures?
 - How could they go about getting answers to their questions? What concrete steps should they take?
2. Working Group on Children: This is a group of child rights activists, parents and children. Their goal is to ensure that the budget is in line with the CRC.
 - Where should the group look to find expenditures related to children?
 - What questions might they ask related to these expenditures?
 - How could they go about getting answers to their questions? What concrete steps should they take?
3. Working Group on Education: This is a group of educators, parents and psychologists. Their goal is to ensure that the budget respects the right to education.
 - Where are expenditures related to education in the budget?
 - What could the group say about the government's compliance with its obligations to devote the "maximum of available resources" to the fulfillment of the right to education?
 - What could the group say about the government's obligation of progressive achievement of the right to education?
 - What are some of the other questions they might have?
 - How could they go about getting answers to their questions or to get further information? What concrete steps should they take?
4. Working Group on Housing: This is a group of housing rights advocates, construction businesses and homeless people. Their goal is to ensure that the budget respects the right to housing.
 - Where are expenditures related to housing in the budget?
 - What could the group say about the government's compliance with its obligations to devote the "maximum of available resources" to the fulfillment of the right to housing?
 - What could the group say about the government's obligation of progressive achievement of the right to housing?
 - What are some of the other questions they might have?

- How could they go about getting answers to their questions or to get further information? What concrete steps should they take?
5. Working Group on Food: This is a group of farmers, emergency food providers, nutritionists and activists. Their goal is to ensure that the budget respects the right to food.
- Where are expenditures related to the right to food in the budget?
 - What could the group say about the government’s compliance with its obligations to devote the “maximum of available resources” to the fulfillment of the right to food?
 - What could the group say about the government’s obligation of progressive achievement of the right to food?
 - What are some of the other questions they might have?
 - How could they go about getting answers to their questions or to get further information? What concrete steps should they take?
6. Working Group on Health: This is a group of doctors and other health professionals as well as health care advocates. Their goal is to ensure that the budget respects the right to health.
- Where are expenditures related to health in the budget?
 - What could the group say about the government’s compliance with its obligations to devote the “maximum of available resources” to the fulfillment of the right to health?
 - What could the group say about the government’s obligation of progressive achievement of the right to health?
 - What are some of the other questions they might have?
 - How could they go about getting answers to their questions or to get further information? What concrete steps should they take?
7. Working Group on Water: This is a group of engineers, health care professionals and rights activists. Their goal is to ensure that the budget respects the right to water.
- Where are expenditures related to water in the budget?
 - What could the group say about the government’s compliance with its obligations to devote the “maximum of available resources” to the fulfillment of the right to water?
 - What could the group say about the government’s obligation of progressive achievement of the right to water?
 - What are some of the other questions they might have?
 - How could they go about getting answers to their questions or to get further information? What concrete steps should they take?

Moonlight Government Data

Moonlight Revenue (Millions of Moonlight Dollars)

Source	1972	1982	1992	2002
VAT	814	2,675	6,007	10,937
Natural Resources	735	1,104	2,048	2,895
Income Tax	740	1,629	3,288	4,085
Foreign Aid	525	1,131	2,007	3,019
Other	454	736	1,207	1,665
TOTAL	3,268	7,275	14,557	22,601

Moonlight Spending (Millions of Moonlight Dollars)

Department	1972	1982	1992	2002	2004 (Proposed)
Education	427	886	1,506	2,154	2,046
Health	297	591	1,004	1,232	1,170
Roads & Infrastructure	220	414	1,255	2,350	2,327
Agriculture	383	802	1,751	2,232	2,422
Old-Age Pensions	522	1,241	2,761	4,996	4,746
Defense	796	1,890	4,393	7,830	8,143
Police	165	295	628	1,175	1,199
Public Welfare	98	236	502	979	881
Interest	302	650	1,632	2,978	2,978
Other	412	945	1,506	2,154	1,939
TOTAL	3,622	7,950	16,983	28,080	27,851

Moonlight Economics & Demographics

	1972	1982	1992	2002	2003
Population (thousands)	16,333	19,910	26,757	36,663	37,836
Poverty (thousands)	3,430	3,584	4,549	5,499	6,810
Child Poverty (thousands)	1,307	1,692	2,408	3,666	4,918
GDP (millions of M\$)	8,006	20,745	43,501	76,480	78,010
Inflation Index	41.2	94.1	138.2	178.2	185.3
Median Income	425	875	1,138	1,567	1,591

Moonlight Revenue
(Millions of 2004 Moonlight Dollars)

Source	1972	1982	1992	2002
VAT	3,700	5,611	8,672	12,654
Natural Resources	3,300	1,830	2,254	2,156
Income Tax	3,294	3,209	4,283	3,821
Foreign Aid	2,361	2,227	2,691	3,139
Other	2,040	1,449	1,618	1,731
TOTAL	14,695	14,326	19,518	23,501

Moonlight Spending
(Millions of 2004 Moonlight Dollars)

Department	1972	1982	1992	2002	2004 (Proposed)
Education	1,920	1,745	2,019	2,240	2,046
Health	1,336	1,164	1,346	1,281	1,170
Roads & Infrastructure	989	815	1,683	2,444	2,327
Agriculture	1,723	1,579	2,348	2,321	2,422
Old-Age Pensions	2,348	2,444	3,702	5,195	4,746
Defense	3,580	3,722	5,890	8,142	8,143
Police	742	581	842	1,222	1,199
Public Welfare	441	465	673	1,018	881
Interest	1,358	1,280	2,188	3,097	2,978
Other	1,853	1,861	2,019	2,240	1,939
TOTAL	16,290	15,655	22,711	29,199	27,851

Moonlight Government Data

Moonlight Revenue (Millions of Moonlight Dollars)

Source	1972	1982	1992	2002
VAT	814	2,675	6,007	10,937
Natural Resources	735	1,104	2,048	2,895
Income Tax	740	1,629	3,288	4,085
Foreign Aid	525	1,131	2,007	3,019
Other	454	736	1,207	1,665
TOTAL	3,268	7,275	14,557	22,601

Moonlight Spending (Millions of Moonlight Dollars)

Department	1972	1982	1992	2002	2004 (Proposed)
Education	427	886	1,506	2,154	2,046
Health	297	591	1,004	1,232	1,170
Roads & Infrastructure	220	414	1,255	2,350	2,327
Agriculture	383	802	1,751	2,232	2,422
Old-Age Pensions	522	1,241	2,761	4,996	4,746
Defense	796	1,890	4,393	7,830	8,143
Police	165	295	628	1,175	1,199
Public Welfare	98	236	502	979	881
Interest	302	650	1,632	2,978	2,978
Other	412	945	1,506	2,154	1,939
TOTAL	3,622	7,950	16,983	28,080	27,851

Moonlight Economics & Demographics

	1972	1982	1992	2002	2003
Population (thousands)	16,333	19,910	26,757	36,663	37,836
Poverty (thousands)	3,430	3,584	4,549	5,499	6,810
Child Poverty (thousands)	1,307	1,692	2,408	3,666	4,918
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Interest	1,358	1,280	2,188	3,097	2,978
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TOTAL	16,290	15,655	22,711	29,199	27,851

Task # 31: “Right to Information” campaign video

The video describes a campaign for truthful information about alleged “social development” expenditures by local authorities in the Indian State of Rajasthan. As you watch the video, consider the following questions:

- Violations of what rights led to the campaign?
- What obligations were the focus of the campaign?
- How was the monitoring, investigation/fact-finding and documentation portrayed in the video used to push for greater respect of ESC rights?
- What specific fact-finding/investigation tools were used?
- How did the monitoring and documentation empower those whose rights were affected and encourage their participation?

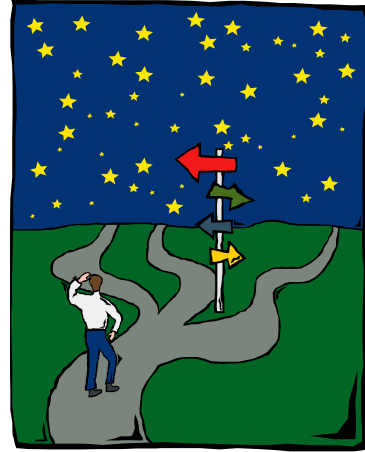
Supplementary reading:

- Module 19 in *Circle of Rights*
- *Dignity Counts: A guide to using budget analysis to advance human rights*

SECTION 8 STRATEGIES TO PROTECT AND PROMOTE ESC RIGHTS

Introduction

There are many strategies to address ESC rights issues. It is not possible to look at all of them in-depth in a short workshop. In this section we will limit ourselves to consider what an ESC rights strategy is.



Learning Objectives

By the end of this section, we will have

- Considered how the way we identify an issue affects the strategies we adopt to address it
- Analyzed a situation and developed a strategy to address it using an ESC rights framework and not using such a framework
- Compared the issues identified and strategies adopted using these two different approaches

Task # 32: What is an ESC rights strategy?

A. How we frame a problem makes a big difference in what we do to try to address it. Let's look at "Five Responses to Poverty."

FIVE RESPONSES TO POVERTY

<i>IDENTIFIED CAUSE (perception)</i>	<i>INTERVENTION</i>
<i>Circumstances beyond the control of the people (natural disaster and bad luck)</i>	To relieve immediate suffering through relief and charity
<i>Lack of education and motivation of people; low level of resources</i>	To raise production through provision of vocational education and income-generating activities, savings and credit
Poor functioning or lack of delivery of health, education and agricultural services.	<i>To make existing programs work better and provide alternative services such as health care, legal advice and establishment of citizen's committees for strengthening the delivery of services</i>
Exploitation and inequality	<i>To overcome exploitation and inequalities by mobilization (political parties, movements and awareness-raising programs)</i>
Structural problems (unjust structures)	<i>Building new economic, political, legal and educational structures through mobilization and conscientization programs as well as new forms of education</i>

From *Circle of Rights*, p. 398

- B. There are many ways to look at situations and many helpful things we can do to respond to problems. It is important to remember that just because something is called a “human rights strategy,” it is not necessarily a better strategy for addressing a problem.

What is an “ESC rights strategy”? To develop a human rights (or specifically ESC rights) strategy, we

- analyze the situation using human rights (or specifically ESC rights) standards, and
- develop strategies that consciously seek to protect and promote human rights (or specifically ESC rights).

- C. To increase our understanding of what using a human rights (or ESC rights) strategy means, let’s work in small groups. Read “Starvation in the State of ‘O’”. Half of the groups will work as if they either have no knowledge of human rights or their organization does not consider itself or want to be a human rights organization, so they should identify issues and strategies without any reference to human rights. The other half should consider themselves human rights organizations and seek through their strategies specifically to protect and promote ESC rights.

Complete the corresponding Issues and Strategies handout. We’ll hear and see all your responses.

- D. Let’s see the difference in how issues are framed and in what strategies are proposed to address those issues.

What have we learned? How would you summarize the difference between an esc rights strategy and one that does not use an esc rights strategy?

Starvation in the State of "O"

In the region "K" in the Indian State of "O" there have been recurring starvation deaths among landless laborers for the past two years. "K" has not gotten any rains for the past four years, and officials blamed the deaths on the persistent failure of the Indian monsoon.

In this region a few rich and powerful landlords own most of the land, and land reform has never been effectively implemented. The laborers are paid less than the minimum wage and women are paid even less. Even this income is not available since the landlords stopped employing the laborers due to the drought condition. Laborers are not organized as no trade union is allowed to be established by the landlords, who use the police to discourage unionization of workers.

Stories are trickling in about parents sending their children to the distant city of "C" to work as domestic help. The media has also carried news reports about a laborer who has sold his wife for a bag of rice. More reports about starvation deaths appeared, with women, children and aged being the victims. The opposition parties have built up pressure on the government, and have accused it of being negligent and inactive in dealing with the crisis. The government in turn blames the opposition parties and NGOs for exaggerating the crisis in order to get international media attention.

The villages where the starvation deaths took place are highly inaccessible. Villagers have to walk at least 10 kms to reach the nearest bus stop to go to the fair price shop situated in the local town that is 15 kms away. A clerk in one of the fair price shops is hoarding bags of rice and selling them on the black market.

One day a group of villagers raids the fair price shop. The police take immediate action and severely beat some villagers and arrest many of them. The police charge the villagers with belonging to a radical group that is threatening the security of the country.

Included in *Circle of Rights* (p. 615)

WHAT IS THE IMPACT OF A RIGHTS FRAMEWORK ON IDENTIFYING ISSUES AND DEVELOPING STRATEGIES?

Not using a human rights framework
Identify/"name" issues without using human rights standards
Propose strategies not designed to claim rights

Issues	Strategies

Using a human rights framework
Identify/"name" issues using human rights standards
Propose strategies designed to protect and promote rights

Issues	Strategies

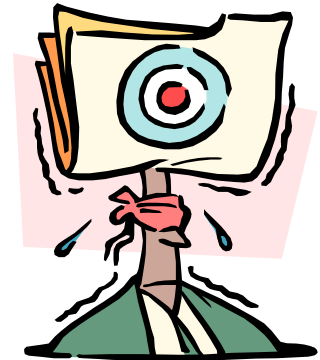
SECTION 9

DEVELOPING YOUR ESC RIGHTS CAMPAIGN

Learning Objectives

By the end of this section we will have

- o Practiced what we have learned in this workshop through developing a proposal for an ESC rights campaign
- o Learned more about ESC rights issues and activism facing participants from other countries
- o Presented the outline of an ESC rights campaign to our workshop colleagues
- o Listened to outlines of other ESC rights campaigns
- o Identified areas of strengths and weaknesses in our understanding of different elements of this workshop



Task # 33: Putting what you've learned into practice!

A. An important way for us to measure how much we've learned in this workshop is to try to use the information presented in the various sections in a "real life" situation: developing a campaign on an ESC rights issue.

On day 1 of the workshop you were asked to prepare a description of an issue or situation on which your organization works. These descriptions will be the case studies that will serve as the focus of ESC rights campaigns you will develop.

You will not work on your own case study, but will instead be given a case study prepared by another participant. In developing your campaign, you may seek additional information about the case/situation from the author of the case study. You should also take advantage of knowledge and experience of other participants on particular topics if you feel your grasp of the topic is not what it needs to be to prepare the best possible campaign proposal.

You should prepare a 40-minute presentation. An additional 20 minutes will be available to community members to ask questions on your presentation. The following are guidelines for preparing your presentation:

Your Task

Imagine you work with an NGO in the country that is the location of the case study you have been given. Working in pairs, prepare a presentation to the Board of Directors of "your" organization, explaining the case and presenting your best arguments for why and how the organization should address the rights violations implicated in the case through a campaign. In developing your argument and in designing your campaign, you should incorporate all the elements of the workshop:

- o Analyze
 - who holds power and what types of power in the situation;
 - relevant gender dimensions of the situation
 - issues of culture relevant to the case study.Explain how your analysis has affected your choice of approach and strategy;
- o Identify the rights issues/violations involved, being as specific as possible;
- o Cite the relevant provisions of your national constitution, if applicable, as well as any relevant provisions of the ICESCR, other international treaties, General Comments, etc.;
- o Specify the right or rights on which you are particularly focusing, explaining why you have decided on that focus;
- o Identify the relevant actors and the role they have played in the situation;
- o Identify the specific obligations that have been violated;
- o Identify the actor(s) on whom the campaign will be focused, explaining why you have chosen that focus;
- o Describe the information and documentation that will need to be monitored, gathered and/or developed and explain how it should be monitored/gathered and/or developed;
- o Propose the strategies the organization should pursue to ensure respect for the right(s) involved, explaining why the proposed strategies are the most promising.

Community members will be listening to a lot of presentations, so you will want to develop a creative and engaging presentation to get their attention!

B. Consider the following guidelines as you prepare your case study analysis:

Teamwork and Presentation Guidelines

Working in teams means that you will:

- share in the reading and analysis of the case study,
- together practice using what you learned during this course to propose a campaign on an ESC rights issue to address the case (see “Your Task” on page 25),
- interview together the case writer to solicit additional information,
- jointly prepare to present your proposed strategies and campaign, and
- each present some part of your work to the “board”.

Some suggestions for successful team communication

- listen and sincerely try to understand what the other person is saying
- ask questions
- clarify concepts and understandings
- deal with emotions
- give also positive feedback

Presenting your work

- you will have 40 minutes to present your work
- there will be 20 minutes of time for specific questions from your “board”
- be as complete and comprehensive as you can: detail! specific!
- remember, we are here to learn: this is not a test!
- keep it simple, avoid time-consuming fancy power point presentations
- use your time wisely to focus on the case and your research of the case

C. Prior to the Case Study presentations, consider the following feedback guidelines. Remember, as community members you want to ensure that an effective strategy is chosen to respect, protect and fulfill your rights.

Feedback and Question Guidelines for community members

- be specific
- give examples
- do not judge
- also give positive feedback
- state suggestions in positive terms
- try to add what others have not already said
- keep your comments brief so that we can hear from as many board members as possible
- pose questions to create greater common understanding and strengthen the proposed campaign

SECTION 10

WHAT HAVE WE LEARNED – AND WHAT WILL WE DO WITH IT?

Learning Objectives

By the end of this section, we will have

- o Prepared ourselves to explain the accuracy or inaccuracy of 10 common “myths” about ESC rights
- o Prepared ourselves to discuss the value and complexity added to work when undertaken from a human rights perspective or within a human rights framework
- o Described specific ways in which we will integrate what we have learned into our work at home and identified follow-up assistance we may need to do so
- o Shared our assessments of the strengths and weakness of this week’s workshop and of its usefulness in our work.



Task # 34: A rights framework: what more do you need?

- A. In pairs, think strategically about what you need to practice using an esc rights framework. Respond to the following three questions together:
1. What are the strengths of using an esc rights framework?
 2. What are obstacles you see to putting into practice what you’ve learned?
 3. What resources do you need to address those obstacles?

We’ll hear your response to question 3.

Task # 35: “Myths” about ESC rights

- A. During the course of the week, you were asked to consider what is true and not true in a number of statements that are often made about ESC rights. (Remember “Common ‘myths’ about ESC rights” in this section of the binder). With your small group, explain what you learned about what is correct and what is incorrect about your particular “myth”. You have 5 minutes!

Task # 36: Evaluation of workshop

- A. Go to the expectations pages hanging on the wall and retrieve the post-its you placed there on the first day. Reflect for a moment on the extent to which you feel your expectations stated there were met.
- B. Consider the following questions. An opportunity will be provided to share your answers with the group, if you feel comfortable doing so.
- What new knowledge, skill or attitude do you feel you learned well in this workshop? What knowledge, skill or attitude that you had hoped to learn do you feel the workshop did not provide you an adequate opportunity to learn?
 - What knowledge, skill or attitude do you feel you will readily be able to incorporate into your work and the work of your organization? What knowledge, skill or attitude will be more difficult to incorporate into your work? What more/else should have been addressed in the workshop or how might material have been better addressed to make such a transfer easier?
 - What follow-up support would be helpful to facilitate your incorporating what you have learned into your work?
- C. You will also be given a written evaluation questionnaire to fill and turn in, which will be an additional opportunity to provide us with your very important feedback!

Task # 37: Closing and Celebration!

Thank you!

Appendix A – Learning Task Handouts and Supplements

CONTENT OF A RIGHT

The meaning of the right;
what it guarantees

CONVENTION

In this context, a treaty

COVENANT

In this context, a treaty

DECLARATION

In this context,
a statement by governments
that is not legally binding on them

LEGALLY-BINDING

Having the force of law

HUMAN RIGHTS NORMS

Requirements in human rights treaties or declarations.
Standards against which a government's actions are measured.
Same as human rights standards.

PROVISION

An article or clause in a treaty or other legal document

PROTOCOL

In this context, a document or treaty related to an existing treaty

RATIFICATION

Formal approval, in this case of a treaty.
Has greater legal force than a signature

RESOLUTION

A formal expression of opinion of a body;
not legally-binding

HUMAN RIGHTS STANDARDS

Requirements in human rights treaties or declarations.
Used to assess/measure how well a government's policies and practices comply with human rights

TREATY

A written contract between States.
Legally-binding on States that ratify it

TREATY BODY

In this context, a group established to oversee compliance with a treaty

ADOPT (A LAW OR RESOLUTION)

Vote to accept

JUSTICIABLE

Capable of being brought within the legal framework and invoked as a cause of action before a court