

## MODULE 7

### What is advocacy?

*Definition.* Advocacy is seeking to influence or bring about change or specific outcomes by persuading key actors and institutions to take action in support of your goals. Advocacy is a means by which oppressive systems, policies, and laws that permit torture are challenged and changed.

*Strategic Framework.* Litigation should be regarded as one part of a wider campaign that also includes advocacy, at a national, regional, and international level. The campaign may also include other civil society techniques such as community organising, media outreach, fact-finding, and reporting. Litigation operates in a dynamic, synergetic relationship with these other agents of change.

### Building an advocacy strategy

The key elements of an advocacy strategy are:

- Identify the advocacy outcomes that you seek to achieve;
- Identify your advocacy targets and institutions who can bring about change;
- Craft your message using a survivor-centred approach;
- Identify your most persuasive messengers;
- Build a collaborative team to deliver the campaign;
- Plan and deliver your advocacy campaign.

### Advocacy outcomes

With strategic litigation, the remedies that have been requested in the individual case should be reflected in the outcomes that are central to the advocacy campaign. For example, if the litigation is intended to challenge discriminatory torture, then the advocacy campaign ought to propose specific changes to law and policy which will make it easier to investigate discriminatory torture, or make it more difficult to take place at all. Where the litigation highlights the lack of safeguards to prevent torture, the advocacy will campaign for such safeguards to be introduced. Where survivors bring a legal claim to force the prosecution of perpetrators of torture, the advocacy should build political will for those prosecutions to go ahead.

### Advocacy targets

The advocacy campaign should identify the key targets, i.e. the actors and institutions with the power to take action in support of your outcomes. For torture campaigns, this often involves the relevant Ministry that oversees the police or prisons, or those structures themselves. It may also mean engaging with parliamentarians who can propose new legislation, or the relevant civil servants tasked with introducing anti-torture legislation.

Advocacy against torture targets a variety of national, international, and regional human rights bodies and national governments by making written submissions, by speaking at conferences and events, and by using the media to draw attention to their decisions. There are a wide range of institutions which can be targeted at national, regional, and international level.

*National advocacy.* Advocacy at the national level can highlight the existence of a practice of torture and ill-treatment. It can also push the relevant authorities to investigate and reform laws and policies that allow torture to take place.

*Regional Advocacy.* Regional human rights bodies provide opportunities for human rights defenders and civil society organisations to raise awareness about human rights violations in the respective countries or in individual cases. States may be required to submit regular reports on the implementation of the regional treaties. NGOs can engage in advocacy before these bodies. Regional courts and commissions are an important platform to advance the debate on torture and ill-treatment. Civil society organisations can also file complaints of human rights violations in certain circumstances.

*United Nations Advocacy.* Activists should make full use of the international mechanisms to complement their legal claims. Reports and statements from UN bodies can be immensely powerful when submitted as evidence in a legal proceeding, or where their recommendations match the remedies that are asked for in a case. Additionally, international advocacy can engage the human rights movement to highlight the situation in a given country and amplify the voices of victims. The UN offers several opportunities to advocate on behalf of victims of torture and ill-treatment.

- **Treaty bodies**, such as the Committee Against Torture (CAT) or the Committee on the Elimination of All Forms of Discrimination Against Women (CEDAW), accept individual communications in relation to States Parties to the relevant treaties, if those States have accepted the Committee's competence to hear such communications. States parties are also obliged to submit regular reports on the implementation of the relevant treaties. Civil society can submit information to the treaty bodies for consideration during the review process. Civil society can participate in the sessions of the treaty bodies and hold formal and informal meetings with their members.
- NGOs can also engage with the UN human rights mechanisms through the **Universal Periodic Review** (UPR) process. All members of the United Nations have their human rights records reviewed on a regular basis by the Human Rights Council. Every five years States must present a report to the Council on the fulfilment of their human rights obligations. Civil society organisations can present shadow reports outlining the human rights situation in the respective country as input during the review process.
- Torture and ill-treatment can also be brought to the attention of the **UN Special Procedures**. The Special Procedures are human rights experts with the mandate to advise on specific human rights issues, countries, or situations. They can act on individual cases brought to their attention by sending urgent appeals and allegation letters to States.

They can also issue press statements, raising public awareness and putting pressure on States. Their mandate allows for country visits and holding hearings to speak publicly about torture and ill-treatment in a particular country and to work with the governments to address the crime. For torture and ill-treatment, the Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Special Rapporteur on Human Rights Defenders, the Special Rapporteur on the Promotion of Truth, Justice, Reparation and Guarantees of Non-repetition, the UN Working Group on Arbitrary Detentions, and the UN Working Group on Enforced or Involuntary Disappearances are especially relevant.

### Develop a survivor-centred narrative

*Crafting the message.* Through telling human stories, advocacy can have a humanising power. Highlighting the impact of torture on human beings can influence public perceptions and reframe the way issues are discussed, recasting violations as both political and legal issues, and as matters of fundamental human rights. A narrative's impact can be maximised by ensuring the messaging is simple and clear, alive to the social, cultural, and political context, and tailored to different audiences.

*Survivor-centred approach.* It is important to recognise that the client owns the problem and its solutions. Accordingly, the client is the primary decision-maker. When crafting the narrative and strategy for the overall advocacy campaign, first identify the client's goals. Particularly where a client has survived torture or abuse, it will be necessary to develop a certain level of trust before their story can be told and goals discussed. Always seek their consent and comply with ethical and other obligations (such as GDPR) before sharing their story, name, or image.

### Persuasive messengers

Survivors of torture are often their own best advocates, and can deliver the message to the key advocacy targets, often on behalf of broader communities. Practitioners should ensure that survivors are accompanied through that process, that they avoid re-traumatisation, and that psychological support is available. Some survivors may not want to play a public role, and their security or mental health may not permit it.

For more technical advocacy, such as on the specifics of law reform, then the lawyers involved in the litigation may be the most appropriate messengers. National and international experts may also be deployed in some situations where specific expertise is called for.

### Building alliances

It is important to build diverse and broad-based alliances. Alliances magnify the voices of individual members, adding strength and credibility to individual efforts. For instance, co-ordinating lobbying efforts can increase their effectiveness and strength. A unified message is more difficult to ignore. Partnerships and networks also facilitate the sharing of expertise, information, and skillsets. At the local level, alliances with diverse local stakeholders are key to changing attitudes and building a climate for change.

### Timing advocacy efforts

Advocacy should be sufficiently flexible to respond to and seize opportunities that emerge in particular contexts or moments in time, in the short, medium, and long-term. Opportunistic advocacy involves identifying political opportunities, such as elections and presidential or UN body visits to or reporting sessions on countries. Have regard to institutions' calendars. Flexibility is also important in being able to manoeuvre around obstacles that may arise. As well as flexibility and being alive to opportunities, persistence and long-term commitment are crucial.

### Further reading

Becker, J., *Campaigning for Justice: Human Rights Advocacy in Practice*, Stanford Studies in Human Rights 2012.

Duffy, H., *Strategic Human Rights Litigation: Bursting the Bubble on the Champagne Moment*, Inaugural lecture, Leiden University, 13 March 2017.

Haynes, D.F., "Client-Centred Human Rights Advocacy", (2006) 13 *Clinical Law Review* 379.

Hurwitz, D., Lawyering for Justice and the Inevitability of the International Human Rights Clinics, (2003) 28 *Yale Journal of International Law* 505.

Open Society Justice Initiative, *Strategic Litigation Impacts: Torture in Custody*, OSF, 2017.

The Convention against Torture Initiative has published a series of tools and guides for states who are seeking to fully implement the Convention against Torture, including implementation tools for issues such as introducing safeguards, handling complaints of torture, and introducing rules against the admission of evidence obtained by torture.