
Fact Sheet No. 10 Lobbying governments

It is essential that governments know that there is support for an OP to the ICESCR, and also that they understand fully the benefits and know how to refute challenges.

To enable the Coalition to be as effective as possible during the meeting of the Open-Ended Working Group we need to:

1. ensure that the coalition knows the position of as many governments as possible
2. ensure that governments have been well-briefed on the key issues
3. encourage supportive governments to participate in the Open-Ended Working Group

On the reverse of this Fact Sheet are four advocacy options:

- The Five-Minute Action
- The Thirty-Minute Action
- The Sixty-Minute Action
- The Half-Day Action

Below is an overview of why we are asking you to undertake these advocacy options.

What is your government saying?

To facilitate the coalition learning more about government attitudes to the Optional Protocol to the ICESCR, including whether or not they intend to participate in the meeting of the Open-Ended Working Group, we are asking national groups, networks to meet with representatives of government. For the most part, participation in negotiations of this nature are the responsibility of Ministries/Departments of Foreign Affairs.

We are interested to know whether they support the Optional Protocol to the ICESCR or whether they oppose it. In either case, we would like to know the factors which informed their decision.

We would also like to know whether they intend to participate in the meeting of the Open-Ended Working Group. If the government is supportive *and* is going to send a delegation, you/your organization might also consider lobbying the government to be included as a NGO representative on the delegation. If your government is not supportive but you have a constructive working relationship with another government, you might also consider approaching them to be accredited as a NGO representative on the delegation. Be aware that governments do not often support the cost of NGO representatives on their delegations.

Please send any feedback to op_icescr_group@yahoo.com

A Quick Guide to Advocacy Options

1. The “Five Minute” Lobbying Option

Endorse the sign-on statement (in Appendix One) and send it back to Edwin Berry, berry@icj.org
The Statement will be used as a collective lobbying tool to government.

2. The “Half Hour” Lobbying Option

- a. Use the pro-forma letter to write to your government or relevant bureaucrats. Include a copy of the Sign-on Statement as an attachment or Fact Sheets 3, 4 and 5.
- b. Follow-up with the recipient of the letter to find out what the position of the government is towards the OP to the ICESCR; use the feed-back form as a prompt.
- c. Use the feed-back form to let Rights and Remedies know what the position of your government is towards the OP to the ICESCR.

3. The “One-Hour” Lobbying Option

- a. Ring the relevant bureaucrat or MP to discuss the issue; use the feed-back form as a prompt.
- b. Send follow-up information, including
 - i. The pro-forma letter
 - ii. Fact Sheet No. 3 (on the ICESCR) – if you judge that they have no idea what the ICESCR is...
 - iii. Fact Sheet No. 4 (on the OP to the ICESCR) – if you judge that they have no idea what the OP to the ICESCR is...
 - iv. Fact Sheet No. 5 (setting out arguments about why we want an OP to the ICESCR) – if they need encouraging; if they are on-side, encourage them to use these as their own advocacy tools
 - v. Fact Sheet No. 6 (Identifying critical components of an effective OP to the ICESCR) – send to supportive governments only
 - vi. Fact Sheet No. 7 (on justiciability) – if you judge that they don't understand how ESCR can be adjudicated through domestic legal systems; again, if they are on-side, encourage them to use these as their own advocacy tools
 - vii. Fact Sheet No. 8 (on government obligations and domestic jurisprudence) – if you judge that they don't understand how ESCR can be adjudicated through domestic legal systems; again, if they are on-side, encourage them to use these as their own advocacy tools
 - viii. Fact Sheet No. 9 (Challenging misconceptions) – if you judge that they don't understand key issues round ESCR; again, if they are on-side, encourage them to use these as their own advocacy tools

- c. If you have not been able to ascertain their position in the initial phone conversation, contact again to find out what their position is.
- d. Use the feed-back form to let Rights and Remedies know what the position of your government is towards the OP to the ICESCR.

4. **The Half-Day Lobbying Option**

- a. Make an appointment to meet with the relevant MP or bureaucrat.
- b. Prepare a Briefing Kit, including
 - i. Fact Sheet No. 3 (on the ICESCR) – if you judge that they have no idea what the ICESCR is...
 - ii. Fact Sheet No. 4 (on the OP to the ICESCR) – if you judge that they have no idea what the OP to the ICESCR is...
 - iii. Fact Sheet No. 5 (setting out arguments about why we want an OP to the ICESCR) – if they need encouraging; if they are on-side, encourage them to use these as their own advocacy tools
 - iv. Fact Sheet No. 6 (Identifying critical components of an effective OP to the ICESCR) – send to supportive governments only
 - v. Fact Sheet No. 7 (on justiciability) – if you judge that they don't understand how ESCR can be adjudicated through domestic legal systems; again, if they are on-side, encourage them to use these as their own advocacy tools
 - vi. Fact Sheet No. 8 (on government obligations and domestic jurisprudence) – if you judge that they don't understand how ESCR can be adjudicated through domestic legal systems; again, if they are on-side, encourage them to use these as their own advocacy tools
 - vii. Fact Sheet No. 9 (Challenging misconceptions) – if you judge that they don't understand key issues round ESCR; again, if they are on-side, encourage them to use these as their own advocacy tools
- c. Use either Fact Sheet 5 (arguments in favour of the OP to the ICESCR) or the feed-back form to prompt the flow of the meeting.
- d. Use the feed-back form to let Rights and Remedies know what the position of your government is towards the OP to the ICESCR.

More adventurous, and slightly more time-consuming, options

Additional activities you might consider include:

- direct meetings with the responsible minister
- visits to influential parliamentarians (for example, if there are sub-committees on treaties, the chair of the committee might be useful to visit; the Attorney-General might also be an appropriate person to visit)
- letter-writing to the “letters page” of influential papers (particularly if you know that relevant parliamentarians “monitor” the media)
- letter-writing to the Minister and influential parliamentarians
- a seminar on the development of the OP to the ICESCR, to which you invite influential parliamentarians, bureaucrats, supportive members of the judiciary and legal profession, academics, and NGOs.

Pro-forma Letter

Dear

Re: Optional Protocol to the International Covenant on Economic, Social and Cultural Rights

As you may be aware, an Open-Ended Working Group to consider the development of an Optional Protocol to the ICESCR is meeting in February/March. We are writing to ascertain your position on the development of the Optional Protocol to the ICESCR, and to strongly urge you to support further negotiations on the issue.

Work towards an Optional Protocol to the ICESCR provides an opportunity for the international human rights treaty system to codify the increasing domestic jurisprudence on economic, social and cultural rights. Moreover, work on the Optional Protocol to the ICESCR enables governments to honour the commitments made during the Vienna Conference on Human Rights, which affirmed the indivisibility, interdependence and interrelatedness of all human rights and recommended that the Committee on Economic, Social, and Cultural Rights work with the Commission on Human Rights to examine a draft Optional Protocol to the ICESCR.

It is imperative that economic, social, and cultural rights be accorded full and equal recognition within the United Nations human rights mechanisms. Four of the six international human rights treaties currently have Optional Protocols. An optional protocol to the ICESCR, similar to the one that has been in place for 25 years under the ICCPR, is critical to ensuring that full recognition is accorded to economic, social, and cultural rights.

We hope that the Government will adopt a favorable position on this important issue, and that you will send representatives to the meeting of the Open-Ended Working Group. We have attached a document outlining our arguments in support of an Optional Protocol to the ICESCR and critical components of an Optional Protocol to the ICESCR, for your information. We will follow up shortly to discuss the matter with you.

Sincerely