

## ICESCR Campaign Advocacy Progress Report

Prepared for  
The June - December 2010 Period

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## Background to the ICESCR Ratification Campaign

The Ratification Campaign was initiated as a result of the Community Law Centre's participation in the United Nations Open-Ended Working Group to develop the Optional Protocol to the ICESCR. South African organisations that focus on the realisation of socio-economic rights joined the CLC to establish the South African Campaign for the Ratification of the ICESCR and its Optional Protocol. In a short space of time, a critical mass of influential organisations, academic and research Institutes, social movements, and community-based organisations across the country were marshalled to put into action the call for the State to ratify the OP-ICESCR.

South Africa is one of only a handful of countries around the world that have not yet ratified the ICESCR. As this treaty is important for enforcing the rights of those living in poverty, it has particular relevance to the majority of communities in South Africa, who do not have access to some of the most basic human rights. It was thus critical that South African Civil Society advanced the call for the State to ratify the ICESCR and its Optional Protocol.

In addition to the ICESCR, the organisations that participate in the campaign collectively have a long history of engagement with the Millennium Development Goal process in South Africa, and for some, from a global perspective.

## The South Africa Campaign for the Ratification of the International Covenant on Economic, Social and Cultural Rights (ICESCR) and its Optional Protocol

**The Drivers of the campaign** are the Community Law Centre (CLC); the Black Sash; People's Health Movement South Africa (PHMSA); National Welfare, Social Service and Development Forum (NWF); and the Global Call to Action against Poverty, South Africa (GCAP SA).

The South African Human Rights Commission supports the campaign to ensure the ratification of the ICESCR and assists the campaign through the facilitation of and contribution to campaign meetings and events.

**Organisations supporting and currently signed up to the campaign, are among the most influential in the country, these include:** Amnesty International South Africa; Black Sash; Centre for Applied Legal Studies; University of the Witwatersrand; Centre for Human Rights; University of Pretoria; Centre on Housing Rights and Evictions; Citizens' Advice Bureau, Khayelitsha; Community Development Resource Association; Community Law Centre; University of the Western Cape; Foundation for Human Rights; Global Call to Action Against Poverty, South Africa (GCAP SA); Global Water Foundation; Johannesburg Child Welfare Society; National Welfare Social Service &

Development Forum; National Council of Women of South Africa; Nelson Mandela Children's Fund; People's Health Movement South Africa; (People Against Suffering, Suppression, Oppression and Poverty (PASSOP); Planact; SANGOCO Western Cape; School of Public Health, University of Cape Town; South African First Indigenous and Human Rights Organisation; South African Council of Churches; Treatment Action Campaign; Tshwaranang Legal Advocacy Centre; Unity for Tertiary Refugee Students; National Women's Coalition; Socio-Economic Rights Institute of South Africa.

### **Campaign mandate and rationale**

Underpinned by the decade long delay by the Executive to ratify the ICESCR as well as its recently adopted Optional Protocol and the increased emphasis around achieving the Millennium Development Goals, the campaign mandate is built on the work of civil society organisations and international advocacy around socio economic rights. It is built on the growing awareness globally that a human rights-based approach to advancing socio economic rights, of vulnerable groups in particular, should be the premise on which these rights are planned and budgeted for, by the State, to ensure governments guarantee that these rights are progressively realised.

The human rights based approach to advocacy efforts continues to be crucial to the implementation, success and impact of the campaign.

Research carried out throughout the duration of the campaign, from inception to date, confirm that the situation of vulnerable groups of people, is exacerbated by the lack of an explicit plan on how the State will ensure that economic, social and cultural rights are realised. The campaign holds that this in part stems from the failure to ratify the ICESCR by the South African government, hence the logical asserting of ratification of the ICESCR as part of the solution.

Campaigning to ensure that socio economic rights are promoted, protected and progressively realised is an investment in, the current and future prospects for vulnerable groups, including those living in extreme poverty, South African society and economies.

The campaign was launched in 2009.

## **Brief Summary of Key Campaign Activities and milestones: June to December 2010**

Following the first seminar in 2009, the campaign embarked on an advocacy strategy, developed collectively through several meetings which included updating and developing campaign materials, dissemination of information, correspondence with key government departments and parliamentary committees, and culminated in the hosting of the Seminar on MDGs and ICESCR in September 2010.

This section summarises the work carried out by the campaign during the period under review. The following activities characterised, only but some, of the work of the campaign, and are not exhaustive.

Activities include: Strategy meetings; Engagement with Civil Society; Engagement with Government; Website Development; Email Updates; Materials Development; and Engagement with the press and media

## ***Campaign Strategy Meetings***

### **First Campaign Strategy Meeting: 16<sup>th</sup> July 2010**

At the first strategy meeting, the campaign drivers undertook the following decisions to advance the objectives of the Campaign.

- To align the Campaign with the work of civil society organisations around the MDGs
- To host an activity to explore the synergies, and the strategic links between the two content areas, as provided for in the International Covenant on Economic Social, and Cultural Rights and the Millennium Development Goals, with the broad aim to popularise the ICESCR in the context of the Millennium Development Goals.

### **Second Campaign Strategy Meeting: 30<sup>th</sup> July 2010**

At the second strategy meeting, on 30<sup>th</sup> July 2010, the campaign solidified the decision to align the MDG process with the ratification of the ICESCR and its Optional protocol. This meeting the adoption of the proposal to host a seminar with the aim to bring the two processes together.

The campaign saw achieved further clarity and consensus around the nature of the event and its objectives in relation to the overall rationale of the campaign.

At its second strategy meeting, the Coordinator provided the campaign drivers with updates on the review of the work and functioning of the campaign, as well as on the agenda and programme of work of the working group.

### **Third Campaign strategy meeting: August 13<sup>th</sup> 2010**

The third meeting saw the further conceptualising of the seminar, clarifying seminar objectives, developing content, identifying content areas for presentations, and most importantly consolidating the planning and coordination of the seminar.

### **Fourth Campaign Strategy Meeting: August 24<sup>th</sup> 2010**

The fourth strategy meeting saw the Campaign extending a formal offer to GCAP, to be an official member of the Campaign Driver group. GCAP accepted and formalised this by giving permission for the official GCAP logo to use in all campaign materials. Identifying seminar documentation and document preparation tasks and processes.

Campaign to formally approach SANGOCO Western Cape, as a former campaign member, extend an invitation to the Campaign Driver Group and to ensure full participation of the structure as the Coalition of NGOs in South Africa.

### **Fifth Campaign strategy meeting: September 7<sup>th</sup>, 2010**

This meeting saw the pulling together of all planning and coordination activities. Reporting on planning and coordination processes. Tracking of progress of activities and finalising of seminar logistics.

**Sixth Campaign strategy meeting: November 18<sup>th</sup> 2010.**

This meeting discussed the strengths and weaknesses of the September seminar, the impact of advocacy in New York at various meetings. Upcoming opportunities for advocacy with MDG related processes in South Africa. The status and impact of communication with government officials and members of parliament.

In total the campaign held 7 fully attended strategy meetings during the period under review. The text of the resolutions and decisions adopted by the campaign is contained in the minutes of the campaign, which form annexures to this report.

### ***Strategic engagement with Government and Parliament***

The campaign drivers have written letters to key officials in various government departments, Parliament and the Presidency, soliciting the response of the state under President Zuma, on ratifying the ICESCR and its Optional Protocol, with immediate effect.

In addition campaign drivers wrote letters to government officials and the Presidency requesting the MDG Country Report so as to allow Civil Society to engage adequately with the contents of the Country Report and respond accordingly. The Campaign has since received acknowledgement of receipt of letters from the relevant government departments.

Responses to these letters have tended to lack substance and be slow in coming. However, two informal interactions with key members of Parliament who have provided the presidency with legal advice on the issue indicate that the letters have been received and seem to have had some impact on generating movement towards resolving the key questions that were put on record by the President in response to a Parliamentary question on why SA had not ratified the ICESCR.

- Phelisa Nkomo and Watson Hamunakwadi represented the Campaign and delivered the summary report from the September seminar at the MDG Summit in New York.
- In December 2010 members of the Campaign were invited by the Department of Justice and Constitutional Development to discuss the matter at a meeting in Pretoria. Lilian and Watson met with officials from the Department in December.
- Phelisa Nkomo interacted with Labour Portfolio Committee Chairperson
- Lilian had an interaction with the Chief Director: Human Rights of the Department of International Relations and Cooperation
- Lilian had an interaction with an official from the Department of Social Development, Pretoria SAHRC with various other structures, e.g. SANGOCO Western Cape

- Abigail Peters had an informal discussion with a CBO's on what the ratification of the ICESCR could mean to the everyday person accessing services ( Athlone Advice Office, AMY & POWER
- Interactive dialogue with member of government departments (name these), international coalitions, and other civil society organisations in the sector.

### ***Engagement with Civil Society: Second ICESCR Seminar : MDGs and ICESCR September 15<sup>th</sup> 2010***

At the September 15<sup>th</sup> seminar, a decision was made to focus on the link between the MDGs and the ICESCR, to leverage the support for ratification of the ICESCR by linking the campaign with national MDG processes.

The seminar was planned to coincide with two major events that took place during the month of September 2010.

- The MDG Summit, held in New York, from 20 – 22 September, which brought world leaders and state representatives to take stock on progress towards the achievements of the MDGs during the last five years. With only five years left until the 2015 deadline to achieve the MDGs, world leaders (including from South Africa) met in order to discuss progress towards achieving the MDGs.
- The annual Treaty Event of the UN, '2010 Treaty Event: Towards Universal Participation and Implementation', held from 21 - 23 and 27 - 28 September, in New York. As usual correspondence from the UN Secretary General was sent to governments, including South Africa, inviting States to make use of the event by signing and depositing instruments of ratification, acceptance or accession to those treaties to which the country was not party to as yet.

The seminar aimed to foster awareness of the ICESCR and the MDGs and South Africa's compliance with its reporting obligations in terms of the MDGs and establish the link between ratification of the ICESCR and meeting the MDGs integrate the ICESCR and the MDGs in local/community-based programmes.

The seminar brought together a range of individuals and organisations working in the area of socio-economic rights. The purpose was to provide a forum and a platform for engaging in debate and for sharing community perspectives, understanding, and experiences regarding the linkages between the ICESCR and the MDGs.

The seminar was a lively event, resulting in consensus on key messages regarding the ratification of the ICESCR and South Africa's progress towards reaching MDGs. Campaign members agreed that the event was a worthy collaborative effort that met and surpassed intended objectives and expectations.

## ***Engagement with Civil Society. Broadening the campaign membership.***

The campaign has developed the support of initiatives by driver or member organisations in other provinces such as Gauteng and Kwa Zulu Natal, to expand the geographical scope of the campaign and to give the campaign a “national flavour”.

Efforts by the Black Sash to invite a broad range of stakeholders to the MDG/ICESCR seminar served to advertise the campaign further.

## ***International partnerships and participation that reinforce the campaign***

The ICESCR Campaign has been successful in a variety of contexts, for example campaign drivers have been invited to present the campaign’s work at a number of high level international meetings.

- Through Lilian Chenwi at CLC, the campaign is a part of international initiatives seeking to accelerate progress towards achieving the ratification of the ICESCR. This includes participation in the international Coalition of NGOs for an OP-ICESCR.
- Through Rajesh Latchman and Watson Hamunakwadi at GCAP and Phelisa Nkomo at the Black Sash the campaign is part of international initiative seeking to accelerate progress towards achieving MDGs.

## ***Communications***

**Website.** Campaign partners worked together to update the information on and reactivate the campaign page on the Black Sash website.

**Email updates.** The Black Sash, G CAP, PHM and CLC undertook dedicated communication with their networks regarding the campaign and the MDGs. The CLC further sent a number of email alerts to a broad base of stakeholders working towards the realisation of SER regarding developments in the international arena.

**Materials development.** Campaign partners updated and developed the content of campaign materials and to develop new materials. They also undertook to develop additional materials.

**Engagement with the Media and Press.** Campaign members including the SAHRC, G CAP, Black Sash, and CLC undertook to introduce the issue of ratification of ICESCR when opportunities arose in the press. In addition a press release was developed and released subsequent to the 15 September 2010 meeting. This generated further interest amongst the press due to the timing of this linking to the MDG summit in New York. Another press release was issued on 7 December, around the celebration of the anniversary of the Universal Declaration of Human Rights and that of the OP-ICESCR.

## Discussion: Assessing campaign impact and learning

As the ICESCR has been using an evidence-based approach to the campaign, the campaign has generated information, through research, media engagement, knowledge dissemination, and campaign activities that the campaign has been able to share in order to achieve the goal of increasing recognition of the importance of the issue.

In order to measure how successful the campaign has been in promoting the debate, challenging governments reasoning's for apprehension, and obtaining responses to the request for audience with the relevant government departments, two methods have emerged as informally used.

Firstly, by assessing/gauging the general understanding of the ESC rights and MDGs through campaign strategy meetings, the seminar, informal meetings with government officials, (DIRCO, Social Development, Justice etc) at various stages of the campaign.

Secondly, writing letters to relevant Heads of departments, requesting formal meetings between the DIRCO and campaign drivers, to discuss the concerns around ratification of the ICESCR, and constructively engage with the reasons given, as to the decade long delay in ratification.

Lessons learned from the first series of strategy meetings indicate that the timing of campaign activities is critical to a smooth follow-up process, so that a broad based platform for follow up is secured.

It had become clear that in order for us to have a big impact and have government take our campaign seriously was to have the support of the communities who would be directly affected by the ratification or lack there of. When government see's that the people they serve understand the weight of ratifying ICESCR and its Optional Protocol then surely they will have to concluded that ratification is the only answer.

The contact with government officials and their departments through the campaign have made the awareness of the campaign more recognised , surely if it continues the officials and government itself won't be able to hide from the fact that ratification is what this country needs in order to protect and uphold the socio-economic rights of its people.

**MDG/ICESCR seminar 15 September.** The seminar as a noteworthy milestone, has generated momentum around popularising the ICESCR and the MDGs among stakeholders. Internally, the seminar has also functioned to further solidify consensus around the overall goal, mandate and scope of the campaign.

Feedback from participants to the MDG/ICESCR seminar was positive, delegates and campaign drivers viewed the seminar as having created a positive opportunity for discussion and debate to further our understanding and develop collective positions on South Africa's progress on SER through the MDGs and on the links to ratification of the ICESCR. Further, CLC has received feedback from other institutions that did not attend the meeting but have found the report extremely useful to understand the issues from the perspective of civil society organisations. The positions expressed



in the report have been reported to be helpful for other organisations to formulate their position on these issues. The articulation of the explicit links between ratifying the ICESCR and the MDGs has also, reportedly, been useful.

**Correspondence, communication and meetings with officials and MPs.** Responses to these letters have tended to lack substance and be slow in coming. However, two informal interactions with key members of Parliament who have provided the presidency with legal advice on the issue indicate that the letters have been received and seem, in conjunction to other activities such as SAHRC submissions with the PC on IRCO, to have had some impact on generating movement towards resolving the key questions that were put on record by the President in response to a Parliamentary question on why SA had not ratified the ICESCR.

The campaign has seen the office of the presidency respond to correspondence, and a display of increased willingness to engage with the campaign drivers by government departments. An increased awareness by parliamentary committees around the ICESCR and its optional protocol

**Research.** The research carried out by campaign members, including Black Sash, CLC, G-CAP and PHM at global, regional, national and provincial levels has made a valuable contribution to CBOs, social movements, and broader civil society and government's knowledge and understanding of the ICESCR and its optional protocol, the MDGs, and the implications of non ratification. This has been vital to inform the campaign's messaging, actions and strategic direction and has allowed for an improved ability of campaign drivers to engage with the issues around the ICESCR and its optional protocol.

**Building the alliance membership.**

The campaign has afforded civil society organisations in the Western Cape, Gauteng and Kwazulu Natal provinces a platform to raise issues around the MDG, when previously organisations carried out this work independently, and not collectively as seen in the last seminar.

It is noted that a legal human rights based approach to the ratification has been and continues to serve as the premise and foundation of the campaign, but we are learning from civil society organisations that this needs to be coupled, paralleled, supplemented or enhanced by a development as a right (the right to development) discourse, as seen by the catalytic emphasis on the MDGs, hence the seminar in October.

## Next steps for the campaign

For the first year of the campaign, ICESCR focused on areas where it had existing programmatic experience in order to promote the ratification of the ICESCR, including engagement with the executive and individual heads of government departments.

The campaign can build on our early progress towards targets by developing our strategy and advocacy plan. Gauging the effects and impact of our programme work, especially with DIRCO, social

movements, CBOs, civil society organisations, labour sectors and Parliament both provincial and National will assist with this planning.

The 2011 strategy and advocacy planning should be built based on research from national studies, data gathered from government agencies civil society etc. In addition the identification and development of information and research can be a further element of our strategy going forward.

As the campaign has been widely supported and endorsed by international, regional and national organisations we can build on these special relationships and expand them further to include national sectors such as labour, and also seek to engage individuals from the general public to add weight to our campaign demands.

**Provincial legislatures.** Lobbying provincial parliament to gain leverage for ratification of the ICESCR. The identification of provincial legislature as a stakeholder in lobbying for the ratification of the ICESCR and its optional protocol, has been identified as an achievement, as this contributes to the strategic direction of the Campaign.

This also expands the relevance and reach of the campaign beyond the Executive (Presidency, Department of International Relations and Cooperation) and the National Assembly.

**Civil Society Organisations.** The campaign has seen an increased keenness from CSOs for the campaign to find ways of supporting initiatives by stakeholders in achieving results for their respective agendas falling under the range of Economic and Social rights. These include:

- Abahlali Ba se Mjondolo: Protest March against lack of service delivery
- GCAP: stand up against poverty global campaign, hosting of international expert,
- PHM: Health Public Hearings in Manenberg and Khayelitsha
- Black Sash : Domestic workers, National Health Insurance
- MDGs: Civil society national process
- Rural Women's Movement: Support around issues related to women
- Organisations have committed to actions related to the campaign and others have expressed an interest in joining ([see table 6?](#))

Since previous letter writing efforts had a strong national government focus, a key concern is to ensure active and continued participation/endorsement by community based organisations and social movements.

The documenting of South Africa's progress with regards to the ICESCR should be discussed.

## **Planning for 2011**

It is assumed the campaign will continue to work on harmonising and planning of the campaign core activities and the catalytic initiatives of the campaign, this work involves and is dependent on the planned advocacy and strategy planning session including:

- Sharing ideas and keeping campaign members/drivers informed of key strategic directions
- Creating opportunities to collaborate, recognising areas of overlap and of divergence.
- Quickly identifying and resolving any issues and bottlenecks on joint projects
- Maximising individual and collective efforts of organisations towards the achievements of the MDGs
- Aligning organisational processes and communication activities to achieve these ends.
- Develop and jointly disseminate common advocacy messages
- Engage broader civil society and other sectors, recognising the dynamic value of broader consultation
- Establish support and commitment to the campaign from influential individuals who could be champions for the campaign.

## Conclusion

The campaign has made significant progress towards the overall objective. The seminar being a noteworthy milestone.

The campaign is preparing to develop an overall strategy to guide the implementation of campaign activities going forward. The campaign will continue to work with strategic partners within identified sectors such as parliament, CSO, academia and international partners. The important area of measuring progress and developing indicators has been identified as key for the campaign going forward.

It is assumed that the campaign will work concurrently in the areas of MDGs and the Economic Social and Cultural rights, both at provincial, national and international fronts.

The campaign's focus, among others, in the coming year will be on the consolidation and follow-up on the work and momentum built since the launch of the campaign. Considerable energy will be required to respond to the expectations raised during the launch of this as a national campaign.

The seminar offered a good example of how Economic, social and cultural rights serve to converge various human rights issues and issues of development at different levels and across sectors (community, academic, government, Civil society).

Based on incoming requests and on available resources the feasibility of involving and supporting activities of social movements such as the PHM and Abahlali would be need to be explored. Many of the planned activities of the campaign will be subject to the detailed advocacy plan being developed.