

This section will cover:

An overview of national policy making processes.

Examples of different ways to engage with:

- National legal and legislative systems
- National development strategies and gender policies
- Budgeting processes
- Elections

the *Journal of Applied Behavior Analysis* (JABA) and the *Journal of Experimental and Applied Behavior Analysis* (JEA).

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Both journals are highly respected in the field of behavior analysis and are essential reading for researchers and practitioners. They provide a platform for the dissemination of new findings and the advancement of the science of behavior. The journals are also important for the development of evidence-based practices in clinical and educational settings.

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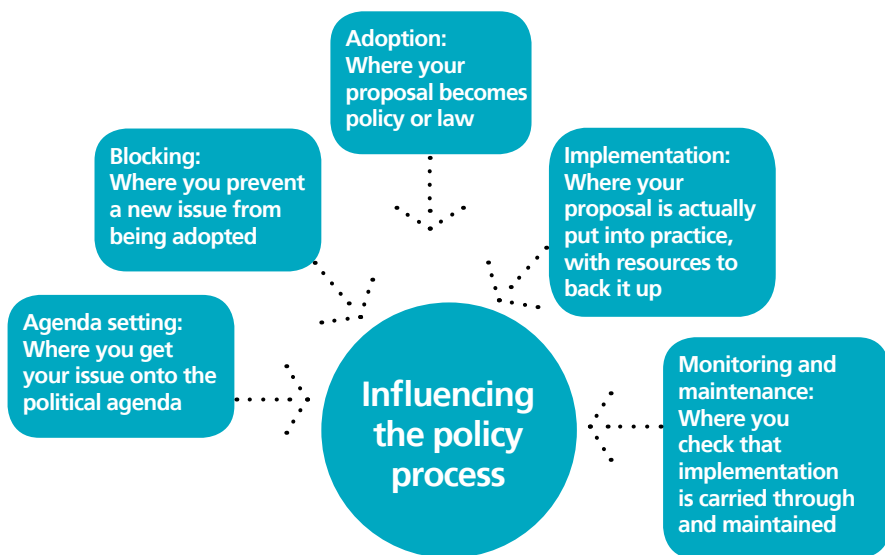
Your advocacy planning and implementation can apply to local, national or international policies and institutions. This section covers national processes while in section eight we will look at international processes and institutions.

1. AN OVERVIEW OF THE POLICY PROCESS

Actual policy making processes differ depending on whether they are international, regional, national or local and will also vary between countries. However there is a basic process common to policy making:

- Agenda setting
- Policy formulation
- Budget allocation
- Decision-making
- Implementation
- Monitoring and Evaluation
- Adjusting and Reviewing

Similarly there are different things you can do to influence the policy process.



2. A GENDER CHECKLIST

Whatever policy or process you are trying to influence, part of your advocacy may be to make it more gender aware and thus have a stronger impact on gender equality.

You may find the following questions helpful:

Disaggregated data

- Are sex disaggregated statistics and information being collected and used in monitoring and evaluation systems?
- Is data also being collected on other inequalities such as age, disability, ethnicity, class, caste, race etc?

Civil society engagement

- Were citizens, women's organisations, and CSOs meaningfully consulted on policy commitments and budget allocations?
- Were the most marginalised women consulted?

Policy frameworks

- Is there a gender policy, strategy or action plan in place?
- Do national development plans include gender equality objectives and take into account the needs and skills of women?
- Do national development plans include obligations within international frameworks such as CEDAW and the Beijing Platform for Action (see **section eight 2.3 and 2.5**)?

Resource allocation

- Is the allocation of aid or public resources responsive to women's and men's specific needs and priorities?
- Does the allocation of aid reflect donor policy commitments to gender equality and women's empowerment?
- Has money been allocated for the implementation of gender specific commitments?
- Has money been allocated to support women's organisations, women's funds or national gender machinery?
- How much money has been spent on advancing women's rights and equality?
- What proportion of money has been spent on projects or programmes with a focus on empowering women and girls?

Tracking performance on gender equality

- Have gender equality indicators been developed, including indicators that are able to capture changes such as shifting attitudes?
- Are gender equality indicators included in results frameworks at all levels?

- Do these indicators measure progress for particularly marginalised women?

3. NATIONAL LEGAL SYSTEMS

The law can be a powerful tool and many organisations use it to advocate for the change they want. However, legal systems vary by country and can often be quite complicated. Some countries will have a combination of formal, customary, and even state-sanctioned customary legal systems. There can be conflict among these different systems and formal and customary laws can be in direct contraction. For example, the formal legal system may stipulate that perpetrators of domestic violence should be reported to the police and tried in the criminal court. In contrast, customary law may provide that domestic violence is a ‘private matter’ and should be resolved within the household – further perpetuating acceptance of violence against women. Understanding the context is therefore vital.

The following will give you some ideas as to how you can use the legal system in your advocacy work to influence national processes:

i) Over-riding national law – using international conventions on human rights

The gap between international legal standards and national law can often be quite wide. If your government has signed up to an international convention you can use this to give extra weight to your advocacy. For example, 185 of the 192 UN member states have signed up to CEDAW. You may also be able to bring a complaint or submit a shadow report when your country is examined by a treaty body (such as the CEDAW Committee). International tribunals can also hold human rights violators, such as state actors, accountable. This will be examined in more detail in **section eight** and **Annex three**.

Example

Using human rights frameworks in Afghanistan:

In 2009, a new law for Afghanistan’s Shia minority was proposed that would have effectively legalised child marriage and marital rape. Afghan Women’s Network (AWN) and Afghan Women’s Education Centre (AWEC) provided legal expertise demonstrating how the proposals violated human rights as set out in the Afghan constitution and under international law. Two female MPs used this advice to build opposition to the bill among other Parliamentarians, and as a result prevented the clause allowing child marriage.³⁰

Creating new legislation

CSOs can play a critical role in advocating for changes in the law but you will need to carefully research the legislative process and any rules for NGO participation. In some countries, NGOs may participate in the drafting process but not in the introduction of the legislation. In others, it may be necessary to find allies within parliament who will introduce the legislation. If you are having trouble accessing information about draft laws you may be able to use freedom of information laws to obtain information about the process.

Challenging the interpretation of existing laws or the constitution – Test cases

Test cases can be used to seek to clarify the scope of existing legal rights and duties, to challenge the accepted interpretation of statutory legal rights and duties, or to seek to establish new rights or duties in legislation or in common law. This can be a useful strategy to promote social reform that benefits the vulnerable and disadvantaged.

Example **Example: Peru - The power of test cases**

Womankind has been working with DEMUS to assist disadvantaged groups of women in Peru to improve their health and promote their rights, with a particular focus on the aftermath of sexual violence during the conflict from 1980-2000. Sexual violence was actively and systematically used as a weapon in Peru's civil war and very few of the survivors have seen justice or received compensation. Three test cases were registered with the Truth and Reconciliation Commission in relation to cases of rape during the armed conflict. These test cases not only had a direct impact on achieving justice and redress for the individual women advised, but also set a legal precedent that will benefit hundreds of women that survived sexual violence during the internal armed conflict in Peru.

Reforming existing laws or legal provisions

Sometimes the best solution might be to push for amendment to existing law. However, it must be remembered that reform does not occur easily, particularly on issues concerning women's rights where entrenched attitudes may hinder change. Legal reform also needs to be comprehensive - it may not be enough to change one law. For instance, a reform of land laws to provide women with rights to land can only be effective if discriminatory inheritance laws under family law are also reformed.

Example Argentina – Legalising same-sex marriage

Lesbian rights groups including Lesbianas a la Vista, Desalambrando, and Colectiva Feminista la Revuelta have campaigned for two decades through awareness-raising and legal action for reform to laws governing marriage in Argentina. On July 22 2010, the campaign succeeded and Argentina became the first Latin American country to legalise same-sex marriage. Article 2 of the Argentinean Civil Code now describes matrimony as a union between a “couple” and under the new legislation same-sex couples have the same social rights as heterosexual couples, including parental rights to adopt and the right to their partner’s inheritance and pensions.³¹

Enforcing existing laws – parliamentary scrutiny

Parliament is a mechanism to examine and challenge the work of the government. If an area of the law is not being properly implemented, you may wish to call for a parliamentary committee to examine an issue in detail, an open debate or even a parliamentary question to draw attention to the problem.

Using comparisons between different legal systems

It can also be useful to make comparisons between different legal systems. If it can be shown that reform has been achieved in one country and is creating positive change for citizens then it may make it easier to make the case for reform in your own country.



TOOL Useful Resource

In the Civicus Toolkit Chapter 4 section 7 there are further explanations on using legal systems: <http://www.civicus.org>

Sometimes an alliance can be built with sympathetic Members of Parliament (MPs) either to propose new legislation (which is usually very difficult if the Government is not in support) or to prevent harmful legislation from being implemented. Strategies could include demonstrating how the new proposals contravene existing national or international codes or building popular pressure to demonstrate that a law will make MPs unpopular (as in the example below).

Example In Nigeria, a Nudity Bill was proposed which provided that women over the age of fourteen would be fined or imprisoned for wearing necklines lower than two inches or clothing that exposed any part of their belly, waist or thighs. The proposed Bill also lowered the age of marriage consent from 18 to 14 years. A network of women’s organisations, including Alliances for Africa, CIRDDOC, and the Nigerian Feminist Forum, publicly campaigned against the Bill. Activities included the distribution of publicity material, campaigning at the state

and federal levels of the Nigerian legal system and advocacy actions during the UN CEDAW review for Nigeria. 500 women activists attended the packed public hearing where the bill finally died.³²

4. NATIONAL POLICIES

4.1. NATIONAL DEVELOPMENT STRATEGIES

Governments will have some kind of plan which describes the road map that they have for the country and its economy. This is often known as a national development strategy and is the policy document behind budget allocation decisions.

In countries which receive aid from international donors there may also be a Poverty Reduction Strategy. For countries dependent on overseas aid, these strategies will be strongly influenced by both multilateral and bilateral donors such as the World Bank and IMF (see **section eight, 3.2**). For example, a PRS Paper should be developed by governments in consultation with national stakeholders like civil society, but it is usually very heavily influenced by donors. Although these processes can be donor led, they are covered in this section as they still govern decision making at a national level.

Influencing these policy processes can be complex. If a campaign is going to be led by community activists rather than professional economists they will need training and support.

Example Civil Society for Poverty Reduction (CSPR) is a Zambian network which was established to ensure that civil society effectively and meaningfully participates in the design, formulation, implementation and monitoring of Zambia's Poverty Reduction Strategy Paper (PRSP). The network combines an understanding of political processes with the ability to mobilise civil society. It is an excellent example of how to combine different sorts of advocacy in order to open up political processes and empower affected people to act, while at the same time succeeding in influencing policy making at the national level.³³

4.2 GENDER POLICIES

Another possible process to use in your advocacy is the planning process specifically around gender policies. These can be useful accountability tools. They will only be effective if they are supported by an action plan and dedicated resources. It's worth calling for these to be in line with international or regional frameworks – see **section eight**. If there is

a good gender policy in place, make sure that national development strategies include the main objectives.

5. BUDGETS

A government budget outlines how the administration plans to spend its money over the coming year, and how it will raise funds (what kinds of taxes it will use). Budgets are probably the single most important thing that your government will do. Whatever promises, commitments and laws that are made, without sufficient funding little will change.

Budget advocacy has three components:

1. Getting access to the information

In some countries this will be easy, but in others getting access will be a campaign in itself – where you advocate for increased democratic accountability and openness in the budget process. Getting information disaggregated by gender is also important.

2. Understanding the implications (budget analysis)

For effective budget analysis, you will have to have an expert who understands the figures and how to interpret them. Importantly you must then be able to explain the implications in an accessible way. If you do, then your advocacy becomes impressive as it is so clearly based on evidence. Analysis of the budget requires skill and knowledge – the investment may only be worth it for a long term campaign. Alternatively, partner with an organisation that has these skills. In the analysis you could:

- Compare the amount going to different sectors (e.g. health or education)
- Compare the amount going to different groups (e.g. children under five, Dalits, indigenous people)
- Analyse how changes in taxation will affect different groups (e.g. men and women)
- Demonstrate the impact on gender equality
- Analyse how decisions on taxation or spending will affect the economy over time

3. Advocating for changes

In influencing policy decisions around the budget you can use the tools outlined in the previous section. You may only seek to influence the decisions within the budget process (e.g. to increase funding for

a particular programme), or your aim may be to open up the decision making processes to allow civil society to participate. Advocacy which empowers people to analyse and advocate on the budget is especially powerful.

As with any decision making process, getting your timing right is crucial. You have to influence the budget cycle at its formulation stage. By the time it goes to the legislature for approval it will be much harder to make a difference. If the government expenditure is being monitored then now is the time to bring forward your evidence from grassroots organisations.

TOOL Useful Resource



- The International Budget Partnership collaborates with civil society around the world to use budget analysis and advocacy as a tool to improve effective governance and reduce poverty. They have an excellent website and would be a good place to start: <http://www.internationalbudget.org>
- You may also find this tool on the budget cycle useful: <http://www.internationalbudget.org/getting-started/why-are-budgets-important/#budget-cycle>

In Southern Africa there are a number of good examples of national NGOs or networks with strong legal backgrounds partnering with church organisations with much better links into the community. These partnerships have led to strong and lasting advocacy.

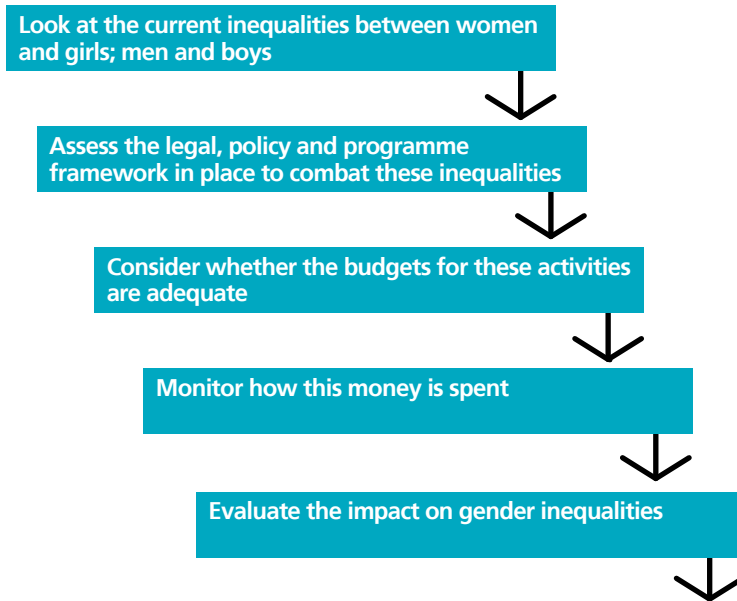
Example The Malawian Economic Justice Network undertakes budget analysis and tracking to influence spending priorities. They do this in partnership with the Catholic Commission for Justice and Peace which works directly with local communities using participatory research to identify priorities. They also involve local leaders, helping them to see the value of engaging in local budget processes. Special training was given to help ensure that women had an equal voice. As a result, local bureaucrats received delegations and even visited the communities.³⁴

5.1 GENDER RESPONSIVE BUDGETING (GRB)

GRB is a tool for ensuring that governments and local authorities promote gender equality and address the specific needs and interests of women and men, girls and boys, by looking at the way budgets are allocated and spent, and proposing new priorities. It can be used for national or local budgets and can be applied to the whole budget, to

sectors or to specific programmes.

GRB should:



GRB is not just a technical processes, it also introduces new concepts such as:

- Recognising that the household is not a homogenous unit
- Counting the contribution of unpaid work to the economy
- Suggesting that the budget process should be open and democratic



TOOL Useful Resource

Policy change is only as strong as its implementation. Successful campaigns to change reporting requirements may not bring about immediate changes in policy, but can provide tools to use in further advocacy.

Example In 1994, the Philippines Government adopted a gender and development budget policy which required every department to allocate at least 5 per cent of its budget to gender and development. This policy change was the result of a successful campaign by the Philippine Commission on Women and the women's movement in the Philippines. Although compliance by Government agencies with the budget requirement was initially limited, the policy provided an

advocacy tool which has since been utilised by civil society.³⁵

Example

Changes in policy can also have a knock-on effect. The French Budget Act of 2000 required the government to demonstrate how much of its spending was allocated to gender equality; however, data collection systems were not in place to allow for this type of analysis. This led to changes in the statistics department to enable the necessary disaggregation of data by gender including the status of women, and their contributions to the economy. This data has proven very useful for French campaigners.³⁶

TOOL Useful Resource



- Tools for a Gender Sensitive Analysis of Budgets is a useful introduction by UNIFEM http://www.genderbudgets.org/index.php?option=com_joomdoc&task=doc_details&gid=99&Itemid=565
- United Nations Development Programme, Gender Responsive Budgeting: Manual for Trainers, UNDP: Bratislava, 2005. <http://europeandcis.undp.org/gender/show/62CAF025-F203-1EE9-B3B7382B8EB38151>
- One World Action's Just Budgets Advocacy Tool: http://www.oneworldaction.org/paper_documents_archives/research/just_budgets
- UNIFEM (now UN Women) supported the Mozambique Government in GRB. A write-up of the results is available here: http://www.genderbudgets.org/index.php?option=com_content&view=article&id=699:country-focus-mozambique-applying-grb-to-respond-to-womens-health-needs-interview-with-francelina-romao-gender-advisor-in-the-mozambique-ministry-of-health-&catid=51:news&Itemid=6
- UN Women has a site on Gender responsive budgeting <http://www.gender-budgets.org/> This includes a list of recommended reading.
- The Commonwealth Secretariat has a guide on the basics of gender budgeting. http://www.internationalbudget.org/files/Engendering_Budgets_final_doc.pdf

6. ELECTIONS

Democratic elections can be a particularly good time to try to influence government policies. In the months before an election, all the political parties may be more receptive to ideas, and are concerned to at least appear to be listening. Politicians, anxious for votes, are more receptive to public opinion.

Example

The Zambian NGO, Women for Change (WfC), and their partners launched the Zambia We Want campaign in advance of the 2011 elections. Among other things the campaign

aimed to: promote women's rights in the electoral process, develop meaningful citizen-led dialogues, and empower citizens to put forward their demands to electoral candidates before the elections. The Zambia We Want Charter will then be used to hold politicians accountable for the promises made during the election.

Elections are a particularly good time to call for an increase in women's political representation and participation. Not only will political parties be more willing to listen, but there is generally more support from donors for funding this work ahead of elections (see **section nine** for international frameworks you may be able to use to support your argument).

Example The Zambian National Women's Lobby ran the following pre-election activities: profiling of women candidates on local and national media; door-to-door campaigning to encourage people to vote for women candidates; training aspiring women candidates; conducting panel discussions on women in politics which were aired on radio; lobbying the political parties to nominate female candidates.

This opportunistic campaigning needs to be supported by longer-term campaigns to challenge gender stereotypes about politics as a male domain. The Zambian National Women's Lobby have profiled women leaders - community leaders, chairpersons of women's groups, politicians - in eight different provinces to show what women leaders can do and have achieved.

Example Malawi's 50:50 campaign, implemented by the NGO Gender Coordination Network, aimed to increase the number of women in local government seats after the November 2010 elections. Campaign strategies included profiling aspiring women candidates through the mass media, particularly radio, as well as through community mobilisation meetings. Funds were also provided to assist women candidates with transportation costs.

Example Calandria created a regional network of women community leaders in the district of San Martin. The network took advantage of the regional electoral process in 2006 and prepared a 'gender agenda' based on the needs and concerns of women in their communities. They presented this to all the regional candidates. All the candidates signed up before the election, and many of the proposals have now been implemented by the Regional President.

Part of the success of the campaign was the preparation. Women were given in-depth training on producing gender-sensitive budgets, media

training, monitoring and implementation of government policies and legislation, mechanisms for holding regional and local governments to account, and public-policy formulation. Calandria also provided individual support to women leaders. This took the form of advice, information and support with proposal-writing for participatory budgets. They also helped network members to understand the opportunities to engage with and influence public officials, and supported them in the process of engaging with government representatives.³⁷

'We produced a "gender agenda" outlining our main priorities for tackling gender inequality and presented this to the regional government. At first they were not interested, but we kept going! Then, just before the regional elections, we organised a public event at which we presented the agenda to all candidates. Now we have established working commissions with the authorities and we meet regularly to discuss these issues in more depth.'

Paulina Valdivieso, Calandria regional network of women leaders, Peru

30 <http://www.christianaid.org.uk/whatwedo/partnerfocus/afghan-womens-rights.aspx>

31 <http://www.globalfundforwomen.org/what-we-do/success-stories/top-10-wins-for-womens-movements>

32 See the Global Fund for Women's website - Top 10 wins for women's movements: <http://www.globalfundforwomen.org/impact/success-stories/top-10-wins-for-womens-movements>

33 <http://www.csprzambia.org/>

34 http://www.oxfam.org.uk/resources/learning/right_heard/downloads/prog_insights_speaking_03_Malawi_.pdf

35 Adapted from United Nations Development Programme, Gender Responsive Budgeting: Manual for Trainers, UNDP: Bratislava, 2005.

36 Civicus, Campaigning toolkit for Civil Society Organisations engaged in the Millennium Development Goals, <http://www.civicus.org/old/mdg/title.htm> <<http://www.civicus.org/old/mdg/title.htm>> , Chapter 3

37 Womankind Worldwide, Speaking Out: Promoting Women as Decision-makers Worldwide, 2008, <http://www.womankind.org.uk/wp-content/uploads/2011/02/2008-Speaking-out-promoting-women-as-decision-makers-worldwide.pdf>. Please cut the 2nd reference to Civicus.