

Theory of Change Summaries 2016-2019

AMNESTY
INTERNATIONAL



Before anything else...

Please note that this is the compilation of the summarised versions of the 12 Theories of Change. They will, hopefully, be a useful quick reference for those who would like to have an overview of Amnesty's strategy for 2016-2019. Further details, particularly on the drivers and context of the problem/s identified within each theory of change, details of the outcomes and intervention strategies, channels of influence, assumptions, and risk register, are available in the full text version of the Theories of Change compilation. These text compilations, together with the TOC narrative and TOC projects mapping will hopefully support all staff at the International Secretariat and the national entities in their project development and planning.

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GOAL 1: RECLAIMING FREEDOMS

**A WORLD IN WHICH EVERYONE KNOWS
AND CAN CLAIM THEIR RIGHTS**

- **Enabling and Protecting Civic Space and Human Rights Defenders**
- **Human Rights Education**
- **Reclaiming Online Freedoms**

THEORY OF CHANGE FOR ENABLING AND PROTECTING CIVIC SPACE AND HUMAN RIGHTS DEFENDERS



WHAT IS THE PROBLEM?

Unprecedented offensive by states on freedoms of association, assembly and expression counteracting the more agile structures of civil society activism, often in the guise of protecting national security.

WHAT IS THE IMPACT OF THE PROBLEM?

Silenced voices and restricted actions

Spurious prosecutions on fabricated charges leading to detention and imprisonment of HRDs and NGOs

Organisations and individuals fearing punitive attacks from agents or entities of the state self-censor in turn avoiding sensitive work, threatened funding crises, banning or closure

Protesting on the streets or online on lack of accountability of government is met with violent policing tactics and 'atmospheric repression'



WHAT WILL AI DO...

Collaborative monitoring, documentation and reporting

National, regional and international advocacy and campaigns

Strengthening resilience and protection

Developing and disseminating counter-narratives about the positive impact and value of civil society and HRDs

Facilitating learning exchange, skills development and support networks amongst HRDs

Human rights education

Support for individuals at risk

Strategic use of Amnesty' relief fund

Global campaigning on the impact of restrictive legislation on HRDs, civil society groups and activists; acknowledging shrinking space online and offline

Establish a responsibility and accountability framework towards respecting and enabling HRDs and individuals

WHAT AI AIMS TO ACHIEVE...



GREATER LEGITIMACY (including in law) **RECOGNITION, RESPECT AND SECURITY FOR HRDs**



SIGNIFICANT ENHANCEMENT OF THE LEGAL, POLICY AND ACCOUNTABILITY ENVIRONMENT



STRENGTHENED LEGITIMACY OF DEFENDING HUMAN RIGHTS AND EMPOWERMENT OF HRDs



IMPROVED PREVENTATIVE AND REACTIVE PROTECTION FOR HRDs AT RISK

**GOAL 1:
RECLAIMING
FREEDOMS**

a world in which everyone knows and can claim their rights

Theory of Change for Enabling and Protecting Civic Space and Human Rights Defenders (a summary)

What is the problem?

There is an unprecedented offensive by states (sometimes in collusion with non-state actors) on freedoms of association, assembly and expression—a crackdown on human rights defenders (HRDs) aimed at counteracting the more agile structures of civil society activism and the threat it poses to established political and economic power. This is happening in every region, including in democratic states, often in the guise of protecting national security, defending sovereignty, upholding traditional values and promoting economic development.

What is the impact of this problem?

People's voices are being silenced and their actions restricted. Spurious prosecutions on fabricated charges are leading to the detention and imprisonment of HRDs and non-governmental organisations (NGOs). Organisations and individuals fearing further punitive attacks from agents or entities of the state self-censor or avoid areas of work deemed sensitive. Organisations reliant on foreign funding to sustain their work face funding crises that threaten their existence. NGO registration restrictions are leading to their delay of authorisation to operate, their banning or closure. Those who go to the streets or online to protest the lack of accountability of government, or the behaviours of non-state actors, are increasingly met with violent policing tactics and 'atmospheric repression' (*linked to Criminal Justice work, SG4*). Beyond human rights and development spheres, millions of people relying on HRDs and civil society to support them in exposing abuse and discrimination, and accessing justice and protection in times of conflict, are affected. This will result to societies characterized by greater inequality, disenfranchisement, political and social instability, stalled growth or deeper poverty, and potentially violent conflict.

What are we aiming to achieve in response to this problem?

- **Greater legitimacy** (including in law), **recognition, respect and security for HRDs**, prioritising the most discriminated against, those whose defense of less recognized rights exposes them to severe harm, whose legitimacy and security are most threatened, or who are leading the charge against corrupt and abusive state and corporate power;
- **Significant enhancement of the legal, policy and accountability environment** to protect people's rights to defend human rights;
- **Strengthened legitimacy of defending human rights and empowerment of HRDs**;
- **Improved preventative and reactive protection for HRDs at risk.**

How will AI respond to achieve its desired outcomes?

- (1) Collaborative monitoring, documentation and reporting;
- (2) National, regional and international advocacy and campaigns;
- (3) Strengthening resilience and protection;
- (4) Developing and disseminating counter-narratives about the positive impact and value of civil society and HRDs;
- (5) Facilitating learning exchange, skills development and support networks amongst HRDs;
- (6) Human rights education (*linked to HRE, SG1*);
- (7) Support for individuals at risk;
- (8) Strategic use of Amnesty's relief fund;
- (9) Global campaigning on the impact of restrictive legislation on HRDs, civil society groups and activists, acknowledging shrinking space online and offline, and focusing on where AI can demonstrably add value on empowerment and protection of HRDs, civil society groups and activists;
- (10) Establish a responsibility & accountability framework towards respecting and enabling HRDs and individuals at risk.

What are some barriers from achieving the desired outcomes?

- (1) A recognition by governments that HRDs/ civil society can challenge authority and hold power holders to account;
- (2) Vested political and/or economic interests of power holders, including through state-corporate nexus.
- (3) Public unaware or unconcerned about restrictions / targeting of HRDs & NGOs;
- (4) State-run / owned (or encouraged) media campaigns;
- (5) Narratives of national security, the defense of national sovereignty, upholding traditional values and norms and the promotion of economic growth and developments at the expense of these rights;

- (6) Incoherent and inconsistent policy amongst 'supportive' states – not speaking out against strategic allies where restrictions and abuses are happening;
- (7) Gaps between commitments to and implementation of international, regional and domestic standards;
- (8) The diversity and factions within civil society (nationally and regionally), making it harder to develop strategic alliances, clear messages and tactics.
- (9) In some contexts, the disconnect between civil society organisations and wider society;
- (10) Active conflict or post-conflict power struggles and violence.

What are some major windows of opportunity to capitalize on?

- (1) There is a variety of multilateral and bilateral initiatives by states, intergovernmental bodies, donors, and INGOs that are trying to address the disabling environment for HRDs / civil society and that collectively are creating a global narrative. Some present better and different opportunities than others.
- (2) Sustainable Development Goals – existing civil society networks and coalitions, and how AI engages in this process, creates a new opportunity to leverage alliances with development actors and other NGOs to address civil society restrictions / enabling environment outcomes.
- (3) Regional / global events such as sporting events provide platforms for communication and action.
- (4) New EEAS Human Rights Strategy and Action Plan which puts significant additional emphasis on protecting and enabling civic space and HRDs. Opportunity to renew coordinated EU S/s approach to advocacy within frame of EU Guidelines on HRDs, on FoE etc.
- (5) 2018 marks 70th anniversary of UDHR, and 20th anniversary of UN Declaration on Human Rights Defenders.

Why AI?

AI has a strong track record of significant work and successes on freedoms of expression, association and assembly and can utilise its expertise, reputation and role in the international arena to lead a charge against the shrinking civic space. At a global level, AI is less vulnerable to de-legitimisation by governments and is more able to absorb attempts to disqualify or undermine the organisation. AI is well placed to work on HRD issues with local and transnational links and support HRDs linking them through international networks. Given the changing nature of activism, AI needs to adopt a more 'enabling' role supporting others as change agents in order to remain relevant.

THEORY OF CHANGE FOR HUMAN RIGHTS EDUCATION



WHAT IS THE PROBLEM?

The work of HRDs on the ground is delegitimised and undermined as a result of competing narratives

Inadequacy of formal and non-formal Human Rights Education both online and offline for a large number of people

WHAT IS THE IMPACT OF THE PROBLEM?

People are unaware of their rights and unable to hold those in power accountable

States continue to perpetuate human rights abuses with impunity

Prejudice and discrimination remain unchallenged



WHAT WILL AI DO...

Improving access to HRE, including through changes in government policy and practice, including particularly through:

- (1) Promotion of HRE methodology that challenges discriminatory attitudes and empower people to take action and defend human rights
- (2) Greater HRE visibility and wider reach through collaborations with educational and professional organizations and institutions,
- (3) Supporting a more effective and sustainable activism and growth of the human rights movement, including through pushing for state implementation of their obligation to provide HRE,
- (4) Integrating HRE onto national education policies,
- (5) Building on the UN Declaration for Human Rights Education and Training,
- (6) Evidence-based advocacy using levers provided by international instruments and agreements on HRE, with a view of holding governments accountable for implementation of their HRE commitments and obligations,
- (7) Pushing for the implementation of recommendations from international mechanisms to ensure a holistic, country-relevant, innovative and accessible approach to HRE;

Empowering 2 million people, particularly young people and HRDs, through action-oriented education efforts offline and online in both formal and non-formal education settings, through:

- (1) Equipping young people beyond Amnesty's constituencies with knowledge, skills and attitudes to claim their rights and the rights of others, particularly around challenging mass surveillance, repression and exclusion of marginalized groups, and ensuring the inclusion of economic, social and cultural rights as part of human rights discourse,
- (2) Equipping Amnesty's international members and connecting them to other HRDs through global or regional HRE courses online,
- (3) Increasing the impact of the work of HRDs through shared learning and teaching spaces,
- (4) Broadening Amnesty's supporter base through partnerships with organizations and institutions working in formal education to integrate HRE into their work,
- (5) Promoting the use of Education Technology and participatory methodology to deepen the understanding and motivation, and offer opportunities for current and potential HRDs to connect internationally and take action locally,
- (6) Encouraging Amnesty's national entities to use practical work in formal education as a model for national level advocacy with a view of ensuring policies that use HRE to promote methodologies about, through and for human rights.

WHAT AI AIMS TO ACHIEVE...



BETTER SUPPORT FOR A LARGE NUMBER OF PEOPLE - PARTICULARLY YOUNG PEOPLE, HRDs AND THOSE WHO ARE MARGINALISED- TO UNDERSTAND THEIR RIGHTS AND TO BE ABLE TO CLAIM THEIR RIGHTS



INFLUENCE EDUCATIONAL SYSTEMS TO SHIFT THE DISCOURSE AND ADDRESS THE EXISTING DISPARITY IN ACCESS TO OPPORTUNITY

GOAL 1: RECLAIMING FREEDOMS

a world in which everyone knows and can claim their rights

Theory of Change for Human Rights Education (a summary)

What is the problem?

The work of human rights defenders (HRDs) on the ground is challenged by competing narratives that delegitimise human rights: national security over civic freedoms, economic growth over access to economic, social and cultural rights, and national security and economic growth over equality and rights for all. There is a great urgency to reach out with human rights education (HRE) in a coherent, systematic and sustainable way to a large number of people - including HRDs- online and offline, and influence in a comprehensive way our educational systems to fundamentally shift the discourse and counter the narratives that undermine human rights. Adequate formal and non-formal HRE is required for everyone's human rights to be respected, protected, fulfilled and promoted.

What is the impact of this problem?

People are unaware of their rights and unable to access the powerful tool that is human rights to hold those in power to account and make real differences in their everyday lives. States continue to perpetuate a wide range of human rights abuses with impunity. Without human rights education, the current disparity in access to opportunity persists, as prejudice and discrimination remain unchallenged.

What are we aiming to achieve in response to this problem?

Through HRE, a large number of people- particularly young people, HRDs and those who are marginalised- will be supported to better understand their rights and be able to claim them through the most appropriate medium wherever they are. HRE can also influence educational systems to shift the discourse and address the existing disparity in access to opportunity.

How will we AI respond to achieve its desired outcomes?

We will contribute to ensuring that people know their rights and can claim them through:

- Improving access to HRE, including through changes in government policy and practice, including particularly through:
 - (1) promotion of HRE methodology that challenges discriminatory attitudes and empower people to take action and defend human rights,
 - (2) greater HRE visibility and wider reach through collaborations with educational and professional organizations and institutions,
 - (3) supporting a more effective and sustainable activism and growth of the human rights movement, including through pushing for state implementation of their obligation to provide HRE,
 - (4) integrating HRE onto national education policies,
 - (5) building on the UN Declaration for Human Rights Education and Training,
 - (6) evidence-based advocacy using levers provided by international instruments and agreements on HRE, with a view of holding governments accountable for implementation of their HRE commitments and obligations,
 - (7) pushing for the implementation of recommendations from international mechanisms to ensure a holistic, country-relevant, innovative and accessible approach to HRE;
- Empowering 2 million people, particularly young people and HRDs, through action-oriented education efforts offline and online in both formal and non-formal education settings, through:
 - (1) equipping young people beyond Amnesty's constituencies with knowledge, skills and attitudes to claim their rights and the rights of others, particularly around challenging mass surveillance, repression and exclusion of marginalized groups, and ensuring the inclusion of economic, social and cultural rights as part of human rights discourse,
 - (2) equipping Amnesty's international members and connecting them to other HRDs through global or regional HRE courses online,
 - (3) increasing the impact of the work of HRDs through shared learning and teaching spaces,
 - (4) broadening Amnesty's supporter base through partnerships with organizations and institutions working in formal education to integrate HRE into their work,
 - (5) promoting the use of Education Technology and participatory methodology to deepen the understanding and motivation, and offer opportunities for current and potential HRDs to connect internationally and take action locally,
 - (6) encouraging Amnesty's national entities to use practical work in formal education as a model for national level advocacy with a view of ensuring policies that use HRE to promote methodologies about, through and for human rights.

What are some barriers from achieving the desired outcomes?

- (1) Opposition to human rights and Amnesty - Amnesty as a Foreign Agency, Human Rights as a Western concept, only "targeting" countries in the South.
- (2) Challenging prevailing norms and value systems (gender disparity, homophobia, racism, etc.).
- (3) Unstable frequently changing political situations makes planning for secure and safe spaces for HRDs more difficult.
- (4) Lack of accountability frameworks to hold governments to account for non-delivery of national / international commitments on human rights education.
- (5) Increasing influence of corporate business on governments and communities versus weak regulatory framework and standard principles for their engagement.
- (6) Unwillingness of government institutions to engage comprehensively in issues of discrimination in schools; inequality and inconsistency in education standards of teaching; lack of serious planning and allocation of resources and independent monitoring bodies in collaboration with civil society organizations for reforming the education system.
- (7) Lack of capacity within education related government institutions to implement human rights education policy and standards.
- (8) **Operational:** lack of integrated and consolidated strategies and operational plans; at national, regional level: balancing work in own country/ region and international priorities; lack of networked coordination for effectively using offline and online action-oriented learning.
- (9) **Organizational:** complexity and "silo" approach, lack of linking to other key areas of work; lack of understanding of empowering methodologies underpinning HRE; inability to collaborate and apply skills to education initiatives leading to lack of human resources in technology, design, and pedagogy to achieve maximum impact. Lack of in-house skills to evolve compelling online pedagogical material.
- (10) **Financial:** key HRE functions not secured in internal budget; cut down on HRE capacity at the international and national levels in the last years due to tense economic situation.
- (11) **External Funding:** HRE driven by requirements of external funders.
- (12) **Prioritization:** recognition of HRE as foundation for creating societies that respect human rights and as core part of Amnesty's work, but lack of commitment followed by action in prioritizing HRE on the international, regional and national levels.

What are some major windows of opportunity to capitalize on?

- Increasing accessibility and use of digital and mobile services/technologies by overwhelming majority of populations across the world.
- Demand from institutions and organizations to integrate practical human rights into their educational pathways
- Favorable policy environment at national and international level
- HRE2020 – global civil society coalition on human rights education
- Donors open to support HRE initiatives as a positive approach to human rights work
- Donor interest in education technology with massive scale opportunities, with new ways to reach people with limited access to education facilities
- Online learning leverages the accessibility of human rights education for people with disabilities

Why AI?

As a global movement with a strong reputation associated with human rights, AI has the means and credibility to scale up human rights education efforts and connect to as many people as possible, across more diverse audiences, simultaneously connecting networks and communities across the world.

THEORY OF CHANGE FOR RECLAIMING ONLINE FREEDOMS, RESISTING TRENDS IN ONLINE CENSORSHIP AND SURVEILLANCE



WHAT IS THE PROBLEM?

Often under the justification of 'national security' or 'anti-terrorism,' governments censor and control what people say and see online, constructing surveillance systems as weapons of repression and facilitating broader crackdowns on civil society

WHAT IS THE IMPACT OF THE PROBLEM?

Chilling effect on human rights including the right to seek, receive and impart information of all kinds, regardless of frontiers

Governments filtering and blocking websites, contents and accounts that express critical voices and spying on, harassing and tracking HRDs, activists and journalists, made easier by personal data stored online

Shrinking space for human rights defence and activism



WHAT WILL AI DO...

Advocacy and campaigning targeted at national governments

Advocacy for stronger international standards

Advocacy and campaigning targeted at corporate actors

Strategic litigation

Support for HRDs, activists and journalists

Human rights education

WHAT AI AIMS TO ACHIEVE...



LAWS UNDULY RESTRICTING ONLINE FREEDOMS OF EXPRESSION, ASSOCIATION AND PEACEFUL ASSEMBLY ARE REPEALED, AMENDED OR PREVENTED FROM BEING ENACTED



LEGAL PROTECTIONS FOR WHISTLEBLOWERS ARE STRENGTHENED AND ENFORCED



SURVEILLANCE PROGRAMS CONFORM TO HUMAN RIGHTS STANDARDS OR ENDED



HRDs ONLINE ARE SAFE AND SUPPORTED

In particular:

- A) An assessment as to whether development of standards challenging unlawful communications surveillance would contribute to strengthened human rights protections is carried out and such standards are developed
- B) The export of dual-use technologies are regulated in line with international human rights standards
- C) Stronger data protection and encryption standards are more widely accessible to people around the world
- D) The public discourse about human rights online is changed, including by a critical mass of young people
- E) HRDs and other individuals have greater access to tools and knowledge that will empower them to use technology safely and able to do so
- F) Oversight and protections to counter censorship and unlawful mass and targeted surveillance increase in strategic countries
- G) Greater public opposition to unlawful censorship and surveillance
- H) Individuals are able to share and access information online without fear of intimidation and prosecution

GOAL 1: RECLAIMING FREEDOMS

a world in which everyone knows and can claim their rights

Theory of Change for Reclaiming Online Freedoms, Resisting Trends in Online Censorship and Surveillance (a summary)

What is the problem?

Often with the justification of “national security” or “anti-terrorism”, many governments are trying to control what people can say and see online and are constructing vast surveillance systems that violate people’s right to privacy. Governments are violating the rights to freedom of expression and privacy when they threaten or prosecute people for what they say on the internet, and when they censor and spy on internet and phone users, using these technologies as weapons of repression and control to facilitate broader crackdowns on civil society and crush online and offline dissent, including the right to peaceful protest.

What is the impact of this problem?

Controlling, monitoring and censoring what people say and do online and on their phones has a chilling effect on human rights, especially freedom of expression, which includes the right to seek, receive and impart information of all kinds, regardless of frontiers. Governments now possess a dangerous new toolbox for clamping down on, controlling and monitoring communications. In every region of the world, governments can now develop or purchase sophisticated technologies to filter and block websites, content and accounts that express critical voices and to spy on, harass and track human rights defenders, activists and journalists contributing to the shrinking space for human rights defense and activism. Their job is made easier as more and more peoples’ personal data is gathered and stored by the companies that provide the backbone to the global web – ready for easy harvesting by governments.

What are we aiming to achieve in response to this problem?

- Laws unduly restricting online freedoms of expression, association and peaceful assembly are repealed, amended or prevented from being enacted;
- Legal protections for whistleblowers are strengthened and enforced;
- Surveillance programs conform to human rights standards or are ended;
- HRDs online are safe and supported (*linked to work on HRDs, SG1*).

In particular:

1. An assessment as to whether development of standards challenging unlawful communications surveillance would contribute to strengthened human rights protections is carried out, and where appropriate, such standards are developed;
2. The export of dual-use technologies (used for surveillance and for filtering and blocking web traffic) are regulated in line with international human rights standards;
3. Stronger data protection and encryption standards are more widely accessible to people around the world;
4. The public discourse about human rights online is changed, including by building a critical mass of young people who articulate and claim their rights online;
5. HRDs and other individuals have greater access to tools and knowledge that will empower them to use technology safely and are able to do so without fear of intimidation and prosecution;
6. Oversight and protections to counter censorship and unlawful mass and targeted surveillance increase in strategic countries;
7. Greater public opposition to unlawful censorship and surveillance
8. Individuals are able to share and access information online without fear of intimidation and prosecution (positive change for individuals and HRDs)

How will AI respond to achieve its desired outcomes?

- Advocacy and campaigning targeted at national governments;
- Advocacy for stronger international standards;
- Advocacy and campaigning targeted at corporate actors;
- Strategic litigation;
- Support for HRDs, activists and journalists (*linked to work on HRDs, SG1*);
- Human rights education (*linked to work on HRE, SG1*).

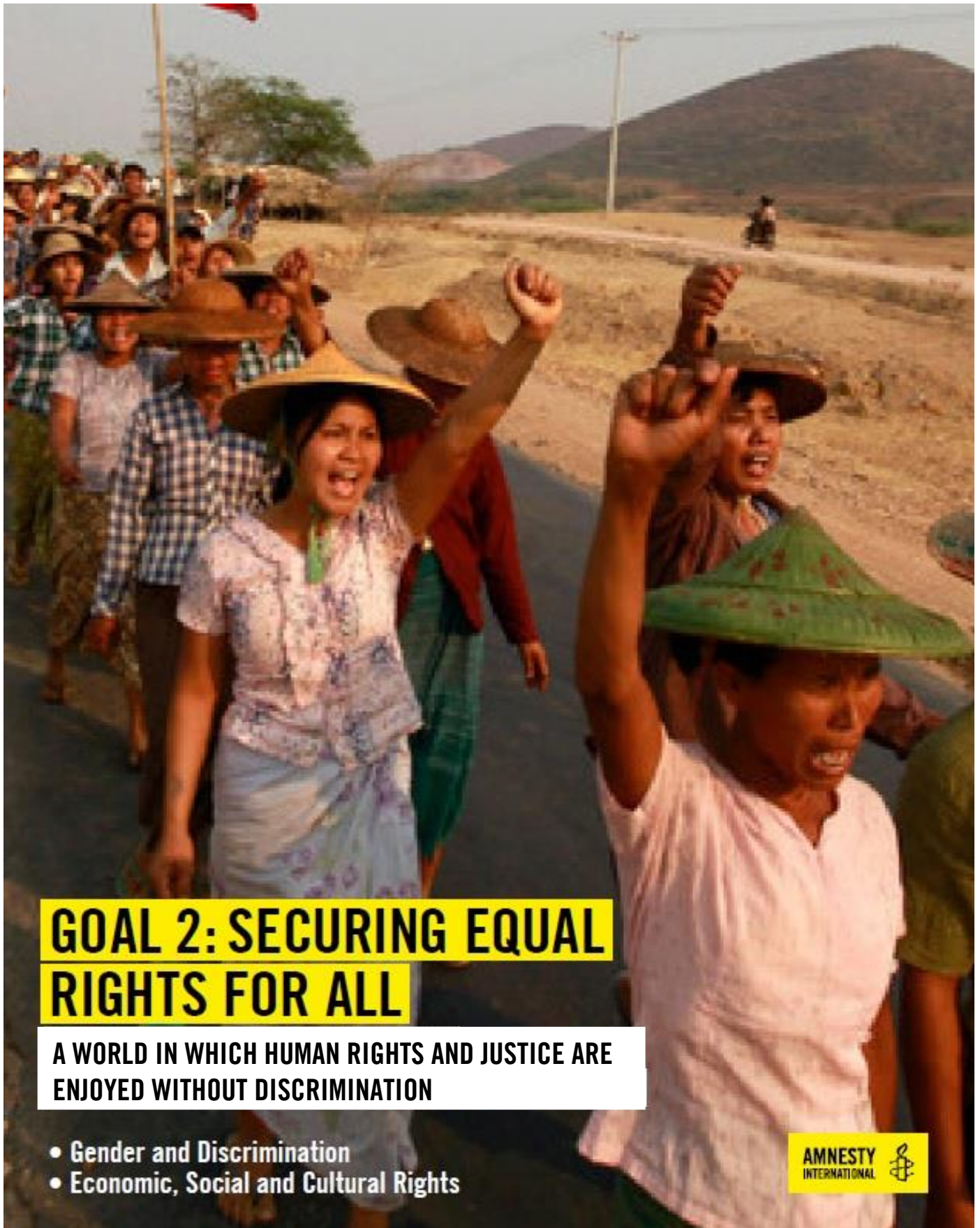
What are some barriers from achieving the desired outcomes?

- States aggressively pursue national security/cybercrime narratives, amending laws and proposing new ones that give them sweeping powers that restrict free expression online and conduct intrusive surveillance without adequate oversight;
- Many of the human rights violations that are taking place in relation to online restrictions and surveillance currently lack visibility compared with other violations;
- The speed of technological change and the ways in which governments have begun to employ new technologies means that the violations that take place are little documented and little understood publically in many countries. In the global north, many people feel the harm done by mass surveillance is abstract and does not affect them. In the global south, online restrictions and surveillance are seen as less of a priority to other forms of state control

What are some major windows of opportunity to capitalize on?

- Building off recent momentum towards developing robust international standards overseeing states' surveillance practices (both mass and targeted). The UN Human Rights Council took decisive action in adopting a March 2015 resolution that established a permanent independent expert on the right to privacy, and a Special Rapporteur on privacy was appointed in June 2015.
- Influencing companies to adopt stronger privacy and security standards in their platforms and services. Looking to restore trust in their platforms and services, major US technology firms have publicly pushed back against US mass surveillance programmes since Snowden's disclosures.

Why AI? AI is a leading NGO on the issue of freedom of expression. This work brings this expertise and name recognition to the challenges posed by the digital era. AI has the credibility and reach to be able to contribute to the issue of freedom of expression, privacy and surveillance online, while acknowledging that there are also areas where we will need to further build our capacity.



GOAL 2: SECURING EQUAL RIGHTS FOR ALL

A WORLD IN WHICH HUMAN RIGHTS AND JUSTICE ARE ENJOYED WITHOUT DISCRIMINATION

- Gender and Discrimination
- Economic, Social and Cultural Rights



THEORY OF CHANGE FOR GENDER AND DISCRIMINATION

WHAT IS THE PROBLEM?

Individuals and groups face many, mutually reinforcing, forms of discrimination due to more than one aspect of their identity, including gender, sexual orientation, gender identity or expression, being a member of Indigenous Peoples or ethnic, religious or linguistic minorities, experiencing numerous human rights violations.

WHAT IS THE IMPACT OF THE PROBLEM?

Gender:
 -Pervasive gender discrimination places women and girls; lesbian, gay, bisexual, transgender and intersex (LGBTI) people and gender non-conforming individuals at risk of human rights violations due to existing gaps in laws or weak implementation of laws, prohibiting gender discrimination and violence, or promoting equality and non-discrimination on the grounds of gender, gender identity and sexual orientation
 -Barriers to women's full economic and political participation remain

Sexual Orientation and Gender Identity:
 -Individuals who are, or are perceived to be, LGBTI are subjected to homophobic or transphobic harassment, violence or discrimination in all areas of life
 - LGBTI are targeted through criminalisation of consensual sex between adults of the same sex or, where laws are not explicit, through other legislation such as laws against crossdressing, public indecency or loitering
 -Medically unnecessary surgeries or other treatments for the purpose of 'normalising' an intersex person into a male or female sex are continue to be performed on infants and children without their consent

Indigenous Peoples or ethnic, religious or linguistic minorities:
 -Disproportionate representation in the criminal justice system; in access to education, health care and other public services and in the private sector such as in access to employment
 -Indigenous and minority women and girls often face intersectional discrimination resulting in increased sexual and gender-based violence, exclusion from decision-making processes, and denial of sexual and reproductive health rights
 -Indigenous peoples are marginalized in their own lands, where they face land grabbing and use of their land for mining and other projects, without their free, prior and informed consent.

WHAT WILL AI DO...

Research and campaigning to highlight systematic discrimination of members of minorities in access to education and representation in criminal justice systems;

Standard setting, and regional and international advocacy, leverage of international pressure via IGOs;

Support and strengthen WHRDs and activists and Indigenous and minority HRDs and activists to further enable them to campaign and advocate for their rights and those of others;

Human rights education methodologies;

Improvement of gender and diversity mainstreaming and awareness, gender and identity-based discrimination and violence, women's rights, LGBTI rights, minority and indigenous rights, throughout the AI movement to enhance capacity to deliver Goal 2;

Increase reporting of human rights violations related to gender, SOGI, indigenous / minority belonging and other aspects of identity, under all the UN systems.

Push for the greater involvement of men and boys in campaigning to bring about change in gender roles and challenging gender stereotypes, working to support women's and LGBTI rights advocates and organizations.

Increase partnership at national and international level with civil society working on gender, SOGI, Indigenous / minority belonging and partnerships initiated with organisations working on disability.

Strengthen implementation of Indigenous Peoples' rights regarding free, prior and informed consent;

Support strategic litigation on gender, discrimination and LGBTI rights issues.

WHAT AI AIMS TO ACHIEVE...

LESS DISCRIMINATION AND IDENTITY-BASED VIOLENCE AND MORE EQUALITY ON THE BASIS OF GENDER, SEXUAL ORIENTATION AND GENDER IDENTITY

1. States implement specific changes in law, policy, practice and attitudes so communities and individuals who face discrimination are empowered to enjoy their agency and voice, and access justice and remedies;
2. Reduced incidence of hate crimes, and stronger domestic protections against identity-based violence;
3. Positive amendment or repeal of laws, policies or institutional practices that are discriminatory or have discriminatory effects and stronger national level legal or policy frameworks promoting equality and non-discrimination
4. Improved respect for Indigenous Peoples' right to self-determination with regard to their lands and natural resources;
5. Improved protection and reduction of direct and indirect discrimination and violence on grounds of gender, gender identity and sexual orientation, race, religion, ethnicity, minority, migratory or Indigenous status, nationality or other elements of identity;
6. Increase access to justice for women and girls, LGBTI people, Indigenous Peoples, ethnic or religious minorities and other marginalized groups including improved effective and affordable access to justice, support services and reparation;
7. Formal recognition of Indigenous Peoples and ethnic/religious/linguistic minorities and their rights under international standards and improved protection of their rights, including applying free, prior and informed consent processes for Indigenous Peoples facing challenges to their rights to land and natural resources;
8. Increased effective participation of women and girls, LGBTI persons, Indigenous Peoples, ethnic, linguistic and religious minorities in public life, particularly in the development, implementation and monitoring of programmes and policies that affect them;
9. States introduce measures to tackle disparities in access to ESC rights and develop methods for collection and disaggregation of data by all relevant prohibited grounds of discrimination to enable improved monitoring of inequality
10. States enhance their monitoring of compliance with post 2015 obligations particularly with respect to implementing the SDGs for women and girls, Indigenous Peoples and minorities, and for all groups experiencing discrimination
11. States implement human rights education, based on universality of human rights, gender equality and non-discrimination in their national curriculum
12. Improved protection of women / Indigenous / minority human rights defenders and defenders working on SOGI issues. Human rights defenders are able to work in a secure environment and are able to enjoy their rights, including to freedom of expression, assembly and association



GOAL 2: SECURING EQUAL RIGHTS FOR ALL

a world in
which human
rights and
justice are
enjoyed
without
discrimination



Theory of Change for Gender and Discrimination (a summary)

What is the problem?

Individuals and groups face many, mutually reinforcing, forms of discrimination due to more than one aspect of their identity, including gender, sexual orientation, gender identity or expression, being a member of Indigenous Peoples or ethnic, religious or linguistic minorities. These people often experience numerous human rights violations through discriminatory laws or policies (direct discrimination), discriminatory effects of neutral laws & policies (indirect discrimination), and discriminatory stereotypes & social attitudes.

What is the impact of this problem?

Gender

- Pervasive gender discrimination places women and girls; lesbian, gay, bisexual, transgender and intersex (LGBTI) people and gender non-conforming individuals at risk of human rights violations
- Many people at risk of human rights violations due to existing gaps in laws prohibiting gender discrimination and violence, or promoting equality and non-discrimination on the grounds of gender, gender identity and sexual orientation
- Even where adequate laws exist, implementation is weak. A culture of impunity for gender-based violations remains.
- Barriers to women's full economic and political participation remain; they continue to earn less than men and continue to do a disproportionate amount of work that is unpaid and under-valued. Women remain under-represented in positions of leadership.

Sexual Orientation and Gender Identity

- Individuals who are, or are perceived to be, LGBTI are subjected to homophobic or transphobic harassment, violence or discrimination in all areas of life, including access to education, employment, housing and healthcare, as they fail to conform to stereotyped gender norms.
- In many countries there are laws that criminalise consensual sex between adults of the same sex. Despite that such laws violate human rights, they remain in force and LGBTI people are at risk of being arrested and convicted, experience high levels of harassment by state officials, and may be subjected to human rights abuses by private individuals with impunity. Even where there are not explicit criminalisation laws in place, LGBTI people are targeted through other legislation such as laws against crossdressing, public indecency or loitering; LGBTI people frequently lack legal protection from discrimination and violence, and may be subjected to other discriminatory laws.
- Medically unnecessary surgeries or other treatments for the purpose of 'normalising' an intersex person into a male or female sex are continue to be performed on infants and children without their consent.

Indigenous Peoples or ethnic, religious or linguistic minorities

- They continue to be disproportionately represented in the criminal justice system; they are discriminated against in access to education, health care and other public services and in the private sector such as in access to employment.
- Indigenous and minority women and girls often face intersectional discrimination resulting in increased sexual and gender-based violence, exclusion from decision-making processes, and denial of sexual and reproductive health rights.
- Members of religious minorities are treated with increasing prejudice and suspicion, and are subject to persecution by both state and non-state actors
- Indigenous peoples are marginalized in their own lands, where they face land grabbing and use of their land for mining and other projects, without their free, prior and informed consent.
- Indigenous Peoples are often denied the right to self-determination, in particular the right to take decisions about their lives and futures. The failure to recognise their collective rights as Indigenous Peoples can result in loss of ancestral lands and assimilation.

What are we aiming to achieve in response to this problem?

- **Less discrimination and identity-based violence, and more equality on the basis of gender, sexual orientation and gender identity**
 1. States implement specific changes in law, policy, practice and attitudes so communities and individuals who face discrimination are empowered to enjoy their agency and voice, and access justice and remedies;
 2. Reduced incidence of hate crimes, and stronger domestic protections against identity-based violence;
 3. Positive amendment or repeal of laws, policies or institutional practices that are discriminatory or have discriminatory effects and stronger national level legal or policy frameworks promoting equality and non-discrimination
 4. Improved respect for Indigenous Peoples' right to self-determination with regard to their lands and natural resources;
 5. Improved protection and reduction of direct and indirect discrimination and violence on grounds of gender, gender identity and sexual orientation, race, religion, ethnicity, minority, migratory or Indigenous status, nationality or other elements of identity;
 6. Increase access to justice for women and girls, LGBTI people, Indigenous Peoples, ethnic or religious minorities and other marginalized groups including improved effective and affordable access to justice, support services and reparation;
 7. Formal recognition of Indigenous Peoples and ethnic/religious/linguistic minorities and their rights under international standards and improved protection of their rights, including applying free, prior and informed consent processes for Indigenous Peoples facing challenges to their rights to land and natural resources;
 8. Increased effective participation of women and girls, LGBTI persons, Indigenous Peoples, ethnic, linguistic and religious minorities in public life, particularly in the development, implementation and monitoring of programmes and policies that affect them;
 9. States introduce measures to tackle disparities in access to ESC rights and develop methods for collection and disaggregation of data by all relevant prohibited grounds of discrimination to enable improved monitoring of inequality
 10. States enhance their monitoring of compliance with post 2015 obligations particularly with respect to implementing the SDGs for women and girls, Indigenous Peoples and minorities, and for all groups experiencing discrimination
 11. States implement human rights education, based on universality of human rights, gender equality and non-discrimination in their national curriculum
 12. Improved protection of women / Indigenous / minority human rights defenders and defenders working on SOGI issues. Human rights defenders are able to work in a secure environment and are able to enjoy their rights, including to freedom of expression, assembly and association

How will AI respond to achieve its desired outcomes?

- Research and campaigning to highlight systematic discrimination of women and girls, LGBTI persons, Indigenous Peoples and members of minorities in access to their human rights, justice and remedies;
- Standard setting, and regional and international advocacy, leverage of international pressure via IGOs;
- Support and strengthen WHRDs and LGBTI rights activists, and Indigenous and minority HRDs and activists to further enable them to campaign and advocate for their rights and those of others;
- Human rights education methodologies;
- Improvement of gender and diversity mainstreaming and awareness, gender and identity-based discrimination and violence, women's rights, LGBTI rights, minority and indigenous rights, throughout the AI movement to enhance capacity to deliver Goal 2;
- Increase reporting of human rights violations related to gender, SOGI, indigenous / minority belonging and other aspects of identity, under all the UN systems.
- Push for the greater involvement of men and boys in campaigning to bring about change in gender roles and challenging gender stereotypes, working to support women's and LGBTI rights advocates and organizations.
- Increase partnership at national and international level with civil society working on gender, SOGI, Indigenous / minority belonging and partnerships initiated with organisations working on disability.
- Strengthen implementation of Indigenous Peoples' rights regarding free, prior and informed consent;
- Support strategic litigation on gender, discrimination and LGBTI rights issues.

What are some barriers from achieving the desired outcomes?

- Lack of political will and prioritization to address discrimination at local, national, regional and international levels.
- Well organized and well-funded conservative religious and political groups opposed to gender equality, LGBTI rights and women's rights, especially sexual and reproductive rights to undermine existing obligations to advance gender equality and blocking further progress;
- Ineffective strategies to tackle lack of accountability for those perpetuating discrimination and violating women's and LGBTI rights, both states and non-state actors;
- Systemic levels of gender-based violence, used to punish and control individuals, maintain unequal power relations, and silence those who advocate for human rights and equality; Public prejudice against groups experiencing discrimination, providing a disincentive to politicians to act;
- Deep rooted discriminatory attitudes amongst those in positions of power and responsibility including police forces, prosecutors, judges, politicians, business leaders, and media;
- Lack of a critical mass of men's engagement and support for women's movements in advocating for equality and women's rights;
- Within the broader tendency to reduce civil society space, women, LGBTI and Indigenous/minority HRDs are specifically targeted, limiting their ability to challenge discrimination
- At the national levels, absence of strong, consistent gathering of data disaggregated by sex and other grounds for discrimination, of the impact of discrimination and levels of gender and identity-based human rights violations, making it difficult to fully understand the extent of the problem and the appropriate solutions needed, and impeding monitoring of progress;
- Corporate influence with states, driving decisions on large-scale development projects on indigenous lands;
- Lack of public and civil society awareness and understanding of LGBTI rights as a human rights issue;
- Lack of gender mainstreaming within AI and insufficient resources for backing up this area of work.

What are some major windows of opportunity to capitalize on?

- Agenda 2030 and the Sustainable Development Goals; ICPD beyond 2014
- OHCHR Study on "Criminalization of Sexuality and Reproduction" and related planned norm building activities
- 2016 UN General Assembly Special Session on Drugs
- 2019 – 40th anniversary of the adoption of CEDAW by the GA
- 2016: beginning of implementation of Sustainable Development Goals (focus on gender and marginalized groups)
- 2017: 10th anniversary of UN Declaration on Rights of Indigenous Peoples and 25th anniversary of UN Declaration on rights of Minorities
- UNHRC SOGI resolution (next resolution expected in 2016/7)
- OAS Negotiations on Draft Declaration on Indigenous Peoples' Rights (2016)

THEORY OF CHANGE FOR ECONOMIC, SOCIAL AND CULTURAL RIGHTS

WHAT IS THE PROBLEM?

Governments failing to meet obligations on ECSR rights by creating new or compounding/failing to remove existing barriers for marginalised individuals and communities to access services

More specifically:

- Lack of and/or inadequate legal protection and aid for marginalized individuals and communities, exacerbated by misuse of criminal law and judges lacking in knowledge of international human rights law
- Poor regulation of increased private sector service delivery that is impacting universal access, affordability and quality of services
- States abdicating their responsibility to promote equality and non-discrimination by cutting services for the poorest and most marginalised, whilst also limiting information on human rights for meaningful participation particularly
- Tax evasion and tax avoidance impacting the ability of states to generate sufficient revenue to meet socio-economic needs of their populations and, consequently, their obligation to realise ESCR according to maximum available resources

WHAT IS THE IMPACT OF THE PROBLEM?

Entire communities often denied access to minimum essential levels of several of the core components of ESCR, in particular to healthcare, housing and access to food. The situation is particularly severe for those who face stigma and discrimination on multiple grounds such as but not limited to gender, race, socio-economic status, age and disability.

WHAT WILL AI DO...

Highlight human rights violations in the ESCR realm that arise from acts of omission by the state.

Communicate that AI is not ideologically opposed to private control of essential services per se, but if not adequately regulated and made accountable, it can result in detrimental impacts on people's ESCR.

Research and provide documented evidence on how privatized services can result in retrogression in enjoyment of ESCR due to cut-off supply after user costs are put beyond the means of low-income communities, and an overreliance by the state on the private sector in providing essential services could result to the state's failure to fulfil rights for those who cannot afford such services.

Advocate to developmental, national, local actors and those in the private sector.

Section-led campaigning in the home countries of some of the major corporate actors.

Explore opportunities to employ active participation in implementation to better support communities in claiming and enjoying their ESCR.

Work on the indicators used to monitor the targets set in the Post 2015 process, which are key to strengthening accountability and ensuring human rights standards are adhered to.

Work in partnership with local partners and coalitions to advocate and provide necessary expertise in developing indicators, where required.

Develop our own capacity and that of local organizations in monitoring data collection and gathering evidence to identify gaps in country reporting.

Apply political pressure on the one hand, but also engage constructively with authorities, particularly at the local level, to address issues of technical capacity in how human rights can be effectively mainstreamed into the delivery of services.

Develop our own internal capacity and knowledge linked to the challenges faced by state actors (including public health officials, social service providers and law enforcement representatives) in ensuring that everybody has access to affordable quality services.

Push for responsiveness and accountability of institutions to marginalized communities.

Develop AI's capacity on working on human rights violations linked to privatization and tax justice.

WHAT AI AIMS TO ACHIEVE...

Marginalized communities better understand their rights and have the confidence, access to information, skills and capacity to take concrete action (campaign, engage with policy makers, mobilize others through raising awareness), actively participate in decisions that affect their ESCR, and use available mechanisms to seek redress, influence policy, and hold authorities to account;

Marginalized communities have improved access to essential services, particularly health and housing, without discrimination;

Privatization of service delivery does not result in unaffordable and inaccessible services for users;

ESCR defenders can claim their rights on behalf of themselves and others without being subject to repressive measures;

Robust regulatory frameworks are put in place to ensure that private service providers are prevented from denying people's rights to essential services;

Policies that disproportionately impact upon or discriminate against marginalized individuals and groups are revised or abolished;

International trade agreements include human rights clauses and safeguards regarding the privatisation of public services;

States' fiscal policies are committed to maximizing revenue generation by addressing tax evasion and aggressive tax avoidance including by foreign corporations;

Key accountable institutions are responsive to minority communities, enabling them to exercise their rights

Better legal and accountability frameworks for ESCR and the Sustainable Development Goals at the international and national levels;

International and regional human rights mechanisms increase their focus on extraterritorial obligations;

Accountability frameworks encompass effective remedies for ESCR violations including lack of access to services, forced evictions and unjustifiable retrogressive measures, and States implement positive decisions by accountability mechanisms;

Accountability mechanisms are strengthened to ensure violations supported by International Financial Institutions are adequately remedied;

Transparency is enhanced through improved access to information.



**GOAL 2:
SECURING
EQUAL
RIGHTS FOR
ALL**

**a world in
which human
rights and
justice are
enjoyed
without
discrimination**



Theory of Change for Economic, Social and Cultural Rights (a summary)

What is the problem?

Many governments fail to meet their obligation to fulfil economic, social and cultural rights (ESCR), particularly in relation to the provision of essential services and the need to ensure that they maximize their resources and not abdicate their responsibility and over rely on other actors, such as the private sector, without proper regulation and accountability. These failures adversely affect marginalised individuals and communities. There is an increasingly prevailing view that human rights has no place in development and the provision of socio-economic goods and services, rather it is often seen as a hindrance not a benefit for better processes and outcomes.

More specifically:

➤ **Barriers to accessing services and remedy**

1. Enjoyment and enforceability of ESCR in many countries is still a distant dream. Inequality and exclusion are both a cause and consequence of human rights abuses. ESCR legal protection and legal aid are lacking, and regulatory bodies are ineffective. Criminal law and statutory punitive measures are misused against marginalized individuals and communities. Many judges lack international human rights law knowledge and relevant judgements are not enforced.
2. States have abdicated their responsibility to ensure that the core components of ESCRs are provided in manner that promotes equality and non-discrimination. The situation is particularly severe for those who face discrimination on multiple grounds such as gender, race, socio-economic status and disability.
3. Barriers to enjoyment of ESCR include lack of meaningful participation, access to relevant information, knowledge and understanding of human rights and effective mechanisms to hold both states and non-state actors to account for ESCR violations.
4. Gender and context specific barriers related to the status of women in the family, community and society which links to their lack of power to make decisions affecting their lives, including on use of resources, continue. Similarly there are barriers related to ingrained prejudice, discrimination and stigma that hinders their ability to equally access services.
5. Many States, including “global northern” countries, do not accept they have extraterritorial obligations to respect, protect and fulfil ESCR of people outside their borders.
6. Climate change is increasingly becoming one of the biggest barriers to the enjoyment of rights to housing, water, food, health and adequate standard of living, and will undermine access to public services, particularly for marginalized communities who have limited ability to hold their governments and corporations to account, particularly those outside their borders.

➤ **Increasing privatization**

7. The private provision and control of essential services (including public private partnerships), promoted by governments and international trade agreements, impact on affordability, accessibility and sometimes quality of service. Sometimes, these are done without human rights impact assessments. While privatization can contribute to the provision of services, it can be a barrier to universal access if not properly regulated. The state's failure to meet its obligation to protect ESCR in this context can result in violations of rights to health, education, housing, etc., particularly for the poorest and most marginalized.
8. Approaches that require states to maintain an element of cost recovery on certain services have a significant impact on people's access to housing and health services, and can have gendered and indirectly discriminatory consequences, such as obligatory payment for contraceptive health care, information, services or goods, even if substantially subsidised. Such costs can result in women and girls who have limited resources, to have multiple unwanted and sometimes risky pregnancies. The differential impact of privatization of services on women compared to men is often significant.

➤ **Role of international financial institutions (IFIs)**

9. Project and policy development supported by IFIs such as the World Bank often adversely impact marginalized communities and individuals, facilitating or contributing to human rights violations such as displacements and forced evictions, with accompanying impacts on livelihoods.
10. States fail to ensure that their international assistance, provided through IFIs, is guided by adequate human rights due diligence to ensure that it supports realisation of ESCR and does not lead, contribute to or exacerbate human rights abuses.
11. States providing development aid through IFIs fail to ensure their corporations do not abuse rights abroad.
12. At the national level, there is no legislation addressing States' extra territorial human rights obligations.

➤ **Tax justice**

13. Tax evasion and tax avoidance negatively impact upon the ability of states to maximize revenue to meet the socio-economic needs of their populations and, consequently, their obligation to progressively realise ESCR according to their maximum available resources.
14. Failure to pursue a tax justice agenda instead of regressive fiscal policies has resulted in growing inequality.

➤ **Human rights defenders**

15. ESCR human rights defenders are increasingly targeted because of their opposition to land grabbing, forced evictions, development, working conditions, restrictions on sexual, reproductive health rights (linked to Goal 1).

➤ **ESCR response to conflict and disaster**

16. Responses to conflicts and disasters are at times inadequate in terms of ESCR concerns, and conversely, there is a need to give greater emphasis on the underlying socio-economic causes of conflict (linked to Goal 3).

What is the impact of this problem?

Entire communities are often denied access to minimum essential levels of several of the core components of ESCR, in particular the rights to healthcare, housing and access to food. The situation is particularly severe for those who face stigma and discrimination on multiple grounds such as, but not limited to, gender, race, socio-economic status, age and disability.

What are we aiming to achieve in response to this problem?

- Marginalized communities better understand their rights and have the confidence, access to information, skills and capacity to take concrete action (campaign, engage with policy makers, mobilize others through raising awareness), actively participate in decisions that affect their ESCR, and use available mechanisms to seek redress, influence policy, and hold authorities to account;
- Marginalized communities have improved access to essential services, particularly health and housing, without discrimination;
- Privatization of service delivery does not result in unaffordable and inaccessible services for users;
- ESCR defenders can claim their rights on behalf of themselves and others without being subject to repressive measures;
- Robust regulatory frameworks are put in place to ensure that private service providers are prevented from denying people's rights to essential services;
- Policies that disproportionately impact upon or discriminate against marginalized individuals and groups are revised or abolished;
- International trade agreements include human rights clauses and safeguards regarding the privatisation of public services;
- States' fiscal policies are committed to maximizing revenue generation by addressing tax evasion and aggressive tax avoidance including by foreign corporations;
- Key accountable institutions are responsive to minority communities, enabling them to exercise their rights
- Better legal and accountability frameworks for ESCR and the Sustainable Development Goals at the international and national levels;
- International and regional human rights mechanisms increase their focus on extraterritorial obligations;
- Accountability frameworks encompass effective remedies for ESCR violations including lack of access to services, forced evictions and unjustifiable retrogressive measures, and States implement positive decisions by accountability mechanisms;
- Accountability mechanisms are strengthened to ensure violations supported by International Financial Institutions are adequately remedied;
- Transparency is enhanced through improved access to information.

How will AI respond to achieve its desired outcomes?

- Highlight human rights violations in the ESCR realm that arise from acts of omission by the state.
- Communicate that AI is not ideologically opposed to private control of essential services per se, but if not adequately regulated and made accountable, it can result in detrimental impacts on people's ESCR.
- Research and provide documented evidence on how privatized services can result in retrogression in enjoyment of ESCR due to cut-off supply after user costs are put beyond the means of low-income communities, and an overreliance by the state on the private sector in providing essential services could result to the state's failure to fulfil rights for those who cannot afford such services.

Amnesty International's Theory of Change 2016-2019 (SUMMARIES)

- Advocate to developmental, national, local actors and those in the private sector.
- Section-led campaigning in the home countries of some of the major corporate actors.
- Explore opportunities to employ active participation in implementation to better support communities in claiming and enjoying their ESCR.
- Work on the indicators used to monitor the targets set in the Post 2015 process, which are key to strengthening accountability and ensuring human rights standards are adhered to.
- Work in partnership with local partners and coalitions to advocate and provide necessary expertise in developing indicators, where required.
- Develop our own capacity and that of local organizations in monitoring data collection and gathering evidence to identify gaps in country reporting.
- Apply political pressure on the one hand, but also engage constructively with authorities, particularly at the local level, to address issues of technical capacity in how human rights can be effectively mainstreamed into the delivery of services.
- Develop our own internal capacity and knowledge linked to the challenges faced by state actors (including public health officials, social service providers and law enforcement representatives) in ensuring that everybody has access to affordable quality services.
- Push for responsiveness and accountability of institutions to marginalized communities.
- Develop AI's capacity on working on human rights violations linked to privatization and tax justice.

What are some barriers from achieving the desired outcomes?

Political/economic

- Lack of political will and refusal of governments to recognize that the denial of access to essential services and the accompanying retrogressive measures are violations of human rights;
- Lack of political will to develop human rights impact assessments with respect to the process of privatization of public services;
- Lack of disaggregated data to monitor the obligation of progressive realization of ESCR;
- Lack of will to facilitate active participation mechanisms to involve affected communities affected in political decision-making related to ESCR;
- Significant vested interests promoting privatization which will resist attempts to ensure greater regulation and accountability;
- An emerging "consensus" amongst states that the private sector and finance are seen as the fuel for development;
- Increasing proportion of aid being delivered through the private sector, compounded by States (particularly in the "global north") not recognizing they have extraterritorial obligations;
- Significant opposition to making structural changes that would meet the needs of particular groups, such as people living in informal settlements and those most at risk of discrimination, like women and minorities.
- Many governments in the "global south" do not want to be compelled to consider the human rights obligations with respect to the post 2015 agenda and sustainable development.

Technical capacity – The ability of state actors, particularly those at local level, to ensure that their human rights obligations are taken into account when designing, deciding on and implementing the delivery of services and issuing tenders for private actors.

Lack of people centric / accessible accountability frameworks – Only some countries have strong ESCR legal (constitutional/statutory) frameworks with the potential to obtain remedies for violations at the national level including extraterritorial obligations. Even where accountability frameworks for ESCR exist, they are inaccessible - distant, opaque, expensive, unpredictable and time consuming – particularly for the most marginalized.

Stigma and Discrimination – Stigma and discrimination disparately impacts those living in poverty and serves as the basis for discriminatory laws and policies.

Internal AI barriers

- Limited resources in terms of staff, money, expertise, campaigning space etc. means that AI's scope for monitoring ESCR across the movement, particularly in relation to the fulfil element with respect to state obligations, is currently too limited.

Amnesty International's Theory of Change 2016-2019 (SUMMARIES)

- Limited knowledge and understanding of campaign issues by AI's activists, as well as understanding and ability to apply bottom up methodologies and techniques to working with rights holders that encourage the active participation of individuals and communities in our work.
- The space, security and potential impact of lobbying and accountability by many populations in the global north is probably greater than for communities in poorer countries in the global south. There has to be inclusion of the latter. Solidarity between communities in the global north and south, engagement with the greater use of social media/digital technology is needed. Funding has to be secured for this.

What are some major windows of opportunity to capitalize on?

- The post 2015 agenda and new Sustainable Development Goals should be an opportunity to advance ESCR enjoyment whilst increasing accountability but there is a risk (as with the Millennium Development Goals) that cumulative developmental gains will be made at the expense of ensuring that everybody's rights are respected, protected and fulfilled and 'nobody is left behind'.

Why AI?

Considering this and our long association with civil and political rights we are particularly well placed to show leadership on ESCR and in promoting the indivisibility of rights. We also have strong track record of working with communities, engaging at the policy level, campaigning through human rights education, and are well placed to conduct and support strategic litigation.



GOAL 3: RESPONDING TO CRISES

**A WORLD IN WHICH PEOPLE ARE PROTECTED
DURING CONFLICT AND CRISES**

- International Justice (jointly with goal 4)
- People Affected by Conflict
- Global and Regional Mechanisms

THEORY OF CHANGE FOR PEOPLE AFFECTED BY CONFLICT

WHAT IS THE PROBLEM?

Inadequate international response, particularly from the Middle East, North Africa and EU context, for over 50 million displaced people fleeing conflict, largely against the intent of international human rights and refugee law.

Host countries often framing refugees as 'illegal immigrants' who exploit host countries' generosity for political gain.

WHAT IS THE IMPACT OF THE PROBLEM?

Refugees suffering massive enforced displacement, often making dangerous journeys in seeking asylum despite the rise of lawlessness and threat posed by armed groups (such as in Libya), short-term shelter and risks that undermine the international protection system (such as in Asia).



WHAT WILL AI DO...

Conduct research, advocacy and campaigning on countries of origin, transit and destination, highlighting human rights violations, failures to meet international obligations and failures to ensure the safety and adequate protection of refugees and asylum seekers;

Collaborate with national and local organizations in highlighting the plight of refugees and asylum seekers;

Incorporate comprehensive human rights education and activism approaches that tackle hate speech, xenophobia, racism and discrimination that create a hostile environment for refugees and asylum seekers, providing members, supporters and activists the tools, guidance and resources to help shift the public narrative on refugees and asylum seekers;

Tackle issues of political stability within countries of transit that lead to dangerous sea crossings and press states for more adequate protection responses to refugees/asylum seekers in transit;

Raise awareness of humanitarian impact on, and need for humanitarian assistance and protection of, internally displaced individuals and besieged communities in crisis or conflict zones through research documentation, media, campaigns and advocacy;

Monitor the implementation of relevant UN Security Council resolutions relating to conduct of hostilities, protection of civilians and humanitarian access (including arbitrary detention, torture and enforced disappearances) and pressure key influencer states to ensure implementation;

Develop an approach to regional mechanisms within the Middle East and beyond (Arab League, Gulf Cooperation Council, Organization of Islamic Cooperation, to harness their influence in opening opportunities for dialogue;

Advocate against closed border and push-back practices and refugee determination processes that do not meet international standards such as those in place in Australia;

Continue work on enforced disappearances, detention and torture in the context of conflict and crises.

WHAT AI AIMS TO ACHIEVE...



Improved protection of internally displaced peoples, refugees and asylum seekers, with countries of transit and destination ensuring safe access to humanitarian assistance, protection and essential services, more effective implementation of laws and policies to prevent closed borders and other push back practices;



Increased numbers of global resettlement places for refugees and asylum seekers fleeing conflict and crises;



An end to processes for determining refugee status that do not meet international human rights standards;



Governments implement effective measures to tackle xenophobia including hate speech, incitement to violence and physical attacks;



Stronger safeguards and preventive measures in specified national country contexts to address conflict-related abuses such as enforced disappearances, arbitrary detention and torture.

GOAL 3: RESPONDING TO CRISES

a world in
which people
are protected
during conflict
and crises

Theory of Change for People Affected by Conflict (a summary)

What is the problem?

The number of people – mostly women and children – forced to flee their homes across the world has now exceeded 50 million for the first time since the Second World War. Most of these displaced people are hosted in developing countries. Within the Middle East, North Africa and EU context, governments have shown themselves reluctant to step forward and provide the essential assistance that refugees fleeing conflict require. International responses have been inadequate and, in some instances, even prohibitive and punitive, against the spirit and intent of international human rights and refugee law, often demonising the very people in need of protection.

Resettlement of refugees, closed border processes and their off-shore processing remain a key concern. Enforced disappearances, arbitrary detention and torture continue in the context of armed conflict, and thousands of refugees and migrants end up in immigration detention centres facing abuses, and in some cases indefinite detention in deplorable conditions. This is exacerbated by host countries who present the view - often for political gain - that such refugees and asylum seekers are “illegal immigrants” who exploit host countries' generosity.

What is the impact of this problem?

A record-breaking 38 million people were forcibly displaced within their own country by violence in 2014. Iraqi civilians, followed by Syria (with 40 per cent of Syria's population), suffered the most displacement. At least 3,419 people (many of whom were fleeing conflict) died making the sea crossing into Europe in 2014 and thousands more continue to take the dangerous journey- despite the rise of lawlessness and threat posed by armed groups in the transit through Libya. Europe, for the first time in more than a decade, suffered massive enforced displacement caused by war in eastern Ukraine. In Asia, measures in place to provide shelter are too short-term and inadequate and risk undermining the international protection system.

What are we aiming to achieve in response to this problem?

- Improved protection of internally displaced peoples, refugees and asylum seekers, with countries of transit and destination ensuring safe access to humanitarian assistance, protection and essential services, more effective implementation of laws and policies to prevent closed borders and other push back practices;
- Increased numbers of global resettlement places for refugees and asylum seekers fleeing conflict and crises;
- An end to processes for determining refugee status that do not meet international human rights standards;
- Governments implement effective measures to tackle xenophobia including hate speech, incitement to violence and physical attacks;
- Stronger safeguards and preventive measures in specified national country contexts to address conflict-related abuses such as enforced disappearances, arbitrary detention and torture.

How will AI respond to achieve its desired outcomes?

- Conduct research, advocacy and campaigning on countries of origin, transit and destination, highlighting human rights violations, failures to meet international obligations and failures to ensure the safety and adequate protection of refugees and asylum seekers;
- Collaborate with national and local organizations in highlighting the plight of refugees and asylum seekers;
- Incorporate comprehensive human rights education and activism approaches that tackle hate speech, xenophobia, racism and discrimination that create a hostile environment for refugees and asylum seekers, providing members, supporters and activists the tools, guidance and resources to help shift the public narrative on refugees and asylum seekers;
- Tackle issues of political stability within countries of transit that lead to dangerous sea crossings and press states for more adequate protection responses to refugees/asylum seekers in transit;
- Raise awareness of humanitarian impact on, and need for humanitarian assistance and protection of, internally displaced individuals and besieged communities in crisis or conflict zones through research documentation, media, campaigns and advocacy;
- Monitor the implementation of relevant UN Security Council resolutions relating to conduct of hostilities, protection of civilians and humanitarian access (including arbitrary detention, torture and enforced disappearances) and pressure key influencer states to ensure implementation;
- Develop an approach to regional mechanisms within the Middle East and beyond (Arab League, Gulf Cooperation Council, Organization of Islamic Cooperation, to harness their influence in opening opportunities for dialogue;
- Advocate against closed border and push-back practices and refugee determination processes that do not meet international standards such as those in place in Australia;
- Continue work on enforced disappearances, detention and torture in the context of conflict and crises.

What are some barriers from achieving the desired outcomes?

- Increased hate speech, xenophobia and discrimination against refugees and asylum seekers with media/states perpetuating a hostile environment for vulnerable groups;
- Weak political and legal systems in transit countries (such as Libya) that allow for criminal gangs/traffickers to operate with impunity without adequate safeguards in place;
- A global approach to resettlement that is inadequate to the scale and numbers of refugees and asylum seekers seeking sanctuary and protection;
- Lack of a coordinated response in some key regions, such as the EU, in formulating a coherent response to refugees and asylum seekers leaving hundreds of thousands in political and humanitarian limbo;
- Increased attempts to take forward closed border processes, push-back practices and off-shore processing for refugees and asylum seekers where this is not already the case;
- Increased number of contexts where refugee status determination processes are not in line with UN standards;
- The pace of new refugee and asylum seekers crises is overwhelming both countries of origin, transit and destination;
- Continued barriers to implementing UN Security Council resolutions relating to humanitarian access to internally displaced peoples and besieged communities and to arbitrary detention and enforced disappearances.

What are some major windows of opportunity to capitalize on?

To be scoped.

Why AI?

AI has a strong track record of work related to internally displaced peoples, refugees, asylum seekers and migrants. This new focus, will build on recent campaigns such as Open to Syria, SOS Europe and our work on the refugee camps in Lebanon and Jordan, but also take a holistic global overview to ensure that the needs of the most vulnerable are better understood and prioritised at international, regional and national levels.

THEORY OF CHANGE FOR GLOBAL AND REGIONAL MECHANISMS

WHAT IS THE PROBLEM?

Existing institutional frameworks, often marked by political impasse or lack of political will, do not adequately respond to the needs of civilians in crisis and conflict to protect them

WHAT IS THE IMPACT OF THE PROBLEM?

Crisis, conflict and its aftermath corrode virtually every aspect of society: law and order, human rights, socioeconomic development, education and health services and the environment.



WHAT WILL AI DO...

Pressure the UN for veto restraint by:

- (1) Working with key member states, building support through AI's regional offices and national entities,
- (2) Raising awareness in key foreign capitals through advocacy work and media work with a view of strengthening the awareness of Security Council responsibilities under the UN Charter, and
- (3) Beginning track II work within China with think tanks and other receptive organizations;

Strengthen and increase use of international and regional mechanisms in relation to protection of civilians in conflict and crises by:

- (1) Strengthening advocacy work in regional offices and effectively using levers of power among the relevant actors and public opinion to change the course of events,
- (2) Mobilize public support and build partnership with local NGOs;

Pressure for peacekeeping reform by:

- (1) Increasing work with regional mechanisms, UN agencies and private companies working in crisis and conflict with a view of embedding a human rights framework into their missions;
- (2) Pressuring more effective coordinating mechanisms at regional and cross-regional levels;

Early warning work and timely crisis response by:

- (1) Using high-tech and all-source research tools, satellite technology,
- (2) Developing and refining remote research capabilities in places where access is impossible,
- (3) Using statistical modelling and big data software in our research to determine which actors are exacerbating a conflict

Prevention, protection and participation, including:

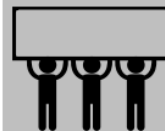
- (1) Involving affected individuals and communities to design, build and drive forward joint activities and initiatives to support women civil society organizations and women human rights defenders to participate in peace and political processes;
- (2) Supporting affected individuals and communities to access justice and address impunity for human rights violations, particularly sexual/gender-based violence.

WHAT AI AIMS TO ACHIEVE...

BETTER PROTECTION OF CIVILIANS IN CONFLICT OR CRISES, SPECIFICALLY THROUGH:



The five permanent members of the UN Security Council voluntarily pledge to not use their right to veto resolutions in cases where 'mass atrocities' have been or are about to be committed;



Improved or strengthened international and regional responses to ensure the protection of civilians through addressing deficiencies in existing mechanisms linked to:

- (1) UN peacekeeping reform (integrating a gender perspective and strong protection and human rights mandate into peacekeeping operations)
- (2) The effective implementation of resolutions addressing crises such as resolutions imposing arms embargoes in key countries
- (3) Referring crises situations, as appropriate, to the International Criminal Court



Better use of human rights procedures, within UN and regional mechanisms, as a means to bring attention to emerging crises/conflicts in order to support early interventions;



Improved implementation of UN Security Council resolutions relating to women, peace and security on prevention, protection, participation of women in peace and political processes, relief and reparations specific to conflict situation.



GOAL 3: RESPONDING TO CRISES

a world in
which people
are protected
during conflict
and crises

Theory of Change for Global and Regional Mechanisms (a summary)

What is the problem?

The protection of civilians in crisis and conflict is one of the key challenges currently facing the international community. In an increasingly multi-polar world, the existing institutional frameworks- often marked by political impasse or lack of political will - do not adequately respond to or do not meet the scope, scale or nature of the challenges of modern crisis and conflict. Some of these challenges include the rise of non-state actors and asymmetric and hybrid conflict contexts.

What is the impact of this problem?

Crisis, conflict and its aftermath corrode virtually every aspect of society: law and order, human rights, socioeconomic development, education and health services and the environment.

What are we aiming to achieve in response to this problem?

Better protection of civilians in conflict or crises, specifically through:

- The five permanent members of the UN Security Council voluntarily pledge to not use their right to veto resolutions in cases where 'mass atrocities' have been or are about to be committed;
- Improved or strengthened international and regional responses to ensure the protection of civilians through addressing deficiencies in existing mechanisms linked to:
 - (1) UN peacekeeping reform (integrating a gender perspective and strong protection and human rights mandate into peacekeeping operations);
 - (2) The effective implementation of resolutions addressing crises such as resolutions imposing arms embargoes in key countries;
 - (3) Referring crises situations, as appropriate, to the International Criminal Court;
- Better use of human rights procedures, within UN and regional mechanisms, as a means to bring attention to emerging crises/conflicts in order to support early interventions;
- Improved implementation of UN Security Council resolutions relating to women, peace and security on prevention, protection, participation of women in peace and political processes, relief and reparations specific to conflict situation.

How will AI respond to achieve its desired outcomes?

- Pressure the UN for veto restraint by:
 - (1) Working with key member states, building support through AI's regional offices and national entities,
 - (2) Raising awareness in key foreign capitals through advocacy work and media work with a view of strengthening the awareness of Security Council responsibilities under the UN Charter, and
 - (3) Beginning track II work within China with think tanks and other receptive organizations;
- Strengthen and increase use of international and regional mechanisms in relation to protection of civilians in conflict and crises by:
 - (1) Strengthening advocacy work in regional offices and effectively using levers of power among the relevant actors and public opinion to change the course of events,
 - (2) Mobilize public support and build partnership with local NGOs;
- Pressure for peacekeeping reform by:
 - (1) Increasing work with regional mechanisms, UN agencies and private companies working in crisis and conflict with a view of embedding a human rights framework into their missions;
 - (2) Pressuring more effective coordinating mechanisms at regional and cross-regional levels;
- Early warning work and timely crisis response by:
 - (1) Using high-tech and all-source research tools, satellite technology,
 - (2) Developing and refining remote research capabilities in places where access is impossible,
 - (3) Using statistical modelling and big data software in our research to determine which actors are exacerbating a conflict
- Prevention, protection and participation, including:
 - (1) Involving affected individuals and communities to design, build and drive forward joint activities and initiatives to support women civil society organizations and women human rights defenders to participate in peace and political processes;
 - (2) Supporting affected individuals and communities to access justice and address impunity for human rights violations, particularly sexual/gender-based violence.

What are some barriers from achieving the desired outcomes?

- In regards to veto restraint, there is no legal definition of mass atrocities. Externally commissioned analysis suggests that the most defensible legal option for mass atrocity crimes would be genocide and crimes against humanity. To include war crimes would require adding the qualification of large-scale, which is not legally defined.
- Another challenge in this debate is how to set parameters on the type of resolutions that could be authored under veto restraint. There is much further analysis needed on AI's approach to veto restraint, what we would technically want to see in place and any potential asks.
- In regards to peacekeeping, there are strongly worded mandates that are then under-resourced and difficult to meet resulting in peacekeeping missions under pressure and overstretched.
- There is an increasing move towards peace enforcement in certain contexts, as opposed to traditional peacekeeping missions. In some regions, such as the AU and the UN, this has created a major doctrinal gap. While the AU uses the term 'peace operations' for its missions, the UN's preferred terminology is 'peacekeeping'. As such the Peacekeeping Operations Review is critical to understand some of the doctrinal and practical challenges facing UN/regional mechanisms approach to protection of civilians. This has implications for AI policy, in particular our position on the use of force and we will need to ensure we have robust policy positions across the peacekeeping-peace enforcement/R2P spectrum.
- In terms of ensuring protection (from violence), prevention (of violence), participation (in peace/political processes) and addressing impunity for human rights and SGBV (sexual gender based violence) violations, there has been limited progress in the last 15 years but there is much more to be done to take this work forward. Women's perspectives continue to be underrepresented in conflict prevention, resolution, protection and peacebuilding without a significant shift in how the resolution is implemented. Persistent gaps and challenges seriously hinder the implementation of the resolution, for example, low numbers of women in formal institutions in conflict prevention, especially in preventative diplomacy and mediation efforts.

What are some major windows of opportunity to capitalize on?

Veto restraint:

- Increasing calls from civil society, I/NGOs for veto restraint;
- France aiming for P3 consensus by 70th anniversary of UN – Sept 2015

Peacekeeping reform

- Oct 2015: High Level Independent Panel on UN Peace Operations

UNSC 1325+ agenda

- Oct 2015 – UN High Level on Women, Peace and Security – will identify key recommendations which we will then need to map against AI priorities/synergies

Why AI?

Building on our previous advocacy, AI has a critical role to play to ensure human rights and protection approaches and earlier responses. This includes incorporating gender perspectives into field missions and advocating that genuine and meaningful engagement with affected individuals and communities is embedded in UN peacekeeping missions. AI is well-placed to play a critical role in helping to build a coalition to take forward the campaign around the veto for five members of the UN Security Council.

THEORY OF CHANGE FOR INTERNATIONAL JUSTICE



WHAT IS THE PROBLEM?

National authorities unable or unwilling to provide justice, truth and reparation to victims of crimes under international law often caused by lack of political will and/or weak justice systems.

The International Criminal Court faces significant challenges that threaten its integrity and effectiveness.

Grave human rights abuses caused by irresponsible weapons transfers and trade, hampered by gaps in legal frameworks and weak law enforcement

WHAT IS THE IMPACT OF THE PROBLEM?

States and non-state actors continue to commit crimes under international law, failing to deliver accountability and effective remedies to victims

Attacks on the International Criminal Court and on the application of universal jurisdiction threatens efforts to address impunity of the powerful- in particular heads of states.



WHAT WILL AI DO...

Document crimes committed under international law

Support nationally focused campaigns for justice, truth and reparation

Lobbying, advocacy and collaboration with national organizations so that international justice mechanisms can step in when national authorities fail to act

Legal analysis, litigation, lobbying and law reform campaigns that engage AI members and civil society partners, to strengthen the overall national, regional and international legal framework

Campaigning through AI's national entities to mobilise existing activists and recruit new activists where constituencies are key influencers

Expose irresponsible weapons transfers and their impact, and seek accountability for the indiscriminate use of explosive weapons as a violation of international humanitarian law

Pressure key arms exporters to commit to the principles of the Arms Trade Treaty

WHAT AI AIMS TO ACHIEVE...

TO DELIVER THE OUTCOMES OF STRATEGIC GOAL 3, WE AIM TO HAVE REDUCED IMPUNITY FOR PERPETRATORS AND JUSTICE FOR VICTIMS OF CRIMES UNDER INTERNATIONAL LAW IN SITUATIONS OF CRISIS AND CONFLICT specifically through:

- Incorporating international treaties for the prosecution of crimes into national laws
- The use of hybrid or internationalised courts in key situations
- Documentation of crimes committed under international law through independent regional and international mechanisms
- Exposing the impact of weapons on the human rights of individuals, holding states, individuals and corporations to account
- Prevention of transfers of military, security and police equipment where there is a known risk of human rights violations
- Key arms exporters committing to the principles of the Arms Trade Treaty

TO DELIVER THE OUTCOMES OF STRATEGIC GOAL 4, WE AIM TO HAVE REDUCED IMPUNITY FOR PERPETRATORS AND JUSTICE FOR VICTIMS OF CRIMES UNDER INTERNATIONAL LAW THROUGH THE STRENGTHENING AND EFFECTIVE USE OF HUMAN RIGHTS COMPLIANT ACCOUNTABILITY MECHANISMS specifically through:

- Promoting national justice, truth and reparation for crimes under international law
- (1) Victims in strategic countries are able to access justice, truth and reparation, including transformative measures to address the underlying discrimination which contributes to gender-based crimes or crimes involving sexual violence
- (2) National organisations campaigning for justice in key countries are empowered
- (3) Strategic countries strengthen their laws and practice to exercise universal jurisdiction for crimes under international law

-Promoting effective international and regional justice mechanisms for crimes under international law

- (1) The ICC's ability to ensure justice for victims of crimes under international law is enhanced through the defeat of amendments to the Rome Statute, the passing of amendments strengthening the ICC's legal framework, and the positive engagement by states to end political attempts to undermine it
- (2) Procedures to review ICC States Parties' compliance with their obligations to the Rome Statute
- (3) The ICC Prosecutor opens new investigations in key countries, unless there is significant progress at national level in these countries
- (4) The ICC concludes cooperation agreements with key member States and key regional organizations concerning the transfer and relocation of acquitted persons, and witness and victim protection
- (5) Increased awareness within civil society about the broader implications of the Malabo Protocol and the African Court on Human and Peoples' Rights

-Ensuring a stronger framework of international law to end impunity for crimes under international law through the International Law Commission (ILC)

- (1) In strategic cases, national, regional and international courts reject claims to immunity for crimes under international law
- (2) The ILC drafts a convention on crimes against humanity which includes a progressive iteration of states' obligations to investigate and prosecute such crimes and to provide victims access to reparation
- (3) The ILC drafts a set of guidelines that prohibit the provision of immunity to state officials in foreign criminal jurisdictions in cases involving crimes under international law
- (4) Prosecutorial authorities, judicial mechanisms, truth commissions and reparation programmes comply with international human rights law and standards to protect the rights of victims, witnesses, and alleged or convicted perpetrators.

GOAL 3: RESPONDING TO CRISES

a world in which
people are
protected during
conflict and crises

GOAL 4: ENSURING ACCOUNTABILITY

a world in which
human rights
abusers are held
accountable

Theory of Change for International Justice (a summary) shared between Goals 3 & 4

What is the problem?

National authorities are unwilling or unable to provide justice, truth and reparation to victims of crimes under international law. Often the problem is a lack of political will- in particular where victims are women, who in most cases lack political power, are poor and marginalized within society. In many countries, justice systems can also be weak with criminal justice mechanisms often facing intractable obstacles, including: defective legislation; failures to ratify and domesticate international treaties on crimes under international law; failures to criminalise crimes under international law; vested interests in preventing accountability; failures to protect due process and fair trial rights; lack of human and financial resources; corruption; and conflict. Thus, even where political will exists, international pressure and support is needed to strengthen the domestic criminal justice system, develop effective law reform and in some cases to establish hybrid domestic-international courts to advance efforts to end impunity.

The International Criminal Court (ICC) is an essential check on impunity at the national level, but faces significant challenges that threaten its integrity and effectiveness such as proposals to amend its Statute to recognize immunities for heads of state and a lack of cooperation from states. Grave human rights abuses in conflict and crisis caused by irresponsible weapons transfers and trade are also of concerns where accountability mechanisms for these transfer/trade are hampered by gaps in legal frameworks and weak enforcement of laws.

What is the impact of this problem?

States and non-state actors both continue to commit crimes under international law (genocide, crimes against humanity, war crimes, torture, and enforced disappearances). National justice systems in many countries continue to fail to deliver accountability and effective remedies to victims, particularly for people who are poor and marginalized, while attacks on international justice, including against the ICC and on the application of universal jurisdiction threaten the integrity and effectiveness of such mechanisms. Further attacks on the ICC undermine and threaten efforts to address impunity of the powerful- in particular head of states. In too many cases human rights protections become just an illusion due to lack of accountability.

What are we aiming to achieve in response to this problem?

To deliver the outcomes of **Strategic Goal 3**, we aim to have reduced impunity for perpetrators and justice for victims of crimes under international law **in situations of crisis and conflict**, specifically through:

- Incorporating international treaties for the prosecution of crimes into national laws, policy and practice,
- The use of hybrid or internationalised courts in key situations effectively,
- Documentation of crimes committed under international law through effective and independent regional and international mechanisms,
- Exposing the impact of weapons on the human rights of individuals, and holding states, individuals and corporations to account,
- The prevention of transfers of military, security and police equipment where there is a known risk of human rights violations,
- Key arms exporters committing to the principles of the Arms Trade Treaty;

To deliver the outcomes of **Strategic Goal 4**, we aim to have reduced impunity for perpetrators and justice for victims of crimes under international law through the **strengthening and effective use of human rights compliant accountability mechanisms**, specifically through:

- Promoting national justice, truth and reparation for crimes under international law
 - (1) Victims in strategic countries are able to access justice, truth and reparation, including transformative measures to address the underlying discrimination which contributes to gender-based crimes or crimes involving sexual violence
 - (2) National organisations campaigning for justice in key countries are empowered
 - (3) Strategic countries strengthen their laws and practice to exercise universal jurisdiction for crimes under international law
- Promoting effective international and regional justice mechanisms for crimes under international law
 - (1) The ICC's ability to ensure justice for victims of crimes under international law is enhanced through the defeat of amendments to the Rome Statute, the passing of amendments strengthening the ICC's legal framework, and the positive engagement by states to end political attempts to undermine it
 - (2) Procedures to review ICC States Parties' compliance with their obligations to the Rome Statute

- (3) The ICC Prosecutor opens new investigations in key countries, unless there is significant progress at national level in these countries
 - (4) The ICC concludes cooperation agreements with key member States and key regional organizations concerning the transfer and relocation of acquitted persons, and witness and victim protection
 - (5) Increased awareness within civil society about the broader implications of the Malabo Protocol and the African Court on Human and Peoples' Rights
- Ensuring a stronger framework of international law to end impunity for crimes under international law through the International Law Commission (ILC)
- (1) In strategic cases, national, regional and international courts reject claims to immunity for crimes under international law
 - (2) The ILC drafts a convention on crimes against humanity which includes a progressive iteration of states' obligations to investigate and prosecute such crimes and to provide victims access to reparation
 - (3) The ILC drafts a set of guidelines that prohibit the provision of immunity to state officials in foreign criminal jurisdictions in cases involving crimes under international law
 - (4) Prosecutorial authorities, judicial mechanisms, truth commissions and reparation programmes comply with international human rights law and standards to protect the rights of victims, witnesses, and alleged or convicted perpetrators.

How will AI respond to achieve its desired outcomes?

- Document crimes committed under international law
- Support nationally focused campaigns for justice, truth and reparation;
- Lobbying, advocacy and collaboration with national organizations so that international justice mechanisms can step in when national authorities fail to act;
- Legal analysis, litigation, lobbying and law reform campaigns that engage AI members and civil society partners, to strengthen the overall national, regional and international legal framework;
- Campaigning through AI's national entities to mobilise existing activists and recruit new activists where constituencies are key influencers;
- Expose irresponsible weapons transfers and their impact, and seek accountability for the indiscriminate use of explosive weapons as a violation of international humanitarian law;
- Pressure key arms exporters to commit to the principles of the Arms Trade Treaty;

What are some barriers from achieving the desired outcomes?

- A global unwillingness of states to bring the powerful to justice – in particular heads of state.
- Discrimination against victims, in particular women who in most cases are marginalized and lack political power, which prevents them from asserting their rights to justice, truth and reparation;
- Weak domestic legal systems in countries that are, or have recently come out of, crisis and conflict;
- Lack of resources to properly fund international justice mechanisms including the ICC;
- Continued political attacks on international justice by the African Union, compromising the integrity and effectiveness of the ICC and universal jurisdiction;
- States' geo-political interests and the agendas of some political leaders that drive political attacks against international justice efforts;
- Lack of cooperation by states with the ICC;
- Lack of awareness and understanding of the ICC and other international justice mechanisms among victims, civil society and governments;
- Possibility of a new emphasis within the EU, UN and other multilateral institutions on transitional justice (and reconciliation) as an alternative to international justice (and accountability);
- Political interests of key arms exporters, of whom some are permanent members of the UN Security Council;
- Increasing militarization discourse, often fed by arms lobby;
- Very limited number of examples where arms transferred was legally challenged; virtually all states do not apply human rights legal protections to situations in which they contribute, or permit companies to contribute;
- Lack of transparency in arms trade and difficulty to trace arms back to country of origin;
- Increase in illicit arms transfers and diversion of arms due to ineffective implementation of existing controls;
- Involvement of non-state armed groups in arms trade and widespread civilian possession of firearms.

What are some major windows of opportunity to capitalize on?

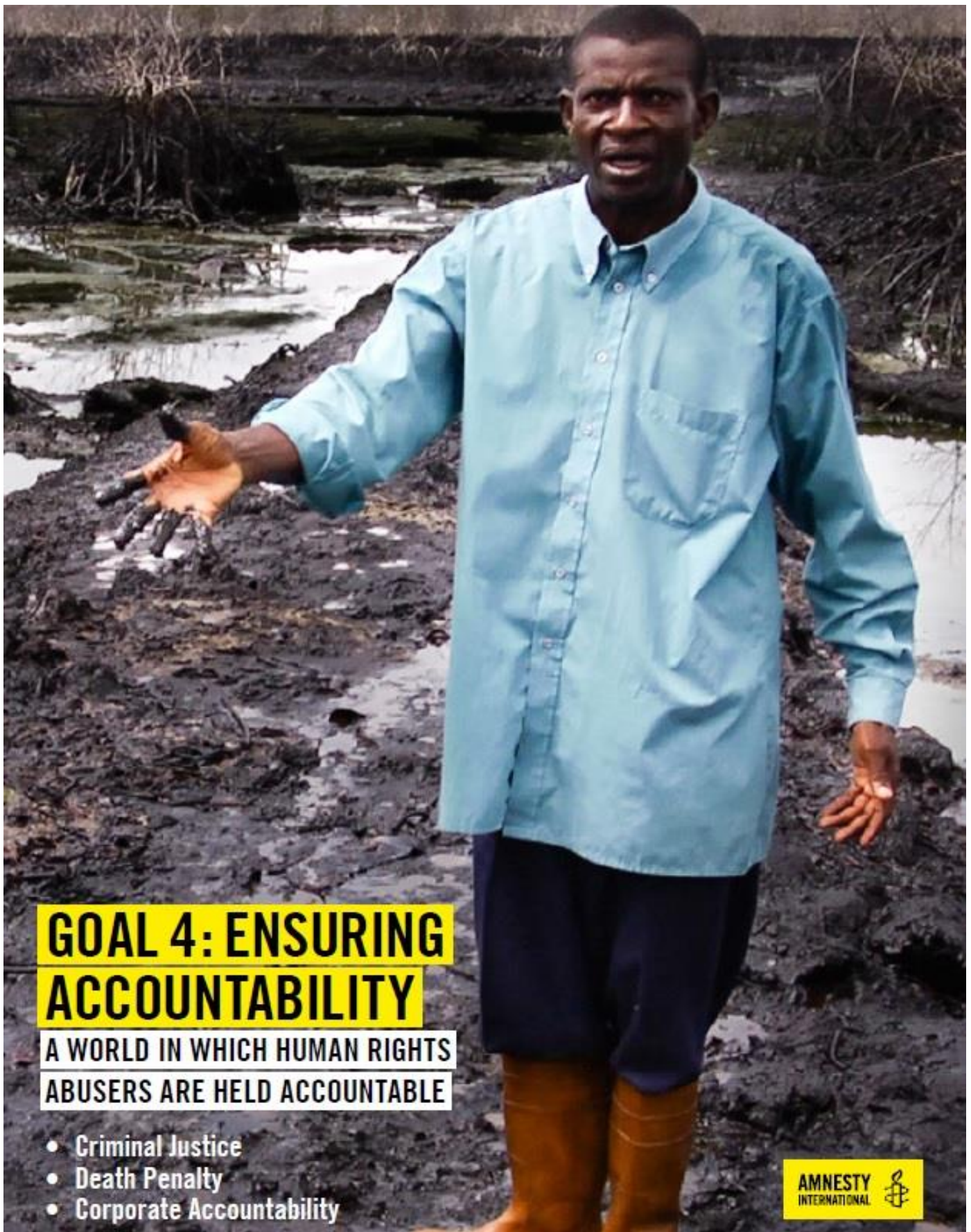
- Proposals to establish hybrid courts in Central African Republic, Sri Lanka and South Sudan;

Amnesty International's Theory of Change 2016-2019 (SUMMARIES)

- Preliminary ICC examinations in Afghanistan, Palestine and Ukraine;
- Precedent of Hissein Habre case to promote further universal jurisdiction practice in Africa;
- Changes to African Court jurisdiction;
- Potential influence on African Model law;
- ILC's studies on drafting a new convention on crimes against humanity and immunities;
- The likely inclusion of justice for all and the development of effective, accountable and inclusive institutions in the Sustainable Development Goals.

Why AI?

AI has a solid track record, demonstrated ability to work at multiple levels and across multiple institutions, and success in achieving change through campaigning and advocacy. Where AI and others have been successful we have seen a marked increase in efforts for accountability. AI has also played a leading role in combatting weapons transfers – work to expose irresponsible transfers and their impacts, and seek accountability.



GOAL 4: ENSURING ACCOUNTABILITY

**A WORLD IN WHICH HUMAN RIGHTS
ABUSERS ARE HELD ACCOUNTABLE**

- Criminal Justice
- Death Penalty
- Corporate Accountability



THEORY OF CHANGE FOR CRIMINAL JUSTICE



WHAT IS THE PROBLEM?

Abuses related to the operation of and around the criminal justice system are widespread and states or agents are going unaccountable. This ToC focuses on three key themes:

- 1) Policing of demonstrations
- 2) State agents by passing the criminal justice system
- 3) Abuses within the criminal justice system

WHAT IS THE IMPACT OF THE PROBLEM?

State agents responsible for criminal-justice linked human rights violations are not held to account contributing to a climate of impunity. Certain individuals and communities are particularly vulnerable to abuses either because of their status, identity or because they live or work in informal situations



WHAT WILL AI DO...

Putting pressure on national authorities with AI advocacy and campaigning

Raising awareness via media and human rights education (HRE) to counter the discourse supporting abuses in the criminal justice system in the name of 'public safety'

HRE of judges, prosecutors and police in strategically selected countries on fair trial standards and on the prevention of torture, arbitrary detention, enforced disappearances and other relevant human rights issues;

Campaigning on behalf of individuals and communities at risk

Targeted focus on specific UN and regional bodies and institutions (i.e. EU) around "killer robots"; use and trade in less-lethal weapons and equipment; drones and other; the strengthening of the right to life

WHAT AI AIMS TO ACHIEVE...



IMPLEMENTATION OF THE UN BASIC PRINCIPLES ON THE USE OF FORCE AND FIREARMS INTO NATIONAL LAW, POLICIES AND TRAINING OF LAW ENFORCEMENT



RATIFICATION AND FULL IMPLEMENTATION OF KEY HUMAN RIGHTS INSTRUMENTS



ARBITRARY AND EXCESSIVE USE OF FORCE BECOMING A CRIMINAL OFFENCE UNDER DOMESTIC LEGISLATION



LAW ENFORCEMENT, INCLUDING SECURITY FORCES, SUBJECT TO STRICT CONTROL BY THE JUDICIARY AND AN INDEPENDENT EXTERNAL OVERSIGHT MECHANISM



CRIMINAL JUSTICE SYSTEMS FULLY COMPLYING WITH FAIR TRIAL GUARANTEES AND PROVIDING REMEDIES TO THE VICTIMS



A GLOBAL MORATORIUM ON THE DEVELOPMENT AND USE OF 'KILLER ROBOTS' AND DRONES



THE USE OF LESS-LETHAL WEAPONS AND EQUIPMENT EITHER CONTROLLED OR PROHIBITED IN LINE WITH AMNESTY INTERNATIONAL'S POSITION

GOAL 4: ENSURING ACCOUNTABILITY

a world in which
human rights
abusers are held
accountable

Theory of Change for Criminal Justice (a summary)

What is the problem?

Abuses related to the operation of *and around* the criminal justice system are widespread in many countries around the world, and states or agents of the state are often not held to account. This theory of change focuses on three key themes.

Policing of demonstrations which at times involve excessive use of force and firearms have not only resulted in depriving individuals of their right to protest but also in deaths and serious bodily injuries. This has been underpinned by the lack of implementation of the UN Basic Principles on the Use of Force and Firearms as well as the increased militarization of law enforcement using often unlawful less-lethal weapons and equipment.

State agents bypassing the criminal justice system, often applied to “serious crimes” which serves as justification for undermining the guarantees provided by law, has resulted in serious human rights violations, including arbitrary detention, torture, enforced disappearance and the arbitrary deprivation of life as in extrajudicial executions.

Abuses within the criminal justice system, often due to unfair trials or abuse of power by state officials, involve gross violations of human rights such as prolonged, arbitrary or incommunicado detention; torture and other ill-treatment; enforced disappearance and extrajudicial executions.

What is the impact of this problem?

Such abuses have often tragic consequences for those caught up in flawed systems that disregard their rights. More often than not, state agents responsible for human rights violations in the context of criminal justice are not held to account, and this lack of accountability in turn contributes to a climate of impunity, which encourages further abuses. Certain individuals and communities are particularly vulnerable to these abuses - people belonging to marginalized groups such as African-American youth, Muslim men, sex workers, and people living in slums routinely experience harassment and violations of their human rights by the police either because of their status, identity or because they live or work in informal situations. The violations range from extortion of money, gender based violence including sexual assault and rape, torture and cruel, inhuman and degrading treatment, forced evictions, failure to respect individual's right to work, etc.

What are we aiming to achieve in response to this problem?

- Implementation the UN Basic Principles on the Use of Force and Firearms into national law, policies and training of law enforcement;
- Ratification and full implementation of key human rights instruments;
- Arbitrary and excessive use of force becoming a criminal offence under domestic legislation;
- Any death or serious bodily injury in the course of law enforcement subject to an independent and impartial investigation;
- Law enforcement, including security forces, subject to strict control by the judiciary and an independent external oversight mechanism;
- Criminal justice systems fully complying with fair trial guarantees and providing remedies to the victims;
- A global moratorium on the development and use of “killer robots” and drones;
- The use of less-lethal weapons and equipment either controlled or prohibited in line with Amnesty International's position.

How will AI respond to achieve its desired outcomes?

- Putting pressure on national authorities with AI advocacy and campaigning;
- Raising awareness via media and human rights education (HRE) to counter the discourse supporting abuses in the criminal justice system in the name of 'public safety';
- HRE of judges, prosecutors and police in strategically selected countries on fair trial standards and on the prevention of torture, arbitrary detention, enforced disappearances and other relevant human rights issues;
- Campaigning on behalf of individuals and communities at risk;
- Targeted focus on specific UN and regional bodies and institutions (i.e. EU) around “killer robots”; use and trade in less-lethal weapons and equipment; drones and other; the strengthening of the right to life.

What are some barriers from achieving the desired outcomes?

- Increasing trend of militarization of law enforcement;
- Narrative around the need to prioritize responses to counter-terrorism and other threats at all costs;
- Lack of access to information due to increasing secrecy of security agencies;
- General rejection of human rights obligations by a growing number of countries;
- Low level of implementation of the UN Basic Principles on the Use of Force and Firearms;
- Culture of impunity for crimes committed by law enforcement which encourages further abuses;
- Lack of adequate training for law enforcement in the use of force, firearms and other law enforcement equipment;
- Lack of adequate training for judges, prosecutors and police on fair trial standards and on the prevention of torture, arbitrary detention, enforced disappearances and other relevant human rights issues;
- Lack of judicial and non-judicial control, oversight and remedy mechanisms;
- Lack of clear legal framework regulating the use and trade in less lethal weapons and equipment;
- Lack of rigorous, independent testing and selection of law enforcement equipment and adequate training on their use;

What are some major windows of opportunity to capitalize on?

- Depending on country, national-level opportunities;
- At the UN level, periodic reviews of target countries by the UPR process as well as by the UN treaty bodies;
- Ongoing work of the UN Human Rights Committee on the General Comment on the Right to Life;
- Discussion on “killer robots” at the Conference of State Parties to the Convention on Conventional Weapons
- Engagement with UN Special Procedures such as the Working Group on Arbitrary Detention, Working Group on Enforced Disappearances, Special Rapporteur on Extrajudicial Executions, Special Rapporteur on the Right to Freedom of Assembly, Special Rapporteur on the Independence of Judges and Lawyers, Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Special Rapporteur on Counter-terrorism and human rights
- Process of amending of the EU Regulation on trade in tools of torture

Why AI?

Issues related to the operation of criminal justice have been a core aspect of Amnesty's work for over 50 years while the work on on torture and other ill-treatment spans decades. Since Amnesty members are very familiar with this area of work there might also be some potential to mobilize large numbers of people, especially given the expertise in movement and demonstrable impact in this area.

THEORY OF CHANGE FOR ABOLISHING THE DEATH PENALTY



WHAT IS THE PROBLEM?

58 countries around the globe retain the death penalty in justification of its use as response to increases in violent crime, although this lacks in convincing evidence

The death penalty is often carried out in contravention of international law and standards and in secrecy

Lack of debate including from politicians

WHAT IS THE IMPACT OF THE PROBLEM?

The death penalty eschews any attempt at rehabilitation of a prisoner and cannot be reversed

Often applied in a discriminatory way on marginalized groups, the poor and minorities

Appalling conditions for prisoners, often for decades, with little or no information given to families and limited access



WHAT WILL AI DO...

Political lobby and advocacy work in target countries

Promote a powerful narrative using death penalty statistics in the annual report-isolating the executioners

Research to expose the use and misuse of the death penalty to humanize those subjected to the death penalty and/or expose how states are breaching basic international standards in the use of the death penalty

External pressure in retentionist states and creative campaigning in abolitionist states (leveraging the AI movement effectively)

Developing effective counter-arguments into outputs to be used by AI and the wider abolitionist movement

Developing stronger partnerships, building capacity and supporting local organisations and local abolitionist movements incl. ADPAN, greater Caribbean for Life, World Coalition against the Death Penalty

UN and regional advocacy underlining the death penalty as a central human right issue with a global human rights goal of abolition

Human Rights Education

Increase our work with victims of crime who oppose the death penalty, with families of people sentenced to death and with people who are exonerated

WHAT AI AIMS TO ACHIEVE...



STRATEGIC COUNTRIES ABOLISH THE DEATH PENALTY IN LAW (at least two countries in West Africa and 2 US States)



AT LEAST THREE OTHER STRATEGIC COUNTRIES ESTABLISH A MORATORIUM ON EXECUTIONS



THE DEATH PENALTY IS NOT USED FOR DRUG-RELATED CRIMES (particularly in Malaysia and Indonesia)



CONDITIONS ON DEATH ROW ARE EXPOSED AND REFORMED, PARTICULARLY FOR PEOPLE WITH DISABILITIES AND SEVERE PHYSICAL DEPRIVATION



AT LEAST FOUR INDIVIDUAL DEATH ROW PRISONERS HAVE THEIR SENTENCES COMMUTED AS A RESULT OF AI CAMPAIGNING

GOAL 4: ENSURING ACCOUNTABILITY

a world in which human rights abusers are held accountable

Theory of Change for Abolishing the Death Penalty (a summary)

What is the problem?

58 countries across the globe retain the use of the death penalty - the intentional killing of individuals by the state - even if it is a violation of the right to life and is the ultimate cruel, inhuman and degrading punishment. Many of those that retain it justify its use as a response to increases (or perceived increases) in violent crime and threats to state security and public safety although there is no convincing evidence that the death penalty is any more of a deterrent to crime than prison.

Some countries that continue to use the death penalty do so in contravention of international law and standards, which stipulate that: (a) the death penalty should only be used for crimes that involve intentional killing; (b) that the death penalty should not be applied to juvenile offenders, or to people with mental and intellectual disabilities. The death penalty is often carried out in secrecy. The lack of openness contributes to the problem as there is a lack of debate, and politicians can ignore the issues because they are so rarely the subject of discussion. 34 countries retaining the use of the death penalty have not executed anyone in at least 10 years and/or have an official moratorium in place, but moratoriums can be broken.

What is the impact of this problem?

The death penalty eschews any attempt at rehabilitation of a prisoner and cannot be reversed. It is also applied in a discriminatory way - marginalized groups, including the poor and minorities are more likely to face the death penalty than others. The human face of the death penalty is harrowing with individuals waiting on death row - in appalling conditions - often for decades and families of death row inmates often given little or no information and limited access to the prisoner.

What are we aiming to achieve in response to this problem?

- Strategic countries abolish the death penalty in law – at least two countries in West Africa and 2 US states;
- At least three other strategic countries establish a moratorium on executions;
- The death penalty is not used for drug-related crimes, particularly in Malaysia and Indonesia;
- Conditions on death row are exposed and reformed in at least two countries, including the situation of people with disabilities and severe physical deprivation – humanising those affected and reframing the debate; and
- At least four individual death row prisoners have their sentences commuted as a result of AI campaigning.

How will AI respond to achieve its desired outcomes?

- Political lobby and advocacy work in target countries - those near to achieving full or partial abolition or those where specific positive steps are achievable, and where we can build momentum;
- Promote the global trend of a world moving away from abolition through a powerful and influential narrative using death penalty statistics in the annual report - isolating the executioners;
- Research to expose the use and misuse of the death penalty to humanize those subjected to the death penalty and/or expose how states are breaching basic international standards in the use of the death penalty;
- External pressure in retentionist states and creative campaigning in abolitionist states (leveraging the AI movement effectively);
- Developing effective counter-arguments into outputs to be used by AI and the wider abolitionist movement;
- Developing strong partnerships, building capacity and supporting local organizations and local abolitionist movements - including to ADPAN, greater Caribbean for Life, World Coalition Against the Death Penalty;
- UN and regional advocacy underlining the death penalty as a central human right issue with a global human rights goal of abolition;
- Human Rights Education;
- Increase our work with victims of crime who oppose the death penalty, with families of people sentenced to death and with people who are exonerated.

What are some barriers from achieving the desired outcomes?

- The view that the death penalty is a means of combatting crime and terrorism.
- Secrecy around the use of the death penalty, which limits open debate and also means politicians can evade the issue. This is a significant challenge in MENA and much of Asia.

Amnesty International's Theory of Change 2016-2019 (SUMMARIES)

- Public support for the death penalty, which makes politicians afraid to move. Public support is linked, often, to concern about violent crime. However, few politicians in retentionist countries have confronted the range of factors that allow crime to persist – such as failures to properly train and equip police to detect crime.
- In some cases public support is based on a belief that individuals who commit certain crimes deserve the ultimate punishment.
- In most countries that retain the death penalty, and several that have abolished, certain segments of the media encourage and support the view that (a) the death penalty is a deterrent to violent crime, and (b) that certain crimes 'deserve' the death penalty.
- Although public opinion supports the death penalty in retentionist States, it is important to note that in most countries where the death penalty has been abolished this happened despite public opinion, not because the public was in favour. Politicians have almost always acted on the basis of moral conviction, with strong minority of the public supporting. This lesson of history is important as it suggests that winning public support may not be the best solution.

What are some major windows of opportunity to capitalize on?

- A number of countries are close to achieving abolition, particularly in sub-Saharan Africa. We need to seize the opportunity to move them to take the final step towards abolition.
- The narrative of 'a world moving towards abolition' is important and gives us political leverage, so we need to continue to build on this narrative.
- Progress in the US: if the US abolishes death penalty this would give real momentum elsewhere in the world, but in a similar way, progress elsewhere helps in the US at the national level.

Why AI?

This is an emblematic area of work for Amnesty, where we have an international reputation and are a "go-to" organisation. Furthermore, our international reach and ability to mobilise people on individual cases are particularly powerful in this work.

THEORY OF CHANGE FOR CORPORATE ACCOUNTABILITY



WHAT IS THE PROBLEM?

Poor accountability of corporate organisations when serious abuses happen, particularly to rights-holders who are poor and marginalized, largely demonstrative of State failures

WHAT IS THE IMPACT OF THE PROBLEM?

Failure to properly regulate corporate actors leads to a wide range of abuses including pollution by extractive industries, labour exploitation, complicity in State violations of the right to privacy, provision of material support to abuses by armed groups

Absence of meaningful accountability mechanisms for affected individuals and communities to defend and protect their rights



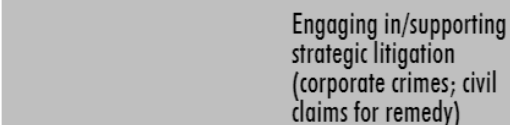
WHAT WILL AI DO...

Amnesty International will use a three-pronged approach in our responses to pursuing accountability:

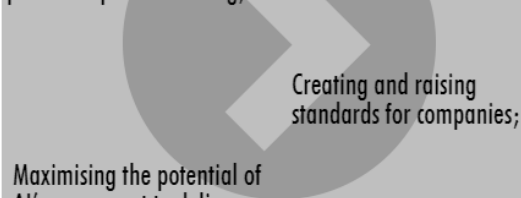
- 1) The state where the abuses occur (host state)
- 2) The states that are home to multinational companies (home states)
- 3) Taking account of the systemic issues and failures that enable corporate actors to abuse rights with impunity



Pursuing specific legal and/or policy changes in specific jurisdictions



Working with communities and HRDs; including using human rights education, partnerships and training;



Maximising the potential of AI's movement to deliver change, including through work on investors and those that provide corporate financing

WHAT AI AIMS TO ACHIEVE...

SYSTEMIC CHANGES IN LAW, POLICY AND/OR PRACTICE OF STATES:

- (1) at least four countries make changes in their legal or policy framework on requiring companies to carry out human rights due diligence or on parent company liability for human rights abuses arising either directly or through global operations (law with extra-territorial effect),
- (2) the legal and policy changes of two strategic countries reflect gendered impacts of corporate activity,
- (3) at least two strategic countries establish legal or policy frameworks to require mandatory corporate human rights due diligence that extend to overseas supply chains,
- (4) at least two financial institutions that provide corporate financing mandate the performance of robust human rights due diligence processes by companies seeking funding.

SPECIFIC CASES TO BUILD ARGUMENTS FOR SYSTEMIC CHANGES IN SPECIFIC TARGET JURISDICTIONS WHILE ALSO WORKING DIRECTLY WITH COMMUNITIES TO SECURE COMPENSATION AND REMEDIES FOR CORPORATE ABUSE

- (1) At least two communities secure compensation or other forms of remedy through civil claims, administrative processes and other means of legal action;
- (2) At least two communities secure remedial action by the companies involved in abuse as a result of campaigning;
- (3) At least two communities secure remedy through the intervention of State agencies;
- (4) At least four companies are held accountable through State-run regulatory or administrative processes;
- (5) At least two companies are prosecuted for illegal or criminal acts committed in conflict-affected or high-risk areas that have resulted in severe human rights abuses;
- (6) At least three countries, where Amnesty has cases, implement specific legal reforms based on the evidence we expose. The reforms could include: processes for land acquisition, environmental protection, protection of the rights of indigenous peoples or other marginalized groups, labour rights protections, information disclosure, and compensation processes;
- (7) At least three countries take concrete action to enforce existing laws.

GOAL 4: ENSURING ACCOUNTABILITY

a world in which
human rights
abusers are held
accountable

Theory of Change for Corporate Accountability (a summary)

What is the problem?

While companies can make vital contributions to the realization of human rights, they can also negatively impact on rights. When this happens, too few are held to account. Rights-holders, particularly those who are poor or marginalized, have few effective means to defend and protect their rights in the face of corporate operations. The failure to prevent companies abusing human rights and to hold them to account when serious abuses occur are State failures. States have an obligation to prevent and address human rights abuses committed by non-state actors. The failure to protect people from corporate-related human rights abuses may be due to:

- strong ties between the State and corporations;
- complicity of State with the actions of corporate actors;
- corporate lobbying;
- the desire or imperative to attract Foreign Direct Investment;
- limited control of government in conflict and high risk areas;
- The strong protection of corporate and economic rights in international law – and the comparatively weak international systems to protect human rights in the context of corporate activity.
- The structure of multinational companies and the way they operate across multiple countries through a network of different legal entities

Companies themselves are also directly responsible for their failure to respect human rights. International standards require all companies to respect all human rights.

The responsibility of States and companies are set out in the UN Guiding Principles on Business and Human Rights – endorsed by the UN Human Rights Council.

What is the impact of this problem?

The failure to properly regulate corporate actors has led to a wide range of abuses – from pollution by extractive industries (damaging health, livelihoods, food and water) to labour exploitation in the garment sector, from complicity in State violations of the right to privacy (by the ICT sector) to providing material support to abuses by armed groups. The absence of meaningful accountability mechanisms, particularly when multinational companies are involved, often leaves affected individuals and communities with no means to defend and protect their rights.

What are we aiming to achieve in response to this problem?

- Systemic changes in law, policy and/or practice of States:
 - (1) at least four countries make changes in their legal or policy framework on requiring companies to carry out human rights due diligence or on parent company liability for human rights abuses arising either directly or through global operations (law with extra-territorial effect),
 - (2) the legal and policy changes of two strategic countries reflect gendered impacts of corporate activity,
 - (3) at least two strategic countries establish legal or policy frameworks to require mandatory corporate human rights due diligence that extend to overseas supply chains,
 - (4) at least two financial institutions that provide corporate financing mandate the performance of robust human rights due diligence processes by companies seeking funding.
- Specific cases to build arguments for systemic changes in specific, target jurisdictions, while also working directly with communities to secure compensation and remedies for corporate abuse:
 - (1) At least two communities secure compensation or other forms of remedy through civil claims, administrative processes and other means of legal action;
 - (2) At least two communities secure remedial action by the companies involved in abuse as a result of campaigning;
 - (3) At least two communities secure remedy through the intervention of State agencies;
 - (4) At least four companies are held accountable through State-run regulatory or administrative processes;
 - (5) At least two companies are prosecuted for illegal or criminal acts committed in conflict-affected or high-risk areas that have resulted in severe human rights abuses;
 - (6) At least three countries, where Amnesty has cases, implement specific legal reforms based on the evidence we expose. The reforms could include: processes for land acquisition, environmental protection, protection of the rights of indigenous peoples or other marginalized groups, labour rights protections, information disclosure, and compensation processes;
 - (7) At least three countries take concrete action to enforce existing laws.

How will AI respond to achieve its desired outcomes?

We will use a three-pronged approach to pursue accountability in (1) the state where the abuses occur (host state); (2) the states that are home to multinational companies (home states); while also (3) taking account of the systemic issues and failures that enable corporate actors to abuse rights with impunity.

We will increased account of the systemic factors that facilitate human rights abuses, including corruption and corporate influence on states, as well as factors such as deepening wealth inequalities, that are both facilitators and consequences of a lack of accountability. We will ensure that our research, advocacy and campaigning strategies and tactics are grounded in the wider lived realities of rights-holders. Our approaches are as follows:

- exposing emblematic cases of corporate abuse,
- pursuing specific legal and/or policy changes in specific jurisdictions,
- engaging in/supporting strategic litigation (corporate crimes; civil claims for remedy),
- working with communities and HRDs; including using human rights education, partnerships and training;
- creating and raising standards for companies; and
- maximising the potential of AI's movement to deliver change, including through work on investors and those that provide corporate financing.

What are some barriers from achieving the desired outcomes?

- The influence of some companies on the State, exercised through lobbying and sometimes outright corruption;
- Often, what human rights and environmental groups want companies to do or refrain from doing is (or appears to the company to be) contrary to achieving the core objective of companies to create shareholder value;
- Staff responsible for 'corporate social responsibility' rarely have any meaningful influence within companies;
- Major companies in our target sectors can, and do, spend considerable amounts of money on PR, lobbying of state, regional and international agencies and media;
- Significant mutual distrust between NGOs and companies in the extractive and natural resources sector;
- The primacy of the "need for development and growth to lift people out of poverty" discourse, which many States use to reject calls for regulation of companies and effective accountability. NGOs can be painted as "anti-development" and discredited as naive.
- In the wake of the 2008 financial crisis, Global North home States place a high priority on maximizing economic growth through encouraging the private sector. They are resistant to increase regulation on business to protect human rights, fearing that this will impose additional costs and make companies uncompetitive and / or lead to capital flight from their jurisdiction.
- Barriers to access to remedy, including weak disclosure requirements and lack of legal aid for claims, particular those of an extraterritorial nature.
- Amnesty International and other NGOs active on corporate accountability have limited experience dealing with ministries of finance, economies and justice, although these are key ministries in terms of the changes we are seeking.

What are some major windows of opportunity to capitalize on?

- An international treaty on business and human rights is on the UN agenda. Although the debate on this issue has proved divisive, the proposed treaty will give the issue of companies' impact on rights a high profile.
- In Europe, the US and East Asia major scandals have exposed various examples of corporate bad practice. This has increased public awareness in many countries of the lack of accountability of corporations and the inability or unwillingness of governments to enforce the law against them. Public anger at and distrust of corporations is an opportunity to engage greater activism on and public support for the corporate accountability agenda.
- Following successful litigation against companies – particular Trafigura and Shell – lawyers in UK, Netherlands and USA have expressed interest in taking new cases forward in partnership with Amnesty International.
- A growing acceptance, by UN and regional human rights mechanisms, of the obligation of states to protect human rights beyond their borders in the context of corporate operations.
- China, now one of the most influential players in terms of foreign investment in the natural resources and extractives sectors, has demonstrated sensitivity to the reputation of the country and Chinese business abroad.

Why AI?

Amnesty's structure enables it to work in home and host States via its national entities, and this offers significant opportunity to work on transnational corporate operations. Amnesty has, in recent years, become more sophisticated in

Amnesty International's Theory of Change 2016-2019 (SUMMARIES)

how it engages with corporations. Amnesty's membership are also consumers and their engagement in consumer-based campaigning has yet to be fully leveraged.



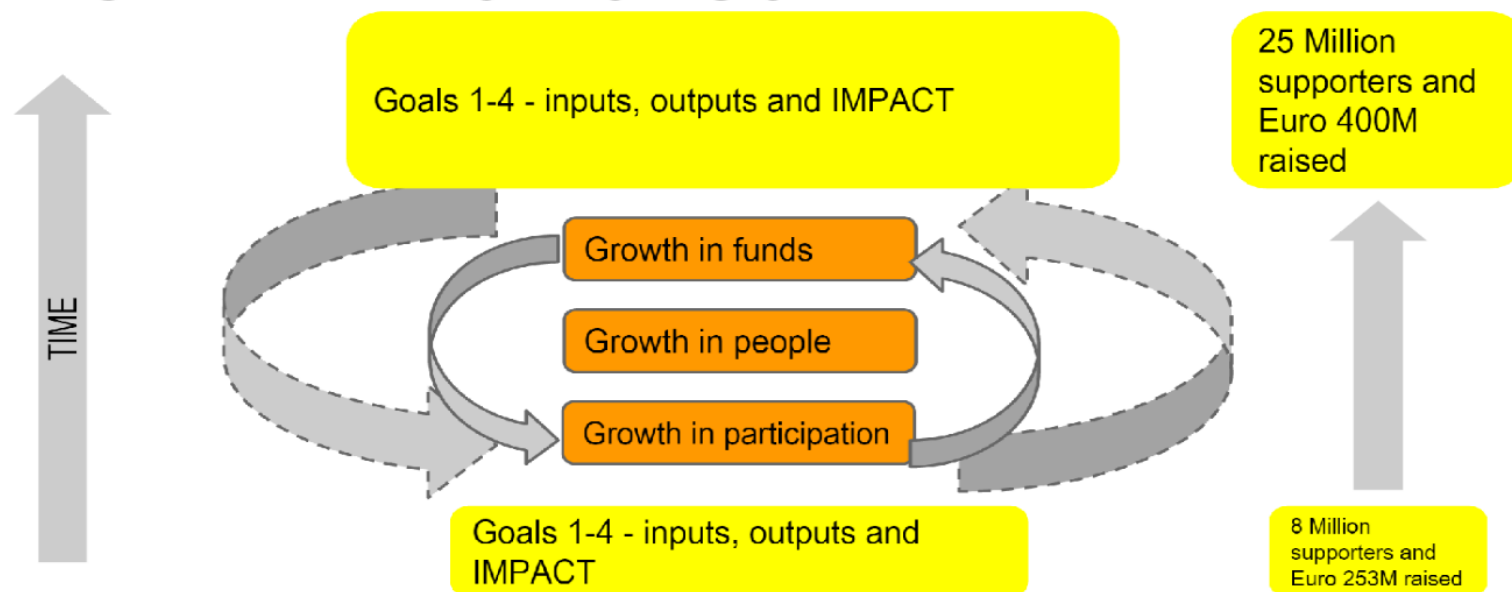
**GOAL 5: MAXIMISING
OUR RESOURCES
AND ENGAGEMENT**

- Maximising our Resources and Engagement



THEORY OF CHANGE FOR MAXIMISING OUR GLOBAL RESOURCES

TOP LINE ToC of G5



GOAL 5: MAXIMISING OUR RESOURCES AND ENGAGEMENT

we will be a truly
global human
rights movement of
people defending
human rights for all



WHAT IS THE PROBLEM?

Amnesty's number of activists and participation have increased in recent years, but growth has not happened in crucial geographies, and has not translated into financial growth. Amnesty's income has plateaued and our number of paying supporters has stagnated while other INGOs are growing more in value and at higher rates. There is a lack of long-term ambitious plans to grow our revenue. If action is not taken, and the current trend is maintained, the movement will see a decline of 27.7m EUR in the Strategic Goals period.

We have not been able to attract more individual donors or convert some of the activists into paying supporters. Why?

- Sections/structures (generally in the "global south") are not able to convert non-financial supporters to financial supporters because of a lack of investment in dedicated staff and resources, systems, and programmes for conversion. The GTP has brought AI closer to the ground, but we need to mobilise and grow in funds locally in the Global South for legitimacy and impact
- Sections (generally in the "global north") do not generate enough new leads to be converted, or conversion is an area of under-investment.

Externally, the environment has changed and the way we work is not evolving with changing realities. Our traditional structures sometimes hinder our ability to generate new and diverse activists through flexible forms of engagement. Campaigning for human rights attracts millions of more savvy and informed supporters using digital platforms, doing away with the middle man, demanding more transparency, processing huge amount of information and conflicting messages while having shorter attention span. There is great urgency to reach out in a coherent, systematic and sustainable way to a large number of people, specifically young people and human rights defenders, online, and offline.

WHAT IS THE IMPACT OF THE PROBLEM?

Our capacity for impact has not increased to the degree that it could and should. From 2012 to 2013 our income from individual donors declined by 5% (8.9m EUR). The movement has been dependent on the 15 sections that generate almost 90% of global income. In 2013, eight of these sections saw a decline in their income by 5.4% (12.9 m EUR). In 2014 seven sections saw a decline of 5m EUR. Comparing to the market we are underperforming (INGO peer to peer data shows that all INGOs in all their markets grew by 11% from 2012 to 2013). The status quo is unsustainable and not in line with the scale of the human rights abuses we aim to end.

THEORY OF CHANGE FOR MAXIMISING OUR GLOBAL RESOURCES

WHAT WILL AI DO...

Equip HRDs, partners, activists and rights holders with the knowledge and skills to claim their rights and the rights of others through HRE, capacity-building on campaigning and activism, participatory approaches, and relevant thematic issues and AI will enable increased participation of the above constituencies in the planning, implementation and evaluation of all goal campaigns;

Increase diversity- in particular adopting gender integration policy for IS and Sections;

Increase active participation;

Rapid Response with extra resources, attention and mobilization/fundraising (crisis protocol);

Increased outreach through varied traditional and new channels for AI to reach more people across the globe;

Innovation in engaging and empowering supporters on- and offline;

Improved quality of content supporting AI's campaigning and activism;

Improved relationship management of financial and non-financial supporters

Leveraging technology at all levels looking for digital opportunities in everything we do;

Integrated approach to engaging supporters in human rights work.

Build enabling environments for growth in the sections.

WHAT AI AIMS TO ACHIEVE...

With the aim of mobilising 25 million activists during 2016-19, we need to build the capacity of sections to develop the wider mobilisation capacity of activists where developing large paying constituencies is not (yet) feasible. Our aims:

-AMNESTY INTERNATIONAL BECOMES A LARGER, STRONGER AND MORE DIVERSE MOVEMENT WITH STRENGTHENED CAPACITY TO ACHIEVE HUMAN RIGHTS IMPACT:



1. HRDs, partners, activists and rights-holders, including young people and women, are inspired and empowered by increased knowledge, skills and attitudes to claim their rights and campaign for the rights of others,



2. Amnesty engaging more and more diverse people for human rights impact and does so strategically with the aim of long term sustainable engagement;



3. More funds raised for human rights (by 2020, 4 million donors and high value donations will commit at least EUR 400 million a year);

-ACTIVE PARTICIPATION OF A MORE DIVERSE CONSTITUENCY BECOME STRENGTHENED AT ALL LEVELS OF AMNESTY'S WORK



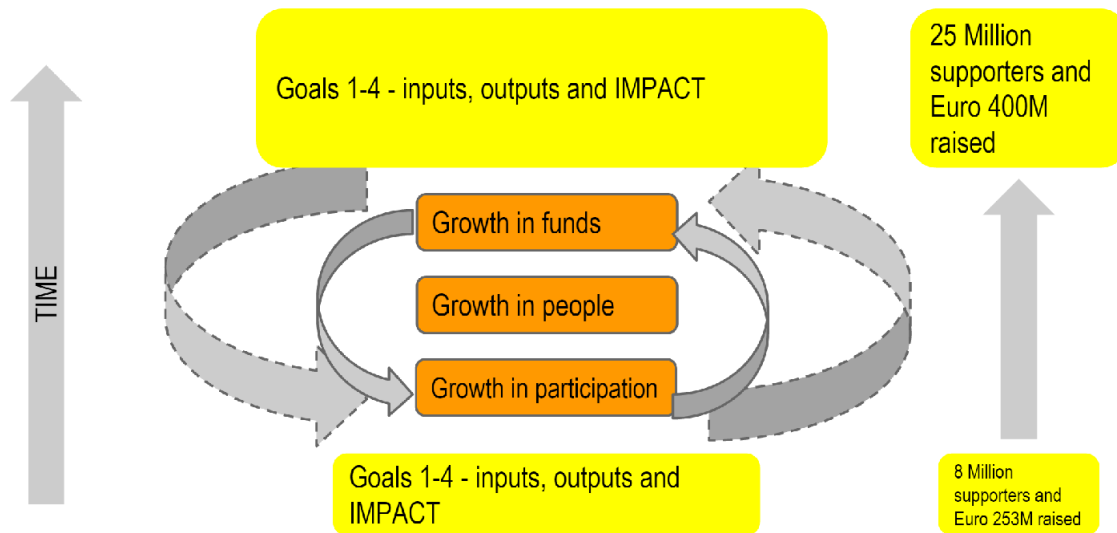
GOAL 5: MAXIMISING OUR RESOURCES AND ENGAGEMENT

we will be a truly
global human
rights movement of
people defending
human rights for all



Theory of Change for Maximizing our Resources and Engagement (a summary)

TOP LINE ToC of G5



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What are we aiming to achieve in response to this problem?

With the aim of mobilising 25 million activists during 2016-19, we need to build the capacity of sections to develop the wider mobilisation capacity of activists where developing large paying constituencies is not (yet) feasible. Our aims:

Amnesty International's Theory of Change 2016-2019 (SUMMARIES)

- Amnesty International becomes a larger, stronger and more diverse movement with strengthened capacity to achieve human rights impact with:
 1. HRDs, partners, activists and rights-holders, including young people and women, are inspired and empowered by increased knowledge, skills and attitudes to claim their rights and campaign for the rights of others,
 2. Amnesty engaging more and more diverse people for human rights impact and does so strategically with the aim of long term sustainable engagement;
 3. More funds raised for human rights (by 2020, 4 million donors and high value donations will commit at least EUR 400 million a year);
- Active participation of a more diverse constituency become strengthened at all levels of Amnesty's work.

How will AI respond to achieve its desired outcomes?

- Equip HRDs, partners, activists and rights holders with the knowledge and skills to claim their rights and the rights of others through HRE, capacity-building on campaigning and activism, participatory approaches, and relevant thematic issues and AI will enable increased participation of the above constituencies in the planning, implementation and evaluation of all goal campaigns;
- Increase diversity- in particular adopting gender integration policy for IS and Sections;
- Increase active participation;
- Rapid Response with extra resources, attention and mobilization/fundraising (crisis protocol);
- Increased outreach through varied traditional and new channels for AI to reach more people across the globe;
- Innovation in engaging and empowering supporters on- and offline;
- Improved quality of content supporting AI's campaigning and activism;
- Improved relationship management of financial and non-financial supporters;
- Leveraging technology at all levels looking for digital opportunities in everything we do;
- Integrated approach to engaging supporters in human rights work.
- Build enabling environments for growth in the sections.

What are some barriers from achieving the desired outcomes?

- Inadequate investment: will we have enough money to adequately invest (in a multi-year basis) at the section level to build required capacity and achieve ambitious growth?
- Decision making processes and local ownership: National boards (or in some cases broader membership/AGMs) not seeing the need for ambitious growth and may even block growth.
- Lack of capacity/not investing enough in systems/infrastructure to track our activism, take new people on an activism and supporter journey, respond to queries, manage larger volumes of membership etc. This is particularly so in smaller entities.
- Some AI entities are de-prioritising youth work and decreasing their resources for youth work. This will have a knock-on effect on our ability to increase our youth supporter base.
- We do not have a systematic approach to innovating our activism.
- Organisational Culture – missing opportunities because AI is too risk averse and slow.
- Not investing enough in building the skills and leadership of activists and staff to deliver.
- Silos preventing full integration both among the different areas of work and geographically.
- Some entities' organising models, which are not fit to support relevant approaches to activism and fundraising.
- Many members, boards and staff in Amnesty believe that growth should be organic and shouldn't be asked for.
- Unhealthy or unstable entities are unable to drive growth because they cannot maximize their available resources and systems

What are some major windows of opportunity to capitalize on?

- Goals 1 and 3 offer scope for large scale campaigning, including global campaigns, as well as work on surveillance or the humanitarian impact on individuals and communities in crisis or conflict zones;
- Increased outreach and diversity are key elements of the proposed ESCR/ discrimination and crisis work (particularly through work on refugees and asylum seekers) as well as in HRE work proposed in Goal 1;
- ESCR work has great potential to achieve small-scale wins, working directly with those affected, which might provide opportunities for concrete stories, and clear-cut campaigning at global, regional and local level;
- Goal 4 proposes supporter led campaigning methodologies and some compelling cases around corporate accountability and criminal justice;
- New ways of witnessing work (Goal 4) will help in promoting innovation;

Amnesty International's Theory of Change 2016-2019 (SUMMARIES)

- Use of technology is embedded in Goal 1 (eg. HRE and surveillance work streams) as well as Goal 3;
- The market is growing (overall 'giving' to charity sector has been increasing);
- Upgraded fundraising support capacity internally to assist sections, and increased international fundraising investment;
- Examples from AI entities who have dramatically transformed their constituency base (Mexico/India);
- Legacies are already the second largest income stream in AI (achieved with limited effort). With the mass supporter base AI has in the major legacy markets and the fact that the world in the next 10-30 years will witness the greatest inter-generational transfer of funds in human history there is tremendous potential for AI;
- Narrowing digital divide: it is possible to grow in the "global south" through digital means and increase the synergy between growth in non-financial and financial supporters (through two-step conversion);
- In most part of the "global south" the size of youth population means the potential constituency to tap is big;
- Regional Offices are closer to sections, with a capacity to react more timely to human rights violations

Amnesty International is a global movement of more than 7 million people who take injustice personally. Together, we are campaigning for a world where human rights are enjoyed by all.

We are funded by members like you. We are independent of any political ideology, economic interest or religion. No government beyond scrutiny. No situation is beyond hope.

Help us push for a fairer world today. Your actions could help bring torturers to justice. Protect refugees fleeing violence. Or release people who have been jailed just for speaking out.

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INTERNATIONAL**

