

ESCR-Net – International Network for Economic, Social & Cultural Rights

GOVERNANCE DOCUMENT



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A) ESCR-Net Framework

1. Mission, Goals and Principles

ESCR-Net seeks to fulfill the following mission:

Economic, social and cultural rights concern essential values for a life of dignity and freedom – work, health, education, food, housing, and social security amongst others. People throughout the world share the struggle to make these human rights a reality for themselves, their families, communities, and nations.

The International Network for Economic, Social and Cultural Rights (ESCR-Net or the Network) is a collaborative initiative of groups and individuals from around the world working to secure economic and social justice through human rights. ESCR-Net seeks to strengthen the field of all human rights, with a special focus on economic, social and cultural rights (ESCR), and further develop the tools for achieving their promotion, protection and fulfillment. By facilitating joint actions, enhancing communication and building solidarity across regions, the Network seeks to build a global movement to make human rights and social justice a reality for all.

ESCR-Net seeks to promote and advance economic, social and cultural rights globally through achieving the following goals:

- Developing a flexible, supportive, and decentralised structure that enables groups from different parts of the world pursuing common interests in human rights and social justice to work together. The primary means to achieve this goal is through the operation of thematic working groups, which enable groups to share strategies and approaches as well as initiate joint projects and actions for the promotion and defense of economic, social and cultural rights.
- Enhancing the capacity of groups, organizations, activists and other actors, including, but not limited to women, marginalized groups, social movements, grassroots and social justice groups, to use human rights as a tool to strengthen their own work.
- Establishing direct links between groups from different parts of the world to strengthen and support each other's work, and create capacity to work in dynamic ways together, through a variety of means which include: exchanging information, coordinating actions, developing common agendas or strategies, creating new tools and joining national and international advocacy efforts.

- Building the field of ESCR, and facilitating the development of a collective voice on important ESCR issues worldwide.

ESCR-Net seeks to achieve these goals based on the following principles:

- ESCR-Net believes that all human rights are universal, indivisible and interdependent and is committed to the advancement of all human rights, with a specific focus on ESCR issues.
- ESCR-Net values diversity so it aims to be global, multilingual and inclusive. It seeks to promote the participation of women and marginalized groups, social movements, grassroots and social justice groups, as well as individuals and academics committed to ESCR.
- The activities of the Network shall be grounded in the lived experience of people affected by ESCR violations. Thus, the Network seeks to ensure the inclusion of social movements, grassroots organizations and other groups and individuals directly affected by ESCR violations and social injustice.
- The focus of ESCR-Net is on content and concrete action, and the thematic working groups are the primary bodies through which this is accomplished.
- ESCR-Net is open to direct participation by organizations and individuals in the work, actions and benefits of the Network.
- ESCR-Net strives to achieve consensus for decision-making, and respects the autonomy of individual participants' positions.

2. Structure

The structure of ESCR-Net currently consists of:

- a) Membership which constitutes a General Assembly for the Network
- b) A Board, a diverse governance body elected by the Membership
- c) Thematic and sectoral Working Groups
- d) A Secretariat

B) ESCR-Net Board

1. Roles and Responsibilities

The roles and responsibilities of the ESCR-Net Board shall be as follows:

- a) Build the Network both by ensuring broad outreach and providing leadership in responding to events;
- b) Facilitate Network's activities and oversee the implementation of the Network's agenda;
- c) Ensure the Network operates in adherence with its goals and principles, including operating without discrimination and promoting the leadership of women, marginalized groups and those affected by ESCR violations within the Network;
- d) Ensure effective functioning of the Secretariat, including the creation of new positions;
- e) Fundraise for the Network, in coordination with the Secretariat and the Working Groups, and establish a financial strategy for the Network;
- f) Review and approve the annual report of the Network;
- g) Oversee financial matters of the Network, including approving and monitoring the annual budget of the Network;
- h) Approve projects and workplans undertaken by the Network;
- i) Serve as a representative of the Network;
- j) Participate in and attend the required meetings and conference calls necessary to ensure the functioning of the Board;
- k) Participate in at least one Working Group of the Network;
- l) Appoint the Director of the Network; and
- m) Any other functions or responsibilities assigned by the General Assembly.

2. Composition and Size of the Board

The ESCR-Net Board shall be composed of members, with demonstrated ability to lead and guide the Network, elected at large in their individual capacity. The composition of the Board will reflect geographic and gender balance and include social movements and/or grassroots organizations.

Specifically, the Board shall be formed by 7 members coming from 6 different regions: 1 from Latin America and the Caribbean; 2 from Asia, South Pacific, Australia and New Zealand; 1 from Sub-Saharan Africa; 1 from North Africa and the Middle East; 1 from the United States and Canada; and 1 from Europe. Board members shall not represent regions or specific groups; they shall be elected and serve in their personal capacities and bring gender and regional diversity as well as diverse perspectives to the Board. The Board shall also include members who come from social movements or grassroots groups. These members shall not

represent social movements but rather bring grassroots concerns and perspectives to Board discussions and decisions.

3. Duration of Terms

Board members shall serve 3 year terms with the possibility of re-election for one additional term. In the interest of continuity, some Board members upon finishing their first term, should be encouraged to run for re-election and voting members are asked to keep the principle of continuity in mind.

4. Voting Procedures for Elections

Nominations: Prior to the General Assembly meeting, nominations for Board candidates shall be solicited via email, post and fax. The process for nominations shall remain open during the beginning of the conference until a set deadline that allows enough time for the construction of a ballot. In the alternative, if there is no General Assembly meeting by the time elections are needed, the entire nominations process shall be conducted via e-mail, post and fax to the entire Membership.

Elections: The General Assembly meeting shall mark the start of the voting process. The election shall be held during the General Assembly, and shall be held open for a one month period afterwards in order to allow those who did not attend the meeting to cast their votes via email, post or fax. If there is no General Assembly meeting by the time elections are needed, the entire elections process shall be conducted via e-mail, post or fax to the entire Membership.

Eligibility: Only organizational members of ESCR-Net shall be allowed to vote, and voting shall be limited to one vote per member organization. Eligible members may vote on the full ballot for candidates from all regions.

5. Decision-Making Processes for the Board

Quorum: A quorum of 2/3 of the Board members shall be required for voting. Where there are 7 serving board members, the quorum is 5.

Method of Decision-Making: Consensus is the primary method for reaching decisions by the Board. To adopt a decision, the Board aims for consensus of those present. If there is no consensus, then a simple majority vote (51%) of those present can make decisions.

Decisions related to major issues affecting the Network shall be presented to absent Board members to allow them to register any objections or propose considerations afterwards. Issues of critical importance to the Network which require input will also be shared with the general Membership via e-mail for a comment period before a decision is taken.

6. Resignations and Replacement of Board Members

If a vacancy occurs during the first two years of the term, then the person who obtained the second highest number of votes from the same region as the resigning Board member in the last election takes the seat, ensuring the balance of gender and social movements to the extent possible. The replacement Board member is eligible to stand for election for one additional term. If the second highest vote-getter declines, the seat is offered to the third highest vote-getter. If there is no third person, then it remains open. The Board must seek to maintain at least 4 out of the 7 seats filled.

Board members can not send substitutes to represent or replace them for Board functions (meetings, conference calls, decisions, etc.).

7. Dismissal of the Board or of Individual Board Members

A Board member may be dismissed for very serious misconduct, such as dishonest use of Network funds, conflict of interest, persistent failure to attend meetings without a valid excuse, inability to carry out duties, conduct likely to bring the Network into disrepute, and advocacy of racism or other positions in direct contradiction to the Network's mission and principles.

Either a member of the Board or 30 member organizations may file a written complaint requesting the removal of a Board member and detailing the grounds upon which such dismissal is being sought. The Board member against which the complaint is filed shall be given a copy of the complaint and afforded 21 days to reply to the Board regarding the allegations in the complaint. The Board shall then appoint two members to investigate the complaint and report back to the full Board. If the Board finds by a 2/3 vote (based on a quorum of 100% of the Board with the exception of the member under investigation) that there are grounds for dismissal, the Board shall send the complaint to the full Membership for a 14 day comment period. Based on the initial investigation and the comment period, the Board may then by a 2/3 vote (based on a quorum of 100% of the Board with the exception of the member under investigation) send the proposal to dismiss the Board member to the full

Membership for a final vote. The proposal must be accepted by 51% of the votes cast with a required quorum of 2/3 of the General Assembly.

30 member organizations may also call for a resolution to dismiss the full Board. The Board will have 21 days to respond to the resolution to the full Membership. After which, the resolution will be sent out for a vote to the full Membership via e-mail. The proposal must be accepted by 51% of the votes cast with a required quorum of 2/3 of the General Assembly.

C) Membership

The General Assembly is the ultimate decision-maker for the Network. The General Assembly shall be constituted by the members of the Network according to the criteria and process set out below:

1. Criteria for Membership

- a) independence from government bodies is required;
- b) commitment and adherence to principles and goals of the Network and to the responsibilities of Members;
- c) active engagement in promotion of, or advocacy and organizing for, economic, social or cultural rights;
- d) for organizational Membership, an organization must be formed to represent civil society for the public good;
- e) eligibility under one of the categories of Membership (see Section 2)

2. Categories of Members

There are three categories of Membership:

a) Organizational Membership

This category is formed by groups and organizations that fulfill the Membership criteria, including nongovernmental organizations, social movements and grassroots groups. The following types of organizations shall not be admitted under this Membership category:

- Governmental or Intergovernmental Organizations
- National Institutions for the Protection and Promotion of Human Rights

- International Financial Institutions
- Funding Agencies
- Media Organizations
- Profit Seeking Organizations, including Corporations

b) Individual Membership

This category will be formed by individuals who meet the Membership criteria and who are not eligible to participate in the Network through organizational Membership. This category will be formed by individuals who are human rights activists or practitioners, human rights experts, or academics.

If an organization is a Network member, individual members of that organization cannot apply as individual members of the Network. If an individual is a member of an organization not affiliated with the Network, then that individual can participate as an individual member of the Network – assuming that individual meets other relevant criteria. In addition, when an organization joins the Network, if there are members of that organization holding individual Memberships in the Network, those individual members shall be converted to an organizational Membership.

c) Observers

Observer status is reserved for institutions that are not eligible for organizational Membership. Observers have limited rights of participation. Applicants for Observer Status must meet the Membership criteria and may apply and have their application reviewed on a case by case basis.

3. Rights of Members

Organizational members shall have all of the following rights:

- i.** Right to vote on all General Assembly matters, including:
 - A.** Election of Board Members, and dismissal of Board Members through a recall process
 - B.** Determination of political position of the Network on an issue or campaign
- ii.** Right to run for a Board office and to serve on the Board

- iii. Right to present proposals on specific projects for the Network and Working Groups
- iv. Right to participate in the Working Groups, including the right to vote on Working Group activities and decisions, and the right to participate in other activities and structures of the Network
- v. Right to participate in the General Assembly meetings
- vi. Right to access information provided through and/or by the Network

Individual members shall have rights (iii) through (vi) as set out above, with a modification to (iv) as follows:

- i. Right to participate in the Working Groups, including the right to vote on Working Group activities and decisions

Observers have no voting rights. They do have the following modified rights:

- i. Right to request participation as an observer within the Working Groups, which is subject to approval by Working Group members, and right to participate in activities and structures for the general Membership of the Network, with the exception that sessions closed to observers may be called during these activities and within these structures.
- ii. Right to participate as an observer in the General Assembly meetings, with the exception that sessions closed to observers may be called during the meeting.
- iii. Right to access information on the general list serve provided through and/or by the Network.

4. Responsibilities of Members

- a) Adherence to principles and goals of the Network
- b) Commitment to share and exchange information that advances the mission of the Network (i.e. information that may facilitate the creation of partnerships, exchange strategies for the defense and promotion of ESCR, information on projects, etc.)
- c) Active engagement in the Network (exercise voting rights, attend meetings, actively participate in Working Group projects, respond to requests, etc.).

5. Process for Becoming a Member of ESCR-Net

All organizations and individuals that wish to join the Network must fill out a Membership form (basic information) and sign onto a statement of principles (pledge based on the mission statement and principles of ESCR-Net). The form and endorsed statement shall be submitted to the Secretariat for review by the Board, to ensure compliance of the Membership criteria.

After the Board review, there will be a notification period where the names of those applying for Membership will be posted for a period of two months. At the end of that period, if there are no objections, queries, etc, then the organization or individual shall become a member. This notification period is waived for organizations and individuals who participated in the ESCR-Net Inaugural Conference (Chiang Mai, Thailand, June 2003).

Members of the Network can propose the termination of an organization's or individual's Membership in writing if this member contradicts the principles of the Network. The proposal for termination of Membership shall be submitted to the Secretariat who will review and assess it, and then submit the proposal to the Board. To ensure due process, the proposal will be shared with the organization or individual that is the subject of the proposed termination, and that organization or individual shall be given at least 21 days to respond. The Board shall then vote by a simple majority to notify the full Membership of the proposed termination, and allow for a 14 day comment period by the Membership. After the comment period, the proposal shall be sent to the full Membership for approval or rejection by a simple majority of the General Assembly.

D) Secretariat

1. Roles and Responsibilities

The ESCR-Net's Secretariat shall:

- a) Conduct the everyday activities of the Network and the necessary tasks to implement the Network's work plan and meet Network goals and targets;
- b) Implement the decisions of the General Assembly and the Board;
- c) Facilitate information-exchange among members;
- d) Prepare the budget and provide day to day financial management in accordance with the budget approved by the Board;
- e) Facilitate communication between the different bodies of the Network and between members;
- f) Facilitate and support projects initiated by members and approved by the Board;
- g) Develop and maintain Network websites, mailing lists and databases;

- h) Represent the Network at events, conferences and in other public fora;
- i) Track development of the field of ESCR and identify opportunities for the Network to take up or develop;
- j) Answer member and public inquiries;
- k) Provide technical, administrative, and communications support for the Network;
- l) Coordinate and undertake outreach initiatives;
- m) Fundraise for ESCR-Net in coordination with the Board and the Working Groups;
- n) Coordinate and monitor evaluations of Working Groups; and
- o) Report to the Board and the General Assembly on actions and projects of the Network and other issues related to the Secretariat's responsibilities.

2. Structure

ESCR-Net shall have an autonomous Secretariat incorporated as an independent organization accountable only to its own Board and General Assembly. In the interim while the incorporation process is ongoing, ESCR-Net shall use a professional fiscal sponsor. The Secretariat may have its own offices or it may establish an operational relationship and share office space with another organization. If the Secretariat shares office space and/or has an operational relationship with another organization, then a Memorandum of Understanding is required which clearly sets out the terms and conditions of the operational relationship and the roles and responsibilities of each organization.

3. Size and Staff Hiring Process

Size: In general, the Network shall maintain a small Secretariat staff, which balances the need to undertake substantive work and fulfill its coordination functions with the need to decentralize work and activities through Working Groups and other structures.

Hiring of Staff: The Network director shall hire staff and have the capacity to dismiss staff with the approval of the Network's board, following all necessary legal and other required processes.

Appointment of the Director: The Director shall be hired by the Board, and the Board has the capacity to dismiss the Director, following all necessary legal and other required processes.

Term of Hire: The Director shall be hired for a three year term, which may be renewed. Best efforts should be made so that the Director's term does not coincide exactly with the term of the Board in order to ensure greater continuity and smoothness in operations during transition of the Board.

4. Permanent or Rotating

ESCR-Net shall have a permanent Secretariat in one location, while leaving open the possibility of changing its location as deemed necessary. The Board will periodically evaluate the functioning of the Secretariat. The decision to either reaffirm its current location or put in place a process for moving it would be taken by ESCR-Net members.

E) Regional Representation of the Network

ESCR-Net shall seek to ensure regional diversity and representation through all its structures and actions. In addition, regional structures may be created in response to the needs, interest and commitment of the General Assembly. The process to create any regional structure should be undertaken in a way that responds to specific needs, takes into account the Network's available resources, and avoids fragmentation.

At this point in time, decentralization of the Network shall continue to be achieved through the Working Groups. A process shall be adopted to develop regional structures in the future.

F) The Role of Working Groups within ESCR-Net

ESCR-Net shall have thematic Working Groups that decentralize Network activities, accomplish substantive work, and allow members to undertake joint actions. The thematic foci of the Working Groups must correspond to the priorities set within the Network agenda, mission and goals.

The guidelines for the formation and functioning of Working Groups shall be set by the Board and revised according to need.

G) The Role of Social Movements and Grassroots Organizations within ESCR-Net

Social movements and grassroots organizations are critical participants in the Network. Their participation must be supported and encouraged. Since its inception, ESCR-Net has operated

– and commits to continue to operate – on the principle that its work should be inclusive and efforts should be made to reach out to social movements, grassroots groups and social justice groups to ensure their participation throughout all structures of the Network, and to ensure that the activities of the Network are grounded in the lived experience of people affected by ESCR violations.

H) Process for Collective Action

Political Positions: No Working Group or Member may take a position on behalf of the Network deemed by the Board to be a political position without following an approval process. All proposals for the adoption of political positions must be raised by a Working Group or a member of the Network with the Secretariat who after engaging in a substantive review with the party making the request will send it to the Board for consideration. The Board will evaluate any request for collective action or the adoption of a political position to determine if:

- It is consistent with ESCR principles and human rights standards
- It presents a suitable strategy for the Network
- There are adequate Network resources for such an action, and
- If there is a consensus within the General Assembly regarding the position or action being proposed.

After an evaluation, the Board in turn will present the request to the General Assembly, which will decide whether the Network adopts the political position as a whole body. If no common position is adopted, individual members of the Network and Working Groups may still endorse the position in their individual/organizational capacity and state their affiliation to ESCR-Net. If there is consensus then the position is adopted using ESCR-Net's name.

Campaigns: At this time the Network does not have the common platform or the capacity to initiate campaigns as a Network. However, a process should be developed to initiate campaigns in the future. Working Groups can initiate and undertake campaigns and present them for the adoption by the Network as a whole.

Where the support or involvement of ESCR-Net is requested in an existing campaign, the campaign will be referred to the relevant Working Group to decide whether this is an action it wishes to take up or support. Where there is no relevant Working Group, then the request follows the same procedure as set out for the adoption of political positions.

I) Amendments to Governance Proposal and Structure

A simple majority of the Board (based on a quorum of 100% of the Board) or 50 member organizations may propose an amendment to the Governance structure. Amendment proposals shall be submitted to the Secretariat and the Secretariat shall make them available for public inspection for a period of 21 days. A proposal must be approved by 51% of the votes cast, based on a 2/3 quorum of the General Assembly.