Advocacy and Social Justice: Measuring IMPACT

A monitoring, evaluation and learning guide on legal advocacy

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Message From the Executive Director

Human rights advocacy: we do it out of a commitment to justice and because we know that without advocacy, it's the rare circumstance where those with the power to make the rules will do the right thing. All too often, those who want power, and those who have it, will pursue, make and enforce rules to either get it or keep it for themselves. Often this means tacitly condoning, or even actively encouraging, the disempowerment and abuse of others — and particularly those who are already disfavoured or marginalized, or easily scapegoated.

The history of the HIV epidemic has illustrated, starkly and tragically, how the denial of rights and justice fuels a public health crisis. Correspondingly, history shows us that rights and justice are essential to an effective response — and why it's urgent and important that we advocate for them. While the history of HIV and AIDS is a story of the loss of millions because of indifference, apathy, discrimination and greed on the part of too many decision-makers, it is also the story of how advocacy, and the activists that do it, can save — and have saved — millions of lives.

Advocacy comes in many shapes and forms. Different tactics and tools are needed at different times, in different legal and sociopolitical environments, by various advocates tackling a challenge in different ways — from different institutional, organizational, political and geopolitical positions, with varying capacities, organizational cultures and resources to contribute to an advocacy project. For the Canadian HIV/AIDS Legal Network, specifically engaging with the law and using the tools the law sometimes provides are core aspects of our overall, broader approach to advocating for human rights in the response to HIV, whether individually or carried out jointly with a range of partners and allies, domestically or internationally.

Of course, we want to succeed with our advocacy: rectify an injustice, abolish a harmful law or policy, change discriminatory attitudes, protect people and communities against abuse, secure funds to protect health and save lives. To increase our chances of successfully making change, we want to be more systematic in assessing the impact of our advocacy efforts. What works or is working? What doesn't or isn't?

In this guide, we've tried to refine and distill some of our thinking about how to monitor and measure our impact as advocates, and to learn from that — particularly in relation to our legal advocacy work. We've learned in the process, and we hope that, with a continued commitment to ongoing learning, we'll become better, stronger, more effective advocates. We hope you also find this guide useful in thinking through the challenges of how to monitor and evaluate legal advocacy, and look forward to learning from your experiences.

At the end of the day, the most important thing is to stand up for justice, whether we win or lose in the end. But of course it's better to win.

In solidarity,
Richard Elliott

Glossary of Terms

Advocacy Terms

In the context of this particular guide and the advocacy work undertaken by the Canadian HIV/AIDS Legal Network, we use the terms below to mean the following:

Advocacy: The process of trying to influence the formulation or implementation of policies. Advocacy efforts can be targeted at local, provincial/territorial or federal government bodies; regional bodies; international entities; or private sector targets — or particular decision-makers within these bodies.

Legal advocacy: The use of the law or legal tools, reasoning, processes and mechanisms to defend or advance the human rights of an individual or broad classes of people. Legal advocacy can engage with the law at various levels (e.g., local, provincial, federal or international) and can be carried out in domestic, regional and international forums. Aside from the use of courts, legal advocacy employs many of the strategies associated with advocacy more generally to influence the knowledge, attitudes and actions of the public and legislators to support more just policies, including through legislative reform.

Strategic litigation (or public-interest litigation): A specific mode of legal advocacy, strategic litigation is the process of *initiating* or *intervening* in a legal case that has the potential to bring about significant change in the law, interpretation of the law or legal practice to respect, protect and fulfil the rights of a group or category of people. It is often used in conjunction with other advocacy tools to raise awareness, increase support for the affected category of people, and encourage or compel legislative reform.

Monitoring, Evaluation and Learning (MEL) Terms

Evaluation: The act of assessing as systematically and objectively as possible the effectiveness of a strategy, program or initiative for the purposes of adjusting or improving strategy in future **(formative evaluation)** or assessing the degree to which goals were achieved at the end of a program **(summative, outcome or impact evaluation)**. Outcome evaluation can also be formative, by informing subsequent advocacy efforts.

Learning culture: An environment that fosters curiosity, rewards learning from both successes and failures, and prizes sharing strategic insights as key institutional assets.

Monitoring: An ongoing or frequent process that measures progress in completing activities related to an initiative's implementation plan.

Strategic learning: Using evidence of what works and what doesn't work to draw actionable insights for improving strategy and tactical approaches to result in greater impact.

Theory of change: For the purposes of this guide, a high-level statement of the key factors and actors that bring about desired change. An organization's mission statement usually reflects to some degree its theory of change.

Theory of action: An articulation of the program logic that identifies key interventions by an organization or alliance, their sequencing, and their expected outcomes, ultimately leading to the achievement of advocacy goals. A theory of action is often represented by a flow chart or causal diagram or matrix. It forms the basis of both program strategy and the monitoring, evaluation and learning plan.

Acronyms

AER	after-event reviews
AIDS	acquired immunodeficiency syndrome
CREAM	Clear, Relevant, Economical, Adequate, Monitorable
HCV	hepatitis C virus
HIV	human immunodeficiency virus
MEL	monitoring, evaluation and learning
MMS	mandatory minimum sentence
SCS	supervised consumption services
RCA	*Respect for Communities Act*
SMART	Specific, Measurable, Achievable, Realistic, Time-bound
ToA	theory of action
ToC	theory of change

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PART I

Building a Monitoring and Evaluation System for Advocacy

SECTION 1:
Introduction

1.1 Introduction to the Canadian HIV/AIDS Legal Network

The mission of the Canadian HIV/AIDS Legal Network (the "Legal Network") is to protect and promote the human rights of people living with and affected by HIV. We challenge injustice, whether in legal decisions, government policy or the court of public opinion. We envision a world that respects the inextricable link between health and human rights, and upholds dignity for all. We look forward, someday, to the end of AIDS — and we are doing our part in pursuit of this goal by defending and advancing human rights. We know what works for HIV prevention and care, but too often those efforts are hindered by harmful laws and policies. At the Legal Network, we pursue our vision through four interlocking and mutually reinforcing modes of work: research and analysis, litigation and other forms of advocacy, public education, and community mobilization — within Canada and internationally.

Those most affected by HIV tend to be marginalized in various ways, experiencing discrimination, violence, criminalization or other abuses based on, sex, sexual orientation, gender identity or expression, disability, use of illegal substances, criminal record, migrant status, involvement in sex work, racialized or Indigenous status, imprisonment or other detention, or poverty. Because of advances in HIV prevention and treatment, many people feel there is less urgency to address HIV, yet it continues to be a critical issue for those who face multiple forms of discrimination, poverty, and lack of access to health services or legal representation — factors that greatly increase the risk of exposure to HIV.

The Legal Network is committed to improving our own advocacy practice, our collaborations with others and the impact of our work. This guide on monitoring, evaluation and learning (MEL) is meant to help us systematically examine and document our work so that we may continuously refine and hone our strategies in the pursuit of our mission.

1.2 Why a Guide for Monitoring and Evaluating Legal Advocacy?

Developing good MEL systems can be challenging for advocacy organizations as we are often tackling big problems with limited resources, leaving little time for thinking through a MEL system. There is an increasing number of advocacy guides available (and we've drawn from some of them), but we thought it was important to have a guide that reflected the nature of legal advocacy. We created this guide with LYV Consulting, with significant input from allies, to best meet the organization's needs for MEL regarding our advocacy. We hope the lessons we've learned evaluating advocacy and articulated in this guide are applicable to other organizations as well.

1.3 How To Use This Guide

This is a guide, not a manual or a blueprint. It provides guidance, examples, and sample tools so that social justice and legal advocacy organizations can improve their monitoring and evaluation system in ways and at a pace that benefit them. It can be read straight through, but it is designed so that you can consult the section of most relevance. Likewise, you are free to pick and choose from the tools and approaches provided, and to adapt them in ways that make sense.

The guide is divided into two parts:

Part I describes building a monitoring and evaluation system for advocacy efforts.

> **Section 1** introduces you to the guide.

> **Section 2** covers the basics of MEL, the particular characteristics of advocacy MEL and prerequisites of effective MEL design.

> **Section 3** begins with a generic framework for understanding and assessing advocacy, then takes a more in-depth look at legal advocacy, including strategic litigation, to help fine-tune the generic framework.

> **Section 4** discusses the process for developing and integrating a MEL system into the organization, including the roles, responsibilities, process and extent to which external evaluation is warranted in an organization with strong monitoring and learning systems.

> **Section 5** introduces some basic monitoring tools for legal advocacy. Even without a full-blown MEL system, strategically using some or all of these tools can generate important knowledge for an organization.

> **Section 6** briefly discusses the need for external evaluation in the context of a strong MEL system

Part II includes monitoring tools we've developed that can be used or adapted for other organizations.

In addition, Appendix I explores when it is appropriate to commission an external evaluation, while identifying some approaches that are typically used in advocacy evaluation, and Appendix II includes a bibliography of additional resources.

SECTION 2:
Monitoring, Evaluation and Learning (MEL) Basics

2.1 Why Do You Need To Measure Advocacy?

Accountability demands from donors usually drive many organizations to develop monitoring and evaluation systems. These demands often lead to compliance rather than creative MEL, which is an integral part of a planning, implementation and learning cycle that contributes to an organization's system. So, while accountability often tops the list of reasons to develop MEL systems, we believe the three primary reasons for investing in MEL are (1) strategic learning for improved performance, (2) accountability and (3) the capacity to make the strongest case for your organization.

Learning for Improved Performance

Learning is focused on understanding what does and doesn't work, with a view to building on successes or changing direction in the face of disappointing or unexpected negative outcomes. We learn informally about advocacy all the time: what arguments seem most persuasive to policy-makers, what media hooks are most effective, when is it most important to give a human face to an issue, what moves public opinion on an issue, what communications tools and media narratives or images are most effective. But organizations and alliances often either lose that knowledge through staff turnover or fail to capitalize on it by applying it more broadly to other advocacy efforts. **Pre-planning assessments are an important tool for establishing a baseline.** Once a strategy is designed and implementation is underway, good documentation of decision points and tight MEL feedback loops are important, particularly in initiatives that are new, fast-paced, controversial or unfolding in dynamic contexts.

Accountability

MEL systems hold organizations accountable to their various stakeholders. There are **several relevant forms of accountability:**

> **Accountability to donors**, where an organization or alliance accounts for its actions and the funding it has spent. Donors can include a range of institutions (public, private or corporate foundations, governments) or individuals. Often the bulk of monitoring and evaluation efforts go to satisfying the reporting requirements of institutional donors. Some funders have a specific set of metrics against which they judge organizations (e.g., number of clients served), but this approach may not make sense in an advocacy initiative. One way to have a productive dialogue with funders about appropriate standards and metrics for evaluating advocacy is to develop a strong MEL system and make a good case for a different set of metrics or qualitative evidence, including through the practice of quality MEL of your advocacy work.

> **Mutual accountability within an alliance**, where members report back to each other on meeting their commitments in a joint strategy or effort. How detailed and formalized this process is depends on the nature of the alliance, and the complexity and duration of the effort. Often, explicit thought is given to mutual accountability only once an alliance runs into trouble (e.g., poor communications, lack of trust amongst members, failure to meet commitments). It is possible to avoid many of these complications by clearly defining goals, expectations and processes in advance.

> **Accountability to clients or affected groups**, where an organization or alliance reports back to and/or consults with the people it is ostensibly serving. (For the Legal Network, this includes people living with HIV, sex workers and people in prison, among others.) Such accountability is particularly important for an organization that is seeking to promote the human rights of those most affected by discriminatory policies, practices and beliefs.. One way organizations can address this type of accountability is by developing shared principles — and periodically checking compliance with those principles — as well as checking the quality and functioning of the alliance.

Making the Case for Your Organization or Alliance

Sometimes advocacy can seem like an exercise in futility, especially in an adverse political environment where wins are few and far between. Furthermore, legal and policy advocacy, and particularly strategic litigation, are often highly technical initiatives that can be hard for the layperson to understand. In addition, the change process can be quite opaque, especially because much advocacy work happens behind the scenes — building up alliances, reaching consensus, cultivating champions, etc. — thus making it difficult for the public (or even donors) to understand the change process and the role(s) an organization or alliance plays in promoting their interests and bringing about change.

Developing ways of presenting the work that are consistent, results-focused (short-, medium- and long-term) and accessible can go a long way towards building greater engagement and support.

2.2 Advocacy Is Complicated: Implications for MEL

Doing advocacy and trying to bring about policy change — whether through the legislature, the courts or international bodies — is often a long-term, unpredictable process. Strategies and milestones shift over time and advocates are often improvising, which means that a MEL system should not only have tight feedback loops that feed into decision-making, but also be able to adjust so that an effort is judged against realistic standards. For example, some advocacy successes can trigger a strong backlash or counter-measures, leading to setbacks; those setbacks have to be judged in the context of the broader effort, over time and not in isolation.

Generally, advocacy efforts involve multiple stakeholders and collaborators, as well as being pursued through multiple strategies simultaneously, making it difficult to unravel who contributed to what positive or negative outcomes. Even in the case of strategic litigation, while arguments and decisions are well documented in individual proceedings, litigation is often just one element in the arc of achieving policy change.

An added difficulty in determining the contribution of advocacy efforts is that policy-makers are often inaccessible or reluctant to participate in evaluation efforts or, if they do participate, reluctant to admit that an advocacy campaign influenced them.

This complexity makes monitoring particularly important, both for documenting progress in real time (to feed into timely decision-making for adjustments in strategy) and to avoid distortions that may be introduced into the record after the fact because of unreliable memory.

> Because the majority of advocacy efforts and processes involve multiple actors, in most cases an evaluation can only make a plausible case that an organization or campaign contributed to an outcome. That case becomes stronger through more supporting evidence gathered as the effort unfolds, including consistent capturing of informal comments and observations by people the campaign is trying to influence.

Given the intensive nature of advocacy work, it is important to have MEL systems and practices that are light and flexible, and that contribute to improved advocacy outcomes in meaningful ways.

2.3 Four Things To Establish for Effective MEL

The overarching purpose of monitoring and evaluation is to determine the extent to which an organization or alliance is achieving its program goals and analyzing the reasons for success or lack thereof.

Here are four basic prerequisites for doing effective MEL:

A. **Clarity about the goals**. When it comes to advocacy, an organization or alliance often has big, aspirational goals (e.g., eliminate gender-based violence, end the global trade in small arms), which are used to inspire and mobilize the public. These should not be confused with the more realistic, eventually achievable goals that an organization works on day-to-day and against which funders and other supporters will judge their performance. Some examples of such goals might be passing a piece of legislation containing specific policy language, setting a favourable legal precedent through strategic litigation, getting an international body to establish a resolution or guidelines, or adopting practices that protect the rights of people living with HIV or a community particularly affected by HIV.

B. **A good understanding of the initial state of play or baseline conditions at the start of an advocacy initiative**. You generally do this anyway because it is the basis of determining what the best advocacy strategy might be. However, perhaps you do not document the initiating conditions in formal pre-planning assessments or diagnostics in any detail. These conditions are referred to as the "baseline" in standard program evaluation, but in advocacy evaluation, they tend to look somewhat different.

✳ Some information is **quantitative**, such as

> ❯ the incidence and trends of HIV infection in the prison system

> ❯ the number of community service-providers for people living with HIV

> ❯ the number of organizations working for and against a particular issue

✳ Other information is **qualitative**, such as

> ❯ the wording of legislation, or its interpretation, that an advocacy effort seeks to change

> ❯ a power analysis of influencers and policy-makers for, against or neutral toward a particular policy objective

> ❯ the capacity and influence of organizations at the beginning of an advocacy effort

C. **A tailored theory of action and a detailed strategy against which progress can be measured.**

Advocacy organizations often try a lot of different strategies and tactics because, given the unpredictable nature of policy change, it is hard to anticipate what will "stick." A disciplined advocacy organization will be explicit about the strategies and tactics it chooses, their sequencing and the anticipated process of change (from awareness-raising, to creating political will, to policy action) and will monitor the process closely to see whether it is actually delivering the changes it seeks. By being explicit about the expected changes at each stage and closely monitoring the process, it is easier to identify where there may be implementation problems or a theory/strategy problem.

D. **Clarity on the key questions that need answers.**

As mentioned above, MEL systems can be for different forms of accountability, learning and positioning of the organization, and they can be either formative (during implementation) or summative (at the end of an effort). The purpose and intended audiences should shape both what is monitored and how the evaluation is designed. There will generally be some monitoring and evaluation you're obliged to do, given donor reporting requirements. Besides that, you should focus your MEL energies on where it makes most sense. It may be on an initiative that is not gaining traction or an alliance that is struggling. It might even be more narrowly and intensely focused on tracking stakeholder and public reaction to a controversial position the organization or alliance has taken. Conversely, it might be on a successful initiative that you want to document to help amplify the impact and to share more broadly as a good model.

> When thinking about the extent of monitoring and evaluation that an organization is going to do, a key guiding question is *What's <u>the least</u> amount of information I need in order to make significantly better decisions or satisfy stakeholder expectations to a significant degree?*

SECTION 3:

Developing a Framework for Understanding and Assessing Advocacy

3.1 Generic Advocacy Framework

Stages and Targets of Advocacy

Based on a review of dozens of advocacy efforts, Julie Coffman and Tanya Beer from the Center for Evaluation Innovation (www.evaluationinnovation.org) developed a generic framework of the key stages and multiple targets of advocacy efforts (Figure 1). Despite the fact that advocacy efforts are unpredictable, non-linear and highly context- and issue-specific, this framework helps establish a simple, more uniform way to approach planning, evaluating and communicating about advocacy.

* In policy advocacy, advocates **raise awareness** of an issue, carefully framed to garner public support, with the purpose of **creating political will and capacity** while **inspiring action** on the issue that ideally leads to a policy victory. According to Coffman and Beer, advocacy organizations target three audiences:

1. the general public and/or key interested constituencies

2. people or institutions that are "influentials" (e.g., leading spokespersons of constituency groups, legal scholars, specialists, opinion-shapers, policy-makers) including the media

3. the policy-makers who ultimately make the decisions

With legislative advocacy, advocates **try to change the alignment of political forces** from one of opposition or indifference to one of support for their issue. Organizations might also employ **strategic litigation** and use the courts as an avenue for policy change.

FIGURE 1 ADVOCACY DESIGN AND ASSESSMENT FRAMEWORK: AUDIENCE AND DOMAINS OF CHANGE

change	PUBLIC	INFLUENTIALS	POLICY-MAKERS
ACTION	Mobilization of the public	Targeted action by individual influencers, core allies, and coalition members	Policy actions by decision-makers: legislation, legal judgements; regulations; budgeting
WILL AND CAPACITY	Growing public support for issue, increased capacity of key constituents	Increasing influence through increased number and status of supporters	identifying & supporting policy champions, neutralizing influence of policy
AWARENESS	Issue as framed by campaign is on public agenda and understood	Issue as framed by campaign is taken up by key individuals, groups and allies	Issue as framed by campaign is presented to policy-makers and positions understood (if not supported)

audience

Adapted from *The Advocacy Strategy Framework: A tool for articulating an advocacy theory of change*, March 2015.

Strategies and Tactics

Advocacy efforts can include a wide range of strategies and tactics. They can be (1) grassroots focused, raising the awareness of and mobilizing the general **public or activist constituencies**; (2) "grass–tops" focused, targeted at influentials; or (3) some combination of the two. Advocacy efforts can work within the system or from outside (e.g., relying more on protest and disruption) or both. Figure 2 indicates the range of strategies and tactics advocates can employ and whether they foster awareness, will or action. This graphic is useful for mapping planned activities and tracking how your organization's strategies and tactics shift (or fail to shift) over time (e.g., moving beyond the awareness-raising stage to mobilization of key constituencies). In the case of an alliance, this framework can help members define the division of labour (i.e., which organization is taking the lead on communication and messaging, which is leading the petition drive, and so on).

FIGURE 2 STRATEGY FRAMEWORK: STRATEGIES AND TACTICS

change

audience

| | PUBLIC | INFLUENTIALS | POLICY-MAKERS |

ACTION
- Petition drives
- Community mobilization
- Voter mobilizations
- Interveners (amicus briefs)
- Consensus documents
- Litigation: proactive
- Litigation: reactive
- Lobbying
- Model legislation
- Regulatory feedback

WILL AND CAPACITY
- Community organizing
- Leadership development
- Advocacy capacity-building
- Alliance building
- Media campaigns / advocacy
- Champion coordination
- Champion development
- Public hearings

AWARENESS
- Communications and messaging
- Public awareness campaign
- Policy analysis/research
- Policymaker education

Adapted from Coffman and Beer, March 2015.

Identifying Outcomes

While it is important to be explicit about the timing and intensity of each tactic and to monitor implementation, a tactic's efficacy can only be judged by whether it brings about anticipated changes for the different audiences in each of the domains of change (Figure 3). The more specific you can be, the better. For example, whose attitudes and beliefs is the effort seeking to change? What knowledge and beliefs does the campaign want to change? Whose and which capacities need to be enhanced, and how will this create political will? An iterative process of monitoring the implementation of your strategies and tactics and, in turn, comparing them against change in each of the domains will help you fine-tune your strategy. Good documentation of gains in each domain of change will also help you give a *balanced assessment* of the impact of the advocacy effort, regardless of the ultimate policy outcome. In other words, you may lose a policy battle, but if you have a stronger alliance,

more capacity, relationships with a broader range of influentials and champions, you can make the case that your effort was worthwhile, which, despite the loss, leaves you better positioned for future efforts.

FIGURE 3 STATEGY FRAMEWORK: ADVOCACY OUTCOMES OVER TIME

change		PUBLIC	INFLUENTIALS	POLICY-MAKERS
	ACTION	▪ Successful mobilization (who, for what, when?) ▪ Effective public voices ▪ Sustained political pressure	▪ Coordinated collaborative action among core allies ▪ Action by broader coalition (e.g., mobilization, lobbying, litigation)	▪ Rights-based legislation and its application in whole or in part ▪ Favorable judicial decisions and their application in whole or in part
	WILL AND CAPACITY	▪ Increased public will (#, intensity, durability of support) ▪ Increased advocacy capacity	▪ Stronger, more informed/capable advocacy coalition/ alliance ▪ Increase in influential spokespersons, coverage (media)	▪ Increase in number, influence, and activism of political champions ▪ Commitment to address the issue by supporters
	AWARENESS	▪ Specific changes in knowledge about issue ▪ Issue seen as important, worth acting on	▪ Specific changes in knowledge about issue ▪ Issue seen as important, worth acting on	▪ Increase in knowledge about issue; additional or new perspectives ▪ At least some policy-makers see it worth acting on

audience

Adapted from Coffman and Beer, March 2015.

3.2 Creating a MEL Framework for Legal Advocacy

Since we are a legal organization, the Legal Network built this guide with a particular interest in developing a framework for legal advocacy, which can be used for issues related to HIV and other social justice policies. Legal advocacy uses many of the traditional tools associated with legislative advocacy (i.e efforts to influence the introduction, enactment or modification of legislation for a certain cause) and can be pursued as a complement to a legislative advocacy strategy. Figure 4 illustrates the complementary components of a legal advocacy strategy that will be present to a greater or lesser degree depending on the issue, the context and the history of the advocacy effort.
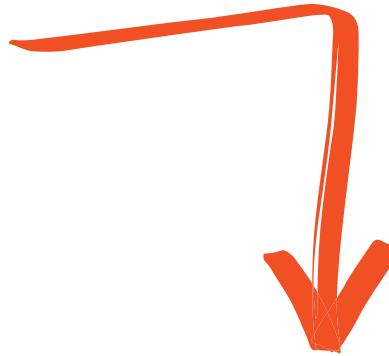
FIGURE 4 LEGAL ADVOCACY STRATEGIES

RESEARCH & ANALYSIS
Build an evidence base

STRATEGIC LITIGATION
Set a positive precedent

LEGAL SUPPORT
Balance helping individuals with advancing larger case

PUBLIC AWARENESS/ EDUCATION
Communications strategy

COMPLEMENTARY LEGAL ADVOCACY STRATEGIES

POLICY ADVOCACY WITH LEGISLATURES, EXECUTIVE BRANCH AND/OR INTERNATIONAL BODIES
Synchronize lobby efforts with legal strategy

HUMAN RIGHTS/LEGAL EDUCATION
Educate key populations on human rights and relevant laws

MEDIA STRATEGY
Proactive outreach to media

COMMUNITY MOBILIZATION
Affected community takes up issue

ALLIANCE AND CAPACITY-BUILDING
Identify core allies and build capacity of organizations serving affected populations

Understanding Strategic Litigation

One element that distinguishes legal advocacy from legislative advocacy is the use of **strategic litigation:** a case is selected in which the legal decision is likely to set (or confirm) a precedent with far-reaching consequences. While many people have a general notion of public-interest advocacy, the process and dynamics of strategic litigation are not commonly understood. Figure 5 illustrates the process.

FIGURE 5 DECISION POINTS IN STRATEGIC LITIGATION
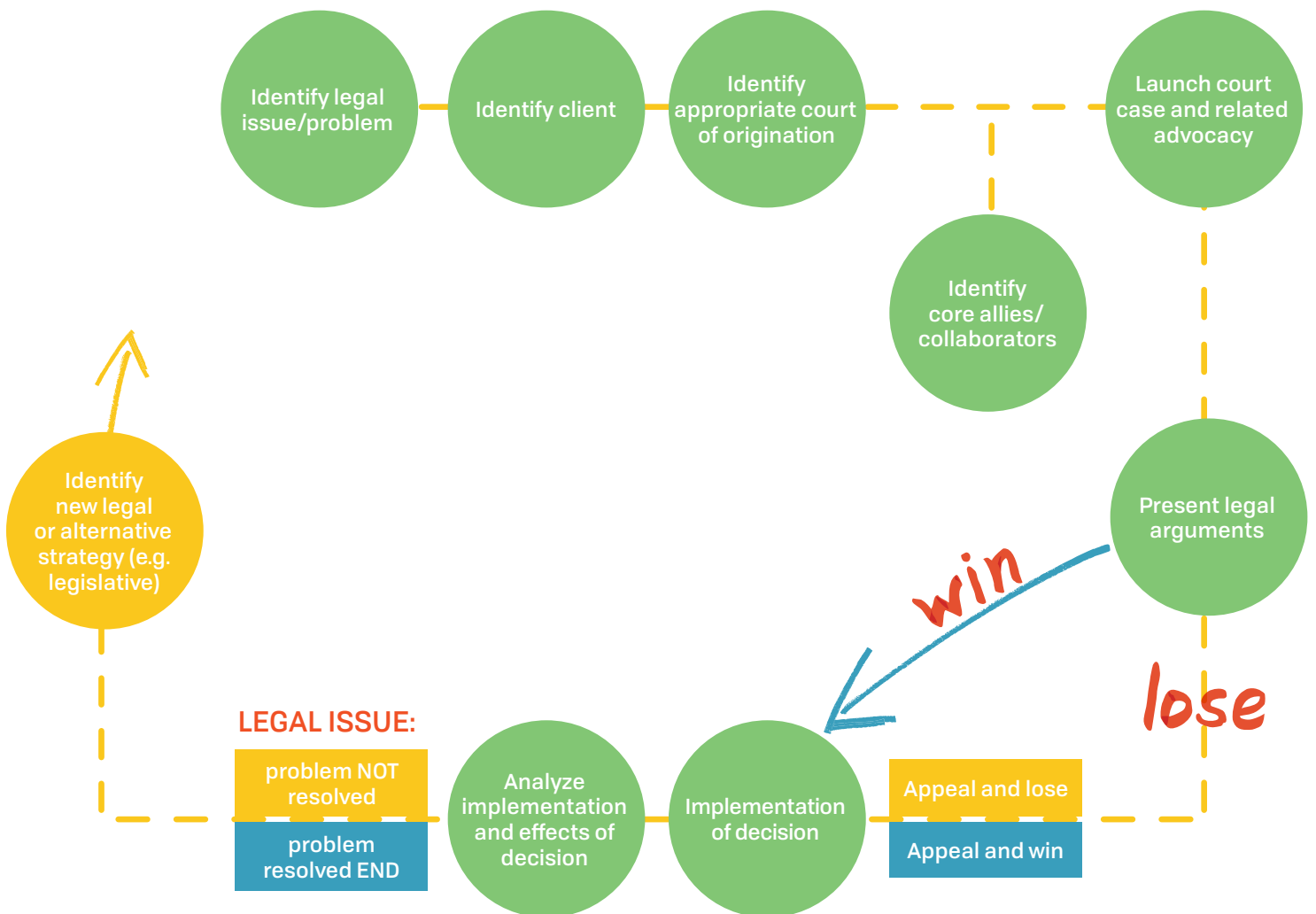
Adapted from a presentation by TCC Group at the American Evaluation Association, Chicago, 2015.

CASE STUDY:
Supervised Consumption Services — An Example of Strategic Litigation

Supervised consumption services (SCSs) are health facilities in which people are able to consume (often intravenous) drugs obtained elsewhere under the supervision of medically trained personnel. In addition to providing sterile, single-use supplies and a safe, hygienic setting in which to inject, SCS staff assist users in overdose prevention and other best practices to avoid the negative health effects that may otherwise result from the use of non-sterile equipment and unsafe consumption practices. In the event of an overdose, staff can intervene immediately, reducing the likelihood of death.

The Legal Network played a key role in the advocacy that led to the establishment in 2003 of **Insite**, the first officially sanctioned SCS facililty in North America. Since then, the Vancouver-based centre has proven to be a safe, sanitary place where people can inject drugs with far less risk of infection or overdose and connect to critical health care services. However, between 2006 and 2015, Insite faced ongoing stiff opposition from the federal government.

To support keeping Insite in operation, Insite's operators and drug user activists initiated a court case proactively challenging the government's apparent refusal to extend its exemption from Canada's drug laws outlying possession of various drugs. The Legal Network, together with other organizations in a coalition, intervened in the case of *Canada (Attorney General) v. PHS Community Services Society*. In September 2011, the Supreme Court of Canada (SCC) issued a unanimous ruling in favour of a constitutional exemption permitting Insite to continue operating without risk of criminal prosecution for its clients and staff. Following the SCC ruling, a number of service agencies and municipalities began to examine the feasibility of establishing these services in their communities. But in 2015, the federal government passed the *Respect for Communities Act*, outlining more than 26 new conditions required for applicants wishing to establish an exemption from certain provisions of the *Controlled Drugs and Substances Act* (CDSA) and creating other legislative hurdles, thereby stalling the scaling up of these services. Legislative reform advocacy and strategic litigation may both prove necessary to eventually remove these hurdles in the law and create a legal framework that enables more of these health services to operate.

Getting it Right: Making Decisions for Strategic Legal Advocacy

Engaging in strategic litigation implies a significant commitment of resources for the initiating organization. Even an organization that decides to support the case (by providing research, legal advice or an amicus curiae brief) has to be mindful of the implications of their involvement for their own advocacy strategy. Consequently, even before one launches or engages in a case, an organization or alliance should perform an assessment of readiness for initiating litigation or engaging with existing litigation (Figure 6) and identify potential barriers to successful litigation (Figure 7).

While these are things you should consider before undertaking strategic litigation, they are also things you should monitor in the course of litigation. For example, taking the pulse of public sentiment to see if support for the litigant or issue is increasing or decreasing as the trial progresses, or tracking the capacity, resilience and level of commitment of coalition members as a case makes its way through the court system.

FIGURE 6 ASSESSING READINESS FOR LITIGATION

ASSESSING READINESS FOR LITIGATION

VISION — THE CASE
- Is consistent with organization's values and vision
- Fits in with larger strategy
- Contributes to movement or community

ACCESS TO RESOURCES
- Funding (including sufficient to offset risk of a judgment to cover other side's costs in event of a loss)
- Legal expertise (internal/external) — reliable and available as needed
- Research
- Communication resources and strong communication strategy to influence "court of public opinion"

LEGAL READINESS
- Strong, emblematic case
- "Good" client or situation
- Appropriate venue
- Existence of favourable precedent
- Strong legal team

QUALITY OF PARTNERSHIPS
- Expertise, capacity, reputation of legal partners (as relevant)
- Advocacy partners
- Community/movement partners

Adapted from TCC Group, 2015.

FIGURE 7 ASSESSING BARRIERS TO SUCCESS

ASSESSING BARRIERS TO SUCCESSFUL STRATEGIC LITIGATION

STANDING
- Restriction on where/how to bring a case
- Lack of court receptivity to taking human rights cases

LIMITED OR CONFLICTED SUPPORT
- Limited interest or commitment of coalition to bringing case
- Disagreement about tactics and/or legal arguments
- Difference in perceptions of or tolerance for risk in event of loss
- Perceived bias or "privileging" of one set of affected peoples over another

WINNING THE CASE BUT LOSING IN THE COURT OF PUBLIC OPINION
- Winning on technicalities and not merits
- Merits are in dispute in public arena; lack adequate communication strategy to offset distorted, sensationalist reporting

RESOURCE BARRIERS
- Access to funding
- Quality of funding (restricted/unrestricted; multi-year vs. single year; reporting requirements)
- Inadequate legal support
  - Time-constrained lawyers
  - Inexperienced lawyers vs. well-funded opposition
  - Lack of amicus contributors
- Inadequate coalition support
  - Lack of capacity
  - Non-compliance with commitments

Adapted from TCC Group, 2015.

Identifying the Ultimate Goal and Possible Milestones

Given this assessment, you should have clarity on **what success looks like with any given case** and some judgment of the likelihood of that success. This may take several forms, including

> Winning the case in such a way as to favourably affect a broad class of people

> Setting an important precedent that can be built upon

> Generating new policies as a result of the case, either to head off the lawsuit or in response to the victory

> Creating visibility and broader support for an issue, even if the case is lost, as part of a longer-term strategy

> Empowering the affected community through awareness-raising, capacity-building and visibility

> Preventing a damaging policy position or legal interpretation from becoming harmful law

Even if the ultimate goal is winning the case, there are intermediate outcomes or milestones against which you can gauge progress. Some of these are found in Figure 8.

If a case is lost, documenting progress towards these intermediate goals becomes quite important in terms of taking stock for potential future actions. It's also important to convey to stakeholders that, even with a loss, the process was generative (rather than debilitating), thanks to advances in alliance-building, creation of new supporters, raising the profile of the issue in the media, putting pressure on policy makers, etc. In other words, while some of these things are means to a particular policy end, they are also ends in themselves for sustaining the long struggle for human rights and social justice.

To design a monitoring and evaluation framework for a specific issue, campaign or case, it is important to lay out in some detail how you think your organization or coalition will bring about change. This is often a multi-step process that involves establishing your theory of change and/or your theory of action, followed by your strategic plan, and often annual or operational plans. In other words, strong planning disciplines foster good MEL and strong MEL strengthens strategy.

FIGURE 8 INTERMEDIATE OUTCOMES FOR STRATEGIC LITIGATION

RESEARCH AND ANALYSIS
- Research downloaded
- Research referenced/cited

ABILITY TO SET/REFRAME THE NARRATIVE
- Litigators set the narrative in the media
- Case puts a (sympathetic) human face on an abstract issue

POLICY ADVOCACY WITH LEGISLATURES OR EXECUTIVE BRANCH
(See Figure 3 Strategy Framework: Outcomes Over Time)

PUBLIC (CONSTITUENCY) AWARENESS/ EDUCATION
- Communication/digital media metrics
- Change in awareness and/or public opinion of issue and/or campaign

STRATEGIC LITIGATION OUTCOMES/MILESTONES

LEGAL SUPPORT
- Line up of amicus briefs
- Positive legal commentary in mainstream media

MEDIA PROFILE
- Increased and favourable coverage of issue
- "Go to" source of expertise

COMMUNITY MOBILIZATION
- Community takes up and spreads issue narrative
- Community leadership/spokespersons emerge

ALLIANCE AND CAPACITY-BUILDING
- Strong core of allies
- Broader coalition representing many voices but consensus on core issue

Adapted from TCC Group, 2015.

3.3 Theory of Change: What Is it?

There is a lot of confusion around what constitutes a theory of change (ToC) — from very high-level statements of how change happens, to theories of change that include the full range of assumptions and interventions that might lead to a desired outcome, to cause-and-effect statements or diagrams focused on the interventions of a specific organization, to detailed logical frameworks.

For the purposes of this guide, we are articulating the Legal Network's high-level ToC as follows:

> To eliminate HIV and AIDS in Canada and globally, *the human rights and dignity* of those living with HIV or at risk of infection *must be respected, protected and fulfilled.* The Canadian HIV/AIDS Legal Network focuses on challenging discriminatory laws that violate the rights of vulnerable populations. We also pursue the passage and application of laws that reduce discrimination , criminalization and other abuses, and that promote the health and safety of marginalized groups. *We build on our distinctive competencies and work in alliance with organizations that amplify the voice of affected peoples.*

The process for identifying the ToC usually starts with asking yourself "*What is our long-term goal or outcome?*" Once this goal is identified, the next consideration is "*What conditions must be in place for us to reach the goal?*" Once these questions are answered, a ToC can be used to begin planning and evaluating outcomes.

A theory of change can also be expressed in visual form. Let's revisit the above case study on supervised consumption services. "Measuring Up," an HIV-related advocacy evaluation training guide for civil society organizations, outlines six steps for developing a theory of change visual map, using harm reduction services for injecting drug users as an example (Figure 9). In this example, the theory of change clarifies the goal, identifies high-level strategies, and links strategies with short-term, intermediate and long-term outcomes.

There is no one best way to visualize a theory of change. As an organization, you may want to experiment with different formats, until you find one that most clearly reflects the change process you are employing.

3.4 Theory of Action: Identifying Strategic Points of Intervention

When talking about the specific priorities of an organization, we refer to customized theories of action (ToA), which lay out the program logic of each of the organization's strategic priorities, identifying key interventions, their sequencing and their expected outcomes in a flowchart or causal diagram. At the Legal Network, for any given priority, we set an overarching policy goal and then identify strategies and tactics and their sequencing, with the expectation of making progress in some or all of the outcome areas (as shown earlier in Figure 8). These theories of action underpin not only the program strategy, but also the MEL framework. There is no single best way to illustrate a ToA. But the illustration is not important; rather, the *process of developing* the ToA is important. This is because it

> ❯ sparks strategic discussion about key program elements and sequencing;
>
> ❯ ensures that everyone is on the same page in terms of program logic;
>
> ❯ helps identify and articulate short-, medium- and longer-term outcomes; and
>
> ❯ is a non-narrative representation of an effort that complements often dense narrative or matrixed accounts, making them easier to comprehend.

3.5 Case Study: Theory of Action

Again, let's go back to the case study we described earlier. Figure 10 is an example of a preliminary ToA related to our efforts to increase access to SCSs. The Legal Network supports SCS because they provide a safe, hygienic environment in which people have access to pre-obtained drugs, sterile equipment and appropriate health care intervention if necessary, which is relevant to our theory of change as it relates to HIV. We have already contributed to strategic litigation to allow for the lawful implementation of such services. However, as we outlined, the subsequently enacted federal *Respect for Communities Act* (RCA) makes it extremely onerous for such facilities to secure the requisite exemption from the federal Health Minister, which allows them to operate without risk of clients or staff facing criminal prosecution for drug possession. Strategic litigation might prove necessary in future in challenging the most problematic provisions of the Act. Figure 10 shows possible advocacy efforts with policy-makers and in strategic litigation, as well as efforts to raise awareness, increase capacity, and mobilize various actors to take action.

3.6 Using Theory of Action as the Scaffolding for Designing Your MEL Plan

Your theory of action provides the scaffolding for your strategy development, operational planning and MEL planning. You should determine what you have to monitor for each of the boxes in the theory of action, identifying specific benchmark or markers as the initiative evolves over time.
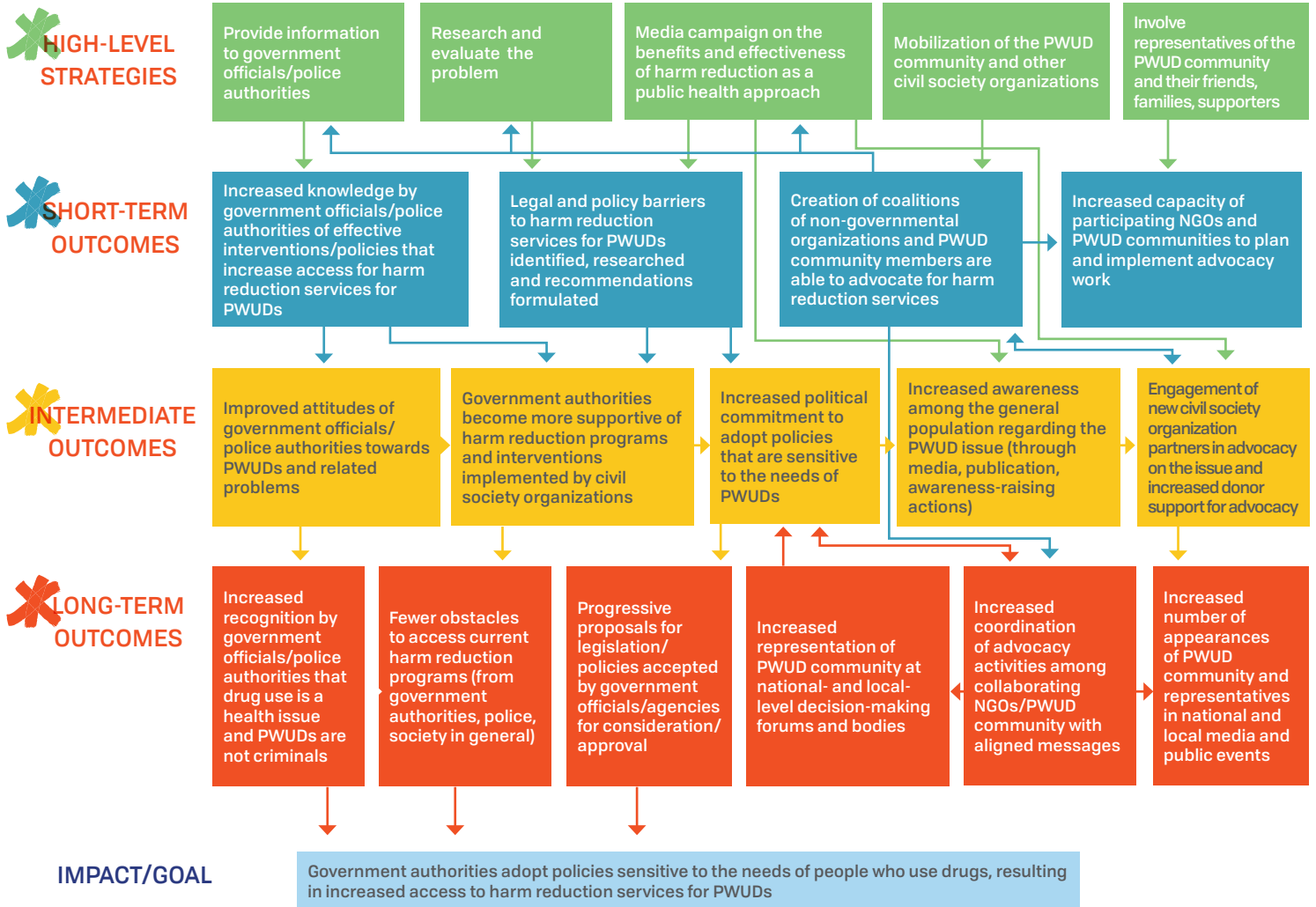
For every box in your theory of action, ask yourself these monitoring questions: Who's involved? What activities have to be completed? When do things need to get done? What does good execution look like, if implemented well? What do we expect to see as outcomes? For each component of the ToA, there is also a series of evaluative questions you can ask, but part of the value of laying them out in detail is to determine which ones you need to ask. This is how the ToA leads to an effective MEL system.

This may appear overwhelming at first, and it is true that there is a definite learning curve. The next section addresses the process of introducing the MEL system into your organization, proposing gradual steps that bring staff along as (more or less) willing partners.
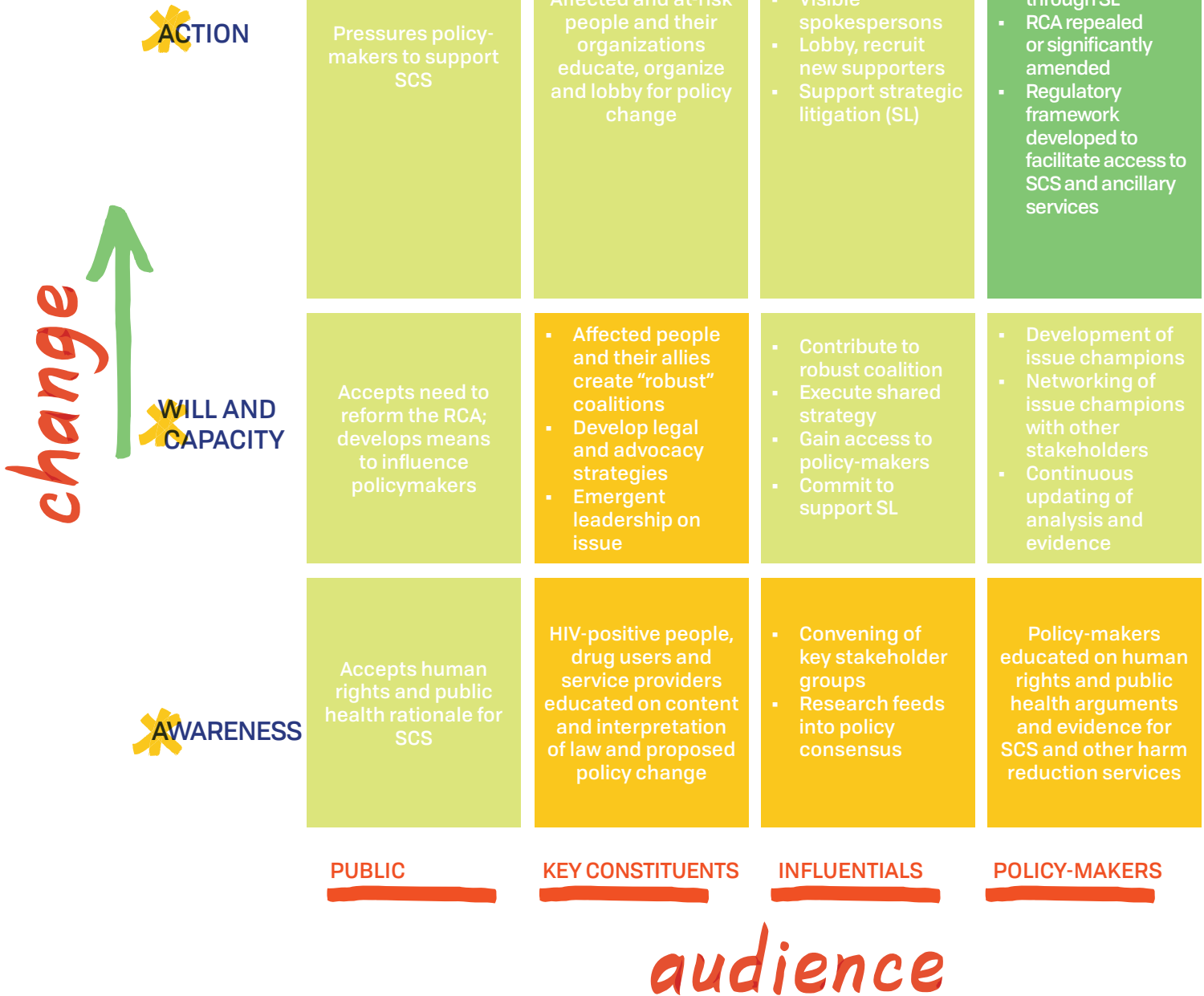
FIGURE 9 **EXAMPLE OF A THEORY OF CHANGE**

Example theory of change underlying an advocacy effort in a sample country that aims for government authorities to adopt policies sensitive to the needs of people who use drugs (PWUDs), resulting in increased access to harm reduction services.

HIGH-LEVEL STRATEGIES

- Provide information to government officials/police authorities
- Research and evaluate the problem
- Media campaign on the benefits and effectiveness of harm reduction as a public health approach
- Mobilization of the PWUD community and other civil society organizations
- Involve representatives of the PWUD community and their friends, families, supporters

SHORT-TERM OUTCOMES

- Increased knowledge by government officials/police authorities of effective interventions/policies that increase access for harm reduction services for PWUDs
- Legal and policy barriers to harm reduction services for PWUDs identified, researched and recommendations formulated
- Creation of coalitions of non-governmental organizations and PWUD community members are able to advocate for harm reduction services
- Increased capacity of participating NGOs and PWUD communities to plan and implement advocacy work

INTERMEDIATE OUTCOMES

- Improved attitudes of government officials/police authorities towards PWUDs and related problems
- Government authorities become more supportive of harm reduction programs and interventions implemented by civil society organizations
- Increased political commitment to adopt policies that are sensitive to the needs of PWUDs
- Increased awareness among the general population regarding the PWUD issue (through media, publication, awareness-raising actions)
- Engagement of new civil society organization partners in advocacy on the issue and increased donor support for advocacy

LONG-TERM OUTCOMES

- Increased recognition by government officials/police authorities that drug use is a health issue and PWUDs are not criminals
- Fewer obstacles to access current harm reduction programs (from government authorities, police, society in general)
- Progressive proposals for legislation/policies accepted by government officials/agencies for consideration/approval
- Increased representation of PWUD community at national- and local-level decision-making forums and bodies
- Increased coordination of advocacy activities among collaborating NGOs/PWUD community with aligned messages
- Increased number of appearances of PWUD community and representatives in national and local media and public events

IMPACT/GOAL

Government authorities adopt policies sensitive to the needs of people who use drugs, resulting in increased access to harm reduction services for PWUDs

Adapted from *Measuring Up: A Guide for Facilitators*, 2010.

FIGURE 10 SPECIFIC EXAMPLE OF A THEORY OF ACTION: OUTCOMES BY AUDIENCE FOR ADVOCACY ON SUPERVISED CONSUMPTION SERVICES (SCS)

change →

	PUBLIC	KEY CONSTITUENTS	INFLUENTIALS	POLICY-MAKERS
ACTION	Pressures policy-makers to support SCS	Affected and at-risk people and their organizations educate, organize and lobby for policy change	• Visible spokespersons • Lobby, recruit new supporters • Support strategic litigation (SL)	• *Respect for Communities Act (RCA)* invalidated or substantially undermined through SL • RCA repealed or significantly amended • Regulatory framework developed to facilitate access to SCS and ancillary services
WILL AND CAPACITY	Accepts need to reform the RCA; develops means to influence policymakers	• Affected people and their allies create "robust" coalitions • Develop legal and advocacy strategies • Emergent leadership on issue	• Contribute to robust coalition • Execute shared strategy • Gain access to policy-makers • Commit to support SL	• Development of issue champions • Networking of issue champions with other stakeholders • Continuous updating of analysis and evidence
AWARENESS	Accepts human rights and public health rationale for SCS	HIV-positive people, drug users and service providers educated on content and interpretation of law and proposed policy change	• Convening of key stakeholder groups • Research feeds into policy consensus	Policy-makers educated on human rights and public health arguments and evidence for SCS and other harm reduction services

audience

SECTION 4:

Introducing a MEL System to Your Organization

4.1 Scope of Formal Monitoring and Evaluation

In Section 2.3, we identified four things to establish for good MEL:

A. Clarity about the goals of an effort

B. A good understanding of the initial or baseline conditions

C. A tailored theory of action and a detailed strategy against which progress can be measured

D. Clarity on the key questions that need to be answered

A fifth necessity is to develop a MEL plan and strong MEL discipline. A common mistake that organizations make when developing a MEL system is to try to monitor and evaluate everything. There are two reasons not to do this. The first is resource constraints — both time and funds. If MEL feels overly burdensome, staff won't be motivated to develop new work habits of documentation and reflection. The second reason is that it's not strategic.

> MEL energies should go into the areas that yield the biggest return for the organization. What you focus on depends on the stage of your program or initiative, how closely the strategy needs to be tracked, reporting expectations of key stakeholders, and the key questions you have about your strategy.

Critically review the indicators you generate and remove the non-essential information gathering — because you don't anticipate much change, it won't tell you what you don't already know, or the cost of collecting the information outweighs the benefits it may offer. In other words, while it is a useful exercise to elaborate your MEL possibilities, you should go back and highlight the most essential items and cross out the things that won't add value to your decision-making.

As you develop your strategic and operational plans, also schedule key monitoring, reporting and reflection moments. These may be routine updates at monthly staff meetings, time set aside for after-event reviews as they occur, quarterly or semi-annual strategy reviews or board report preparation, annual retreats or external reporting deadlines. As you develop your MEL system, you have to be clear on your expectations with your colleagues, assign responsibilities for collecting information and identify the ways in which you will be reporting on and using the information.

As your program or initiative evolves, revisit your indicators and only keep those that provide you with strong evidence or actionable information at reasonable cost. In other words, be as strategic about how you use MEL as you are about any other intervention to advance your policy agenda.

4.2 Institutionalizing a Good MEL System in Your Organization

There are several necessary conditions to begin implementing a MEL system in your organizations.

1. **You need the initial and ongoing commitment of senior leadership.** The executive director and management need to be on the same page about the importance of developing a MEL system and be able to communicate that commitment to staff.

2. **It's beneficial to have an internal point person or persons** to keep the process moving forward. Smaller organizations are unlikely to have the resources for a dedicated MEL staff person, so an individual or small advisory group (ideally including a program person and someone who generally reports to funders or finance) needs to provide guidance.

3. **It is crucial to orient staff to MEL** and provide opportunities for their input on the design of processes and tools. Individual staff members do not need to become MEL experts, but they need to understand why the organization is investing in MEL, how it will help them either in their own work or to communicate results, and **their responsibilities under the new system.** Part of that responsibility is testing and modifying monitoring tools so they are most useful for their particular needs.

4. **Align your MEL plan and your strategic plan.** Ideally, both can be developed together, in a coordinated manner. If a strategic plan is already in place, part of developing a MEL plan is to review the strategic plan to ensure that goals and objectives are clear and measurable; initial conditions or a baseline are documented; and that the strategic plan reflects a clear theory of action, including the causal pathways that will generate specific short-, medium-, and longer-term outcomes, which the MEL system will document and test.

5. **Have a MEL implementation plan** that outlines roles and responsibilities; the timing of and budgeting for monitoring and evaluation activities, including discussion of results; and the procedures for collecting and storing information (this can include designing or redesigning forms, the software that is used, and the drive where monitoring data is managed and stored).

6. **Make it official.** Ideally, **MEL responsibilities should be incorporated into job descriptions** and included in staff workplans, as part of a performance management system. In other words, formally, there should be an expectation that staff will actively contribute to MEL within the organization.

7. If you're asking staff for more information and data collection, you need to **ensure that internal mechanisms are established to review and discuss the implications** of that information. This may be in the form of managers' meetings, staff or team meetings, or quarterly or semi-annual strategy reviews. Staff will soon lose interest in documenting their work, if it is not feeding back into program.

4.3 Rolling Out a MEL System in an Advocacy Organization

Advocates are activists. They also tend to be very smart, committed to their work and strategic in their thinking. As a result, they tend to be fairly skeptical about how helpful implementing a MEL system will be to their performance. The prospect of changing daily practice — developing theories of action, identifying clear outcomes and indicators, additional data- and information-gathering chores, time dedicated to analysis of results, etc. — in the midst of demanding jobs is rarely welcome. To address this, we suggest a gradual roll-out of the new system with two parallel processes.

Process 1: Institutionalize monitoring activity

We have identified eight monitoring activities that will help us better document and understand our work. These are described in detail in Section 5. The right mix of regular monitoring and documentation can significantly reduce the need for and cost (in time and resources) of doing evaluation. Initially, you might pick 2–4 monitoring activities that you want to begin using immediately, because they are relatively easy to do, address an issue that needs attention or potentially have high utility. Regardless of which activities you choose, they should demonstrate that the information will be collected and *used*.

You might consider the following:

> Weekly or monthly summaries of web traffic. The data is readily available through Google Analytics and a narrative report by the staff person responsible for updating and maintaining the website could provide an analysis of trends over time.

> After-event reviews of staff travel or events that your organization hosts, either independently or within the context of an alliance, if this represents an area of high investment and/or questionable results.

> Develop a profile of an alliance by collecting basic data on members, an activity that has the potential benefit of being useful to them as well as to you.

Process 2: Develop a complete MEL strategy for a single initiative

This will involve articulating a theory of action; identifying short-, medium- and longer-term outcomes; describing the kind of reporting you'll be doing — and for whom — over the course of the initiative, and the key strategy questions you will be addressing. You could use this exercise to showcase an important aspect of your work; as a basis for seeking significant funding; or as an opportunity to grapple with a particularly challenging initiative.

The **benefits** would include

> more in-depth strategic discussions;

> a clear narrative about your strategy, broken down in ways that laypeople can understand;

> greater clarity on the change process for advocates and stakeholders, providing the latter with a greater understanding of all that legal advocacy entails;

> identification of short-term and intermediate outcomes that help mark "progress-against-plan" for internal purposes and for keeping stakeholders informed; and

> ongoing monitoring information that may be sufficient to meet reporting requirements or at least make the evaluation lighter and more focused.

4.4 Points of Resistance

Change is hard. Implementing a system of more formal monitoring and evaluation inevitably will be perceived by some individuals in the organization as reducing their autonomy. This can be a particularly hard adjustment when people are motivated by challenging injustice, no matter what the odds, and are accustomed to having considerable latitude in decision-making. If someone makes a passionate case for taking up a piece of strategic litigation, but the results from the assessment form strongly suggest that the organization cannot handle the additional workload and the decision is not to proceed, that person will no doubt feel frustrated. Or a staff person may feel they are being micro-managed if they are asked, for example, to fill out a form justifying why they are attending an event that is clearly (to them) mission-critical. Even highly motivated staff may find the process initially more cumbersome and time consuming than they'd like. This is why **leadership from the top is so important**: managers must model good practice and guide implementation of the MEL system. Equally important is **clearly using the information** generated, otherwise data collection and documentation will be seen as busy work with limited utility.

To repeat: Do what makes sense for your organization, keeping in mind that you want to collect the least amount of information required to make significantly better decisions or an effective case for your work.

SECTION 5:

Getting Started With Some Monitoring Practices

5.1 Basic Monitoring Tools for Legal and Other Forms of Advocacy

Monitoring generally occurs quite regularly and allows you to know if you are on track. Monitoring data on its own is useful for telling you what is happening but often doesn't get to the how and why things are happening (or not), whereas analyzing that data helps you unpack the dynamics of change. **Having good monitoring data can make reporting more robust and convincing for your key stakeholders**, especially if your data provide evidence that you are achieving your short-, medium- and longer-term outcomes (as detailed in Figures 3 and 8). In the event that an external evaluation is required, good monitoring allows for evaluation efforts that can focus on key strategic questions that the monitoring alone can't answer.

Below are descriptions of nine monitoring and reporting practices a legal advocacy (or social justice) organization might consider. What each practice potentially measures is described in brackets immediately following its name. If you adopt these practices, or some significant subset, you will be significantly closer to developing a compelling narrative on the impacts of your work. The final item (number 9) proposes creating an ongoing reporting template that can be updated either at regular intervals or as new developments occur. The subsequent section, Part 2, provides actual monitoring tools we have developed for some of the items, which are identified with an asterisk in the list below (*).

1. Tracking web traffic, social media and online activism
2. Media tracking (print, online, radio, TV)*
3. Tracking knowledge creation and dissemination
4. Alliance mapping*
5. Power mapping
6. Strategic litigation pre-assessment, midpoint and final assessment tool*
7. Intercept interviews
8. After-event (or critical event) reviews (AER)*
9. Developing a basic presentation guide for organizational priorities

1. Tracking web traffic, social media and online activism (public-awareness raising, setting the narrative)

WHY SHOULD YOU TRACK THIS?	
If you have any of the following specific goals:	You should track web traffic and social media to
· to increase web traffic as part of an outreach strategy · to become a "go-to" website for an issue · to ensure the wide dissemination of a document · to track actions taken online in support of an advocacy campaign	· understand where your key audiences come from; · understand which webpages and materials have the most public appeal and motivate people to act; · measure the reach of our community mobilization efforts via online tools; and · learn how to better recruit supporters.

Google Analytics generates a wealth of information on a daily, weekly and monthly basis. If part of your strategy is awareness-raising and online engagement, it's worth tracking and analyzing user patterns. Things you might track are the following:

Visits:

> Total visits: The amount of total traffic your website is receiving at any given time. You want to track this especially after a product launch, around the time of an event for which you are generating interest, etc.

> Unique visits: The number of individuals visiting your website at any given time.

> Average time on website and number of pages visited: If you find that people land on your home page and leave quickly without clicking any of the links there, your home page might be uninviting, uninformative or confusing.

Traffic sources by segment:

> Direct traffic: visitors arrive by typing in your URL or clicking on a bookmark.

> Organic traffic: visitors arrive by clicking on an unpaid link in a search engine (e.g., Google). If this number is very low, you may want to look into search-engine optimization.

> Referral traffic: visitors arrive via another website. Generating referral traffic through allies can be a win-win situation in an alliance: you refer your visitors to their website for some types of information while they refer their visitors to your site for other types of information.

✳ Top pages (for new visitors and longer visits): These might include your resources page or a page devoted to a specific theme or report. You want to make as many of the pages on your website as possible as "go-to" pages for people concerned with your issue.

✳ Conversions: In some cases, you may ask visitors to take an action: donate, or sign a petition and share with others. Your conversion rate is the number of those visitors who actually take this action. If you have a very low conversion rate for signing a petition, for example, you need to examine whether visitors are actually clicking through to the petition page, the ease of the process, the wording of the petition itself, and the design elements. For example, if visitors see only a limited number of signatories on the petition page, they may not consider the petition a serious effort and leave without signing.

✳ Social media metrics: Facebook, Twitter and Instagram all generate user metrics. There is some debate on what most of them actually signify in terms of both breadth and depth, but reports are easily generated and a few, such as shares and clicks to targeted websites, may be well worth tracking.

2. Media tracking (media profile, setting the narrative, awareness-raising for members of the public and influencers)

WHY SHOULD YOU TRACK THIS?	
If you have any of the following specific goals:	You should track media coverage to understand
· to increase your or your allies' media exposure · to ensure a key report or event gets good coverage · to influence media coverage on a key issue as part of a strategy to influence the public or policy-makers	· the state of discourse on an issue over time; · opponents' media messages and strategies, in order to be able to better counter them; and · what messaging or mix of messages, visuals or stories seems to have the most effect.

There are many paid services that provide media tracking. However, smaller organizations without a large media presence can probably do this tracking in-house. How detailed you are depends on how central media is to your strategy and what kind of reporting you want to do for your stakeholders. For example, if you are tackling a controversial issue and there is some concern that there may be a backlash to your position, you may want to track the media closely so you can respond in a timely manner to negative press. Or, if you are trying to make a case with donors that your organization is positioned as an authority on a key issue, you may want to track how often your organization provides information that shapes the media coverage or is named (or staff members are directly quoted) in media articles. See p. 26 for a media tracking form.

3. Tracking knowledge creation and dissemination: publications and presentations (research to build a body of evidence, setting the narrative, influencing policy-makers and members of the public)

WHY SHOULD YOU TRACK THIS?	
When policy research is a key part of your strategy and you want to demonstrate that	You should track to understand
· you are building up a body of evidence; · others are referring to your research (through citations and public statements); or · your initiative contributed to a change in legal, medical or public opinion	· which types of papers seem to have the most uptake; · which audiences you are reaching through what outlets and whether there are potential allies; and · the state of debate and understanding on your issue.

If policy research and outreach to groups to share that research are a significant part of your strategy, you should be documenting such activities. This starts with developing a bibliography of publications and presentations related to each of your key themes. For published journal articles and book chapters, this tracking can be supplemented by a search on Google Scholar (scholar.google.com), or other similar search engines, to see how often and where key articles have been cited.

For larger presentations (e.g., a press conference launching a report or a formal presentation at a major conference) or presentations to key audiences (e.g., policy-makers or influential specialists), you can use Tool 3A, the After-Event Review (AER), on p. 30 to track additional information on the reaction to or influence of a presentation.

4. Alliance mapping (alliance- and capacity-building)

WHY SHOULD YOU TRACK THIS?	
If you have any of the following specific goals:	You should map your alliances to help in alliance management by
· to build or diversify an alliance · to directly influence the public or policy-makers through the profile and activities of alliance members · to build alliance capacity	· identifying gaps in your alliance makeup; · getting specific commitments, identifying roles and responsibilities and helping to manage group dynamics; and · monitoring strategy execution.

Organizations often list all their allies in alphabetical order in annual reports, reports to donors, and on petitions or open letters to advocacy targets. These lists can include anything from membership organizations with thousands of members to tiny legal aid offices with a handful of people on staff. But such lists don't mean very much unless the reader is steeped in the issue and already knows the key actors. A more refined breakdown of allies and their profiles is more informative for stakeholders and more useful for guiding strategic discussions.

✳ For internal purposes, one should categorize allies as core (closely aligned and essential to the effort), strategic (aligned with shared objectives and in a position to make key contributions) or tactical (aligned around a particular "ask" and willing to take a specific, time-bound action), alongside basic profile and contact information.

✳ It is also helpful to indicate what type of organization the ally is (e.g., legal aid, policy advocacy, service, professional, etc.), its reach (e.g., membership or number of clients) and what assets it brings to the effort (e.g., media or communication skills, capacity to mobilize members, voice of affected community, legal expertise or expertise on the issue, high profile or credibility, etc.).

This is useful information for two reasons:

1. To more easily analyze any gaps in your alliance or coalition (either by population group, type of organization, or assets/skills that are needed for the advocacy effort)

2. To provide a better idea of the influence and reach of your coalition. So, instead of "100 organizations signed this open letter to the Prime Minister," you can say: "100 legal, professional and service organizations, with a combined membership of over 200,000 concerned citizens, medical and legal professionals, from every province in Canada, signed this open letter to the Prime Minister."

You'll find a simple form (Tool 2A) that captures organizational basics on p. 27. For a more elaborate assessment of alliances, see Evaluation Approaches 1 and 2 (p. 43).

5. Power mapping (policy advocacy outcomes, baseline and changing alignment of political forces)

WHY SHOULD YOU TRACK THIS?	
For strategy development and adjustment: · Visually mapping the array of who you are or whom you might target helps open up the conversation on strategy (e.g., identify new possible leverage points). Periodic check-ins provide a useful reality check to assess whether you've selected the right targets and are using the best techniques to influence them, or should consider alternative points of entry.	For reporting to stakeholders: · While advocates are deeply steeped in their issues and are usually well aware of how power is arrayed relative to their work, hardly anyone else is. For the purposes of communication, particularly if an advocacy effort is dragging on, it may be useful to be able to describe the powers arrayed for and against your position.

A power map is a simple visual tool that is most useful for having strategic discussions on entities or individuals you are trying to influence and whether they are moving in a supportive direction on your issue. It's a simple matrix that categorizes people (or organizations) by their degree of support or opposition and their degree of power or influence. The idea is to locate key decision-makers on the matrix as champions, supporters, opponents or blockers at the start of an advocacy initiative (the baseline), and to use that placement to discuss influencing strategy. Over time, the effort will presumably create more supporters and champions. If an advocacy effort cannot win over opponents or blockers, it will at least seek ways to neutralize them (reduce their influence and/or their degree of opposition). The chart can be updated periodically to map progress (or lack thereof). In the case of legal advocacy, the chart might make an argument for recourse to the courts to advance the advocacy agenda. This approach can also feed into a type of alliance mapping, comparing the power and influence of organizations arrayed with or against you on an issue.

FIGURE 11 **POWER ANALYSIS**

HIGH INFLUENCE/ POWER

blockers | champions

opponents | supporters

LOW INFLUENCE/ POWER

STRONGLY OPPOSED   STRONGLY SUPPORT
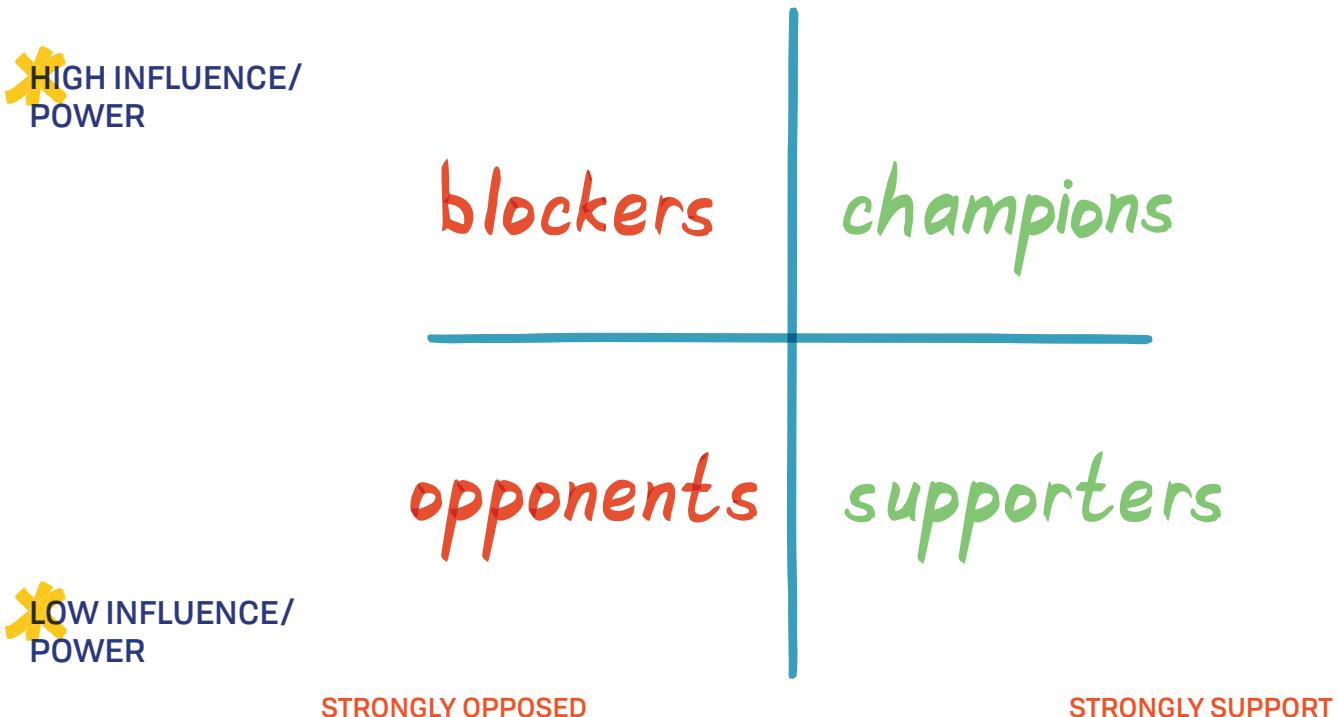
6. Strategic litigation pre-assessment and monitoring tools (strategic litigation and legal support)

WHY DO A PRE-ASSESSMENT?	WHY DO A PERIODIC REVIEW OF STRATEGY?
While strategic litigation can be a powerful tool for influencing policy, it's a strategy that comes with a number of risks, including uncertainties in the duration of the case, the opposition's legal arguments, the judge's or jury's characteristics and attitudes, and the danger of triggering a negative legal precedent.	· A stock-taking exercise can help strategic litigation participants reach a shared understanding of the state of the case and consensus on future steps. · This includes the adjustments that need to be made in the broader legal advocacy strategy (e.g., what kind of media coverage is the case getting and what messages do you want challenged or reinforced with the public; how to mitigate any risks that are emerging; how to strengthen or better deploy alliance members; etc.).

The assessment tool on pages 35–42 can help guide an organization through strategic litigation efforts by

> helping weigh the benefits and risks of participating in strategic litigation and the capacity to support legal advocacy strategies;

> tracking the process to reassess the relative risks and benefits as the effort unfolds and to identify mitigating strategies where needed; and

> (if updated diligently) providing a concise history of the case, useful for both internal learning and reporting to stakeholders.

7. Intercept interviews

WHAT ARE INTERCEPT INTERVIEWS AND WHEN SHOULD THEY BE USED?
· Intercept interviews are brief interviews or conversations with key stakeholders at events or during visits where you ask a few strategic questions to get feedback on how these individuals feel about your advocacy role. · Such interviews can be used to get real-time feedback on your work (e.g., at a press conference, a presentation, a demonstration) or to take the temperature of policy-makers as ongoing negotiations unfold. · They can inform after-event reviews and be presented as supporting evidence in evaluation reports.

One of the challenges of monitoring and evaluating advocacy is that policy-makers, when formally interviewed, are often unwilling to admit they were influenced in their decision-making by an advocacy organization. However, it is not unusual to hear that acknowledgement in passing conversations. An intercept interview is a more intentional and proactive way of capturing these conversations in as much detail as possible. For example, if someone at an international meeting mentions the importance of your research report in the deliberations, pause to ask them a few follow-up questions: What about the report was particularly useful? In what setting was it used? Were people in that setting broadly familiar with its contents or were there a few champions that brought it to their attention? Once the exchange is over, write or audio-record a quick summary. If a stakeholder brings something of importance to your attention, you might seek additional people for comment. **In this way, what advocates often dismiss as anecdotal evidence of impact can**

become more robust. Though you should not quote any of respondents by name in a report without their expressed consent, you can cite them anonymously (e.g., "Several participants in the deliberations informed us that…").

8. After-event (or critical event) reviews (AER) (awareness-raising, alliance-building, capacity-building, advocacy)

WHY SHOULD YOU DO THIS?
· With multiple actors involved, high investments in both time and money, and multiple steps to mount or capitalize on an event, monitoring execution is essential, as missed deadlines can be critical. · An event can feel great but actually not reach its goals. Conversely, an event might be disappointing (e.g., in terms of attendance) but may actually have good outcomes (e.g., good lead-up media coverage, securing a large donation). A structured post-event assessment can demonstrate these aspects, ensure adequate follow-up and feed into future planning.

Advocacy involves a range of events, such as report launches, workshops, local, national and international conferences, press conferences, screenings, and lobby days, which together are part of a larger strategy. It's important to be rigorous in assessing the utility of a given event, given the resources that are involved in its planning and execution. You will find three AER forms on pages 30–34:

1. A short AER form that assesses whether the objectives of **the event organized by your organization** were met, to what degree, and what factors contributed to or impeded success

2. A short AER form for **events you in which participated** to assess the utility of your participation

3. A longer planning and assessment tool that might be most useful for **an event planned in collaboration with others** where you can compare what is planned (both goals and logistics) to what was actually implemented, and whether goals were met

9. Developing a basic presentation guide for organizational priorities

You should develop a basic presentation for your organizational priorities, which can be updated with new monitoring and evaluation information as it comes in. This can be a base or foundational document from which you draw for formal reporting. It can also be designed as a slide presentation for easy presentation to stakeholders. The basic content might include the following:

> Goal statement for the advocacy priority

> Specific objectives

> Key messages (updated as needed, as work progresses)

> Power analysis (original and subsequently updated as relevant): this can be a statement of the alignment of political forces or a mapping

> Theory of action (updated as needed)

> Sections, pages or slides for key strategic components (e.g.,

research, communications, alliance-building, lobbying), updated with relevant outputs (e.g., products or activities completed) and monitoring information about reach, quality of delivery, and reactions or reception

> Key outcomes (anticipated and actual, updated over time)

> Summary comments and observations (updated after each review period): the entire history of these comments and observations should be saved, to ensure a narrative history of the initiative

Developing this presentation is a way **of taking discrete monitoring activities and synthesizing them to provide a well-rounded picture of the evolution of an initiative**. You should regularly set aside time to assess overall progress. This might include team or staff meetings for quarterly check-ins, preparation for board meetings if a particular initiative is being highlighted, or a year-end review and strategy meeting. In other words, the monitoring reports themselves are merely data; it is the strategic discussion using the data that makes the effort of collecting it worthwhile.

SECTION 6:

What About External Evaluation?

With a good monitoring system and routine processes of discussing the data generated, an organization is engaged in an ongoing process of monitoring (tracking change), evaluation (making judgments), and learning (changing or reinforcing practice). For many organizations, this may be more than adequate to address the three purposes of evaluation: improve performance, meet accountability demands and better position the organization or alliance. There are certainly occasions that might warrant an external evaluation: it is required by a donor; there is an impasse regarding strategy or future direction that would benefit from a new set of eyes or more detailed evidence; there is a sense that an organization has lost touch with its stakeholders; or there is the desire to share learning more widely, among others. In commissioning such an evaluation, because of strong monitoring, the evaluation can be focused on answering specific strategic questions, rather than general data gathering. Appendix I outlines a number of evaluation approaches that are typically used for advocacy evaluation.

PART II

Some Monitoring Tool Sample Formats

The following pages include samples of simple forms for collecting monitoring data, designed for use by the Legal Network. These should be adapted for use to your organization or alliance. In terms of data management, if you are a very small organization with a limited number of initiatives, it might be adequate just to have a centralized folder of completed forms for periodic review. Information also can be directly entered into spreadsheets, and it is fairly simple to design them with drop down menus so you can select options from a list or to enter numeric values (such as a 1-to-5 scale) to generate simple descriptive statistics. You also can link forms to spreadsheets using Google Forms, fillable Adobe Acrobat PDF forms, or other software, so staff or other stakeholders can complete the more user-friendly form and the data can be gathered in a spreadsheet automatically. You might find a few hours of advice from a MEL specialist useful here.

1.
Media Tracking

Media Tracking Form — Canadian HIV/AIDS Legal Network

This form can be used to track two types of media activity: organization-specific hits in which the Legal Network is mentioned or quoted (usually for reporting purposes) and issue-specific hits in which a particular issue is addressed (for example, for strategic purposes, to assess a media landscape before or after a project is undertaken). Questions 9 and 11 will only apply to the first type of hit.

1. What issue does this coverage address? (e.g., drug policy, criminalization, etc.)

2. Date of coverage: (year, month, day)

3. Headline:

4. Outlet's name:

5. Reporter's name:

6. Type of media:
- ☐ Print
- ☐ Digital
- ☐ Print and Digital
- ☐ Radio
- ☐ TV

7. Link to story:

8. Reach:
- ☐ Local
- ☐ Provincial
- ☐ National
- ☐ International

9. Quality of coverage:
- ☐ Legal Network featured or profiled
- ☐ Legal Network quoted
- ☐ Legal Network mentioned
- ☐ Not mentioned, but influence is evident

10. Tone of coverage:
- ☐ Very favorable
- ☐ Favorable
- ☐ Mixed/neutral
- ☐ Critical
- ☐ Damaging

11. Relevant quotes by or about the Legal Network, or that reflect Legal Network's influence:

12. Notes/comments: (Anything from "need better preparation before interview" to "prioritize this journalist for cultivation")

2.
Alliance Mapping

Tool 2A Alliance Mapping Form

Legal Network Alliance Mapping – [Name of issue or initiative]

1. Organization's name:

2. Location (city):

3. Location (state or province):

4. Country:

5. Date joined alliance (mm/yy)

6. Name of point person 1:

7. Email point person 1:

8. Name of point person 2:

9. Email point person 2:

10. Type of organization (check all that apply):

- ☐ Service
- ☐ Membership
- ☐ Policy/Advocacy
- ☐ Donor /Funder
- ☐ Research
- ☐ Political Parties
- ☐ Other

11. Sector (check all that apply):

- ☐ Legal
- ☐ Medical
- ☐ Public Health
- ☐ Housing
- ☐ Criminal Justice
- ☐ Representative organization (e.g. Indigenous rights, sex workers, etc.)
- ☐ Multi-Sector
- ☐ Other:

12. Constituency/Clientele (check all that apply):

- ☐ People living with HIV
- ☐ Indigenous peoples
- ☐ Other racialized group
- ☐ Current or former drug user
- ☐ Current or former prisoner
- ☐ Current or former sex worker
- ☐ LGBTQI
- ☐ Experienced gender-based violence
- ☐ Not applicable
- ☐ Other

13. Please identify what the organization brings to the alliance (check all that apply):

- ☐ Represents key group affected by issue
- ☐ Human rights expertise (specify) _____
- ☐ Legal/criminal justice expertise
- ☐ Medical or public health expertise
- ☐ Media/communications capacity
- ☐ Coordinating capacity
- ☐ Ability to mobilize membership
- ☐ Advocacy/lobbying capacity
- ☐ Research capacity
- ☐ Other:

14. Do you have a Memorandum of Understanding (MOU) with this organization? If so, include.

15. If you do not have an MOU with this organization, what is the current nature of your relationship? What are your common goals?

_____

_____

_____

_____

_____

2.
Alliance Mapping

Tool 2B Alliance Mapping Visualization

You can also create simple visuals of your alliances that can convey more than a simple list of names.

POSSIBLE VISUAL FOR STRATEGIC AND TACTICAL ALLIES

(CAN DO THIS AT BEGINNING OF EFFORT AND UPDATE PERIODICALLY IF COALITION BUILDING IS CORE TO STRATEGY)

SUPPORTING MEMBERSHIP
- X women's collective
- Y union of health workers
- etc.

ISSUE X
CORE ORGANIZATIONS

MEMBERSHIP

Primary Stakeholders
- LGBTQI groups
- Sex Workers
- Prisoners

Professional Associations
- Medical
- Public Health
- Social Workers

PROFESSIONAL

Health & Welfare
- x
- y

Legal
- a
- b
- c

Other

SUPPORTING PROFESSIONAL
- Medical Association
- Association of Criminal Defense Lawyers

SUMMARY STATISTICS

Total # of organizations:

Total membership represented:

# of provinces represented:

etc.

3.

After-Event Review

These forms should be filled out <u>and discussed</u> with the people involved in planning and executing the event. The lessons learned should be shared more broadly with any staff involved in event planning.

Tool 3A After-Event Review for Legal Network–Hosted Event (abbreviated version)

1. Name of the event:

2. Date of the event:

3. Name of the person completing this form:

4. The Legal Network priority or theme the event addressed/supported:

5. The cost of putting on the event:

6. The primary purpose of the event:

7. On a scale of 1–5, to what degree did you achieve this purpose?

1	2	3	4	5

Not at all   Complete

8. The seconary purpose of the event (if applicable):

9. On a scale of 1–5, to what degree did you achieve this secondary purpose?

1	2	3	4	5

Not at all   Complete

10. The most important concrete result(s) from the event (e.g., attracted new major donor, coverage in elite journal [use media tracking tool], got commitment from key influentials, etc.):

11. What worked well for the event?

12. What were the problem areas, if any, that affected the success of the event?

13. On a scale of 1–5 , was the event worth the effort and investment to organize?

1	2	3	4	5

Definitely NOT   Definitely worth it

14. What was/were the key lesson(s) for the next event?

15. What follow-up is needed, by whom and by when?

3.

After-Event Review

`Tool 3B` After Conference/Meeting Participant's Review

(to be completed by person who attended the meeting and/or used for standardized verbal reporting to manager, management team, or in team or staff meetings)

1. The name of the conference or meeting:

2. Date of the conference or meeting:

3. Name of the person completing this form:

4. In your opinion, what Legal Network priority or theme did the conference or meeting address/support?

5. [For written reports] For meetings that involved travel outside of Ontario, roughly what was the cost of your attendance (travel, hotel and meals, conference fees)?

6. The primary purpose of the conference or meeting:

7. On a scale of 1–5, to what degree was the purpose achieved?

1	2	3	4	5

Not at all   Completely

8. Please explain your rating:

9. For what purpose(s) did you attend the meeting?

10. On a scale of 1–5, to what degree did you achieve this purpose?

1	2	3	4	5

Not at all   Completely

11. Please explain your rating:

12. Did you engage in networking? If so, how many contacts did you make or strengthen. (Remember to input contact information into the database.)

13. What follow-up will you be doing from this trip?

14. Overall, was the trip worthwhile? Why or why not?

15. Would you recommend attending this (or similar) meetings/ conferences in the future, and if so, is there anything you or your colleagues might do to better prepare for or take advantage of the meeting?

Tool 3C Planning, Monitoring and AER Form for Co-Hosted Events

This is a more detailed form that may be useful if the Legal Network is planning an event with other organizations. The planning side can be used to make sure there is clarity on purpose, roles, and deadlines. The evaluation side provides a structured way to monitor implementation progress (see items 10–14) and do a post-event debrief.

PLANNING	EVALUATION
Purpose	
1. Please state the purpose(s) of the event:	On a scale of 1–5, where 1=not at all and 5=completely:
i.	Was purpose 1 met?
ii.	Was purpose 2 met?
iii.	Was purpose 3 met?
2. Please list your target audience(s):	Did you reach your targeted audiences?
	If not, why not (comment)?
3. Your numeric target for attendance:	How many people attended your event?
4. What media are you targeting (please list in order of importance)?	What media did you reach (please list)?
	How satisfied were you with media coverage on the 1 to 5 scale?
	1 2 3 4 5
5. What are the 1–3 key messages you are trying to get out in the media?	Which statement is most true?
	☐ All our messages were covered
	☐ At least one primary message got out
	☐ Our messaging was poorly conveyed
	☐ Our messaging was not picked up
6. What is the fundraising goal (if applicable)? $	How much did you raise?
	What contributed to the outcome (positive or negative)?
7. How is this event meant to contribute to your overall strategy?	On a scale of 1 (not at all) to 5 (completely), did the event contribute to strategy as anticipated?
	1 2 3 4 5
8. Other comments:	Where there any unanticipated outcomes that should be noted?

Please comment on any of the above, highlighting what went *particularly well* and *what should be done differently* in the future.

CONTINUED FROM PAGE 32

PLANNING	EVALUATION
Planning and Monitoring	
9. Why is this event being held at this time?	Did the timing turn out to be appropriate? ☐ Yes ☐ Somewhat ☐ No
10. Are there any competing events or timing issues that might affect a. planning? ☐ No ☐ Yes b. attendance? ☐ No ☐ Yes c. media interest? ☐ No ☐ Yes ☐ N/A If yes, please specify:	Were there any unforeseen events that adversely affected the event, and if so, what might be done in the future to avoid this?
11. What is the budget for the event? $	What was actually spent? $ **Was the budget** ☐ generous ☐ adequate ☐ barely sufficient ☐ inadequate to the point of affecting the outcomes.
12. What organization has/ had primary responsibility for planning/ coordinating the event?	How well did it meet its responsibilities? 1 2 3 4 5 Not at all Fully

13. What other organizations were involved in planning?

NAME	RESPONSIBILITIES	How well did each of the following meet their responsibilities?
		1 2 3 4 5 Not at all Fully
		1 2 3 4 5 Not at all Fully

14. What are the deadlines for the following activities:

ACTIVITY	DATE	PERSON/ORGANIZATION RESPONSIBLE				
Venue procured			1 on schedule	2 in time	3 late, minor problems	4 late major problems
Budget confirmed			1 on schedule	2 in time	3 late, minor problems	4 late major problems
Meeting design			1 on schedule	2 in time	3 late, minor problems	4 late major problems
Invitations (special)			1 on schedule	2 in time	3 late, minor problems	4 late major problems
Invitations (general)			1 on schedule	2 in time	3 late, minor problems	4 late major problems

			1 on schedule	2 in time	3 late, minor problems	4 late major problems
Reminders			1 on schedule	2 in time	3 late, minor problems	4 late major problems
Preparatory materials			1 on schedule	2 in time	3 late, minor problems	4 late major problems
Catering			1 on schedule	2 in time	3 late, minor problems	4 late major problems
AV			1 on schedule	2 in time	3 late, minor problems	4 late major problems
interpretation arranged			1 on schedule	2 in time	3 late, minor problems	4 late major problems
Other			1 on schedule	2 in time	3 late, minor problems	4 late major problems

15. Were there any external factors/mitigating circumstances that affected participating organizations' ability to deliver on the event?

16. What are 1–3 things that organizers can do more of or do differently to support each other that would make delivery of such an event smoother?

Summary Assessment/Reflections

17. Overall, what was gained by having this event? (This refers to purpose but also includes what individual or organizational participants might have gained in terms of new skills, exposure, etc.)

18. What follow-up needs to be done to capitalize on those gains? Who should do the follow-up?

19. Did we incur any "costs" from the event in terms of reputational risk (e.g. was anything mishandled or any conflicts generated that we need to follow-up on so our profile or standing is not negatively affected)?

20. Overall, was this event worth the time, energy and cost? What are the implications of the usefulness of this event as part of strategy in the future?

4.

Strategic Litigation

Tool 4 Strategic Litigation Pre-Assessment, Mid-Term and Final Review

I. PRE-ASSESSMENT
1. Case Merits and Alignment with Priorities
A. Basic Case Information

1. The name of the case in question:

_____

2. The Legal Network's role in the case and the stage at which it will be involved:

- ☐ applicant / lower court
- ☐ appellant or respondent / appellate court
- ☐ appellant or respondent / Supreme Court
- ☐ intervener / lower court
- ☐ intervener / appellate court
- ☐ intervener/Supreme Court
- ☐ party or intervener / regional or international court

3. Is this a favourable venue/judge?

_____

_____

4. What is at issue?

_____

_____

5. What Legal Network strategic priority is this case most relevant? How relevant is it?

- ☐ very
- ☐ somewhat
- ☐ marginally

6. What is the gender identity of the relevant party?

_____

_____

7. What is the profile of the relevant party (e.g. defendant, applicant)? (Check all that apply.)

- ☐ Indigenous or other racialized group
- ☐ Migrant
- ☐ Current or former prisoner
- ☐ LGBTQI

- ☐ Current or former drug user
- ☐ Current or former sex worker
- ☐ Experienced gender-based violence
- ☐ Person living with HIV
- ☐ Other: _____

8. Are there any characteristics of the relevant party that argue against selecting this case?

_____

_____

_____

9. What are the legal and human rights arguments that we might deploy and advance in this case?

_____

_____

_____

10. Does the case have potential to set a positive legal precedent that would affect a large number/class of people?

- ☐ Yes
- ☐ No

11. What bad precedent or other adverse effect might result, if we were to lose the case?

_____

_____

12. How would you rate that risk?

- ☐ (1) Non-existent
- ☐ (2) Very low
- ☐ (3) Low
- ☐ (4) Moderate
- ☐ (5) High

B. Other Aspects of Legal Advocacy

13. Does this case have the potential to empower affected communities through awareness-raising, capacity-building and making their voice heard?

☐ (1) High potential

☐ (2) Some potential

☐ (3) Limited potential

14. If high or some potential, what needs to be done to realize that potential?

_____

_____

15. Will this case help mobilize support from key influential and attract new supporters? If so, whom?

_____

_____

16. Does this case present the Legal Network with any kind of reputational risk (inconsistent with mission and values, controversial, lack of professionalism, etc.)? If so, please specify.

_____

_____

17. Will the case support the work of ally organizations?

☐ (1) Yes

☐ (2) Somewhat

☐ (3) No

Would they in turn reinforce our work?

_____

_____

_____

_____

CONTINUED FROM PAGE 36

C. Summary Assessment on Merits of Case

18. Overall, how strategic is it to intervene in this case on its merits?

1	2	3	4	5
not at all				very strategic

2. Practical Considerations
A. Characteristics of the case that argue for or against our involvement

19. Is the relevant party's lawyers willing to work with us?

☐ (1) Yes, definitely

☐ (2) Yes, with some reluctance

20. Does the Legal Network have a track record of research and/or litigation on this issue?

☐ (1) Very strong track record

☐ (2) Solid record

☐ (3) Limited experience

☐ (4) This is a new area of litigation

21. What would the Legal Network's role be in the case?

☐ Lead

☐ Secondary

☐ Limited, time-bound support

22. Potential responsibilities (check all that apply):

☐ Prepare legal arguments

☐ Review legal arguments

☐ Coordinate lawyers, coalition partners, etc.

☐ Engage with the media

☐ Mobilize support organizations

☐ Other: _____

23. Is there pro bono counsel available to represent the Legal Network?

☐ (1) Yes, definitely

☐ (2) Yes, likely

☐ (3) Unlikely

☐ (4) Definitely not

☐ (5) Not needed (explain why)

_____

_____

24. What is the estimated time that research and policy staff would need to dedicate to this?

Please estimate the average _____days per week for _____ weeks.

25. Is the Legal Network likely to incur other costs for this case (e.g. fees for disbursements)?

☐ No, will not incur cost.

☐ Yes, likely to incur cost. Estimated cost $_____

B. Organizational capacity, given competing demands

26. What work would/might need to be deferred or dropped **by the legal staff** to meet commitments for this case?

_____

_____

_____

27. What would likely be the demands for **communications support**? For example, press releases, media outreach, etc.

_____

_____

_____

28. Does the communications team have the capacity to develop and advance a positive message and set the narrative on the case, especially if the Legal Network has limited experience with the issue at hand?

_____

_____

_____

29. Given other priorities, does the communications team have the capacity to take this on? (Check all that apply.)

☐ (1) Definitely not

☐ (2) Very limited capacity

☐ (3) Some capacity

☐ (4) Depends on timing

30. Are there NGO or community partners that could assume some of the communications and organizing tasks?

☐ (1) Yes, definitely

☐ (2) Probably

☐ (3) Some limited support

☐ (4) Not really

31. If yes, who are they and what could they take on?

_____

_____

_____

32. Is **there funding available** (a) to support staff time (i.e. researchers and communications team) to work on this case and (b) to cover any legal fees and disbursements?

_____

_____

_____

C. Summary Assessment on Practical Aspects of Getting Involved in the Case

33. Overall, how practical is it for the Legal Network to take on this case, without putting at risk other priorities and/or over-extending staff?

1	**2**	**3**	**4**

Very impractical   Very practical and manageable

DECISION: Reviewing the strategic and practical issues, should the Legal Network

       get involved in the case? _____ (Keep this form for ongoing use)

       not get involved the case? _____ (End of documentation: Store form in the archives)

Additional comments:

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

Tool 4 Strategic Litigation Pre-Assessment, Monitoring and Final Review

II MID-TERM REVIEW
1. Practical Considerations

1. Partway through case, what is the Legal Network's role in the case?

☐ Lead

☐ Secondary

☐ Limited, time-bound support

2. What are our responsibilities currently and in the future? (Check all that apply.)

☐ Prepare legal arguments

☐ Review legal arguments

☐ Coordinate lawyers, coalition partners, etc.

☐ Engage with the media

☐ Mobilize support organizations

☐ Other:_____

3. What amount of time are **research and policy staff** dedicating to this currently?

_____days per week.

4. Over the next <u>six</u> months, the time dedicated to this case (check all that apply)

☐ is likely to increase

☐ is likely to stay about the same

☐ will begin to decrease

☐ will end

☐ is sustainable

☐ is barely sustainable

☐ will compromise other work

5. What is the estimated time that communications staff are currently dedicating to this case?

_____days per week.

6. Over the next <u>six</u> months, demands on communication staff for this case (check all that apply)

☐ is likely to increase

☐ is likely to stay about the same

☐ will begin to decrease

☐ will end

☐ is sustainable

☐ is barely sustainable

☐ will compromise other work

7. Is there funding available to continue to support staff time to work on this case?

_____

_____

8. Have legal fees (if any) and disbursements been as expected? If not, are the funds available sufficient to continue?

_____

_____

9. What have been practical barriers or challenges to supporting this case?

_____

_____

10. Overall, how practical is it for the Legal Network to continue to be involved in this case, without putting at risk other priorities, over-extending staff or exceeding our budget for this case?

1	**2**	**3**	**4**
Very impractical			Very practical and manageable

2. Strategic Considerations

11. What have been practical barriers or challenges to supporting this case?

_____

_____

12. Have there been any legal or policy changes that require reassessment of the Legal Network's continuing involvement in this case?

_____

_____

13. Overall, how strategic is it to remain involved in this case on its merits?

| **1** | **2** | **3** | **4** |

No longer strategic   Very startegic

14. Based on the progress to date, in what ways (if any) does the Legal Network need to adjust its strategy, including considering an exit strategy?

_____

_____

_____

_____

Summary statement on state of play with the case and adjustments and expectations moving forward:

_____

_____

_____

_____

_____

_____

_____

_____

Tool 4 Strategic Litigation Pre-Assessment, Monitoring and Final Assessment

III FINAL ASSESSMENT

Be as concrete and specific as possible, and attach any relevant documentation

1. Strategic Litigation and Legal Advocacy Outcomes

1. What was the outcome of the case?

_____

_____

_____

_____

2. What kind of precedent did it set, if any? (Good, bad, neutral?)

_____

_____

_____

_____

3. Were our arguments adopted by the court?

_____

_____

_____

_____

4. What kind of media coverage did the case generate? (Good, bad, neutral?) (Attach or link to any media coverage.)

_____

_____

_____

_____

5. In what specific ways did the case help empower affected communities through awareness-raising, capacity-building and making their voice heard?

_____

_____

_____

6. Did this case help mobilize support from key influentials and attract new supporters?

_____

_____

_____

_____

7. Have there been any other outcomes (anticipated or unanticipated)?

_____

_____

_____

_____

8. Overall, how helpful was the case in advancing the Legal Network's policy agenda?

_____

_____

_____

_____

2. Practical Considerations

9. How accurate were our estimates of legal and research staff time needed for the case?

☐ We underestimated by a lot

☐ We underestimated by a little

☐ We got it about right

☐ We overestimated by a little

☐ We overestimated by a lot

10. Were we able to give adequate time and resources to communication and media work?

_____

_____

_____

_____

11. Were there unanticipated costs or funding constraints that affected our ability to support the case?

_____

_____

_____

_____

3. Next Steps and Lessons Learned

12. Is there any follow-up work that needs to be done as a result of the decision in this case?

_____

_____

_____

_____

13. Are there any lessons learned we need to keep in mind for future cases?

_____

_____

_____

_____

APPENDIX I:

Some Advocacy Evaluation Approaches for External Evaluations

When commissioning an external evaluation, here are some of the approaches that are likely to be proposed. While you don't need to be an expert in these approaches, a basic familiarity with them will help in selecting the best proposal and finalizing the design with evaluators. For a general discussion on selecting evaluation methods, see betterevaluation.org.

Evaluating Organizational Infrastructure, Capacity and Collaborations

✳**Evaluation Approach 1:** Organizational Advocacy Capacity Assessment

The Alliance for Justice has developed an Advocacy Evaluation and Advocacy Capacity Assessment Tool for grantors to assess grantees (see Alliance for Justice citation in Appendix II: Additional Resources). The tool can be easily self-administered by any advocacy organization and used to establish your organization's overall competency and capacity. If increasing your advocacy capacity is a goal, this can serve as both a diagnostic and monitoring tool when re-administered to track progress. An evaluator might then validate your assessment with external stakeholders and help you analyze barriers to progress in any problem areas.

✳**Evaluation Approach 2:** Collaborative Capacity and Practice Assessments

The Human Interaction Research Institute published a number of tools to assess how well community coalitions and alliances are functioning (see Wolff in Appendix II: Additional Resources). These would be appropriate for an internal, formative evaluation to improve coalition or alliance functioning. The following three tools are the most relevant for advocacy organizations:

> survey to assess the satisfaction of coalition members (Worksheet 1)

> diagnostic tool for assessing risk factors that impede successful coalition functioning (Worksheet 2)

> climate diagnostic tool that assesses inclusiveness of coalitions or alliances in terms of respect, recognition, roles, relationships, rewards and results (Worksheet 4)

When to use: When organizational capacity-building and/or alliance- or movement-building is central to strategy. These approaches can be used in both formative/process/mid-term evaluations and final evaluations

Formative Evaluation (Evaluating Process and Strategy Evolution)

✳**Evaluation Approach 3:** Developmental Evaluation

This is actually a planning, monitoring and evaluation approach used for programs or initiatives that are innovative and/or occurring in uncertain, highly dynamic environments. The evaluator, in this case, is both an evaluator and facilitator: identifying information needs with team collaborators collecting data, while supporting the analyzing of data in order to make decisions. In this approach, the theory of action and underlying assumptions might change significantly over time, experimentation is encouraged, and any "failures" are noted and used to shape future decisions.

When to use: This might be employed in a high-stakes initiative where there is uncertainty on how to proceed, processes needs to be closely followed, and there have to be ongoing opportunities for strategizing, with tight feedback loops. This approach, more than the others, needs to be built into program design from the outset as it is meant to shape program evolution and deal with uncertainty.

Policy Change Impact Evaluation

✳**Evaluation Approach 4:** Case Study

The case study is one of the most common advocacy evaluation designs. It is a detailed account of an initiative from beginning to end that examines context, advocacy processes and interventions, results and unexpected consequences. The case study evaluator examines information generated by the organization, including the initiative budget and expenditures, and gathers information from a broad range of stakeholders involved in the effort or targeted by it. Key informant interviews are typically used; focus group discussions are often used; and surveys can be employed depending on the size and reach of the initiative. External verification is sought through a review of policy documents, content analysis of media coverage, bellwether interviews (people knowledgeable about the issue and the politics, but not directly involved in the effort), and other influencing metrics. Comparative case studies use this method to compare the same initiative across contexts (e.g. attempts to influence drug policy in various countries) or different initiatives in the same context (advocacy

efforts on gender-based violence, Indigenous rights to their territories, and treatment for people living with HIV in Peru), in an attempt to find patterns and understand discrepancies.

When to use: This approach is often used when an advocacy initiative hasn't been well documented and the evaluator has to recreate its history and evolution. The evaluator may start by recreating a critical events timeline with staff to hear how they articulate the change process and make explicit the implicit theory of action. This approach is also used when there is an interest in understanding *how* things changed, rather than what did or did not change.

Value for Money

Evaluation Approach 5: Value for Money

This is an umbrella term for cost benefit, cost effectiveness, and social return on investment evaluations. Cost effectiveness and cost benefit are often used to compare and contrast the returns of different initiatives to determine which delivers more value for investment. Social return on investment is often used to determine both quantitative returns on investment (some that can be monetized and some that can't), and more qualitative outcomes that cannot be easily quantified (feelings of well-being, security, empowerment) for a single initiative.

When to use: These approaches help identify the results of an effort, including the specific contributions of a given advocacy campaign or initiative. While costs should always be addressed as part of any evaluation, the Value for Money approaches more closely compare costs to outcomes to help organizations make financing decisions.

APPENDIX II:

Additional Resources

Alliance for Justice. *Build Your Advocacy Grantmaking: Advocacy Evaluation Tool, Advocacy Capacity Tool.* Washington, DC: Alliance for Justice, 2005.

This publication helps funders evaluate grantees and provides two detailed tools: one to assess advocacy capacity and the other to evaluate advocacy efforts. An advocacy organization could self-administer these tools.

Beer, T. and Coffman, J. *Four Tools for Assessing Grantees Contribution to Advocacy Efforts.* Washington, D.C.: Innonet, 2015.

This is another guide for funders but can be usefully self-administered by advocacy organizations, especially Tool 2: Structured Tool for Grantee Reporting.

Coffman, J. and Beer, T. *The Advocacy Strategy Framework: A tool for articulating an advocacy theory of change.* Washington, D.C.: Innonet, 2015.

This publication maps out the basic dimensions of change for an advocacy strategy (awareness, will, action) and guides the reader in applying the framework to plan an advocacy initiative and monitor progress. It has a useful appendix with suggested indicators for tracking the success of advocacy interventions.

Davies, N. and Brotheron, A. *Measuring Up: A Guide for Facilitators.* International HIV/AIDS Alliance and the International Council of AIDS Service Organizations, 2010.

This guide helps users identify and confront the challenges faced by community organizations evaluating HIV-related advocacy, introduces new thinking for designing evaluation approaches and gives users the opportunity to apply some aspects of evaluation design to their specific contexts.

Dozois, E., Langlois, M. and Blanchet-Cohen, N. *DE 201: A Practitioner's Guide to Developmental Evaluation.* Canada: J.W. McConnell Family Foundation and the International Institute for Child Rights and Development, 2010.

This guide applies the practice of developmental evaluation to rights-based organizations. Developmental evaluation is a planning, monitoring and evaluation approach most appropriate for programs characterized by a high degree of uncertainty, either because of a dynamic environment or the innovative nature of the program, because of its tight feedback loops and participatory nature.

Fleming, F. *Evaluation methods for assessing Value for Money.* Better Evaluation, 2013. Retrieved from http://betterevaluation.org/resource/assessing-value-for-money.

This resource discusses various approaches to assessing the cost-benefit or cost-effectiveness of interventions, including incorporating non-quantifiable program outcomes into the assessment.

Norwegian People's Aid. *Observing Change: Results based planning, monitoring and reporting (PMR),* 2010.

This resource does not have to do with advocacy evaluation directly; however, it does a good job of encouraging organizations to take a pragmatic, systematic approach to "unpacking" what change looks like. It pays particular attention to avoiding imprecise language and developing indicators that are CREAM: clear, relevant, economical, adequate and monitorable.

UNICEF. *Monitoring and Evaluating Advocacy: Companion to Advocacy Toolkit.* New York, NY: UNICEF, 2010.

This is a clearly written, very detailed monitoring and evaluation guide. It includes an exhaustive list of indicators for each phase and component of an advocacy effort, as well as 17 tools.

Wolff, T. "A practical approach to coalitions." In T. Backer (ed.). *Evaluating Collaborations.* New York, NY: Springer Publishing Company, 2002.

This book chapter includes several tools for coalition or alliance partners to assess the capacity of their coalition and the quality of relationships.