



## HUMAN RIGHTS | HOUSING AND HOMELESSNESS

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**Guide: Advocacy and Community Participation**  
*The Human Rights Act 2019 (Qld)*

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This Guide was developed through the Human Rights, Housing and Homelessness Project to build the capacity of the social housing and homelessness sectors to understand and apply the *Human Rights Act 2019 (Qld)* in service delivery. It is a Guide primarily for community sector staff to better understand how they can engage in every day, non-legal advocacy using human rights. The Guide contains information on non-legal advocacy and community participation.

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This Guide was produced on the lands of the Turrbal and Yagera peoples in Meanjin. QCOSS and the Department of Communities, Housing and Digital Economy acknowledge Aboriginal and Torres Strait Islander peoples as the original inhabitants of Australia and recognises these unique cultures as part of the cultural heritage of all Australians. We pay respect to Elders of this land, past and present.

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# ADVOCACY AND HUMAN RIGHTS

This Guide focuses on human rights advocacy. While the terms advocacy and activism are often used interchangeably, it is good to be clear about the difference between them.

Queensland has a rich history of human rights advocacy and campaigns for social, environmental, disability and racial justice. This history dates back many years and precedes the introduction of laws that now specifically protect our human rights - the *Human Rights Act 2019 (Qld)*. The community service sector is part of our vibrant civil society, and community organisations have worked for decades to bring about positive change in the lives of individuals and communities across our vast, dispersed state.

Many human rights struggles and campaigns in Queensland are remembered by their activist flashpoints. These include the protests against police powers under the Bjelke Petersen state government in the 1960s and the 1971 anti-Springbok demonstrations. Enduring movements like Aboriginal and Torres Strait Islander activism have led to victories such as Eddie Mabo's native title win in 1992, and disability activism saw the convention centre campaign and legal dispute led by Kevin Cocks AM.

So what is the difference between activism and advocacy?

## Activism versus advocacy? <sup>1</sup>

Activism and advocacy are common strategies used to protect and highlight the importance of human rights. The terms are often used interchangeably to describe the process of bringing about social and political change, however there are some key differences between the two concepts.

**Activism** is direct, public action to bring about a political or social result. It is more tactics-focused, short-term, highly strategic and targeted towards 'playing politics'. Activism usually works 'outside the system' to achieve change, and it can sometimes have negative connotations depending on how it is portrayed in the media. Activism tactics, like protest marches or sit-ins, are 'loose' activities that are usually episodic and unfunded, but they often form part of a broader advocacy agenda.

**Advocacy** refers to working 'within the system' to bring about social and political change. Compared to activism, advocacy is usually a longer-term process that may require collective action at various levels. There are many different types of advocacy and they tend to be more relational in nature than activism. Advocacy often requires a set of operating principles such as an enduring commitment to the cause, and a need to recognise and minimise any personal or institutional conflicts of interest. Advocacy can be quite formalised, including through funding arrangements.

People working to achieve social justice and human rights often move between activism and advocacy in their paid and unpaid work. Successful social and political change often requires both.

“ People with disabilities and their families often experience discrimination, neglect, exploitation and abuse. Their rights, whether human rights or legal rights, are commonly ignored and denied. Something more than the mere existence of rights is needed if those rights are to be respected, honoured and protected. That 'something more' is advocacy. ”

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<sup>1</sup> This section draws on content from the blog, 'Activism versus Advocacy: What is Human Rights Advocacy?' hosted by US Institute of Diplomacy and Human Rights <https://usidhr.org/activism-vs-advocacy/#:~:text=Activism%20is%20about%20making%20people,age%2C%20can%20get%20involved%20in> accessed 24 January 2022.

# TYPES OF ADVOCACY

There are many different approaches to advocacy including individual, social, family, legal and systemic. Here are some general definitions, which we've modified from the Disability Advocacy Network Australia website, *What is advocacy?* (dana.org.au). The disability sector has deep knowledge about different types of advocacy, but many of these approaches can also be utilised in other sectors such as housing and homelessness.

- **Self advocacy**

Self advocacy is when a person advocates for themselves, makes their own decisions and makes sure others respect their choices. Self advocates have control over their advocacy process and decide themselves when to seek help from others. Self advocacy supports individual empowerment, as people get to influence decisions about themselves, and determine what is the best outcome for them. There is great value in people self advocating as their personal stories can directly challenge the entrenched systems of power and privilege that underscore injustice.

- **Family advocacy**

Family advocacy is when a family member of a person advocates for them on their behalf. Family members often know the person better than anyone else and can be best placed to promote their views and wishes. Family advocacy can be very useful and impactful when the person is not able to self advocate.

- **Citizen advocacy**

Citizen advocacy is when a member of the community offers their time to work with a person to advocate for them. A relationship is formed and the citizen supports them to have their voice heard.

- **Social or individual advocacy**

Social or individual advocacy is when a professionally trained advocate supports a person with a particular problem. That person need not be a lawyer. A social or individual advocate must be independent, only on the side of the person they are advocating for, and only represent their interests.

- **Legal advocacy**

Legal advocacy is when a professional advocate with legal experience helps a person to achieve an outcome using the law. The lawyer can help the person to understand their legal rights, and often helps them to navigate the complexities of the legal system. Legal advocacy is also systems advocacy when changes are sought to improve the law so that it works beneficially for a large group of people.

- **Systemic advocacy**

Systemic advocacy seeks to solve an issue that affects a large group of people. Systemic advocacy works to change policies, common practices, and laws to advance social justice. These changes can benefit many people, not just one, and can have a lasting, positive effect on society. Social justice campaigns are examples of systemic advocacy.

- **Peer support**

Peer support is a type of advocacy that occurs when a person provides support to another person with whom they share similar experiences. This type of advocacy is commonly used in the mental health sector.

Do you recognise the advocacy that you do in any of these descriptions?

Advocacy can often be a combination of the above approaches and it is often 'industry specific'.

When we define advocacy it is also useful to realise what advocacy is *not*. It is not day-to-day service provision, personal care support, case management, guardianship, lobbying, a referral, or a complaints mechanism in government or services. Advocacy requires more 'heft' and a commitment to using systems and services to test boundaries and bring about positive social change.

## The difference between advocacy and service collaboration

Advocacy is different to service collaboration and referrals, activities that regularly occur between service agencies. Advocacy requires an advocate to be on the side of the person and to only represent their interests. Service agencies that collaborate on referrals or requests will often have aligned interests and are not independent of each other in the same way that an advocate is required to be.

However, service collaboration can be an effective forum to raise human rights.

The following *Human Rights, Help!* column provides a practical example of what this might look like.

### *Human Rights, Help! Your questions answered*

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Dear QCOSS,

**Our organisation is a specialist homelessness service. A lot of the work we do involves liaising with different agencies in our local area to help people get the supports they need. Most agencies are awesome to work with and we can usually find solutions for people. Recently we've had problems with our local council and our police, who have started taking a hardline approach to rough sleepers in our area. We have great discussions in our collaboration network, but they don't seem to be changing the actions on the street. Can the *Human Rights Act* help us here?**

**From,  
Puzzled Provider**

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Dear Puzzled Provider,

Thanks for reaching out and it's great to hear that your organisation is so dedicated to service collaboration!

The Human Rights Act introduces a legal obligation on all public entities to consider human rights in the work that they do. If the agencies that you are collaborating with are public entities - like the local council and Queensland Police Service - they are legally required to consider human rights *before* they take decisions or implement actions or policies that impact on individuals' rights.

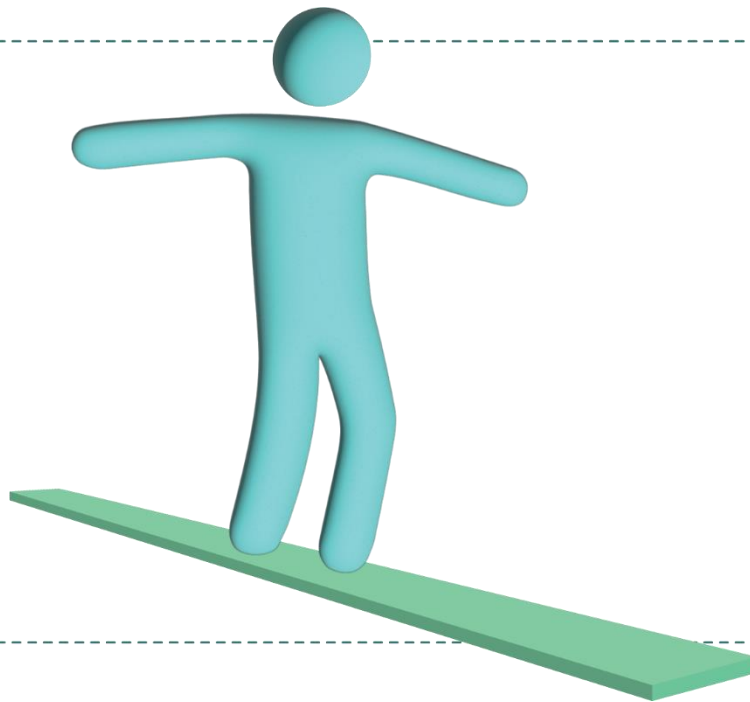
As a fellow public entity committed to finding solutions to homelessness in your local area, it is perfectly reasonable for you to ask about their human rights decision-making framework. For example, you may like to ask, "How did you consider this person's human rights in this situation?" or "What human rights did you identify as being relevant to this situation?" Sometimes, simply asking the question or raising human rights in discussion can have a positive effect and shed light on the justifications and motivations of collaborating services.

Starting a discussion like this will sharpen our focus and place human rights on the service collaboration agenda. A healthy tension between services can be a constructive space for us to gently promote human rights and influence the practice of partner organisations (without having to actually go down the path of formal complaints).

Interagency service relationships are very important and hold the key for resolving complex situations. Over time, this sort of appreciative enquiry can support the development of a human rights culture in your local area as we all become more comfortable and confident to make decisions using a human rights lens.

Good luck!  
QCOSS

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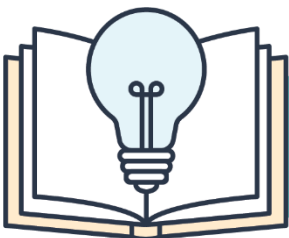


## Community workers - accidental advocates?

Advocacy is certainly not just “what lawyers do”. Community workers are often in a good position to advocate on behalf of someone, as they know that person’s story and are aware of the injustices they face, and how that injustice is being perpetuated.

Community workers support their clients by facilitating service delivery, but they also have an important role in advocating for the protection of individual and collective human rights. Staff in community organisations do not just match people with available services but they can also actively seek to change the status quo and improve clients’ lives and communities.

Community workers need to be mindful of the power that they have to influence clients’ access to services. There is a power differential between workers and the people they support. In the context of working with Aboriginal and Torres Strait Islander peoples, non-Indigenous community workers must be especially mindful of working within a settler-colonial system, and should seek to dismantle colonial practices through their work. An intersectional approach is particularly useful here, and we discuss this below.



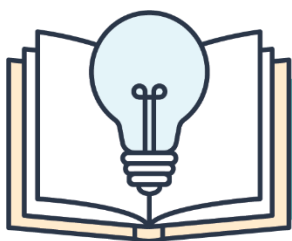
On the DANA website you will find short videos describing many of these forms of advocacy: <https://www.dana.org.au/how-to-advocate/>

# HUMAN RIGHTS ADVOCACY IN QUEENSLAND

Human rights are inherent. Every individual is born with human rights; they are not granted to us through legislation. Human rights principles have been part of the advocacy approach of many community organisations in Queensland for many years. Thanks to the introduction of *Human Rights Act 2019 (Qld)* (HRA), we now have an additional tool to bolster how we advocate with and on behalf of vulnerable people.

The HRA protects 23 human rights. This is not a complete list of recognised human rights across the world. There are many other internationally recognised human rights that were not included in the HRA when it was first enacted. Just because a human right is not included in the HRA does not prevent you from advocating to support its realisation. Building a human rights culture means that we can start talking about the human rights protections that we would like to see included as part of our overall suite of human rights protections.

The HRA encourages this type of approach. It gives our courts the power to consider international law when it interprets domestic laws in a way that is compatible with human rights. It is clear that the Queensland Government wanted courts to take a broad approach to human rights interpretation. As community workers, we can also take a broad and bold approach in our advocacy to support the development of a human rights culture across service delivery.



Take the first step in ensuring people know their rights by displaying the [23 protected human rights](#) prominently in your office.

**Here are three ways that we can use the HRA to advocate for and with people in our everyday interactions.**

## 1. Raise human rights in our daily work with service providers

Public entities are now legally required to act compatibly with human rights, or give proper consideration to human rights when making decisions or taking action.

This obligation is a trigger point for advocacy when dealing with Queensland public entities. People with multiple and complex needs often interface with many government departments to receive public services. State government departments in Queensland are core public entities and are legally obliged to consider human rights in their service delivery.

What human rights of this person were considered before you made that decision?

Often, this simple line of questioning will put the public entity on notice that you are mindful of their obligation to consider human rights.

This question will also open up a new conversation about the decision, how it was reached and how it will impact upon those involved. This creates an important opportunity to share knowledge and have meaningful conversations about the interaction of services, and the people that those services are trying to assist.

## What are the benefits of raising human rights?

There are a number of benefits to raising human rights when negotiating with other agencies. It can help to:

- steer discussions away from the personal ‘moral compass’ of decision makers
- remind decision makers that they have a legal obligation to identify and consider human rights in the decisions they make *for this person*. It places the person at the centre of the decision.
- prevent actions like a forced end of tenancy, by encouraging public entities to take a course of action that least restricts human rights.
- influence public entities to alter their decision pathways to take a more rights-respecting decision. Rights-respecting decisions may involve the provision of intensive, wraparound supports.

Over time, regularly raising human rights in your interactions with public entities will help to support the creation of a human rights culture. It sends a message that a human rights framework for decision-making is the ‘new normal’ here in Queensland.

## What do others say?

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“  
RAISE HUMAN RIGHTS  
OFTEN AND EARLY!  
DON'T WAIT.”

“  
Embed the concept of human rights from very early age - pre-school, school and tertiary education.”

“  
Be **BRAVE**. Do not be afraid to stand out. Stop with all the talk and great mission statements that sound beautiful, and get down and dirty and walk the ugly walk.”

“  
I mentioned human rights the other day in a meeting. They were like, oh yes, we hadn't thought of that. We got a different outcome; it was really cool to see people change track.”



## What are the risks of raising human rights?

You should always consider the risks of taking a particular course of action. Wherever possible, raising human rights should always be done with that person's consent. You should be mindful not to misrepresent, oversimplify or appropriate their story or situation when raising human rights.

You should also be mindful of privacy law obligations for how personal information is collected, stored and handled, as well as any professional ethical obligations such as duties of confidentiality and client care. These risks can often be effectively managed by making sure you understand your legal and ethical obligations, and also through full and informed consent.

The implications of raising human rights may be that you create some pressure and strain on an existing stakeholder relationship that is important to your organisation. Service collaboration is delicate balancing act and maintaining good stakeholder relationships with other agencies is important to achieving broader service delivery goals. If you are able to hold a 'healthy tension' between advocacy and collaborative service provision, your work will be impactful. Getting the balance right can be tricky and it takes commitment and courage.

“NOTHING ABOUT US WITHOUT US”

## 2. Encourage community sector allies to use the Act

The community sector is strongest when it works in partnership! So many organisations came together to campaign for the HRA; our sector was largely aligned on this historic advocacy campaign. It can be useful to remember that we work in a sector of allies with a common goal to promote, protect and realise human rights.

We should aim to use human rights as a new language in our everyday communications, service collaborations and social justice campaigns. Taking the time to talk about human rights will help others to gain confidence in incorporating human rights consideration into their everyday work.

A great way to encourage others to use the HRA is to lead by example. If allies do not have a strong grasp of human rights, you can share any tools, knowledge and resources that you may have.



QCOSS have a range of resources that can help improve workers' understanding of the HRA, check them out on [Community Door](#).

### 3. Use storytelling as a method of human rights advocacy

Telling a story about a personal injustice can be a powerful way to engage in human rights advocacy. The trick is to craft stories that have maximum impact while also empowering people and mitigating risk.

Stories can help change the message as to who is valued and who can contribute to society. Stories can break down unhelpful binaries, for example who is strong/weak, deserving/undeserving or dependent/independent. Community workers can help people to tell their own stories in their own way, helping them to highlight their personal strengths and reclaim their identities. Communicating human rights through stories can help us to change the culture of 'us and them'.

You can tell stories in a myriad of different ways and to many audiences, such as:

- recording and sharing stories through social media
- including personal stories in letters to your local Members of Parliament
- bringing clients along with you to meetings with funders or donors.

The most powerful stories are those delivered by the story owner. This method of human rights advocacy is effective when people self-advocate. It is important for people to be prepared for the impact that telling their story will have on them. As a worker, you should be aware of this impact if you decide to deploy this method of advocacy. In addition, depending on your job role and qualifications, you may have professional ethical obligations around confidentiality and client care which will determine your approach to using storytelling as a method of advocacy.

#### Risks and ethics in storytelling

There are personal risks in using a person's story as a method of human rights advocacy. It is possible for people to experience harm, reprisals, backlash or re-traumatisation. People may have their expectations raised and there will need to be some consideration given to managing these expectations if the advocacy ultimately changes nothing. One way of managing some of these risks is to fully explain and explore the possible impact of telling a person's story, and obtain their full and informed consent before taking any action. It is also possible to proceed on the basis that the person's story will be fully de-identified.

There are also organisational risks. These were briefly mentioned above, and they include things such as privacy law obligations for how personal information is collected, stored and handled, and any professional ethical obligations that relate to your vocation. Again, these risks can often be effectively managed by understanding your legal and ethical obligations, and by obtaining full and informed consent.

## What do others say?

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“ Be aware of human rights yourself, make your client aware of them and advocate on your client’s behalf (if appropriate and client has consented) if other services are not respecting your client’s human rights. ”

“ Check your ethical position.  
Are you appropriating someone  
else’s story through your advocacy? ”

“ Remind people that they have human rights;  
we need to encourage people to take them up.  
Self advocacy needs to be encouraged. ”



Further reading: For more on effective and ethical storytelling in advocacy, see *When I tell my Story, I'm in Charge* by Rachel Ball, Human Rights Law Centre (2013)

[https://victorialawfoundation.org.au/sites/default/files/attachments/VLF%20-%20CLC%20final%20report%2012-13%20\\_Final\\_web.pdf](https://victorialawfoundation.org.au/sites/default/files/attachments/VLF%20-%20CLC%20final%20report%2012-13%20_Final_web.pdf)

# THE IMPORTANCE OF INTERSECTIONALITY IN HUMAN RIGHTS ADVOCACY



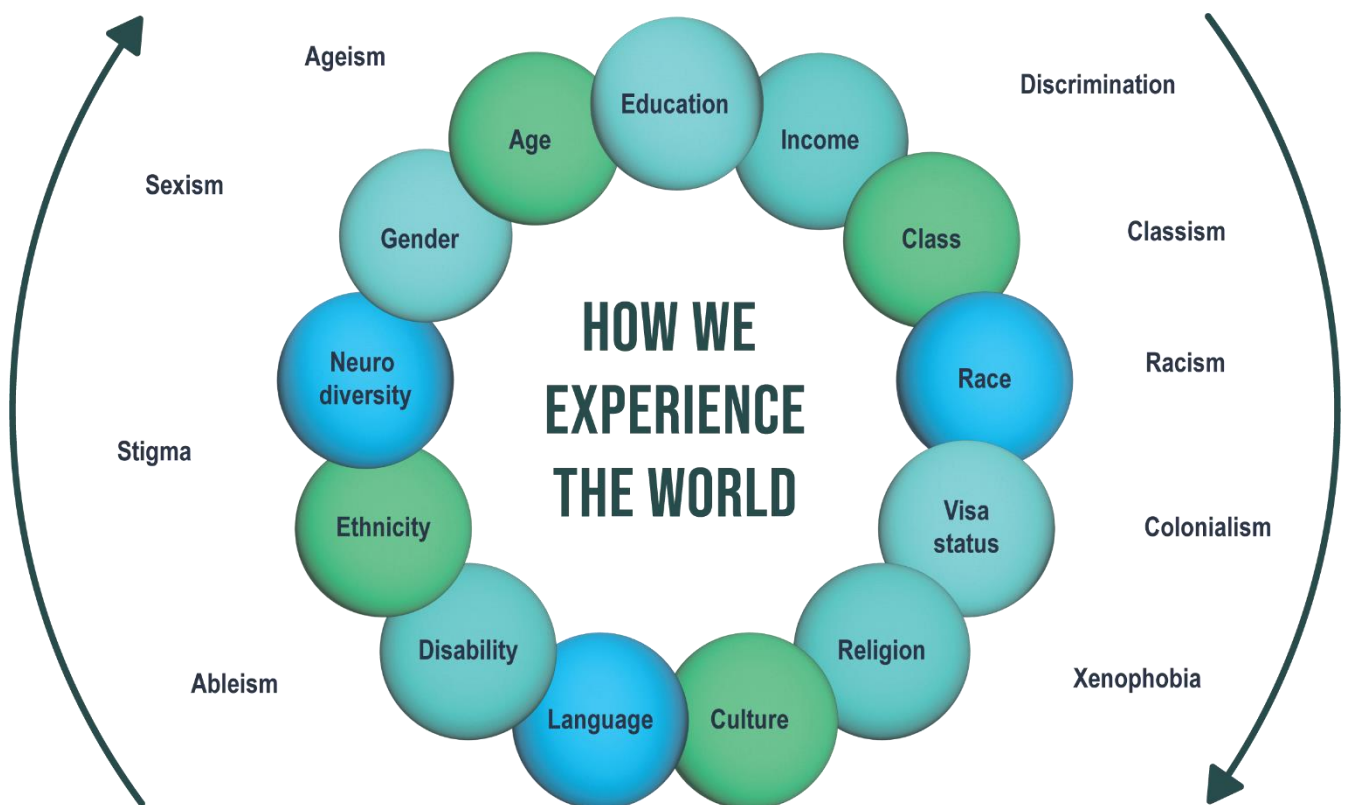
If we aren't intersectional, some of us, the most vulnerable, are going to fall through the cracks."



- Kimberle Williams Crenshaw

Human rights are indivisible, inalienable and interdependent. This means that human rights are fully enjoyed when *all* of a person's rights are equally protected and fulfilled. Putting human rights at the heart of our decision-making prompts us to see and respond to people's unique characteristics, their multiple identities and the human rights that are engaged by those identities.

Human rights have the capacity to incorporate our uniqueness which is why intersectionality is a particularly effective approach for human rights advocacy.



## What is intersectionality?

Intersectionality is an analytical tool for revealing and transforming power and oppression. The term was coined in 1989 by Kimberle Williams Crenshaw, an American feminist legal scholar, when thinking about how anti-discrimination laws fail to account for multiple discrimination.

Intersectionality is a method to reveal the multiple dimensions of our identities. As individuals, we all have multiple identities – our race, gender, religion, class, age, ability – and we experience these differently, either through privilege and/or oppression, depending on our circumstance. Our identities are complex and each person's experience of the world is unique depending on how they are valued or devalued.

“

If you don't have a lens that's been trained to look at how various forms of discrimination come together, you're unlikely to develop a set of policies that will be as inclusive as they need to be.

- Kimberle Williams Crenshaw”

An intersectional lens considers multiple factors and experiences that collectively make up a person's identity. Issues cannot be addressed in a silo; they must be considered as a whole. For example, an elderly woman with a psychosocial impairment in social housing will have different needs to that of a young migrant woman, also in need of housing.

For those of us who work in organisations that strive for social justice, intersectionality can be a compelling springboard for action because it helps to address structural and systemic injustice. It can also help us to identify and address the multiple disadvantages that many of the people we work with experience.

[Question]: Think about how your organisation responds to multiple disadvantage. Does it take an intersectional perspective?

## What do others say?

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“

Ask more questions, listen and learn and do not be judgmental toward people.”

“

I am glad that the discussions are starting to happen and nothing will change unless we at least start to talk about it.”

“

At least people in power are trying to make change.”

# COMMUNITY PARTICIPATION

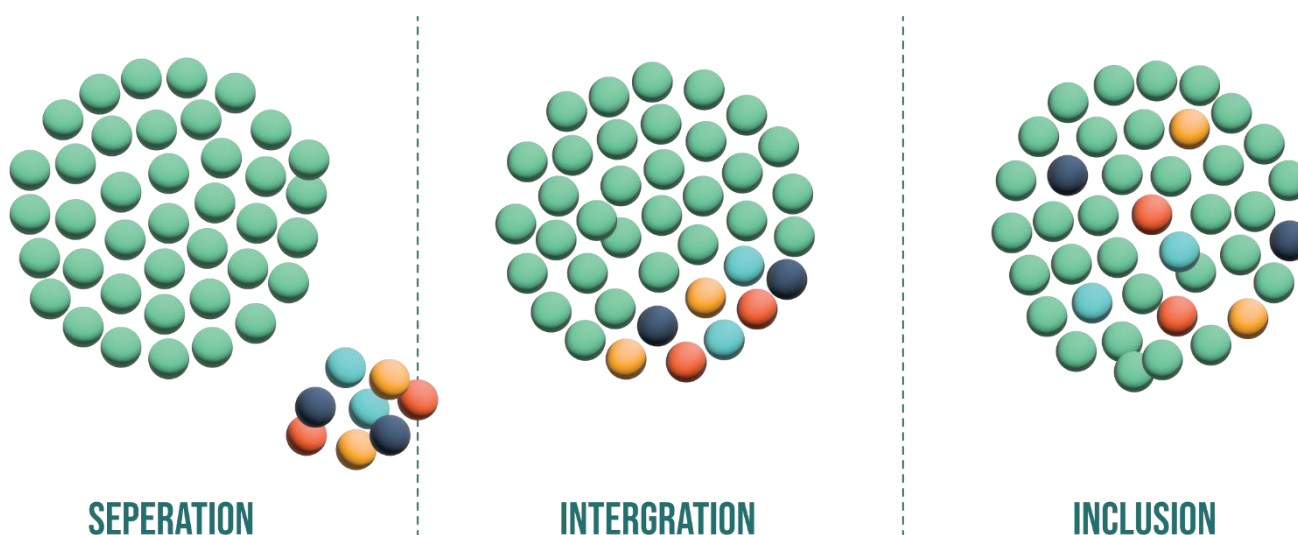
## > SOCIAL INCLUSION

Social inclusion is a term that is used to describe a person's or group of people's ability to participate in their community. While there is no universally accepted definition of social inclusion, there are key components. These include having the resources, opportunities and capabilities to:

- learn (e.g. participate in education and training)
- work (e.g. participate in employment, unpaid or voluntary work including family and carer responsibilities)
- engage (e.g. connect with people, use local services and participate in local, cultural, civic and recreational activities)
- have a voice (influence decisions that affect them).

UNESCO defines an inclusive society as ... “a society for all, in which every individual has an active role to play. Such a society is based on fundamental values of equity, equality, social justice, and human rights and freedoms, as well as on the principles of tolerance and embracing diversity.”

Human rights are key to making this a reality.



When people can exercise their human rights, they can stand up for themselves and for each other, they are empowered to shape the decisions that impact their lives.

- UN Office of the High Commissioner of Human Rights



Human rights are a fundamental building block for social inclusion. They help us to strengthen the ability, opportunity and dignity of people to take part in society. To participate in and influence the decisions that affect you is a very empowering process. It cultivates a sense of agency and voice, and it builds confidence.

Human rights are another lever that community organisations and their staff can use to improve a person's social inclusion. Organisations can help a person to understand their human rights and to create an environment where their rights can be safely exercised. These seemingly simple activities will empower individuals to participate in the range of service offerings that are available to them.

## Strategies for building social inclusion

[Question] What activities does your organisation implement to foster a sense of community and social inclusion?

One strategy is to build peer-to-peer networks and peer leadership roles into your organisation's operations, governance and service delivery. Tenant advisory groups are an example of peer leadership within the social housing sector.

A vital feature of peer-to-peer networks and peer leadership roles is that people with lived experience are given the opportunity to directly inform and influence policies, programs and services that they receive. Framing this work using a human rights lens means that the activities and advocacy will be rights-based. It will be less about everybody's general needs and wants, and more about what is required in order for tenants to enjoy their fundamental human rights.

## Peer leadership

Peer leadership activities are a terrific way to build and sustain participation by people with lived experience of housing need and homelessness. Peer leaders can provide authentic and meaningful input into service delivery.

There is a strong human rights rationale for doing so because, at the end of the day, we want to challenge and change the power dynamic and relationship of people to the service system.

If we think peer leadership is important then we should provide training and support for these roles, and ensure that organisational structures and sector initiatives have embedded elements to support inclusion, influence and success. Peer leaders can help drive service improvements, and identify gaps where improvements are most needed.

Along with connecting tenants to services and providing them with social support, peer leaders can advocate for system changes and elevate residents' voices and their decision-making power.

There are many benefits of implementing peer leadership activities in your service design. In short, they include:

- support tenancy engagement in programs
- address cultural divides between tenant groups
- help build trust between the housing provider and tenants
- be a bridge to employment opportunities for tenants
- challenge the prevailing power dynamic
- support tenants to develop and use their voice

## Breaking down barriers

There are often barriers to tenants participating in their community and in services offered. These might include stigma associated with certain services, or logistical barriers like inflexible hours or lack of childcare. Lack of cultural competence of service providers and past negative experiences can also be a problem.

Peer leadership activities can help to break down these barriers to participation. A peer leader can identify the barriers and bring them to the attention of the housing provider to address and rectify.

Sustainable peer leadership programs require ongoing resourcing and encouragement. This means embedding paid roles in peer support, training peer advocates and always ensuring that feedback can be given and supported.

## Navigating complaints

Making a human rights complaint is an activity that may be undertaken by a self-advocate. The HRA has a mechanism to support individuals to complain if they feel that their human rights have been breached.

How a complaint is raised and received has a bearing on its success. From a service provider's perspective there are two main things to reflect upon in the area of complaints:

1. First, does your service support people to make a complaint?
2. Second, is your service a 'safe environment' in which people are encouraged to speak up and be heard?

QCROSS has produced resources to help you implement human rights-compatible complaints processes in your organisation.



For more information about creating a human rights compatible complaints process, read our ['How to create a human rights complaints process'](#).



# TIPS FROM COLLEAGUES

## Empower with knowledge

- Take advantage of 'everyday moments' to impart human rights knowledge so individuals can effectively self-advocate.
- Provide information, put up posters and celebrate the importance of human rights to raise awareness.
- Understand that each service user is on an individual journey to develop self-advocacy skills and do what you can to support them.

## Create a safe environment for self-advocacy to develop

- Start walking-the-walk in your own organisation.
- Encourage people to self-advocate! Remember, it is the experience and knowledge they gain, not the outcome, that will have the biggest impact on their empowerment.
- Identify opportunities to embed service user advocacy within your organisation.

## Consistently monitor the relationship

- Self-advocacy (where possible) is the best form of advocacy, so as you collaborate with other service providers, look for opportunities and readiness for the individual to self-advocate.
- The path to self-advocacy is not linear. Prepare for roles to fluctuate.
- Consistently reinforce support for individuals to self-advocate, whether in leading discussions or behind-the-scenes.

## Embrace service feedback

- Think about the last time you received feedback from a service user. Ask yourself, do we have a safe environment for self-advocacy to flourish? What needs to change?
- Review your complaints mechanism and make sure that family, individual advocates or peers are able to support a person to bring a complaint.
- Consider implementing a tenant advisory group or peer leadership activity to strengthen feedback pathways and service user empowerment.

**Tip:** Show your commitment to empower everyone to understand and advocate for their human rights by celebrating Human Rights Day (on 10 December) with service users.