

Engaging decision-makers on human rights issues

A Practice Guide for Civil Society

*Creative and impactful advocacy approaches drawn from
lessons learned in the field of forced displacement.*

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2. Key Terms

The terms outlined are presented in alphabetical order and are intended to be used for the purpose of this guide.

Advocacy: Any deliberate act to enhance the power of an organisation to influence other actors in the policy making process.¹

Alternatives to immigration detention: Any law, policy or practice by which persons are not detained for reasons relating to their migration status.²

Asylum seeker: A person who has made an application to be recognised as a refugee, but who has not yet received a final decision on that application.³

Civil society: Non-state, not-for-profit organisations formed by people in the social sphere linked by common interests and collective activity, not including media, political parties or for-profit entities.

Decision-makers: Government-level legislative and policy makers across judiciary, legislature and executive branches, including assembly, cabinet, parliament, lower/upper house, ministry bureaucrats, central agencies and political parties.

Forced displacement: “The movement of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters.”⁴

Forced migration: “A migratory movement in which an element of coercion exists, including threats to life and livelihood, whether arising from natural or man-made causes.”⁵

Government engagement: “Strategies, actions and approaches aimed at directly informing and working with authorities and decision-makers, including facilitating dialogue, targeted communication and partnerships to legal, policy, technical and operational advice and training for policy change and programmatic development.”⁶

Humanitarian issues: “Humanitarian action are to save lives, alleviate suffering and maintain human dignity.”⁷

Human rights: “Human rights is moral principles or norms that describe certain standards of human behaviour, and are regularly protected as legal rights in municipal and international law.”⁸

¹ Casey J, 2011, Understanding Advocacy: A primer on the policy making role of nonprofit organizations, Centre for nonprofit strategy and management, New York, p. 7, https://marxe.baruch.cuny.edu/wp-content/uploads/sites/7/2020/04/Casey_UnderstandingAdvocacyaPrimeronthePolicyMakingRoleofNonprofitOrganizations.pdf.

² Sampson, RC, V Chew, Mitchell, G and L Bowring, 2015, There Are Alternatives: A Handbook for Preventing Unnecessary Detention, International Detention Coalition, Melbourne.

³ Ibid.

⁴ International. Organization for Migration (IOM) 2022, Key Migration Terms, viewed 21 February 2022, <https://www.iom.int/key-migration-terms>.

⁵ Ibid

⁶ Mitchell, G, 2021 ‘Forging New Ground: Creative civil society engagement of government to achieve rights-based policy change on immigration detention’, PhD thesis, Swinburne University of Technology, Melbourne.

⁷ Reliefweb 2003, Principals and Good Practice of Humanitarian Donorship, <https://reliefweb.int/sites/reliefweb.int/files/resources/EN-23-Principles-and-Good-Practice-of-Humanitarian-Donorship.pdf>.

⁸ Ontario Public Service Employees Union (OPSEU) 2018, 30 Basic Human Rights List / Universal Declaration of Human Rights, https://opseu.org/wp-content/uploads/2018/12/30_basic_human_rights_list_english.pdf.

Human rights pragmatism: An approach to human rights that moves beyond purely theoretical, moralistic or law-centric approaches to its judicial application, to one which seeks the practical implementation of universal human rights at the national, community and individual level that are locally and culturally adaptive, empowering and beneficial for all.

Immigration detention: “The deprivation of liberty of noncitizens for reasons related to their immigration status.”⁹

Internally displaced persons (IDPs): “Persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized state border.”¹⁰

Irregular migrant: A migrant who does not fulfil, or no longer fulfils, the conditions of entry, stay or residence within a State.¹¹

Migrant: A person who is outside of a State of which he or she is a citizen, national or habitual resident.¹²

Refugee: A refugee is someone who is unable or unwilling to return to their country of origin owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group, or political opinion.¹³

Policy: A principle or set of rules to guide decisions and achieve rational and predictable outcomes adopted by government bodies and parliaments.¹⁴

Pragmatism: A pragmatic way of dealing with something is based on practical considerations, rather than theoretical ones.¹⁵

Rights-based: A human rights-based approach is a conceptual framework for the process of human development that is normatively based on international human rights standards and operationally directed to promoting and protecting human rights.¹⁶

Social change: “Social change is the way human interactions and relationships transform cultural and social institutions over time, having a profound impact of society”.¹⁷

Social justice: “Social Justice is about working towards a more equal society. Part of this is ensuring that people are treated with dignity and respect by those with public power, also the main goal of human rights.”¹⁸

Stateless person: A person “who is not considered as a national by any state under the operation of its law”.¹⁹

⁹ Flynn, M 2016, ‘Detained Beyond the Sovereign: Conceptualizing Non-State Actor Involvement in Immigration Detention’, in Deirdre Conlon and Nancy Hiemstra (eds), *Intimate Economies of Immigration Detention Critical Perspectives*, pp. 15-31, Routledge, New York.

¹⁰ Office for the Coordination of Humanitarian Affairs (OCHR) 2004, *Guiding Principle on Internal Displacement*, <https://www.unhcr.org/43ce1cff2.pdf>.

¹¹ Sampson, RC, V Chew, Mitchell, G and L Bowring, 2015, *There Are Alternatives: A Handbook for Preventing Unnecessary Detention*, International Detention Coalition, Melbourne.

¹² Ibid.

¹³ United Nations General Assembly (UNGA) 1951, *Convention Relating to the Status of Refugees* 28 July 1951, United Nations Treaty Series, vol. 189, p.137

¹⁴ Roebeling, G & De Vries, J 2011, *Advocacy and Policy Influencing for Social Change*, Technical Assistance for Civil Society Organisations, p. 19, https://resource.actionsee.org/app/uploads/2018/05/doc_manual_5.pdf.

¹⁵ Definition of pragmatic, 2020, in Collins Dictionary online, <https://www.collinsdictionary.com/dictionary/english/pragmatic>.

¹⁶ OHCHR 2006, *Frequently asked questions on a human-rights based approach to development cooperation.*, <http://www.ohchr.org/Documents/Publications/FAQen.pdf>

¹⁷ Spanos Dunfey, T 2019, *What is Social Change and Why should we care?*, Southern New Hampshire University, viewed 12 February 2022, <https://www.snhu.edu/about-us/newsroom/social-sciences/what-is-social-change>.

¹⁸ Turnbull E 2020, *Social Justice and Human Rights*, 20 February, <https://www.bih.org.uk/blog/social-justice-and-human-rights#:~:text=Social%20Justice%20is%20all%20about.main%20goal%20of%20human%20rights.&text=Whereas%20economic%20and%20social%20and%20cultural.%2C%20welfare%2C%20and%20living%20standards>

¹⁹ *Convention Relating to the Status of Stateless Persons*, ECOSOC RES/526 A(XVII) (1954), Article 1(1).

3. The Aim of the Practice Guide

This introductory practice guide outlines creative and practical ways that civil society has engaged governments and decision-makers on human rights issues, drawing from lessons learned in the field of forced displacement.

The guide is aimed at building the confidence and capacity of civil society to engage the state to impact policy and social change, to assess and address risks, and to develop and incorporate government and decision-maker engagement within dynamic and multi-faceted advocacy strategies focused on sustainable and collaborative solutions.

Building on emerging research and international practitioner experience, the guide explores the challenges, opportunities, strategies and approaches utilised by civil society to engage decision-makers that is principled, pragmatic and adaptive, and which enhances and complements broader social movement and public advocacy work.

The guide provides evidence-based findings on approaches that increase access, build trust and balance critique with constructive and solutions-based strategies to enhance decision-maker consideration of rights-based policy alternatives.

“This guide is a fantastic achievement and resource for those in the human rights community who ‘keep the faith’ against the rising tides of oppressive law and order policies. It is great that it is being shared widely,”

Bronwyn Pike,
CEO Uniting Victoria Tasmania.

3.a. Who is the Practice Guide for?

This guide is for change makers:

Civil society groups and individuals working to advance human rights, social justice and humanitarian efforts at local, national, regional or international levels: Lived experience leaders, affected communities, grassroots groups, Community-based Organisations (CBOs), Civil Society Organisations (CSO), Non-Governmental Organisations (NGOs), Not for Profits (NFPs), service providers, policy organisations, philanthropists, academia and students entering the field.

A key focus of the guide is to support emerging civil society leadership and the voice and self-representation of affected communities and activists in their advocacy work.

“Having worked with grassroots refugees and stateless people in the Asia and the Pacific on their plight and helplessness, I applaud this guide as a very important tool for refugee and stateless leaders in their work to engage governments for change,”

Parsu Sharma-Luitl JP,
General Secretary,
Refugee Communities Association of Australia
(RCAA).

3.b. Why a Practice Guide?

Civil society directly meeting and engaging the state on human rights issues is one of the most challenging and underutilised areas of advocacy but which also has the potential to significantly impact rights-based change.

While there is considerable international focus on the role of social movements, public campaigns and strategic litigation in human rights advocacy undertaken by civil society, less attention has been given to the use of engagement of decision-makers as a strategy for social and policy change and limited practical guidance available.²⁰

Civil society is confronted by a range of dilemmas when seeking to engage the state including ethical and reputational risks, such as lack of transparency in engagement processes and perceptions of collusion or compromise and the need to maintain independence.

Civil society organisations are often forced to provide essential services for marginalised populations and engage in crucial and challenging advocacy with decision-makers in under-resourced, isolated contexts and further challenged by lack of protected legal status, access to decision-makers and the risks of being under threat from state or other actors in their work.

These combined concerns have led to a reluctance or inability of some groups to engage decision-makers and highlights the need for greater clarity and guidance to support civil society to hold productive and conducive dialogue with government and decision-makers in order to influence and shape rights-based change.

“Probably if anything, it’s under-resourced as an area in thinking and exploration and studying... there’s a lot of gaps and challenges in the way civil society tries to engage,”

an NGO participant in Asia Pacific.²¹

²⁰ Pedersen, M 2019 Principled Engagement: Promoting Human Rights by Engaging Abusive Regimes, <http://archive.unu.edu/pg/rights/engagement.html>.

²¹ Mitchell, G 2021, ‘Forging New Ground: Creative civil society engagement of government to achieve rights-based policy change on immigration detention’, PhD thesis, Swinburne University of Technology, Melbourne.

3.c. How to use the Practice Guide?

This Practice Guide is designed as a practical introductory tool to support civil society to undertake human rights informed dialogue and engagement with decision-makers.

The user-friendly guide includes:

1. Identified benefits, barriers and strategies within the text to highlight evidence-based principled and effective approaches to consider.
2. Questions, quotes, tips and examples to inspire and inform your advocacy work.
3. Exercises to build your experience and confidence in engaging decision-makers.
4. Practical tools and steps to consider in developing an engagement strategy and plan.
5. Links to useful external resources.

Work through the guide to:

- Deepen your knowledge of the key concepts of civil society work on policy and social change and engagement of decision-makers as a human rights advocacy strategy.
- Consider the tips and examples that might be relevant in your context.
- Use the ‘Model of Principled and Effective Engagement’ as a framework to explore creative and impactful strategies to engage decision-makers.
- Use the tools to develop your own Engagement Action Plan, and the Checklist to ensure you have undertaken critical steps.

Use the Workbook on page 73 to help you work your way through each of the tools outlined in the Guide.

What is helpful in your context?

With vastly different and unique national and local contexts within which civil society human rights advocacy work operates, there is no one-size-fits-all approach to engaging decision-makers.

Not all the ideas included in the guide will be relevant, applicable or helpful in your situation, so consider, take and use what works for you in your context.

The author also notes the limitations of the guide and the need for more research and practical guidance on engaging states under repressive, corrupt, authoritarian rule and in times of conflict, disaster, political volatility and instability.

As a work in progress, this Practice Guide will be further developed and explored. Users of this guide are encouraged to contact the author to provide feedback and ideas to strengthen the guide as a practical tool in diverse political environments and human rights areas of focus.

“It is important to understand the value of good dialogue and cooperation with NGOs and to get their thoughts and perspectives to improve our work and the rights and wellbeing of those we work with.

This guide provides helpful practical guidance on this,”

Niclas Axelsson,
Swedish Migration Agency.

3.d. Lessons learned in forced displacement

This practice guide is based on research undertaken as part of the PhD thesis: Creative civil society engagement of government to achieve rights-based policy change on immigration detention.²²

Building on the author's 20 years of advocacy work in more than 50 countries, the research includes data collected from observing meetings and interviewing governments, UN and civil society in 16 countries across all regions to develop a deeper understanding of the engagement of decision-makers as an advocacy strategy employed by civil society and to examine how policy changes have occurred and the models of engagement most impactful.²³

“The core of my interest is how groups got access, and who got the ear of the right people in government at the right time with the right message to get a window for policy change and impact, or an ‘epiphany of change’ as I call it.”

Dr Grant Mitchell,
Centre for Asia Pacific Refugee Studies.

Civil society's concerns with engaging governments are explored, including ethical, logistical and ideological challenges. In addition, the research examines the perspective of government officials, including both barriers and the potential benefits of direct engagement with civil society. The research did not however include examples of engagement during times of conflict or political instability.

Central to the research, and used as an intersectional case study in this guide, is the empirical evidence gathered on civil society advocacy experiences of engaging governments on the rights of people affected by immigration detention in the context of forced displacement.²⁴ Despite specific international legal safeguards to avoid arbitrary detention, the deprivation of liberty of forcibly displaced refugees, asylum seekers, stateless people and irregular migrants on security, identity, health or deterrence grounds is a growing phenomenon.²⁵

Immigration detention in this context poses immense human rights and humanitarian challenges for affected individuals, including protection and refoulement concerns, rights violations and risks to individuals in situations of vulnerability, including women, children, LGBTQI+, people with illness and disability and the elderly.²⁶

²² Ibid.

²³ Field work was undertaken in 16 countries: Australia, Hong Kong, Israel, Japan, North Macedonia, Malawi, Malaysia, Mexico, Philippines, South Africa, Sweden, Switzerland, Taiwan, United Kingdom, United States and Zambia.

²⁴ Mitchell, G 2017 'Global Advocacy: Civil Society Engagement of Government on Alternatives to Immigration Detention', in Michael J Flynn & Mathew B Flynn (eds), *Challenging Immigration Detention—Academics, Activists, and Policy-makers*, Edward Elgar Publishing Limited, Cheltenham, Glos, UK, pp. 120-140.

²⁵ Arbitrary detention is explicitly prohibited under article 9(1) of the International Covenant on Civil and Political Rights (ICCPR); Reyes, JR 2019, *Immigration detention: recent trends and scholarship*, Center for Migration Studies, <http://cmsny.org/publications/virtualbrief-detention/>.

²⁶ "Detention is among the gravest acts the state can take against people. The seriousness of detention is even greater under circumstances in which persons are held not on criminal or immigration charges but rather after fleeing persecution": Welch, M & Schuster, L 2005, 'Detention of asylum seekers in the US, UK, France, Germany and Italy: a critical view of the globalizing culture of control', *Criminal Justice*, vol. 5, no. 4, pp. 332; Crépeau, F 2012, Report of the Special Rapporteur on the Human Rights of Migrants, Geneva: UN Human Rights Council Twentieth session, April 2012, <https://www.refworld.org/docid/502e0bb62.html>.

Research findings:

“Despite these varying challenges identified government engagement achieved policy reform in a number of jurisdictions, including legislative and policy change that prevented or limited the use of immigration detention, including in Ecuador, Japan, Mexico and Taiwan.”²⁷

- A diversity within civil society between those who undertook engagement as a central part of their broader advocacy work and those reluctant, resistant or lacking experience or confidence. The need for greater guidance, capacity and prioritisation of engagement as a civil society strategy for change.
- Despite identified barriers and tensions between civil society and government, engagement had successfully impacted on rights-based change in a number of contexts.
- 80% of respondents had directly observed and participated in decision-maker engagement involving civil society that had effectively impacted reform.
- A range of strategies and modalities were identified which ensured principled and ethical engagement of the state and which enhanced decision-maker receptivity to consider policy change in line with international human rights.
- These findings included work to assess the political context, public sentiment, key targets and the availability and benefits of policy alternatives, and establishing civil society credibility and strategic, relational, constructive, pragmatic and non-confrontational approaches, including balancing critique with solutions-based dialogue.
- These combined findings are synthesised into a practical framework, the ‘Model of Principled and Effective Engagement’ that is outlined in this guide.
- The research indicated however that engagement appears less effective and sustainable in periods of changing political and migratory environments, particularly under conservative leadership.
- In these contexts, engagement appeared to have a greater impact when embedded as a central catalyst to directly raise practical and rights-based policy alternatives with the state within strategic and complementary longer-term multi-pronged advocacy strategies that work to increase both public and political pressure on the issue at hand.
- In circumstances where the state may be unwilling, cease engagement or where it is deemed ethically compromising to engage, enhanced public advocacy at the national, regional and international levels is required.

²⁷ Mitchell, G 2021, ‘Forging New Ground: Creative civil society engagement of government to achieve rights-based policy change on immigration detention’, PhD thesis, Swinburne University of Technology, Melbourne.

4. Civil Society and Creating Change

Civil society working on human rights issues operate in diverse and creative ways at local, national, regional and international levels.²⁸ Civil society undertakes varying roles to build democratic, equitable and rights-based reform in relation to the state, from those that monitor as watchdogs, those that publicly critique, campaign or litigate, those that provide direct services, or those who directly engage decision-makers.

Civil society engaging the state raises a range of complex issues outlined in this guide, including ethical and ideological challenges, such as perceptions of collusion or compromise and concerns about the consequences, risks and limitations of engagement.

These challenges are escalated in the face of the shrinking space for civil society in public and political discourse in many countries with growing anti-advocacy legislation, restricted freedom of association and speech, state and non-state actors hindering access, and increased harassment and reprisals on human rights defenders.²⁹

A range of tensions also exist that impact engagement with decision-makers. Differing mandates, motivations and language between the politicised symbolic rhetoric of some states when discussing or forming policy compared to the human rights or needs based focus of some civil society groups. Also, within civil society itself there is often a tension between groups that focus on exposing injustice, incompetence and denouncing practices that violate human rights and those that seek to meet decision-makers to raise good practices or possible solutions.

This guide explores how some groups have bridged these tensions, working to keep governments accountable while constructively engaging for rights-based social and policy change.

“Laws alone don’t change society, but needs long-term engagement to challenge and address deep rooted discrimination and the underpinning causes of rights abuses,”

an NGO participant in Asia Pacific.³⁰

²⁸ Unpublished data from thesis: Mitchell, G 2021, ‘Forging New Ground: Creative civil society engagement of government to achieve rights-based policy change on immigration detention’, PhD thesis, Swinburne University of Technology, Melbourne.

²⁹ While there is no universally agreed upon definition of “civil society”, for the purpose of this guide it includes non-state, not-for-profit individuals and organisations formed by people in the social sphere linked by common interests and collective activity. This includes a diverse range of entities, from non-governmental organisations (NGOs), community-based organisations (CBOs), grass-roots and affected community organisations, faith-based organisations, advocacy, human rights and policy groups, academia, and welfare and service providers. These entities are distinct from state actors, media, political parties or for-profit entities.

³⁰ Buysse, A 2018, ‘Squeezing civic space: restrictions on civil society organizations and the linkages with human rights’, The International Journal of Human Rights, vol. 22, no. 8, pp. 966-988.

4.a. Exploring policy and social change processes

Question:

- What is the change you want to see occur from your advocacy work?

In exploring strategies to get a human rights issue elevated as a policy priority, it is helpful to start by gaining an understanding of how policy is formed in your country. Examining the political processes at play in terms of legislative, executive and judicial authority, how agendas are determined, and what internal and external influences and motivating factors impact policy decision-making.

There are a number of practical theories that can provide a helpful framework to examine policy change processes. While social movement theories work to explain how policy development is impacted by social mobilisation and public influences, policy and knowledge utilisation theories examine how agendas are set, and the critical elements of influence, including expert knowledge, the role of the elite and those in power, the media or external global impacts on policy. These theories can help navigate the political terrain and to conceptualise impactful strategies, entry points and opportunities.

Helpful Resources:

- [The nature of policy change and implementation: a review of different theoretical approaches](#)
- [Pathways to change: 10 theories to inform advocacy and policy change efforts](#)

Exploring Kingdon's Policy Window

Political scientist Kingdon's Policy Window Theory³¹, for example, frames the policy process through three distinct streams; the problem at hand, the policy options available, and the politics stream, related to political and public influences:

1. **Problem** - Raising awareness and public and political pressure on the identified problem.
2. **Policy** - Exploring and developing policy and technical options.
3. **Politics** - Analysing the political and public landscape, challenges, entry points and the timing to engage the state.

Kingdon argues that when 2 or more streams align a policy window opens and reform may occur: "At certain critical times the three streams come together, and the greatest agenda change occurs. A problem is recognized, a solution is available, and the political conditions are right. Advocates of proposals seize on those times of opportunity (open policy windows)".³²

³¹ Kingdon, JW 1993, 'How do issues get on public policy agendas?', in WJ Wilson (ed.), *Sociology and the public agenda*, Sage Publications, Inc., Newbury Park, California, pp. 40-50.

³² Ibid, p.41

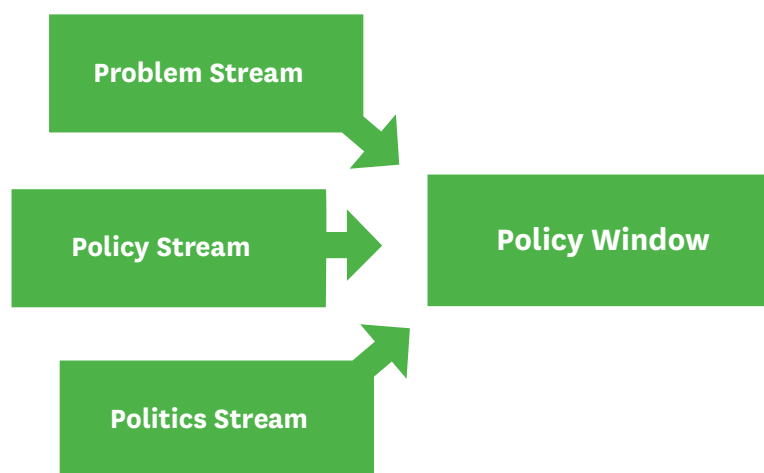


Diagram 1: Kingdon's Policy Window Theory (1993)

This theory provides a helpful framework for conceptualising and analysing policy change processes and the different actors and elements of government engagement.

Example: Kingdon's Policy Window Theory in Practice: Malawi

In a meeting with officials in Malawi in 2017, there was a moment of consensus to release a group of Ethiopian unaccompanied minors into a community pilot we had proposed. The children had been detained in prison facilities after entering the country irregularly on their way to South Africa.

Held in overcrowded cells together with adults convicted of criminal offenses, a number of the minors were ill. A senior government official stated at the time, "This meeting has been very heart-warming and eye-popping. We feel the pinch of this - we must act now on these initiatives you have raised to see alternatives developed."

Political scientist, John Wells Kingdon, calls this the 'window' for policy reform. He identified three prerequisite streams for placing an issue on the public policy agenda.

Firstly, the problem stream where social issues are raised as a 'problem' for policymakers. Secondly, the policy stream, in how 'policy' alternatives are generated and raised. And thirdly, the 'politics' stream, where the political context influences the proposal of new policies. When two or more streams align a potential window opens for policy change.

Being aware of the work undertaken to raise political pressure on the identified problem of the immigration detention of children that pre-empted my engagement, I saw myself as coming in constructively at a critical moment with a key ask.

My particular vantage point was the policy stream and its convergence with addressing a problem deemed of political and public concern. In the case of the Malawian decision, this involved exploration with officials of options available within current legislative provisions to divert child migrants from the prison system. This included presenting relevant good practice, such as the neighbouring National Referral Mechanism (NRM) I had just visited in Zambia.

The authorities had been made aware of the concerns facing the children detained in several reports and previous meetings. Further, regional-level advocacy had culminated in states at the

Migration Dialogue for Southern Africa (MIDSA) agreeing to explore and develop alternatives to the detention of unaccompanied minors in their national context.

To capitalise on this opportunity, a 2-day national inter-ministerial workshop was organised in Lilongwe with the UN and local NGOs to present policy alternatives for this population. High-level officials with the authority to approve a working group and pilot were invited on day one. The second day focused on operational level officials exploring implementation, including breakout groups to develop inter-ministerial and stakeholder action plans.

Over the two days, the government acknowledged both the difficulties in managing minors in adult prison facilities and the problem of prolonged detention of child migrants, and committed to a community-based pilot. There was also a shift in language from ‘illegals’ to an official stating “let’s treat the children as we would treat our own children.”³³

Warm-up exercise: Examining policy streams

Considering the policy change you are seeking, use Kingdon’s Policy Window Theory to brainstorm the 3 streams for achieving an opening to get your issue on the policy agenda:

1. Identify the problem of concern and the motivating factors to retain or reform policy.
2. Explore what alternative policy or solutions are available.
3. Examine the political and public context and the targets, barriers and opportunities to capitalise on.

Sustaining rights-based change

Achieving sustainable rights-based change is however more than legislative and policy change. It requires a ‘whole of society’ approach for social change that aims to address structural inequalities and the root causes of injustice to impact long-term culture change and political will across both societal and political domains. This requires civil society to encourage and build community, judicial and political leadership that embraces rights-based approaches in policy development that impact decision-makers and change community attitudes and responses.

“A change of mind is needed and openness to dialogue and exchanged experiences. General agreement on technical and logistical models is not enough. Political will across ministries is important – facts and sentiment – but ultimately culture change and changing mind-sets and implementation is needed, not just policy change.”

a civil society participant in the Americas.³⁴

³³ Mitchell, G 2021, ‘Forging New Ground: Creative civil society engagement of government to achieve rights-based policy change on immigration detention’, PhD thesis, Swinburne University of Technology, Melbourne.

³⁴ Ibid.

4.b. Advocacy on human right issues

Questions:

- What does rights-based change mean to you?
- What types of advocacy strategies do you or your organisation use for rights-based change and why?

The focus of this guide is on civil society organisations working to advance human rights issues.

A human rights-based approach has been defined as a “*framework for the process of human development that is normatively based on international human rights standards and operationally directed to promoting and protecting human rights*”.³⁵ Some civil society groups use the term social justice to define their advocacy work, which can have a particular focus on equality of rights, opportunity and treatment.³⁶ While others focus on humanitarian issues with a focus on proactively responding to and promoting human welfare, dignity and safety.³⁷

There are numerous debates on the concept of human rights, from it being a non-representational western development to inherent embedded structural power-imbalances and inequalities when seeking its implementation.³⁸ This critique in the face of increased authoritarian repression and global instability has also prompted new and emerging responses to explore the practical adaptation of human rights beyond purely moralistic, idealistic and law-centric approaches.

“Human rights pragmatism,”³⁹ for example, is an approach that has been used to encourage states to consider the benefits of implementing rights-based change.

‘Human rights pragmatism’ in this context seeks to practically and responsively engage and problem solve to transform power dynamics and to impact the national, community and individual level application of universal human rights that are locally and culturally adaptive, empowering and beneficial for all. This includes the consideration of societal and political contexts and policy implementation processes using opportunistic approaches to encourage the realisation of human rights in the interest of the individual, community and state.

³⁵ OHCHR 2006, Frequently asked questions on a human-rights based approach to development cooperation., <http://www.ohchr.org/Documents/Publications/FAQen.pdf>

³⁶ Turnbull, E 2020, Social Justice and Human Rights, <https://www.bih.org.uk/blog/social-justice-and-human-rights#:~:text=Social%20Justice%20is%20all%20about%20goal%20of%20human%20rights.&text=Whereas%20economic%20social%20and%20cultural,%20C%20welfare%20and%20living%20standards>; The San Diego Foundation 2016, What is Social Justice?, <https://www.sdfoundation.org/news-events/sdf-news/what-is-social-justice/>.

³⁷ Reliefweb 2003, Principals and Good Practice of Humanitarian Donorship, <https://reliefweb.int/sites/reliefweb.int/files/resources/EN-23-Principles-and-Good-Practice-of-Humanitarian-Donorship.pdf>.

³⁸ Langford, M 2018, ‘Critiques of Human Rights’, Annual Review of Law and Social Science, vol.14, pp. 69-89.

³⁹ Dancy, G 2016, ‘Human rights pragmatism: Belief, inquiry, and action’, European Journal of International Relations, vol. 22, no. 3, pp. 512-535; Sharp, D 2018, ‘Politics and pragmatism in human rights advocacy’, OpenGlobalRights, 7 November, <https://www.openglobalrights.org/politics-and-pragmatism-in-human-rights-advocacy/>.

Creative civil society advocacy on human rights issues in this context takes numerous forms and can be a strategy, approach, act or process to shape, develop and implement methods and models for change.

Advocacy has been described as “any deliberate act to enhance the power of an organization to influence other actors in the policy making process”.⁴⁰ It has a focus on justice and providing an empowering voice for the marginalised and includes actions that are non-violent in nature and which seek societal and political reform and change, including law, policy or practice.⁴¹

What is Advocacy?

- Advocacy is more than just taking action, it is strategic.
- Advocacy has a clear purpose: influencing and changing law, policies or practices and social values and behaviours.
- Advocacy is a spectrum and can take many forms, occurring at the local, national, regional or international levels and can take a bottom up or top down approach.
- Advocacy includes initiatives such as developing monitoring, research, policy positions, alliances and networks.
- Advocacy can be legally focused, such as strategic litigation or challenging individual cases to create precedents in law.
- Advocacy can focus on public actions, such as social movements, demonstrations, petitions, campaigns, grassroots, media and social media actions.
- Advocacy can be privately focused, such as directly meeting and engaging officials and decision-makers.

Helpful Resources:

- [Understanding Advocacy: A primer on the policy making role of non-profit organisations](https://marxe.baruch.cuny.edu/wp-content/uploads/sites/7/2020/04/Casey_UnderstandingAdvocacyaPrimeronthePolicyMakingRoleofNonprofitOrganizations.pdf)
- [The Care International Advocacy Handbook](#)
- [CBM Advocacy Toolkit](#)

⁴⁰ Casey J 2011, Understanding advocacy: A primer on the policy making role of nonprofit organizations, Centre for Nonprofit Strategy and Management, New York, p.7. https://marxe.baruch.cuny.edu/wp-content/uploads/sites/7/2020/04/Casey_UnderstandingAdvocacyaPrimeronthePolicyMakingRoleofNonprofitOrganizations.pdf.

⁴¹ Roebeling, G & De Vries, J 2011, Advocacy and policy influencing for social change, Technical Assistance for Civil Society Organisations, https://resource.actionsee.org/app/uploads/2018/05/doc_manual_5.pdf.

Exercise: Human rights issues and advocacy on immigration detention

The use of detention by governments to intercept or deport a person forcibly displaced from their country of origin creates a range of serious human rights concerns:

- What are the key intersectional human rights issues in the context of governments detaining asylum seekers, refugees, stateless people and irregular migrants?
- Share a story of an affected person in detention you have seen in the media or read about. What was the impact of detention on their lives, their families and communities?
- What role has civil society played to address rights abuses in immigration detention centres?
- What are some of the key strategies used?
- What role do international, regional and national bodies play in the upholding of international human rights at the national level?
- What avenues do civil society groups have to engage these bodies?

4.c. What is government and decision-maker engagement?

Questions:

- Do you meet or have met decision-makers in your work?
- Is engaging decision-makers a part of your or your partner organisation's advocacy strategy?

While there are many advocacy strategies available to civil society, this guide focuses on the direct engagement of governments and decision-makers to impact rights-based social and policy change.

The definition of government and decision-maker engagement used in this guide is the interaction and dialogue of civil society with the state using an array of strategies and approaches aimed at directly informing and working with authorities and decision-makers to influence policy and practice. These strategies vary from facilitating dialogue, targeted communication and partnerships to legal, policy, technical and operational advice and training for policy change and programmatic development.

Why this expansive definition?

This definition is used to move beyond the limitations of the term 'lobbying' which is often seen as a primarily strategic interest engagement and negotiation process and with an associated lack of transparency and negative connotation in some countries where it is banned or restricted.

The definition used here includes how civil society engaging the state can involve both facilitation and communication and be explored conceptually beyond an advocacy function to also include the role of technical advice, capacity building and partnership in policy and program development.

As well as to provide critique and commentary on issues of concern, the concept allows a creative space in how to transform systems from the inside out and the role civil society can play in providing expert advice, training, joint programs and exploration of solutions for at risk populations - the practical ways we can make change happen.

Questions:

- Do you know the rules for lobbying in your country?
- Do you need to register?
- Is there scope to shape your engagement with decision-makers beyond 'lobbying', for example as providing expert technical advice or capacity building?

Helpful Resources:

- [Influencing for Impact Guide](#)
- [How NFPs should engage with government](#)
- [Smart and ethical principles and practices for public interest lobbying](#)

5. Why Engagement of Government and Decision-makers?

A range of benefits, barriers and creative strategies utilised by civil society to overcome these barriers and to enhance decision-maker consideration of rights-based policy alternatives were identified through participant observation and interviews with civil society, government and UN officials.⁴²

5.a. What are the benefits of engagement?

Question:

- What benefits have you found in engaging the authorities and decision-makers in your work?

Findings:

- Despite the challenges involved and tensions between civil society and government in human rights policy discourse, all participants agreed there were benefits to engagement.
- 80% of participants stated they had directly observed government engagement involving civil society that had effectively impacted on policy change to be more in-line with international human rights standards.

Civil society feedback:

- The importance of engagement as a mechanism to both keep governments accountable, while simultaneously working to address systemic issues of concern.
- Creating a space to draw attention to issues arising and to explore new ideas for rights-based reform.

“I think the main benefits are working together and getting a solution and a solution that works better for all involved especially that can advance human rights, social justice issues much better than if the government were trying to make the policy decisions on their own,”

an NGO participant in the Americas.⁴³

⁴² Mitchell, G 2021, 'Forging New Ground: Creative civil society engagement of government to achieve rights-based policy change on immigration detention', PhD thesis, Swinburne University of Technology, Melbourne.

⁴³ Unpublished data from thesis: Mitchell, G 2021, 'Forging New Ground: Creative civil society engagement of government to achieve rights-based policy change on immigration detention', PhD thesis, Swinburne University of Technology, Melbourne.

“There are many reasons why it is beneficial government should engage with CSOs:

- Local departments do not have sufficient human resources or knowledge of issues on the ground or of affected communities.*
- Government staff do not speak local dialects but CSOs do.*
- CSOs live in the communities and they can consult with local people 24/7 while government staff mostly lives in urban areas.*
- CSOs have already established a trust with local communities and regularly collect data.*
- CSOs are experts on local issues and are responsive to emerging need and issues and can support government responses to crises and to prevent and respond.*
- CSOs can provide training to officials and provide critical information in the interests of all,”*

a civil society organisation (CSO) in Asia Pacific.⁴⁴

Government feedback:

- Government officials stated the lack of knowledge of the complexities of specific groups and populations affected and wanting to know of emerging issues on the ground.
- An interest to hear about existing good practices and policy alternatives and the evidence and benefits of these as officials often have wide-ranging responsibilities and may lack in-depth knowledge on the subject matter.

“The benefits include information sharing, knowledge and learning so that government will learn. Civil society thinks that government has all the resources and knows everything. We know that’s not the case. They have the limited time, limited interest, they have a separate priority and scarce resources.

If civil society comes along they can support that minister, that department and so on with knowledge, learning. Expertise that may not always be valued per se but that would definitely be a gain, advantageous because they don’t know everything,”

a government official in Asia Pacific.⁴⁵

⁴⁴ Ibid.

⁴⁵ Ibid.

5.b. What are the barriers to engagement?

Question:

- What barriers have you faced in engaging decision-makers in your work?

Findings:

- While there is a range of benefits, significant barriers to civil society effectively engaging the state were identified, including fundamentally differing roles, ideologies, objectives and language used.
- A general mistrust on both sides was observed, and assumptions made of each party and their position and approach.
- Perceived risks on either side in relation to reputation and repercussions of engagement.
- The need for clear ‘rules of engagement’ on how each party interacts and undertakes dialogue.

Civil society feedback:

- Access to the authorities denied, or engagement only occurring with known civil society leaders or with lower level officials.
- Even when access is given, a lack of political will to fully engage with civil society or with engagement seen as performative, tokenistic, dismissed, or cancelled at any time.
- The varied risks inherent in engagement processes, including ethical, logistical and ideological dilemmas for civil society, including concerns about reputation and perceptions of collusion or compromise if groups began meeting officials.
- The impediments and challenges facing civil society in many countries to gain safe and legitimate access to engage the state, including risks of reprisals.
- The legal barriers when engaging the state is seen as ‘lobbying’ and with a risk of losing registration or charitable status.
- The difficulty to have rational discussions on policy issues when confronted by defensive or hostile positions adopted by some governments.
- Concern that policies and programs suggested will not be implemented in line with international human rights standards.
- Differing civil society ideological positions on their role in relation to the state, with some viewing their function being to scrutinise and criticise and not to engage in broader dialogue with authorities.

“In many cases it is a lack of trust. Governments not knowing whether their words will be used against them and that they will be publically criticised,”

an NGO participant in Asia Pacific.⁴⁶

⁴⁶ Ibid.

“I think you have to be careful, especially if you don’t trust where the government is coming from and what their objectives are. In some situations, it is appropriate to be sceptical of what the government is presenting or why they are presenting it. Or what they are asking or why they are asking,”

an NGO participant in the Americas.⁴⁷

“Governments and civil society sometimes lack trust with each other. There are a lot of preconceptions and misconceptions on both sides. And there are a lot of initial hurdles to get past but ultimately the best systems are where civil society and government work together and for some kind of the end goal,”

an NGO participant in Asia Pacific.⁴⁸

Government feedback:

- Officials raised frustration that groups focused on the problem not the solution, or alternatively had a ‘shopping list’ of unrealistic expectations and demands with no consideration on how these could be implemented or the incremental steps towards reform.
- A lack of sophistication and understanding of policy change processes within complex political systems, including distinguishing between legislative reform through the judiciary and parliament, and improving implementation within current legislation and policy.
- Officials stating that they would not meet those who used counterproductive obstructive or adversarial approaches.
- Concern that some civil society members would publicly divulge sensitive information from meetings.
- Concern that involving NGOs in discussions could bog down the policy making process or be perceived as catering to a special interest group.

“Civil society, depending on where they are, whether they are a religious group or an advocacy group, they are there to advocate, they are not there to govern. So, there are obviously some solutions that are proposed that are just not practical or implementable. The group might present this utopia ideal – that’s not how you govern,”

a government official in the Americas.⁴⁹

“I think it comes back to identifying value resources to the point of being clear what the government needs. Sometimes governments need to appear to be open. They may never take anything you say and initiate it into policy. They need to appear that they have consulted with somebody,”

a government official in Asia Pacific.⁵⁰

⁴⁷ Ibid.

⁴⁸ Ibid.

⁴⁹ Ibid.

⁵⁰ Ibid.

5.c. Creative strategies for principled and effective engagement

“You need to be aiming towards an end game where civil society works with government to implement doing things our way. I think it’s only by engaging with them and building systemic changes that address the objectives of both you can have sustainable change,”

an NGO participant in Europe. ⁵¹

Questions:

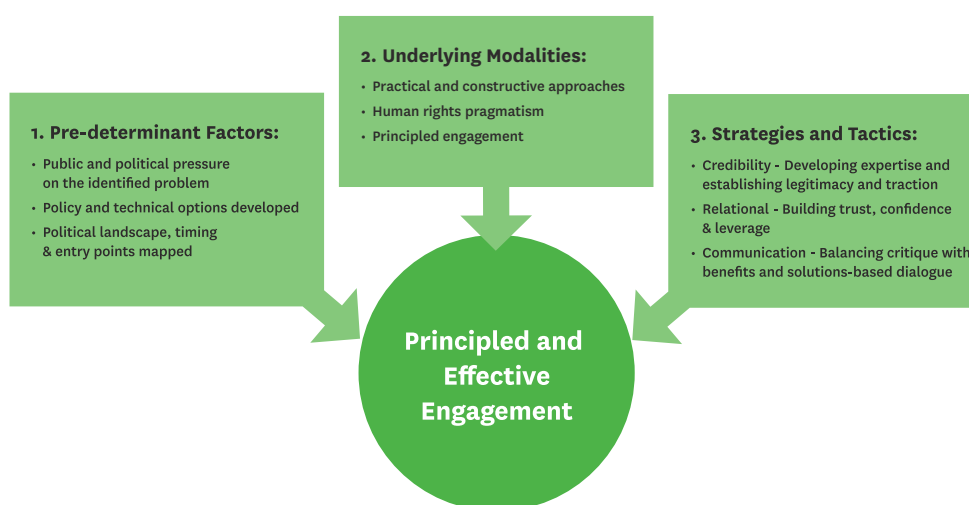
- What strategies have you used to gain access and advocate directly to decision-makers?
- How have you presented human rights issues to decision-makers?
- What has and hasn’t worked?

The research found a range of creative and constructive strategies that helped to reduce the barriers to engagement and influence decision-maker consideration of rights-based change.

These findings have been synthesised into a ‘Model of Principled and Effective Engagement’ to assist civil society navigate risks and to consider practical approaches when engaging the state on human rights issues.

The model provides a framework of key elements to consider when exploring, planning and implementing engagement of decision-makers and consists of three areas:

- 1. Pre-determinant Factors:** The critical preparatory work to undertake prior to engaging decision-makers.
- 2. Underlying Modalities:** The varying approaches used to ethically engage the state and which enhance receptivity.
- 3. Strategies and Tactics:** The practical and creative methods used when undertaking engagement to contribute to decision-maker responsiveness.



‘Model of Principled and Effective Engagement’

⁵¹ Mitchell, G 2021, ‘Forging New Ground: Creative civil society engagement of government to achieve rights-based policy change on immigration detention’, PhD thesis, Swinburne University of Technology, Melbourne.

1. The Pre-determinant Factors

Pre-engagement preparatory work and planning is a key first step to consider your goals, targets and to explore creative solutions, opportunities and timing to impact change.

Public and political pressure on the identified problem

Placing public and political pressure on the identified problem can create a conducive environment to meet the decision-makers on proposed solutions. Engagement was found to be most impactful when the state is pressured by the public, required by the judiciary, or compelled to consider alternatives when an issue is deemed as a 'problem' by the state.

Key strategies:

- Clearly identify the problem that needs to be addressed, undertaking research to quantify this where possible, outlining the systemic nature of the problem and the reasons why reform is needed.
- Document the negative consequences on individuals and the voices of those in affected communities ensuring a narrative that tells the story of why this is a problem, and the human impact at its heart.
- Connect with broader advocacy initiatives to increase public pressure such as campaigns and social movements with agreed to messaging and coordinated strategies.
- Explore a 'two-track approach' where some groups focus on influencing public awareness of the problem, while others would work in the private space to engage decision-makers on steps to resolve the problem and the benefits for the state to do so.
- Consider 'how' the issue is raised as a problem to the public and the state for most impact, including in what ways the current policy is a challenge for government.

1. Pre-determinant Factors:

- Public and political pressure on the identified problem
- Policy and technical options developed
- Political landscape, timing & entry points mapped

“The first thing is to define the problem in a way that allows you to find a solution. That helps gain legitimacy and trust from the government because they see you are trying to help them find a solution, as opposed to trying to expose them,”

a civil society participant in the Americas.⁵²

“The problem can be framed in different ways for different people and for different stakeholders ... it's very obvious what the issue is for us when we look at it human rights being violated. But when the government looks at it they don't look at it that way – what is the problem for the government? And to try to come up with solutions, even partially, to help them work through those – the problem from that point of view,”

a civil society participant in the Americas.⁵³

⁵² Ibid.

⁵³ Ibid.

Example: Immigration Detention Advocacy Strategies

“This nuancing of the ‘problem’ of immigration detention and analysing public sentiment and discourse was used effectively in a number of countries to raise awareness of the impact of detention and the need for urgent reform for groups such as women, children, torture and trauma survivors and those with health issues

In Belgium, Australia and the United States, for example, civil society undertook widespread consultations with key stakeholders to develop multi-pronged strategies aimed at both building a mass movement to place public and political pressure on concerns identified with detention and to create a window for engagement on alternatives.

Advocacy strategies included litigation challenging the legality of immigration detention, regional and UN-level advocacy, protest and social movements, and public campaigns, including media and communication strategies aimed at reaching the hearts and minds of the public. Many of these public initiatives brought in a diversity of actors, such as grassroots and faith-based groups, academics, celebrities, and peak health and other national bodies...

This diversity of advocacy response led to momentum for engagement on alternatives in several countries.”⁵⁴

Policy and technical options developed

Focusing on the ‘problem’ alone is insufficient for change to occur. Developing clearly articulated evidence-informed policy options for consideration and a theory of change is integral to impactful engagement.

Key strategies:

- Have a clear intention to convey to decision-makers that there is a problem that needs to, and can, be addressed.
- Take a solutions-centric approach and work to not just make recommendations but to outline new and innovative ideas and incremental and practical steps for implementation.
- Conduct research, technical and capacity building work on evidence-based alternative policies, model laws, guidelines, operational manuals and training materials in collaboration with stakeholders.
- Identify good practice examples to reinforce that the policy options are viable, including local and national examples and comparative international examples relevant and of interest to the state.
- Partner with academics or experts to determine social impact, policy costing and implications of your proposal.
- Undertake a policy gap analysis as a critical first step to determine the gaps and actions needed to engage decision-makers on possible solutions and to navigate the policy-making processes. [See page 29.](#)
- Use the knowledge gained from the policy gap analysis to then develop a Theory of Change on how to realise your goal, what is expected to happen, and what approaches and opportunities to utilise. [See page 30.](#)

“It was much more incremental I think. It was about positioning ourselves structurally with a solution. Firstly, seeing ourselves constructively engaging with the problem the officials are facing and secondly having a concrete solution that they wanted to work with,”

NGO participant in Europe.⁵⁵

“The government is not the expert. We are the experts. We have all the experience. Its niche experience. We do one thing and we do that every day, day in and day out with hundreds of clients. We need to come up with the ideas and figure out how to make it work and so it’s not enough for civil society to criticise. They have to come up with a solution,”

an NGO participant in Asia Pacific.⁵⁶

⁵⁵ Ibid.

⁵⁶ Ibid.

Policy Gap Analysis

Having a clear understanding of the current problem and the change you want to see in terms of legislation, policy and programs is key to developing impactful engagement strategies.

To begin this process, undertake a policy gap analysis to understand the system you want to change, including the current legal and operational framework, the gaps and barriers to overcome to reform these and the steps to achieve the future state you envisage.

Use this deep dive exercise as a foundation to develop a Theory of Change.

Key questions to ask are:

- What is the current state and its impact on individuals and the community?
- What is the root cause and the historical context and rationale for this issue existing?
- What is the future state you are envisaging? Is it a revision, expansion or repeal of current policy or is it blocking or preventing policy being introduced?
- What are the gaps to address, including the associated considerations on cost, compliance, and the structural, legal, procedural and programmatic changes required?
- What possible impact and ramifications are there for the changes you seek, both positive and negative?
- Who has the authority to make decisions on reform?
- What are the drivers of change, including the political motivations to reform or retain the current state?
- What changes are possible within current legislation or what legislative or constitutional changes are needed?
- What are the barriers to achieve this?
- What opportunities or steps are needed to achieve the future state?

Tips:

1. Seek support from academia or research centres to analyse the problem, explore policy alternatives, social impact and identify relevant good practice examples.
2. Seek pro bono legal advice to draft model law, including the changes in policy and legislation you want to see.
3. Work with local service providers to test, pilot or offer to partner or support the authorities in implementation.

What is a Theory of Change

A Theory of Change is a strategy and learning process that helps shape a roadmap on how you will achieve your goals.

Developing a Theory of Change helps to conceptualise, strategise, design and describe the process to achieve the change you want to occur.

It is a reflective, participatory exercise that is analytical and evidence-informed to explain how you can realise your goal, the approaches and steps to achieve this.

A Theory of Change has two elements:

- HOW: How will change occur, identifying strategies for change and addressing assumptions.
- WHY: Why this approach will be effective and explaining the intended outcomes.

While there are many models used to develop a Theory of Change, fundamentally it is based on the beliefs and assumptions on how you think change will happen, the way you explain this and to be able to test, reflect and refine your approach and activities.

Developing a Theory of Change

- A simple start to developing a theory of change is to use the information discovered in your Policy Gap Analysis to brainstorm the following:
 - What is your goal?
 - What are the processes and strategies needed to achieve your goals?
 - What are your key assumptions in achieving your goals?
 - What will be the impact of achieving your goals?
- Put your ideas and plans in writing.
- This could be a visual diagram or a narrative as a description of your Theory of Change, or a combination of both.
- Keep it brief and easy to understand, as this is a helpful communication tool and point of reference as you develop targeted strategies and revisit these when change arises.
- Look at examples of how others have developed a Theory of Change [here](#).
- Use the resources below to gain a better understanding of the different ways of doing a Theory of Change.

Key Resources:

- [Thinking big: How to use theory of change for systems change](#)
- [Theory of Change for Organisations](#)
- [Theory of change for Advocacy and Campaigns](#)
- [How to Build a Theory of Change](#)

Using a Theory of Change

Your Theory of Change provides a basis to determine the specific stages and steps needed to achieve your goals.

Use the Tools outlined in the Workbook on [page 73](#) to put your Theory of Change into practice, including listing:

- Identified risks in the Risk Assessment Tool
- Specific milestones and measurables in the Monitoring, Evaluation and Learning (MEL) framework
- Your activities and the resources needed in the Engagement Action Plan.

Political landscape, timing & entry points mapped

Understanding and navigating the unique national political context, including the barriers and risks to engagement, is a key element to developing impactful strategies. With no ‘one-size-fits-all’ approach possible with engaging decision-makers, analysing the political dynamics and public sentiment on an issue assists to understand the differing policy logics and drivers, and to determine key targets and ideal timing for a window of opportunity to engage.

Key strategies:

- Work to be informed and creative in assessing and navigating complex political dynamics, seeking expert advice and guidance, particularly in contexts of non-responsive, defensive or intractable state contexts.
- Identify the barriers and risks of engagement and explore mitigation strategies in your Risk Assessment Plan.
- Examine political and public sentiment on the issue of focus, including media monitoring, political commentary and analysing cross-party platforms.
- Analyse political will on the issue, including the appetite for reform or retaining current policy and internal and external motivating factors and justifications.
- Undertake a power mapping exercise to identify targets of engagement across parliamentary, judicial and executive branches of government, examining the power dynamics at play and the different levels of government that hold decision-making authority on the issue. [See page 33](#).
- Avoid making assumptions on your target’s position by breaking down the party line to better understand individual decision-maker values and priorities through reviewing speeches, statements and voting patterns of elected officials on connected issues.
- Consider the ‘influencers’ on public policy, including those with authority and respect of decision-makers and who may be entry points for access, such as retired officials, advisors, community leaders, public figures or other potential supporters, for example, health, welfare and family departments that may be receptive to reform.
- Determine the ideal timing for a window to engage, considering current and upcoming opportunities, such as election cycles, leadership changes, UN or parliamentary reports, international visits and critical incidents and events gaining national and international attention.

“Sustainable change requires you to understand the political context which, on this issue of detention, becomes problematic not just in financial but also in political terms. You need to create a framework in engagement of government around which addressing the problems of detention becomes something that government is interested in doing – and sees it as part of their own agenda rather than being forced on it,”

an NGO participant in Europe.⁵⁷

⁵⁷ Ibid.

Example: Timing in Advocacy

Civil society also undertook analysis to determine the optimum timing to engage authorities.

In some cases, actors had the opportunity to take advantage of policy windows emerging from critical incidents, such as deaths in detention and changes of government, such as in Greece and the United States, or court rulings where the government was required to reform policy, such as in Israel and Hong Kong.”⁵⁸

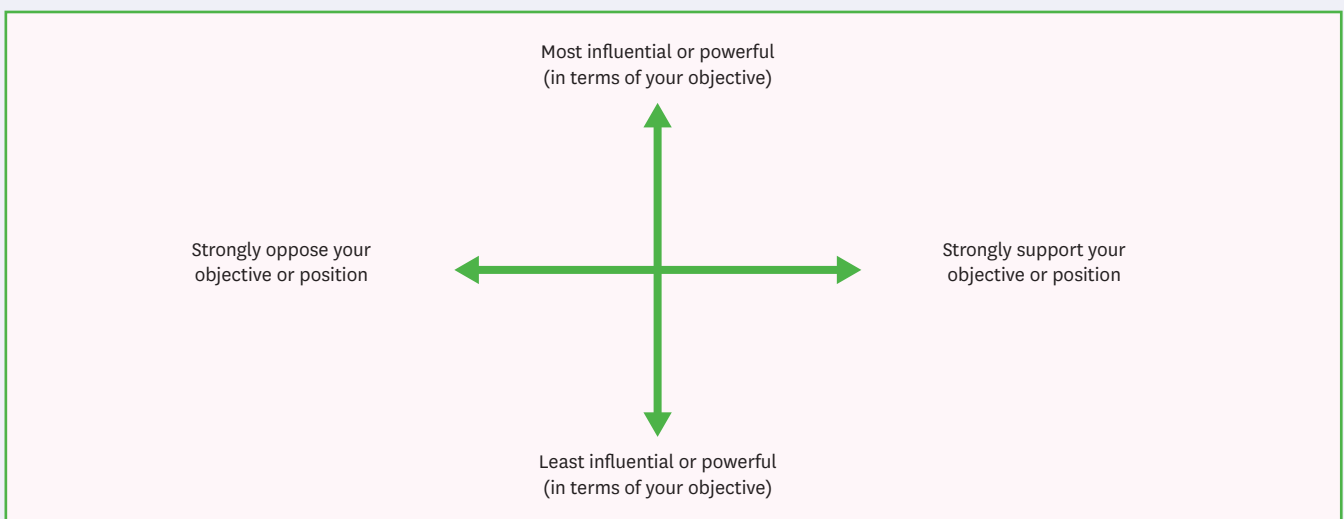
Power Mapping

Power mapping is a useful exercise to analyse decision-making and power structures within a system and to identify key targets.

- Using post-its or a marker on a white board, brainstorm those who you consider to be the least to most influential in your area of concern.
- In identifying your targets, think about those with the most authority to make the change desired and those who may be supportive and entry points to influence outcomes.

Examples include:

- **Deciders** - Legislative and policy makers across judiciary, legislature and executive branches, including assembly, cabinet, parliament, lower/upper house, ministry bureaucrats, central agencies and political parties etc.
- **Influencers** - Community, professional and faith-leaders, public figures, experts, advisors, factions and party branches, constituents, national human rights commissions, United Nations, international and regional bodies etc.



⁵⁸ Ibid.

“So I think that the strategies for us were a proper mapping and a very low scale discussion with the civil society groups on how they see the views put forward to the process,”

a UN official in Geneva.⁵⁹

Questions:

- What track-record does your target have in terms of commentary and decisions in your area of focus?
- Are they indifferent, antagonistic or open to advice?
- What entry points or connections are there to assist access and influence your target?

Exercise: Exploring immigration detention advocacy strategies

Identify a country that detains asylum seekers, refugees, stateless people or irregular migrants who have been forcibly displaced.

Undertake a policy analysis and power and stakeholder mapping exercise using the following questions:

1. Who has the authority to detain in the country?
2. Who decides on law, policy and practice, including to reform the current detention system?
3. What are the motivations of the state to use immigration detention, including the internal and external influences on policy decisions?
4. What legislative, policy and programmatic changes are needed to meet international human rights standards for people held in immigration detention?
5. What key stakeholders, nationally, regionally and internationally, could be engaged to influence decision-makers?
6. What is your theory of change; what assumptions are there to be considered and what processes and strategies would you use to achieve your goal?

⁵⁹ Unpublished data from thesis: Mitchell, G 2021, 'Forging New Ground: Creative civil society engagement of government to achieve rights-based policy change on immigration detention', PhD thesis, Swinburne University of Technology, Melbourne.

Example:

Combining public advocacy and government engagement: Taiwan

Under the initiative of a leading Taiwanese national human rights organisation in 2010, and following extensive monitoring of places of detention, work began to address the growing use of immigration detention, particularly on deportation grounds for undocumented migrant workers.

The initial approach undertaken was utilising the media and litigation to challenge the lack of time limits on the use of immigration detention. Subsequent to meeting with regional NGOs, a strategy to engage the government on international examples of alternatives to immigration detention was incorporated.

Coinciding with a court ruling requiring the state to undertake legislative reform to provide procedures and limits on the use of immigration detention, a series of meetings with international human rights experts were undertaken in 2011 and 2013 to present a range of locally applicable good practices.

With Taiwan not a member of the UN system, and isolated from a number of international forums, officials were particularly receptive to these international examples. As noted by a civil society participant:

"The thing to understand about Taiwan is they are not a UN member.... There will not be opportunities for them to participate in international meetings and they are frustrated by that and they really are hungry for international opportunities and so when someone comes along they are happy to basically engage with them. And that was something you just needed to understand, understand that context, their interests, what motivates them, and then start working with them."

Furthermore, civil society in Taiwan was able to both meet officials to discuss policy and then to hold press conferences on the discussions immediately after, all while maintaining access to both the government and places of detention.

This dualistic approach was built on a strong national history of civil society activism and government expectation for both critique and recommendations. As noted by a government official:

"I think at that time the government don't have the experiences and the NGOs in Taiwan is very active actually. Because you know that before Taiwan had a very long period of time of authoritarianism and NGOs are very active in Taiwan."

These accumulative initiatives led to a series of legislative reforms in 2015, including prohibiting the detention of children under 12 and reducing the time limit for detention.

As noted by a civil society participant, "So, one strategy was to put the pressure that there's a problem, another strategy is talking to them about their solution bringing in some international people to put even more pressure, not public pressure but more international pressure."⁶⁰

⁶⁰ Mitchell, G 2021, 'Forging New Ground: Creative civil society engagement of government to achieve rights-based policy change on immigration detention', PhD thesis, Swinburne University of Technology, Melbourne.

2. Underlying Modalities

The second condition identified which contributed to ethical and impactful engagement of decision-makers was the considered ways civil society approached the state. These underpinning modalities contributed to addressing the identified discord between civil society and governments and to allow a space for exploration of policy alternatives.

Practical and constructive approaches

There were significant tensions identified that affected engagement between civil society and the state:

- Decision-makers outlined their assumptions of civil society disclosing sensitive information, being confrontational, a burden or further still, seen as a threat to sovereign power
- Civil society highlighted facing mistrust, hostility and resistance when engaging the state.

The research did however find an alignment between decision-makers and civil society on the benefits of practical and constructive modalities in exploring potential policy outcomes. It was agreed that combative adversarial approaches were counterproductive if the purpose of engagement was to explore and discuss policy alternatives.

Key strategies:

- Seek to create a cooperative 'space' to present the problem and explore policy alternatives in constructive, practical and non-confrontational ways.
- Focus on incremental but intentional practice and solutions-focused dialogue on the identified issue of concern.
- Allow for the mutual sharing of information, issues and ideas.
- Seek to understand and consider the positions, challenges and obstacles facing decision-makers and the assumptions and concerns they have with meeting civil society.
- Continual assessment of the barriers, assumptions and tensions between parties engaging and naming and addressing these where possible.

2. Underlying Modalities:

- Practical and constructive approaches
- Human rights pragmatism
- Principled engagement

“Government participants raised a range of concerns that affected their openness and willingness to engage with civil society. While most officials interviewed expected critique of policy and practice when meeting civil society, how these were delivered and the objective of the dialogue was critical.”⁶¹

“Move to a less loaded conversation and more topical solutions or alternatives or different ways of thinking about a problem.”

a civil society participant in Asia Pacific⁶²

“Critical voices are important and necessary but sometimes the criticism has the exact opposite effect. They don't get a seat at the table, they are blacklisted forever and nothing changes and the government kind of goes into its shell and kind of just hardens their condition,”

an NGO participant in Asia Pacific.⁶³

⁶¹ Ibid.

⁶² Ibid.

⁶³ Ibid.

Human rights pragmatism

A continual challenge for civil society in engaging decision-makers for rights-based policy change was the lack of responsiveness to human rights arguments. A range of tensions emerged between the human rights framework and normative discourse from which civil society often operates, and the instrumentalist and symbolic rhetoric of governments in policy development.

How human rights issues are presented is a key element of impactful engagement by working to diffuse tension and enhance state receptivity to rights-based policies.

‘[Human rights pragmatism](#)’ in this regard is an approach to exploring and seeking the national, community, and individual level application of universal human rights that are locally and culturally adaptive, empowering, and in the interest of the individual, community and state.

‘Human rights pragmatism’ as such provides a possible practical way forward to support and encourage states to consider the benefits of implementing rights-based approaches.

Key strategies:

- Consider the language you use, and that of decision-makers, and seek to frame human rights in a way that ensures a shared understanding of terms and issues
- While based on international human rights standards, consider how your recommendations and options can be framed according to locally applicable values and presented in practical terms outlining how they are viable, implementable and sustainable.
- Creatively explore how your messages and arguments for rights-based change can highlight the benefits for all, including affected individuals, community and the state.
- Share practical examples of rights-based laws, policies and programs to reinforce your message, and incremental steps such as pilots and model development.
- Explore how approaches to ‘human rights pragmatism’ can apply in your advocacy work.

“In highly politicised environments regarding irregular migration it was observed that discourse was often fielded through the lens of national security, deterrence and appeasing or fuelling public opinion, with normative arguments invariably rebuffed. In these contexts, civil society participants generally indicated that taking a pragmatic approach to human rights was a key modality to encourage greater consideration of rights-based proposals.”⁶⁴

“Engagement has worked well where it’s pragmatic and incremental and some kind of shared outcome on specific issues. So not being utopian,”

a government official from the Americas.⁶⁵

⁶⁴ Ibid.

⁶⁵ Ibid.

Principled engagement

Using constructive and pragmatic approaches to engage the state requires continued reflection and ethical evaluation when considering contexts of incompetence, corruption or manipulation of proposals, and the associated risks for civil society.

The concept of “principled engagement”⁶⁶ is a helpful framework in this regard for civil society to navigate and respond to risks and ethical concerns when engaging decision-makers. Developed as a concept for how states can address human rights abuses of repressive governments, it proves equally applicable for civil society engagement of states.

‘Principled engagement’ seeks to balance critique of the state on human rights concerns with constructive consideration of rights-based policy alternatives, moving away from a predominantly name and shame approach, to a focus on transparency, dialogue and accountability in seeking to promote and protect human rights.

“A ‘principled’ approach to engagement seeks to simultaneously expose human rights concerns while working judiciously, constructively and incrementally to propose alternatives.”⁶⁷

“Principled engagement must be engaged, directly involving and challenging authorities to ensure better compliance with human rights obligations.”⁶⁸

Key strategies:

- Undertake a risk assessment as part of your Engagement Action Plan by considering the ethical issues at play, including risks of collusion, loss of legitimacy and distortion of policy options.
- Be clear on the challenges to be both principled and pragmatic, weighing up the ethical risks of engagement against the possible impact on human rights outcomes.
- Ensure clarity on the rights-based caveats of proposals and what compromises are not acceptable.
- Being conscious of the spaces we are in, the people we meet and the systems we operate in.
- Ensure to speak from your own truth and values and seek support and advice if you feel compromised in your engagement.
- Embed engagement within a broader advocacy framework as a strategy to ensure avenues to critique human rights abuses privately and publicly.
- Monitor engagement processes and outcomes, and continual reassessment of messaging and strategy.
- Consider disengagement where engagement is counterproductive or the identified risks cannot be mitigated.

⁶⁶ Pedersen, M & Kinley, D 2016, ‘Introducing Principled Engagement’, in MB Pedersen & D Kinley (eds), *Principled engagement: Negotiating human rights in repressive states*, Routledge, London, pp. 1-12.

⁶⁷ Pedersen, M 2019, *Principled engagement: Promoting human rights by engaging abusive regimes*, Human Rights & Ethics, United Nations University.

⁶⁸ Sidoti, C 2016, ‘Ten principles for engagement’, in MB Pedersen & D Kinley (eds), *Principled engagement: negotiating human rights in repressive states*, Routledge Ebook Central (ProQuest), pp. 46-60.

“It always comes back to the potential to make a difference and create positive change. If I feel that this can lead to less people being detained for shorter amount of time, and to no one being detained indefinitely, then I am willing to have conversations and can justify it against the overall aim,”

an NGO participant in Europe.⁶⁹

⁶⁹ Mitchell, G 2021, 'Forging New Ground: Creative civil society engagement of government to achieve rights-based policy change on immigration detention', PhD thesis, Swinburne University of Technology, Melbourne.

3. Strategies and Tactics

The third element of principled and effective engagement is the range of practical and creative mechanisms used by civil society to enhance decision-maker access and receptivity to the issues and ideas raised, including establishing credibility, relational approaches and communication strategies and tactics.

3. Strategies and Tactics:

- Credibility - Developing expertise and establishing legitimacy and traction
- Relational - Building trust, confidence & leverage
- Communication - Balancing critique with benefits and solutions-based dialogue

Credibility – Developing expertise and establishing legitimacy and traction

Establishing credibility with decision-makers was identified as a mechanism to enhance access, legitimacy and traction in engagement processes.

Civil society noted that they risk being disregarded or denied access to decision-makers when labelled and dismissed as solely human rights activists, as opposed to being credible experts with knowledge of benefit to the state. Further, decision-makers were more likely to seek the advice of civil society who presented themselves as an authority on specific policy areas of concern.

Key strategies:

- Rethink the role of civil society in relation to the state, considering what areas of knowledge and expertise each person brings to the table, such as legal, technical, service delivery, policy, academic, lived experience etc.
- Where appropriate, present oneself as a credible expert or with specific knowledge of relevance in the field of interest.
- Establish technical and experiential knowledge in the area of focus, for example undertaking training, evidence-based research or direct work with affected communities.
- Ensure the information and facts you present are correct and can be evidenced.
- Identify who in your network is best placed to arrange a meeting with key decision-making targets to discuss 'solutions'.
- Seek out academics, technical experts or those from other sectors or internationally to share good practices if there are identified gaps in knowledge or where access is denied to civil society organisations.

“There needs to be a re-framing of civil society engagement, as not just critics and activists, but as operational experts in their field,”

a former government official in Asia Pacific.⁷⁰

“Civil society needs to view themselves as useful to the government. That is really all the government cares about. They will engage with you if they can get something from it,”

a civil society participant in Asia Pacific.⁷¹

⁷⁰ Ibid.

⁷¹ Ibid.

- Define civil society credibility beyond just expert knowledge, ensuring it is based on a foundation of leadership in human rights values and principles.
- Ensure affected community members are seen as lived experience experts from their first-hand knowledge of the issue and its impact. [See page 42](#).

Example: Civil society role as policy experts

“A number of states, including Japan, Sweden, Taiwan, and United States, created regular forums involving civil society as experts on specific policy areas, such as asylum policy, and as part of their reform efforts, developing terms of reference or memorandums of understanding with civil society on meeting protocols and objectives.”⁷²

“There are so many different levels of engagement right. But I think the most important part in our experience is to be able to sit down and having people sitting at the same table and working through something together. Where their mutual needs and interests are kind of addressed in actually sitting down and working together on something. Because a lot of the time between civil society and governments are at odds in many societies,”

an NGO participant in the Americas.⁷³

“Showcase a very concrete example that can provide for specific positive results. And if you invest in that with all the active support can get to a logical development that will be positive for your achievement of your own goals”,

a UN official in Geneva.⁷⁴

⁷² Mitchell, G 2021, ‘Forging New Ground: Creative civil society engagement of government to achieve rights-based policy change on immigration detention’, PhD thesis, Swinburne University of Technology, Melbourne.

⁷³ Unpublished data from thesis: Mitchell, G 2021, ‘Forging New Ground: Creative civil society engagement of government to achieve rights-based policy change on immigration detention’, PhD thesis, Swinburne University of Technology, Melbourne.

⁷⁴ Ibid.

Inclusion and Lived Experience Leadership Considerations

A growing criticism in human rights advocacy work has been the top down unequal power dynamics of representation which has excluded or disempowered affected communities.

People with lived experience have at times been used in tokenistic or exploitative ways or without considering the risks of reprisals or potential re-traumatisation for those repeatedly re-telling their story.

There have been increasing moves to ensure not just increased or meaningful participation but that advocacy initiatives are led by people of lived experience through self-determination, self-agency and self-representation, with NGO and other civil society partners working in solidarity as allies and supporters.

Key considerations:

- The primary importance of inclusive, equitable, and informed collective engagement, ensuring the involvement and leadership of individuals with lived experience in advocacy strategy development, co-design, messaging and engagement processes.
- Organisational cognisance and respect for individual agency, skills and capacity and a commitment to empowering and genuine representation and leadership in all aspects of the engagement process.
- Challenge what 'representation' means and who has the right to represent an issue and what roles others may play on an issue.
- Assess the risks of the public or private involvement of people of lived experience in decision-maker engagement, including risks to physical safety and emotional wellbeing.
- Consider the risks of re-traumatisation for those repeatedly re-telling their story and ensure resources for training, debriefing and trauma-informed support.
- Be careful not to abuse the physical or emotional labour of lived experience experts, or using them just for education or advocacy strategy purposes.
- Ensure people are properly remunerated for their work and time.
- Seek permission when sharing another person's story or speaking on their behalf.
- Explore creative ways to involve people of lived experience when it is not safe or possible for them to meet and engage decision-makers, for example different forms of anonymous information sharing and story-telling.

Example- Lived experience and immigration detention

“Civil society undertook to expose government to the impacts of immigration detention and the need for alternatives by running workshops and national, regional, and international roundtables, including presenting comparative good practice models and utilising site visits to meet affected communities, such as MP visits to detention centres in Malaysia and Australia.

Sharing the lived stories of those affected was particularly impactful in relation to the detention of vulnerable populations. Former detainees presented to authorities as experts in the United Kingdom, while clinical psychologists presented the mental health impacts of immigration detention on children, refugees and torture survivors in countries such as Australia, Israel and Malaysia, reinforcing the need for reform.”⁷⁵

⁷⁵ Mitchell, G 2021, 'Forging New Ground: Creative civil society engagement of government to achieve rights-based policy change on immigration detention', PhD thesis, Swinburne University of Technology, Melbourne.

Relational – Building trust, confidence & leverage

Establishing a level of trust between parties engaging was a key element to addressing preconceived perceptions, mistrust, concerns about the repercussions of engagement and to facilitate more open and ongoing dialogue. Adopting a relational approach to the engagement process assisted in developing political capital through building confidence, rapport and leverage.

Key strategies:

Building trust and rapport:

- Establish agreed-upon ways of engaging to create a conducive and safe space for the exploration of policy alternatives, including reassurance of confidentiality and development of protocol such as “Chatham house” rules or establishing terms of reference in ongoing discussions.
- Engage in a relational rather than transactional manner, being cordial, polite, cross-culturally sensitive, respectful of titles, hierarchies, procedures and formalities and seeking to create a comfortable environment for all parties to openly listen and engage genuinely.
- Establish the timing of the meeting, the objective and agenda.
- Develop collective understandings and explore common ground in areas of concern, including shared values and priorities, and ideally a mutual goal.
- Seek to understand the constraints of government in terms of political dynamics, legislative frameworks, logistics and budget in building rapport and strengthening engagement.
- Have the right people at the table, particularly in terms of determining individuals best placed to represent civil society in non-partisan constructive engagement.

“It’s the country context. I think in countries like this where there is a lot of mistrust, the dialogue is everything and if you can put in place these building blocks which allow people to actually brainstorm but also show the government that they are not threatening, you know and wanting to be part of the solution. Then that trust is increased,”

an NGO participant in Asia Pacific.⁷⁶

⁷⁶ Ibid.

“I think the first factor would be a measure of comfort or confidentiality. So, if the engagement is understood to be private and confidential that would be the first beachhead or entry point to begin cultivating that kind of dialogue and access to each other. That would be a necessary factor and element to maintain that relationship,”

a government official in Asia Pacific.⁷⁷

“It is just understanding where government in general is coming from, their pressures and interests and probably then also just getting them interested in the topic”;

an NGO in Asia Pacific.⁷⁸

“You’ve got to establish a relationship first ... before you can move to harder or more complex issues or even put direct proposals on the table,”

an NGO participant in Asia Pacific.⁷⁹

“I think the government especially needs to feel a certain level of either comfort or pressure in order to sit down at the table with civil society. Because they are often very nervous about sharing information with non-government identities. You need to develop some sort of relationship there for it to really be able to move forward,”

an NGO participant in the Americas.⁸⁰

⁷⁷ Unpublished data from thesis: Mitchell, G 2021, ‘Forging New Ground: Creative civil society engagement of government to achieve rights-based policy change on immigration detention’, PhD thesis, Swinburne University of Technology, Melbourne.

⁷⁸ Ibid.

⁷⁹ Ibid.

⁸⁰ Mitchell, G 2021, ‘Forging New Ground: Creative civil society engagement of government to achieve rights-based policy change on immigration detention’, PhD thesis, Swinburne University of Technology, Melbourne.

Tips for Service Providers

Groups delivering direct services to local communities and affected populations provides both critical practical support and humanitarian relief and also creates a strong basis to engage decision-makers for change.

These groups, including charities, faith and welfare organisations and volunteer associations, know what is happening on the ground and bring direct evidence-informed knowledge and expertise on challenges facing people in the community and potential solutions to consider.

While your organisation may not call it ‘advocacy’ or include ‘human rights’ or ‘advocacy’ as a priority or strategy, the opportunities to share your direct experiences and knowledge with decision-makers can be very impactful.

Consider these tips to include and enhance engagement of decision-makers in your work:

- Brainstorm how your direct service experience and contact with authorities can be a leverage to gain access and to engage decision-makers for change.
- Seek to have regular dialogue with the authorities to brief them on the services you provide, the needs of the community and to explore options to expand discussions to preventive solutions and policy change.
- Don’t wait until you have a full strategy in place, begin the dialogue based on the stories and experiences of those you work with, thinking through the short, medium and long-term change you want to see.
- Consider the messages you have to share on the impact of the current state and what change is needed to improve this.
- Keep an eye on the systemic issues of concern and what needs to change to impact the individuals and populations you work with.
- Explore how the voices of the individuals and groups you work with can safely join and be central to your messaging and meetings.
- Consider your role in relation to others working on similar issues, including partnering with other organisations and connecting to broader advocacy coalitions to amplify your voice. This may include asking them to raise the challenges at the public and political level to ensure you continue to have access to the groups you work with and the authorities.
- Test at a local level innovative models to gain evidence that change is possible and beneficial for all.
- Remember each engagement experience is a chance to learn, reflect and develop your approach and messaging.

“Coming in as a service provider creates the relationship and trust...it creates leverage. To me, the whole process is about leverage building. It also comes in a form of projecting yourself as an expert whom they can depend on... and will not make them look bad publicly,”

an NGO in Asia Pacific.⁸¹

⁸¹ Ibid.

Building confidence and leverage:

- Undertake Stakeholder Mapping to identify who has access to your targets and potential trusted interlocutors to join the delegation to increase access and bridge mistrust, including other government ministries, ombudsmen, retired or former officials and politicians, UN representatives, international experts, as well as national human rights commissions, peak bodies and respected community, faith and public figures. [See page 48](#).
- Utilise a delegation model to allow a diversity of actors with varying functions and positions in society and relationship to government to be included, such as legal, policy, service and technical experts.
- Ensure the primary importance and impact of inclusion, self-representation and leadership of individuals with lived experience in advocacy strategy development, messaging and engagement processes.
- Develop a relationship strategy for key decision-makers, identifying opportunities to invite them to events, share further information or to organise site visits to meet affected populations and to see first-hand good practices.
- Get to know advisors and policy-level staff to build trust and be known as someone to seek out for information on emerging developments and policy options.
- Keep abreast of changing leadership, officials, advisors and key staff, seeking to meet soon after beginning to introduce yourself, welcome them into the role and brief them on your issue.
- Seek clarity on any agreements made in the meeting and areas to follow-up.
- Ensure to contact decision-makers after each meeting on items discussed and provide additional information, thanking them for the meeting and suggesting a further meeting.

“Well at that meeting I think why we were clever was that we had a clear agenda and we knew what we wanted from them at that meeting. We knew that the government wouldn’t send decision makers to that meeting so what we wanted to do was to make sure that a key outcome was that everybody agreed we needed to meet again – to get the dialogue going.”

an NGO participant in Asia Pacific.⁸²

“What you do is you take the examples from that, you listen to their issue– if a group or civil society proposed an outlandish solution to something, we would then study it, practise it, write up observations, get a working group then together of internal stakeholders and develop that into solutions together.”

a government official feedback in the Americas.⁸³

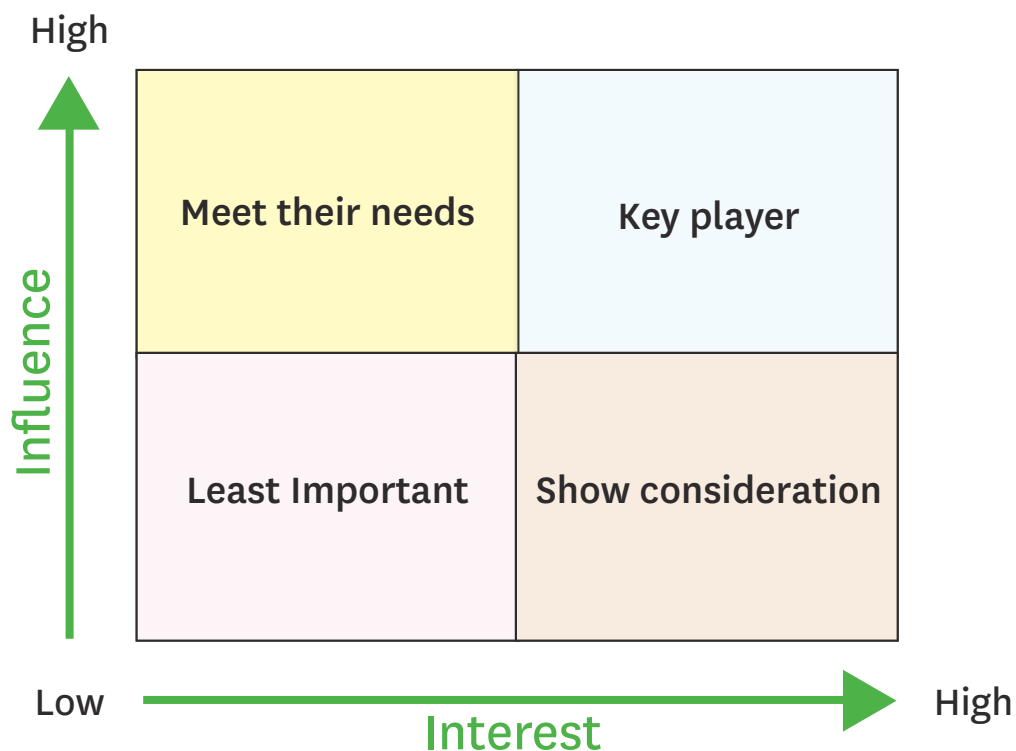
⁸² Unpublished data from thesis: Mitchell, G 2021, ‘Forging New Ground: Creative civil society engagement of government to achieve rights-based policy change on immigration detention’, PhD thesis, Swinburne University of Technology, Melbourne.

⁸³ Ibid.

Stakeholder Mapping

Stakeholder mapping is a helpful exercise to identify influential key actors, allies and possible partners to support your engagement objectives.

- Using post-its or a marker on a white board, brainstorm potential key partners, stakeholders or allies.
- Consider who could be a 'champion' for your cause, which may include key influencers or other civil society partners.
- Think about their relative interest and influence on this issue, the various possible roles they may play to support your goal and how to best build and maintain a relationship with them.
- Consider future allies and young emerging leadership in all spheres; public, faith, media, arts, sports, politics etc.
- Ensure to also map you and your organisations own unique contribution and any gaps in terms of influence, skills, relationships, knowledge and expertise.



Communication – Balancing critique with benefits and solutions-based dialogue

Communication strategies play a critical role in creating openness and receptivity in engagement processes in terms of language, messaging and approaches used to convey issues, ideas and alternatives.

Key strategies:

Language:

- Be clear on the words and concepts used in engagement processes, using language that seeks mutual understanding and reduces defensiveness in engagement processes.
- Use clear and concise and not overly technical language.
- Avoid ‘legal speak’ or human rights jargon, and consider ways of framing human rights in culturally sensitive and locally used value-based concepts and terms.
- When interpreters are used, ensure to brief them beforehand on the objective of the meeting and the key terms used.

“Communication strategies made most traction when groups were clear on what they were proposing, and were open to hearing the challenges faced by governments and to identifying areas of shared concern, for example in managing complex, vulnerable caseloads, and together, explore what could be done within current legislation and policy or what needs broader reform. Focusing on a longer-term vision for change rather than just immediate concerns also proved advantageous.”⁸⁴

“I think the importance must be in the same language. That we are saying the same thing, realising we are different partners but it is the same process... so we need really to have the same terms, the same words... share the same understanding to find the key that opens the door to dialogue,”

a government official in Europe.⁸⁵

⁸⁴ Mitchell, G 2021, ‘Forging New Ground: Creative civil society engagement of government to achieve rights-based policy change on immigration detention’, PhD thesis, Swinburne University of Technology, Melbourne.

⁸⁵ Ibid.

Messaging:

- Decide on the key 'issue' and 'ask' for the meeting and focus on those in terms of your messaging.
- Consider the four elements of the message: 1) Key issue 2) Possible solutions and supporting evidence 3) Key asks 4) Possible responses.
- Seek to understand the personality, position, values and motivations of your target to shape the language, message, approach and what evidence and information is needed.
- Keep your message simple, brief and concise.
- Consider how the message is framed to raise the problem in a way that it is seen as an urgent yet solvable issue for government.
- Ensure lived experience input and stories are central to highlight the human impact.
- Consider how the issue is situated in the public and political discourse and how practically addressing this human rights concern can be a possible 'win-win' area of mutual interest and benefit both the state, community and individuals affected or allow the government to save face or show leadership nationally or internationally.
- Outline the available options or solutions available presenting comparative good practice models and highlighting their benefits.
- Outline the 'ask' in terms of what is needed in straight-forward, practical, viable and incremental steps, offering to assist or provide more information.
- Avoid a list of recommendations or making unrealistic demands.
- Consider and bring the evidence needed to support your message, such as briefing papers, reports, and research and ensure to package your information to clearly outline the issue and steps required for change.
- Consider the counter-arguments likely to be put forward and how you will respond to them.
- Be clear on non-acceptable policy outcomes, your position and bottom line.
- Adapt the message and 'ask' depending on the decision-making authority of the target, being conscious to ask what is within their authority.
- Seek to establish some form of process and on-going dialogue.
- Complete a 'Key Target and Messaging Brief'. [See page 52.](#)

“If you are going to convince the government you have to go in with a really well thought out strong argument that speaks to the interests of the government and also speaks to your own interests,”

an NGO in Asia Pacific.⁸⁶

“At various times, they are willing to listen to you and at other times they will ignore you and at other times they straight out refuse you. Sometimes you will get them to acknowledge that something is a problem but that they don’t have a solution as of yet. Like for example we, got them to say that they would accept failed asylum seekers to apply again based on the new conditions that started about a couple of years ago,”

an NGO participant in Africa.⁸⁷

“Even though in the beginning the government did not want to be a focus country and we downplayed that as much as we could but we at the same time also took that as an opportunity to bring comparative analysis because that is something that they have been open to, getting training on. They are always interested to see how other countries work even though when they say, ‘we are different,’”

a UN official in the Middle East.⁸⁸

⁸⁶ Ibid

⁸⁷ Unpublished data from thesis: Mitchell, G 2021, ‘Forging New Ground: Creative civil society engagement of government to achieve rights-based policy change on immigration detention’, PhD thesis, Swinburne University of Technology, Melbourne

⁸⁸ Ibid.

Key Target and Messaging Brief

Target:	
1. Name	
2. Brief bio	
3. How are they influential?	
4. Knowledge of and opinion of the issue	
5. Desired outcome	
Message:	
1. Issue or concern	
2. Possible solutions	
3. Key asks	
4. Possible responses	
5. Supporting evidence or materials to share	
Key delegation roles:	
1. Facilitator	
2. Trust and relationship builder	
3. Detailing the problem and providing technical knowledge	
4. Sharing lived experience expertise and stories	
5. Outlining solutions and comparative examples.	

Approaches:

Clarity on objective and structure of meeting:

- Ensure inclusion and consultation in developing engagement communication strategies.
- Seek advice from staff or advisors to determine the best approach for undertaking dialogue, for example, who to convene or begin the meeting and the agenda or running order.
- Know the hierarchy of officials in the meeting and direct your intervention to those most senior.
- Be realistic about expectations of the dialogue outcomes and not always having all the answers but to create a shared exploration for change.
- Be conscious that the objective is to convey a message and change thinking on an issue, not arguing a point.
- Don't treat decision-makers as the enemy but instead as an opportunity to inform and influence.
- Focus on relationship building, offering support and advice on the issue.
- Establish your credibility, knowledge and the value-add for the decision-maker at the beginning of the meeting.

“You know I always believe when you are talking to government agencies, you are talking to people. You are talking to individuals in the government and it's important to get to know who they are. So, it's just trying to understand what are, who that person is and what are the aspects to consider,”

a Human Rights Commission participant in Asia Pacific.⁸⁹

“I felt the best way to engage civil society was to work with them constructively on solutions and not just hear their questions and do some charade of a communications system. I wanted to incorporate them into actual solutions,”

a government official from the Americas.⁹⁰

⁸⁹ Ibid.

⁹⁰ Mitchell, G 2021, 'Forging New Ground: Creative civil society engagement of government to achieve rights-based policy change on immigration detention', PhD thesis, Swinburne University of Technology, Melbourne.

Tips when access is not possible or the state is non-responsive or oppositional.

Highly conservative and divisive political environments can create an impasse in engagement impact and close windows of opportunity but can also bolster civil society and empower the public to act which in turn can work to re-open closed windows for engagement.

Consider how inside and outside strategies may apply in these contexts:

- Develop relationships with high profile and respected figures with access to take your message where there is no access to engage.
- Seek advice from political and policy experts and trusted influencers on navigating the barriers and risks of engagement in these contexts and to review strategies.
- Brainstorm with your network to explore multi-pronged advocacy strategies, including utilising judicial processes and supporting grass-roots social movements, campaigns and media strategies to impact public pressure on decision-makers.
- Where citizens are prevented from engaging in political activity and advocacy work focus on support outside the country.
- Be opportunistic for emerging opening opportunities at the international, regional and national level.
- Utilise UN and regional level human rights mechanisms and build state-to-state external pressure by finding friendly state champions for your cause.
- Continue monitoring, developing strategies and technical expertise and exploring other advocacy approaches until a window to engage emerges.
- Use this time to develop and test practical local-level models and pilots to build an evidence-base to your proposals and their benefits.

Example: Children in immigration detention

“Where the state was not responsive to human rights arguments or engaging civil society at various points, public pressure was a significant factor for government to agree to engage, such as campaigns on ending child detention in Malaysia and Mexico. In Hong Kong and Israel, strategic litigation compelled authorities to meet civil society on reform options, while in Australia, the United Kingdom and the United States, a combination of litigation and campaign work influenced government responsiveness to engagement on alternatives.”⁹¹

⁹¹ Ibid.

Style of communication:

- Keep calm, speaking at an even pace, using verbal and non-verbal communication which conveys sincerity, openness and transparency.
- Try not to read from notes but instead look directly at the people you are meeting.
- Learn to ‘read the room’ by observing the dynamics in the meeting to see if the message is being understood and received.
- Be prepared to ‘go off script’ and have a free-flowing conversation to create an opening to shift thinking on an issue.
- Be assertive where needed but avoid raising your voice or appearing angry.
- Avoid assumptions, instead asking clarifying questions and respecting differing worldviews.
- Let decision-makers feel they have been heard by actively listening to their concerns or comments and by being open to consider the reasons for their response.
- Consider conciliatory approaches to reduce tension and address disputes and conflict, including using neutral facilitators, cordial and respectful interactions, or to ‘agree to disagree’.

“I think it is really important to listen a lot, to try to understand and take the long-term approach a little bit and I think it really has to be contextual,”

an NGO participant in Asia Pacific.⁹²

Balancing critique with constructive dialogue:

- Seek to use constructive modes of communication that balances critique on human rights issues of concern with outlining evidence-based solutions.
- Aim to depoliticise the issue by avoiding partisan or contentious comments focusing instead on the human issues at play and the benefits of addressing these and how they can practically be applied.
- When critiquing the state, consider tactics used by civil society, for example,
 1. The ‘sandwich method’ where positive developments are first acknowledged, then with constructive critique on an issue provided, followed by suggestions for change. [See page 56.](#)
 2. Being clear on differing roles of those attending, including one person in the delegation focusing on the problem and another on the solution for example. [See page 57.](#)

“My approach has always been more not to attack them and put governments on the spot, but rather let them kind of see if they can come up with their own solutions and see if we as civil society can kind of gear that into the right direction,”

an NGO participant in Asia Pacific.⁹³

⁹² Unpublished data from thesis: Mitchell, G 2021, ‘Forging New Ground: Creative civil society engagement of government to achieve rights-based policy change on immigration detention’, PhD thesis, Swinburne University of Technology, Melbourne.

⁹³ Ibid.

The sandwich method:

The ‘sandwich method’ or ‘sandwich feedback’ has been used effectively in various fields as a sensitive and intentional way to convey corrective information while maintaining responsiveness to achieve change outcomes.⁹⁴

This method involves three steps: 1) To first acknowledge or compliment 2) To then give constructive critique 3) Followed by supportive suggestions for correction or improvement.

“The ‘sandwich method’ was also employed by civil society to diffuse defensiveness by first raising an area where positive improvement or practice was occurring, then to raise an area of concern and concluding with constructive suggestions on how to improve the situation.

A Mexican NGO stated: “The sandwich approach can work. It’s the approach needed in Mexico. Unless we start with the compliment, culturally it cannot work. It’s hard to be straight forward here – it is important to build trust in government negotiation.”⁹⁵

⁹⁴ Prochazka, J, Ovcari, M & Durinik, M 2020, ‘Sandwich feedback: The empirical evidence of its effectiveness’, Learning and Motivation, vol. 71, pp. 1-10, <https://doi.org/10.1016/j.lmot.2020.101649>.

⁹⁵ Mitchell, G 2021, ‘Forging New Ground: Creative civil society engagement of government to achieve rights-based policy change on immigration detention’, PhD thesis, Swinburne University of Technology, Melbourne.

Delegation roles:

- Keep your delegation small and relative to the meeting size and timing allowed.
- Ensure the delegation is well coordinated, prepared and shows solidarity and a shared message.
- Consider the roles of each person and who is best placed to say what parts of your message, who has the closest relationship and trust with officials or the most knowledge on the issue.
- Consider bringing your identified ‘champions’ with you in the delegation visit.
- In a small delegation, it may be sufficient to have one lead member who facilitates and presents most of the message, supported by others as needed.
- In larger delegations and meetings, consider who is responsible for which part of the message and what roles each play. For example:
 1. Facilitator / trust and relationship builder: A neutral or trusted person to facilitate or open the meeting, possibly someone with authority, connections and the respect of decision-makers.
 2. Critic / educator: The person with the expertise on the problem to be addressed.
 3. Lived experience: The person sharing lived experience stories and impact on the need for change.
 4. Solutions focus: The person outlining policy options and comparative examples.

“Engagement was less about debating and convincing on an issue, and more to create a shift in thinking, to allow enlightenment on the impact of policies on the lives of those negatively affected, and to propose an alternative. Non-adversarial approaches can allow for creative exploration of new policy options and create a space for rational dialogue.”

Dr Grant Mitchell,
Centre for Asia Pacific Refugee Studies.⁹⁶

⁹⁶ Fitzgerald, C 2016, More Humane Solutions: Interview with Grant Mitchell, Triple R FM, 15 February, <https://soundcloud.com/idcoalition/more-humane-solutions-in-australia>.

Example: Constructive exploration of rights-based policy options: Malaysia

Immigration detention has been a politically contentious issue in Malaysia since critique was made public in the mid-1990s regarding conditions in places of immigration detention.

Malaysia is not a signatory to the UN Refugee Convention or UN Convention Against Torture, with no civil society access to places of detention at the time of escalating concerns following a number of deaths in immigration detention and the increasing number of children detained by 2009.

As noted by a civil society participant:

"At that time, there was really no dialogue between civil society and government around detention and detention centers were entirely closed off and whatever dialogue there was, was very hostile. There was a lot of finger-pointing and a lot of criticism of the government's policies which I think were justified but it just wasn't collaborative or a productive discussion."

A number of civil society groups at the time explored strategies on how to seek reform and reached out to SUHAKAM, the National Human Rights Commission, who had limited access to places of detention but did have regular dialogue with the government. The Commission's receptivity and openness proved invaluable and a number of meetings were subsequently organised with the authorities to highlight options for improving conditions and to consider alternatives to the detention of children. Simultaneously, after observing the impact internationally, civil society developed a social media campaign on immigration detention on children, which received some media attention.

These combined initiatives proved fortuitous, with several MPs seeking more information on the issue and a meeting with officials from different ministries and was held to examine the issues related to the detention of children in 2013.

Local civil society groups with support of their international partner NGO utilised a range of strategies, including focusing on both the negative impacts of detention of children, the logistical challenges faced by the authorities to ensure duty of care to children in facilities and the practical options and benefits of utilising community-based models.

One particular strategy was to highlight regional developments, namely the process implemented in the Philippines to ensure unaccompanied minors were transferred to the Social Welfare Department in the community and not held in immigration detention.

Other strategies utilised included focusing on "shared" concerns and solutions, such as exploring the development of a pilot to test alternatives and build confidence in community rights-based models. Visits to detention centres across the country by MPs as an outcome of the working groups further galvanised the commitment to explore alternatives to detention for children.

There was a decisive moment in the meeting where officials agreed that children should not be detained in immigration detention and to continue collaborating on this issue. This led to a working group being established to explore processes to ensure children were not detained. This was the first forum of its kind, involving Home Affairs, various ministries, SUHAKAM, service providers, and civil society groups. The forum aimed to explore alternatives to immigration detention within the provisions of the current immigration detention legislative framework.⁹⁷

After numerous setbacks, the pilot to release children in immigration detention into the community officially began in February, 2022.⁹⁸

Building confidence when meeting decision-makers

It is natural to feel nervous or intimidated in high-level meetings.

Here are some tips to consider before a meeting:

- Prepare and practice your messaging, including recording it on your phone before a meeting and playing it back to help you memorise the key points.
- Undertake a role play exercise with your colleagues to gain experience, alternating between being civil society or a decision-maker.
- Do public speaking or meeting facilitation training to build confidence.
- Go as a small delegation of trusted colleagues to share the messaging and support each other.
- Share with your colleagues how you are feeling and take a slow deep breath before the meeting begins and throughout the meeting.
- It's OK to not know all the answers; take questions on notice or ask your colleagues to input if you get stuck.
- Debrief after each meeting for feedback and to learn and strategise for future meetings.
- Remember that each interaction, either positive or negative, can sow a seed for change.

⁹⁷ Mitchell, G 2021, 'Forging New Ground: Creative civil society engagement of government to achieve rights-based policy change on immigration detention', PhD thesis, Swinburne University of Technology, Melbourne.

⁹⁸ International Detention Coalition (IDC) 2022, 'IDC and ECDN welcomes launch of ATD pilot in Malaysia', <https://idcoalition.org/news/ecdn-welcomes-launch-of-atd-pilot-in-malaysia/#:~:text=The%20pilot%20programme%2C%20which%20will,mental%20health%20development%20of%20children>.

Coalition Building for Change

“There is power in an alignment for change- when all groups come together in a shared strategy – different roles and tactics but a shared voice and purpose,”

a civil society leader in Asia Pacific.⁹⁹

Change-makers come from diverse backgrounds from lived experience leaders, activists, grassroots groups, service providers, community-based and non-governmental organisations to private individuals and those in the public eye.

Each play very different and necessary roles from monitoring human rights concerns, raising public awareness, litigating, movement building, providing services to directly engaging decision-makers.

It is easy to get siloed in our area of focus, or be protective or concerned with the differing approaches of others. But there is strength when groups come together for change.

- Explore how you can join or work collaboratively to build a network, coalition or movement of people working on similar issues of concern.
- Seek to develop a shared vision, goal and message for change, understanding and respecting different roles and approaches.
- Co-design and develop strategies for change that build on your strengths, abilities and passions and that complement those of others in the field.
- Consider the different angles needed to reach the hearts and minds of the public and to impact decision-makers.
- Identify who is best placed for different parts of the strategy, from public campaigning work to engaging decision-makers.
- Share information, ideas and experiences, and seek to learn from each other to strengthen your strategies.
- Create a safe space for solidarity, mutual support and burden-sharing.
- Remember we are all in it for the same goal!

“Hopefully, all advocates and activists around the world are enlightened to the importance of collaborative work for change,” a civil society participant in Asia Pacific.”¹⁰⁰

⁹⁹ Unpublished data from thesis: Mitchell, G 2021, ‘Forging New Ground: Creative civil society engagement of government to achieve rights-based policy change on immigration detention’, PhD thesis, Swinburne University of Technology, Melbourne.

¹⁰⁰ Ibid.

Exercise: Engagement in practice role play:

In a group of three, undertake the follow decision-maker engagement role-play exercise:

Background: A large group of women and children, some teenagers, fleeing violence in their home country of El Salvador are intercepted while crossing from Guatemala into Mexico.

They are immediately taken to an Immigrant Detention Centre in Tapachula, Mexico, where they are denied access to NGOs, lawyers or to contact their families. The refugee protection needs and risks to the families at the hands of smugglers are unknown.

A meeting has been called by the United Nations high Commissioner for Refugees (UNHCR) with the national immigration authorities of Mexico and a local NGO who undertakes both advocacy and community support programs, including providing shelters for women and children.

The objective of UNHCR and the NGO is for the Mexican authorities to agree to release the children and families from detention into the community-based shelters.

Both parties have been informed however that neighbouring countries have pressured the Mexican authorities for their ongoing detention and deportation due to identified intelligence on national security risks posed by some of the family members. No more details are known.

Task: With each person rotating for 10 minutes, undertake a role play exercise with one person playing the UN official facilitating the meeting, one the deciding immigration official, and one the NGO representative.

In making your arguments, consider the different pressures, responsibilities, obligations and mandates of each party.

Discussion: Regroup and discuss

- What were the barriers to the authorities agreeing to release the children?
- Was the solution presented in line with the rights of the family and national and international law?
- What approaches hindered government receptivity to release the families?
- What arguments or strategies were most impactful?

6. Practical Steps for Change

In addition to the various tools, tips and resources listed through this guide, this section provides an outline of key ways to address risks, to measure the impact of engagement, and the strategic and practical steps to develop an Engagement Action Plan.

6.a. Addressing the risks of engagement

Engaging the state raises a range of risks for civil society depending on the national context and the issue of focus, including safety, wellbeing, ethical and reputational risks. It is vital these risks are analysed to determine the level of severity and what preventative or mitigating actions can be implemented.

Ethical and reputational risks

The lack of transparency in engagement processes with decision-makers and the potential for perceptions of collusion, co-option or compromise requires continual navigation and assessment of the risks of engagement against likely impact.

The concept of “[principled engagement](#)”¹⁰¹ is a helpful rights-based framework to assess and address risks emerging from engagement with the state. A principled approach to engagement aims to expose human rights concerns while working constructively and ethically to propose solutions.

Ensure that your engagement strategy includes a clear shared understanding on the limitation and rules of engagement when in regular dialogue with decision-makers, including:

- Undertaking a risk assessment to identify risks and mitigation strategies. See below.
- Developing a process to analyse emerging risks that may negatively impact on the rights of individuals, impact on reputation or create ethical concerns.
- Ensuring clarity and consensus on protocols and requirements related to communication and membership in ongoing forums, such as “Chatham house” rules or establishing terms of reference.
- A disengagement strategy when engagement is counterproductive or morally compromising for civil society

Risk Assessment Template

Risk	Who is affected?	Likelihood (High/Medium/Low)	Consequence	Preventative and mitigation actions	Responsibilities

¹⁰¹ Pedersen, M 2019, Principled engagement: Promoting human rights by engaging abusive regimes, Human Rights & Ethics, United Nations University.

Safety and Security

Engaging non-responsive, oppositional or hostile governments and working in contexts of conflict, corruption or abuse of power can create a range of serious risks from being deregistered or blacklisted to facing harassment, arrest or risks to physical safety. Continual and vigilant assessment of risk and safety strategies is critical in these contexts.

Security and safety considerations should include a gendered and intersectional lens on specific risks facing women and LGBTIQ+ defenders, those in conflict zones, rural areas, or unstable rule of law environments, as well as emerging risks such as digital and cyber security.

Safety Strategy Tips:

1. Develop a risk assessment and mitigation plan.
2. Undertake human rights defenders training.
3. Seek the security advice of experts in human rights defender protection.
4. Work within a broader coalition to build solidarity and mitigate risk.
5. Use a partnership approach considering who is best placed to present and who to work behind the scenes, identifying allies to present your message if the personal risks are too high.
6. Focus on monitoring the situation and prepare strategies while waiting for a safe and impactful opportunity to engage.

Helpful Resources:

- [Protection International Manual](#)
- [Front Line Defenders' Workbook on Security](#)
- [Human Rights Defenders Hub](#)
- [Digital Security in a Box](#)
- [Gender, Intersectionality and Security](#)

Self-care and Sustainability

“We don’t need to be constant human rights warriors, but to be full humans that care for ourselves and then others.”

an NGO in Asia Pacific.¹⁰²

While there is considerable focus on physical safety it is important to recognise other dimensions of security, such as economic security, sustainability and emotional wellbeing.

Human rights and humanitarian advocacy work can take its toll in our physical and psychological health and wellbeing. Continued exposure to high levels of stress and vicarious trauma can lead to PTSD, anxiety, depression, compassion and emotional fatigue, despondency and exhaustion.

Organisational culture that has unrealistic demands and expectations of staff and that does not acknowledge, respond to or allow a space to share the impact of the work can further negatively impact wellbeing. There are additional risks for lived experts with the potential for re-traumatisation for those repeatedly re-telling their story.

Exploring self-care and restorative daily practices that sustain and nurture ourselves in the face of difficult and challenging human rights advocacy work is critical. Developing long-term strategies of personal wellbeing, and professional and community resilience is a central part of this work.

Learn about the effects of your work and direct and vicarious trauma on the self, and how to build resilience to not absorb the oppression around us but to allow it to be a transformative shared experience.

Encourage a culture in your organisation that prioritises physical and mental health, focuses on collective and individual care, supports staff to look after themselves and each other, and which prioritises resources for training, debriefing and trauma-informed interventions.

Ultimately - take the pressure off yourself – let go of feelings of guilt that we are abandoning the cause to take healthy time off and enjoy life!

Self-care and Wellbeing Tips:

1. Debrief and share the impact of the work with your colleagues and loved ones.
2. Do a self-care assessment and develop a personal action plan.
3. Take care of your physical body.
4. Set healthy boundaries.
5. Learn coping and resilience strategies.
6. Seek community connections, and if needed, professional support.
7. Take a guilt-free break when you need.

¹⁰² Unpublished data from thesis: Mitchell, G 2021, 'Forging New Ground: Creative civil society engagement of government to achieve rights-based policy change on immigration detention', PhD thesis, Swinburne University of Technology, Melbourne.

Helpful Resources:

- [Self-care for Sustainable Movements](#)
- [Self-care Tips for Sustainable Advocacy](#)
- [Self-care and Safety for Advocates](#)
- [Human Rights Resilience Project](#)
- [Burn Out and Renewal](#)
- [Protection, Self-Care and The Safety of Human Rights Defenders](#)
- [Wellbeing, Risk and Human Rights Practice](#)

Organisational Sustainability Tips:

It is important to reflect on and consider what capacity you and your organisation has to undertake and invest in engagement processes as part of your advocacy work.

Consider how engagement fits with or aligns with your organisational strategic plan and operational budgeting and if it is a long-term priority for the organisation and understood and supported from the leadership through to the staff and volunteer levels.

Ensure your Engagement Action Plan identifies what is needed to sustain the work over the short, medium and long-term, including human and financial resources.

Partnerships can be a critical part of ensuring sustainability and impact, so consider these ideas as well:

1. Partnerships with civil society groups, universities, research centres, UN bodies etc.
2. Philanthropic, community donations and in-kind support and volunteers for your cause.
3. Pro-bono support on legal and technical advice.

6.b. Measuring the impact of engagement:

An essential part of an Engagement Action Plan is to ensure you both measure the impact of engagement and learn from the work undertaken to enable flexibility to adapt strategies to best achieve your goals.

Central to this is to identify what success looks like, the steps in your engagement work to achieve this and how to best monitor, evaluate and learn from these.

There are a range of creative ways to assess the impact of engagement, from activity and outcome logs, post engagement debriefing and reflection, stakeholder interviews, policy, media and target public statement tracking, and capturing stories of incremental steps towards change.

These three elements below work together and are integrated in the process to assess, refine and strengthen your advocacy work:

Monitoring

- Did you do the activities that you planned to do?

Evaluation

- Did change occur and did your activities contribute to this change?

Learning

- What have you learnt in the process and does your strategy need to be adapted?

Developing a Monitoring, Evaluation and Learning (MEL) framework

Key Steps:

- Use your Policy Gap Analysis and Theory of Change as the basis for developing your guiding evaluation questions and determining your indicators of success.
- Don't forget to assess current law, policy and practice in your area of focus before you begin your engagement work to ensure you have a benchmark to measure impact in the future.
- Ensure measures and milestones of success are listed in your Engagement Action Plan.

Key questions to consider:

- What is the desired outcome you want to achieve?
- What is the metric of success and the key milestones to see these occur in the short to long term?
- How to best measure the impact of engagement and to monitor and evaluate outcomes?
- How to ensure that engagement is principled, ethical and sustainable?
- What learnings have come from these activities?
- How to adapt and revise strategies at critical points?

Examples of progress measures of success:

Keep in mind that most advocacy goals are long-term efforts and take considerable time, focus and stamina. Think through the incremental steps, or 'milestones' towards change which assist to celebrate small wins, restore energy, inspire new ideas and allow for adaptation of strategies for most impact.

Short-term:

- Requests for further information or agreement to further meetings, ongoing dialogue, site visits or to research the issue.

Medium-term:

- Agreement to workshops or a working group on the issue, to pilot alternative options, and identified changes in issue narrative, political will and placement on the policy agenda and in parliamentary debates.

Long-term:

- Changes in policy and legislation, budget and operational commitment and implementation in practice.

Helpful resources:

- [Measuring Transformational Impact in Human Rights Advocacy](#)
- [Unique Methods in Advocacy Evaluation](#)
- [MEL of Influence Toolkit](#)
- [A User's Guide to Advocacy Evaluation Planning](#)
- [No Royal Road: Finding and following the natural pathways in advocacy evaluation](#)

6.c. Engagement Action Plan Template:

Goal/s	Theory of change	Actions	Timeline	Resource/ Budget	Risk assessment	Responsi- bility/Part- ners	Measures and mile- stones of success
What are the long-term advocacy objective/s?	How can change occur and what key approaches to be taken?	What are the activities to be undertaken?	When will these occur?	What resources, both human and financial, are needed?	What are the identified risks to mitigate?	Who is responsible and who are the key partners?	What change outcomes are expected and what are the key indicators of success?

Consider key elements of your Engagement Action Plan:

- 1. Objective:** What goal do you want to achieve?
- 2. Activities:** What actions are needed to achieve your goal?
- 3. Outputs:** What will your activities and actions deliver?
- 4. Outcomes:** What impact will your output have?
- 5. Inputs:** What resources and capacity are needed?
- 6. Priorities:** What are the priorities, deadlines and best timing for your activities?
- 7. Indicators:** What evidence will there be to show you have undertaken your activities and achieved your goal?

10 Step Engagement Action Plan Checklist

1. **Outline the problem to address** - Decide the achievable issue to prioritise.
Action: Policy Gap Analysis
2. **Define your advocacy goal** - Determine what change looks like.
Action: Policy Gap Analysis
3. **Examine creative solutions** – Gather evidence-based policy and practice alternative options.
Action: Policy Gap Analysis
4. **Analyse the political environment** - Identify targets, timing and entry points.
Action: Power Mapping; Policy Gap Analysis
5. **Assessing stakeholders** - Identify key influencers and strategic partners.
Action: Stakeholder Mapping
6. **Develop strategies and tactics** – Determine what approach, actions, messages and opportunities to utilise.
Action: Policy Gap Analysis; Theory of Change; Key Target and Messaging Brief
7. **Conduct a risk assessment** - Consider safety, wellbeing and ethical risks and mitigation strategies.
Action: Risk Assessment
8. **Ensure sustainability** - Identify resource, partnership and funding needs.
Action: Engagement Action Plan
9. **Prepare a plan of action** - Outline key activities, timelines, responsibilities, risks and measurables.
Action: Engagement Action Plan
10. **Monitoring, evaluation and learning (MEL)** – Track key measures of success and milestones.
Action: Engagement Action Plan

7. Conclusion

This introductory practice guide has been developed to enhance the confidence and capacity of civil society to engage decision-makers on critical human rights issues.

The creative and practical ideas highlighted in this guide are drawn from the direct engagement experiences of human rights practitioners across all regions that worked to increase access, overcome barriers and to contribute to decision-maker receptivity to rights-based policy alternatives.

These examples, together with the ‘Model of Principled and Effective Engagement’ and connected tools, are aimed to be a resource for civil society to inspire creative thinking on how change can occur and the differing roles we all can play.

A key focus of the guide is to support emerging civil society leadership and the voice and self-representation of affected communities and activists to address risks and to develop and incorporate engagement within their broader advocacy strategy work.

Not all the ideas included in the guide will be relevant, applicable or helpful in your situation, so consider, take and use what works for you in your context.

“Government engagement is one of many advocacy strategies. I don’t really see it as the end point because in the end, advocacy is something that’s going to change people’s minds in the whole of society not only one individual, the government for example.”

an NGO participant in the Americas.¹⁰³

¹⁰³ Ibid.

Key Takeaways:

Analysis:

- Consider carefully your tangible goals, targets and the policy alternatives, creative ideas, spaces and timing to impact change.

Access:

- Consider who has access to decision-makers and who is best placed to represent your issue.

Inclusion and leadership:

- Consider the unique and complementary roles of you and your colleagues and partners, ensuring coordinated collaboration and that those of lived experience are central, leading and supported with solidarity.

Strategies and tactics:

- Consider practical and impactful approaches to achieve your goal, including messaging that balances critique with constructive solutions, builds trust and explores incremental steps to change.

Safety, wellbeing, ethical and reputational risks:

- Consider the risks of engagement and practical resources and steps to take to ensure physical and psychological wellbeing and an ethical, sustainable approach to engagement.

Monitor, evaluate and learn:

- Consider how to best measure the impact of engagement and adapt your strategies as needed to best achieve your goals.

8. About the Author

Dr Grant Mitchell is a social anthropologist. His PhD thesis at Swinburne University focused on how civil society could effectively engage governments for rights-based policy change. The Model of Principled and Effective Engagement that he developed as part of his thesis has been identified as “a new, original, and potentially life-changing contribution” for human rights advocacy.

Dr. Mitchell has extensive experience in international refugee, asylum and statelessness policy and advocacy, including working with civil society, UN bodies, and governments in Africa, Americas, Asia Pacific, Europe, and the Middle East. He served for 10 years as the Director of the International Detention Coalition (IDC), a global civil society network working to secure the rights of people impacted by immigration detention.

He has previously worked with the Swedish Migration Agency, the Australian Red Cross, was a founding Board member of the Asia Pacific Refugee Rights Network (APRRN), and is a recipient of the Australian Human Rights Award for his work to secure the release of women and children from immigration detention.

Dr. Mitchell is currently a fellow at the Centre for Asia Pacific Refugee Studies (CAPRS) at the University of Auckland.

About CAPRS

The Centre for Asia Pacific Refugee Studies (CAPRS) is based at the University of Auckland and responds to contemporary challenges of conflict and climate induced displacement.

CAPRS is driven by a transformative agenda that places social justice and human rights as core aspects of their work to empower refugee voices and build local capacities.

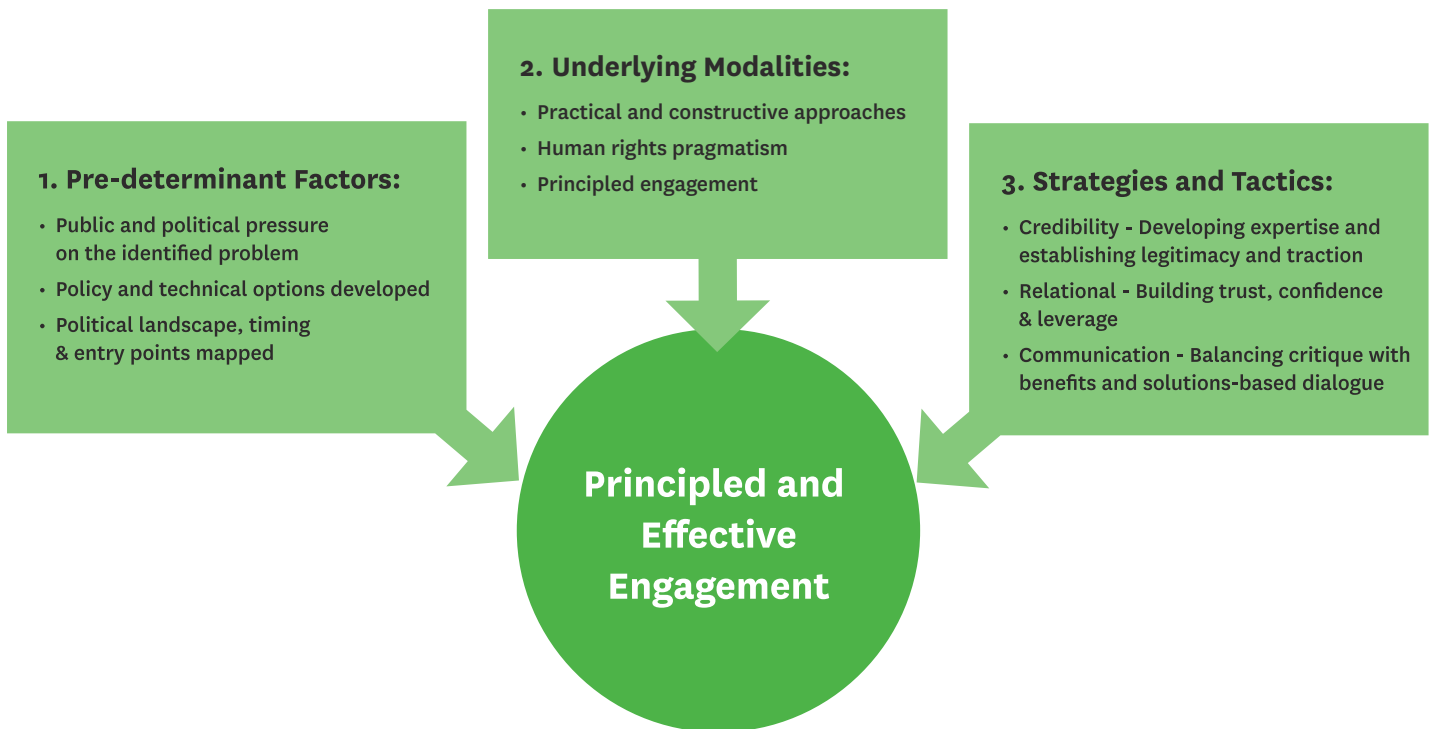
Through a commitment to multidisciplinary scholarship, the Centre is committed to bringing together people from academia, refugee communities, government, civil society and the private sector to collaboratively work on meaningful and tangible projects on current and future forced displacement situations.

9. Workbook

The following is a Workbook to help you work your way through each of the tools outlined in the Guide. Use the final Checklist to ensure you have completed all the key steps to develop an Engagement Action Plan.

1. Model of Principled and Effective Engagement
2. Policy Gap Analysis
3. Developing a Theory of Change
4. Power Mapping
5. Stakeholder Mapping
6. Key Target and Messaging Brief
7. Risk Assessment Template
8. Developing a Monitoring, Evaluation and Learning (MEL) Framework
9. Engagement Action Plan Template
10. 10 Step Engagement Action Plan Checklist

Model of Principled and Effective Engagement



Policy Gap Analysis

Having a clear understanding of the current problem and the change you want to see in terms of legislation, policy and programs is key to developing impactful engagement strategies.

To begin this process, undertake a policy gap analysis to understand the system you want to change, including the current legal and operational framework, the gaps and barriers to overcome to reform these and the steps to achieve the future state you envisage.

Use this deep dive exercise as a foundation to develop a Theory of Change.

Key questions to ask are:

- What is the current state and its impact on individuals and the community?
- What is the root cause and the historical context and rationale for this issue existing?
- What is the future state you are envisaging? Is it a revision, expansion or repeal of current policy or is it blocking or preventing policy being introduced?
- What are the gaps to address, including the associated considerations on cost, compliance, and the structural, legal, procedural and programmatic changes required?
- What possible impact and ramifications are there for the changes you seek, both positive and negative?
- Who has the authority to make decisions on reform?
- What are the drivers of change, including the political motivations to reform or retain the current state?
- What changes are possible within current legislation or what legislative or constitutional changes are needed?
- What are the barriers to achieve this?
- What opportunities or steps are needed to achieve the future state?

Tips:

1. Seek support from academia or research centres to analyse the problem, explore policy alternatives, social impact and identify relevant good practice examples.
2. Seek pro bono legal advice to draft model law, including the changes in policy and legislation you want to see.
3. Work with local service providers to test, pilot or offer to partner or support the authorities in implementation.

Developing a Theory of Change

A Theory of Change is a strategy and learning process that helps shape a roadmap on how you will achieve your goals. It is a reflective, participatory exercise that is analytical and evidence-informed to explain how you can realise your goal, the approaches and steps to achieve this.

Developing a Theory of Change helps to conceptualise, strategise, design and describe the process to achieve the change you want to occur.

A Theory of Change has two elements:

- HOW: How will change occur, identifying strategies for change and addressing assumptions.
- WHY: Why this approach will be effective and explaining the intended outcomes.

Steps in Developing a Theory of Change

- A simple start to developing a theory of change is to use the information discovered in your Policy Gap Analysis to brainstorm the following:
 - What is your goal?
 - What are the processes and strategies needed to achieve your goals?
 - What are your key assumptions in achieving your goals?
 - What will be the impact of achieving your goals?
- Put your ideas and plans in writing.
- This could be a visual diagram or a narrative as a description of your Theory of Change, or a combination of both.
- Keep it brief and easy to understand, as this is a helpful communication tool and point of reference as you develop targeted strategies and revisit these when change arises.
- Look at examples of how others have developed a Theory of Change [here](#).

Using a Theory of Change

Your Theory of Change provides a basis to determine the specific stages and steps needed to achieve your goals.

Use the Tools outlined in the Workbook to put your Theory of Change into practice, including listing:

- Identified risks in the Risk Assessment Tool
- Specific milestones and measurables in the Monitoring, Evaluation and Learning (MEL) framework
- Your activities and the resources needed in the Engagement Action Plan.

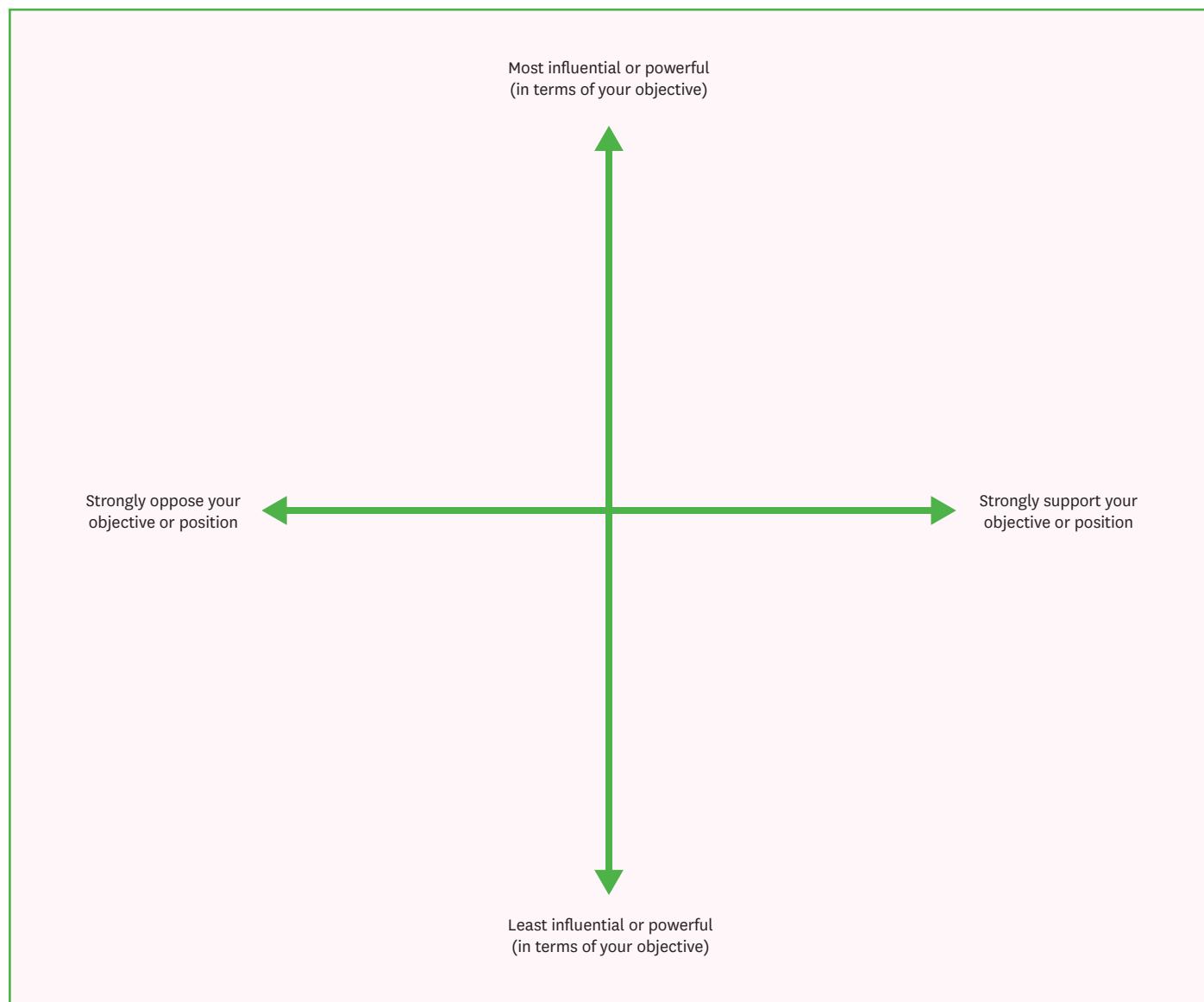
Power Mapping

Power mapping is a useful exercise to analyse decision-making and power structures within a system and to identify key targets.

- Using post-its or a marker on a white board, brainstorm those who you consider to be the least to most influential in your area of concern.
- In identifying your targets, think about those with the most authority to make the change desired and those who may be supportive and entry points to influence outcomes.

Examples include:

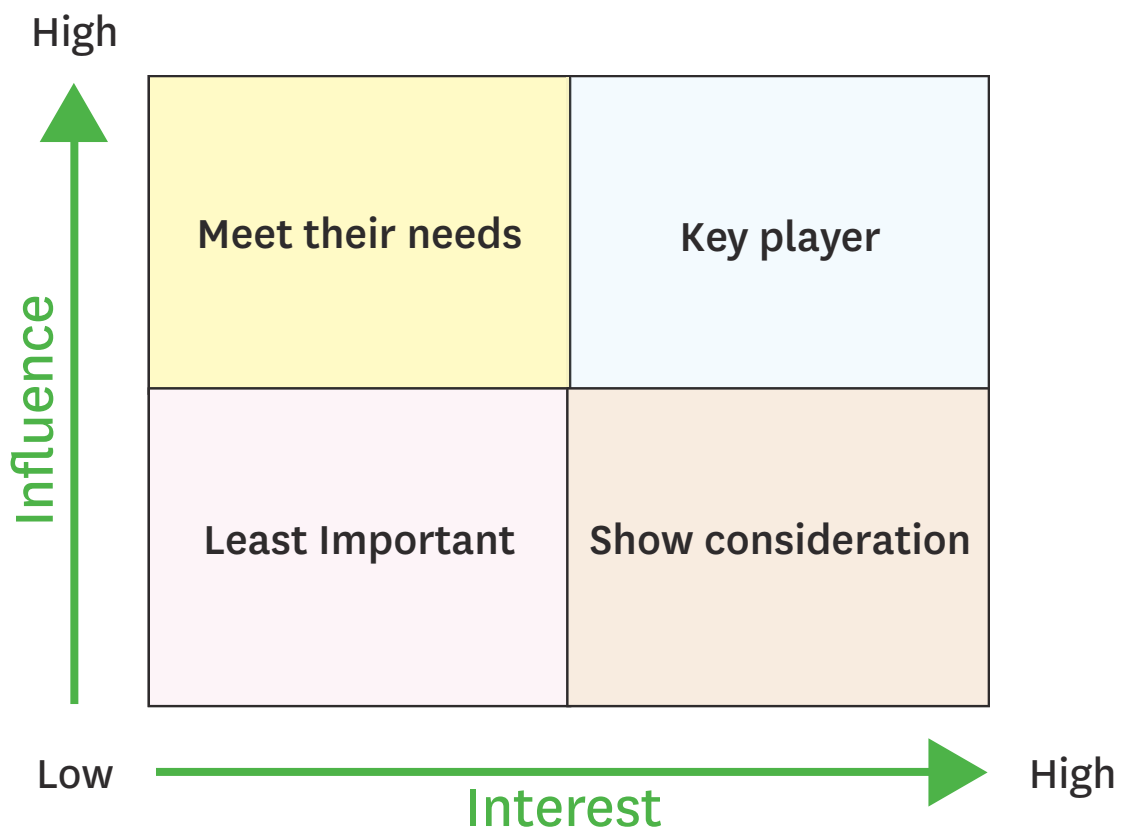
- **Deciders** - Legislative and policy makers across judiciary, legislature and executive branches, including assembly, cabinet, parliament, lower/upper house, ministry bureaucrats, central agencies and political parties etc.
- **Influencers** - Community, professional and faith-leaders, public figures, experts, advisors, factions and party branches, constituents, national human rights commissions, United Nations, international and regional bodies etc.



Stakeholder Mapping

Stakeholder mapping is a helpful exercise to identify influential key actors, allies and possible partners to support your engagement objectives.

- Using post-its or a marker on a white board, brainstorm potential key partners, stakeholders or allies.
- Consider who could be a 'champion' for your cause, which may include key influencers or other civil society partners.
- Think about their relative interest and influence on this issue, the various possible roles they may play to support your goal and how to best build and maintain a relationship with them.
- Consider future allies and young emerging leadership in all spheres; public, faith, media, arts, sports, politics etc.
- Ensure to also map you and your organisations own unique contribution and any gaps in terms of influence, skills, relationships, knowledge and expertise.



Key Target and Messaging Brief

Target:	
1. Name	
2. Brief bio	
3. How are they influential?	
4. Knowledge of and opinion of the issue	
5. Desired outcome	
Message:	
1. Issue or concern	
2. Possible solutions	
3. Key asks	
4. Possible responses	
5. Supporting evidence or materials to share	
Key delegation roles:	
1. Facilitator	
2. Trust and relationship builder	
3. Detailing the problem and providing technical knowledge	
4. Sharing lived experience expertise and stories	
5. Outlining solutions and comparative examples.	

Risk Assessment Template

Risk	Who is affected?	Likelihood (High/Medium/ Low)	Consequence	Preventative and mitigation actions	Responsibilities

Developing a Monitoring, Evaluation and Learning (MEL) Framework

An essential part of an Engagement Action Plan is to ensure you both measure the impact of engagement and learn from the work undertaken to enable flexibility to adapt strategies to best achieve your goals.

Central to this is to identify what success looks like, the steps in your engagement work to achieve this and how to best monitor, evaluate and learn from these.

These three elements below work together and are integrated in the process to assess, refine and strengthen your advocacy work as part of your Monitoring, Evaluation and Learning (MEL) Framework:

Monitoring:

- Did you do the activities that you planned to do?

Evaluation

- Did change occur and did your activities contribute to this change?

Learning

- What have you learnt in the process and does your strategy need to be adapted?

Key Steps:

- Use your Policy Gap Analysis and Theory of Change as the basis for developing your guiding evaluation questions and determining your indicators of success.
- Don't forget to assess current law, policy and practice in your area of focus before you begin your engagement work to ensure you have a benchmark to measure impact in the future.
- Ensure measures and milestones of success are listed in your Engagement Action Plan.

Key questions to consider:

- What is the desired outcome you want to achieve?
- What is the metric of success and the key milestones to see these occur in the short to long term?
- How to best measure the impact of engagement and to monitor and evaluate outcomes?
- How to ensure that engagement is principled, ethical and sustainable?
- What learnings have come from these activities?
- How to adapt and revise strategies at critical points?

Engagement Action Plan Template

Goal/s	Theory of change	Actions	Timeline	Resource/ Budget	Risk assessment	Responsi- bility/Part- ners	Measures and mile- stones of success
What are the long-term advocacy objective/s?	How can change occur and what key approaches to be taken?	What are the activities to be undertaken?	When will these occur?	What resources, both human and financial, are needed?	What are the identified risks to mitigate?	Who is responsible and who are the key partners?	What change outcomes are expected and what are the key indicators of success?

10 Step Engagement Action Plan Checklist

1. **Outline the problem to address** - Decide the achievable issue to prioritise.
Action: Policy Gap Analysis
2. **Define your advocacy goal** - Determine what change looks like.
Action: Policy Gap Analysis
3. **Examine creative solutions** – Gather evidence-based policy and practice alternative options.
Action: Policy Gap Analysis
4. **Analyse the political environment** - Identify targets, timing and entry points.
Action: Power Mapping; Policy Gap Analysis
5. **Assessing stakeholders** - Identify key influencers and strategic partners.
Action: Stakeholder Mapping
6. **Develop strategies and tactics** – Determine what approach, actions, messages and opportunities to utilise.
Action: Policy Gap Analysis; Theory of Change; Key Target and Messaging Brief
7. **Conduct a risk assessment** - Consider safety, wellbeing and ethical risks and mitigation strategies.
Action: Risk Assessment
8. **Ensure sustainability** - Identify resource, partnership and funding needs.
Action: Engagement Action Plan
9. **Prepare a plan of action** - Outline key activities, timelines, responsibilities, risks and measurables.
Action: Engagement Action Plan
10. **Monitoring, evaluation and learning (MEL)** – Track key measures of success and milestones.
Action: Engagement Action Plan