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The *Australian Journal of Human Rights* is the first journal of its kind in Australia to be devoted exclusively to the publication of articles, commentary and book reviews about human rights developments in Australia and the Asia Pacific region. The aims of the Journal are:

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The Journal is proud to have as its patrons the Hon Elizabeth Evatt AC, Professor Philip Alston and Father Frank Brennan SJ AO.

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'Are we there yet?': measuring human rights sensibilities

Simon Rice, Denise Meyerson and Kate Ogg*

Evaluation of human rights laws needs to go beyond measurable activity and outputs, and should try to assess the existence and strength of an underlying human rights sensibility among those for whom human rights laws are an available tool. This article responds to Arthurs and Arnold's (2005) critique of the *Canadian Charter of Rights and Freedoms 1982*, describing a pilot study that explores the feasibility of establishing indicators for knowledge and use of, and attitudes towards, human rights legislation. The study was conducted among legal and social service professionals in the Australian Capital Territory and Victoria, and demonstrates that it is possible to devise a simple and meaningful instrument for measuring human rights sensibilities and tracking changes to them over time. Such monitoring may assist in assessing the long-term success of human rights legislation in fostering the internalisation of human rights norms.

Introduction

This article responds to the need for empirical evidence of the effectiveness of human rights legislation. It reports the findings of a survey administered to a sample of practising lawyers in the Australian Capital Territory (ACT) and members of the peak organisations of the non-government, social and community services sector in the ACT and Victoria. The survey was designed to test the extent to which lawyers and social service providers in these jurisdictions have internalised the human rights norms contained in the *Human Rights Act 2004* (ACT) (HRA) and the *Charter of Human Rights and Responsibilities Act 2006* (Vic) (Victorian Charter). More specifically, the survey tested knowledge of, use of and attitudes towards these Acts. We refer to the

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We are very grateful to Dr Nansi Ngahere Richards, Behavioural Ecology Group at Macquarie University, for analysing the survey data and advising us on how best to read and report it. James Anderson, Tiffany Henderson, Charlotte Frew and Peter Gaffney provided helpful research assistance. We acknowledge the assistance of other people and institutions at notes 9, 10, 11 and 13 below.

internalisation of human rights norms, as evidenced by knowledge of, use of and positive attitudes towards human rights law, as a human rights sensibility.

The aim of the survey was not to draw general conclusions about the human rights sensibility of these groups. Although the response rate was good, the samples were too small for the persons surveyed to be taken as representative of the professions to which they belong. Instead, this was a pilot study, which shows that it is possible to develop indicators of the extent to which lawyers and social service providers have internalised human rights norms, and express this through their practice. This research demonstrates that indicators such as these can be used to establish reference points and then administered periodically, with a view to tracking the long-term impact of human rights legislation in encouraging the development of a human rights sensibility. Suitably adjusted, the tool we have devised can also be used to test the extent to which there has been a shift towards a human rights ethic among other sectors in society, such as business organisations, legal educators and the public more generally.

Background and context

In undertaking this research, our starting point was the need for an objective empirical basis to support claims about the effects of human rights legislation. When the HRA and Victorian Charter were enacted, claims were made about the beneficial impact they would have. For instance, in his Second Reading Speech on the Charter of Human Rights and Responsibilities Bill 2006 (Vic), the Victorian Attorney-General said:

The bill will be a powerful tool in assessing whether human rights protection in Victoria meets minimum standards. The bill will promote better government, by requiring government laws, policies and decisions to take into account civil and political rights. The charter will make sure that there is proper debate about whether proposed measures strike the right balance between the rights of Victorians and what limits can be justified in a free and democratic society ... This will help us become a more tolerant society, one which respects diversity and the basic dignity of all. [Hulls 2006, 1289–90.]

Similarly, the Chief Minister of the ACT stated that a 'bill of rights ... is a statement of our commitment as a community to the fundamental values that are part of our culture and our democratic system of government' (Stanhope 2003a, 4031). He added that a 'human rights act for the ACT is an exciting step towards bringing rights home for the people of the ACT ... This is a significant but measured step forward, one of which we can all be extremely proud' (Stanhope 2003a, 4031–32).

But how will we know whether the HRA and the Victorian Charter have succeeded in achieving these objectives? We were prompted to ask this question by an article in which the same question was asked of the *Canadian Charter of Rights and Freedoms 1982* (Canadian Charter) (Arthurs and Arnold 2005). In that article, Harry Arthurs and Brent Arnold came to the 'tentative conclusion' that the Canadian Charter has not led to the improvements in social and economic conditions promised by its proponents (Arthurs and Arnold 2005, 38). According to Arthurs and Arnold, claims made for the Canadian Charter were that it would 'effect significant improvement in the individual and collective lives of Canadians': it would improve the life chances of members of groups who have suffered from discrimination, enhance the communal life of Aboriginal peoples and linguistic and cultural minorities, prevent abuse of power by state officials, promote and protect a more robust political culture, and ensure freedom of movement without loss of social entitlements (Arthurs and Arnold 2005, 50). Referring to studies of Canadian social development, Arthurs and Arnold argue that the available evidence suggests that, for whatever reason, little progress has been made towards the goals claimed for the Canadian Charter, and that Canadian society has hardly changed in the time since the Canadian Charter was enacted in 1982 (Arthurs and Arnold 2005, 55–112).¹

Objectives of human rights legislation

Arthurs and Arnold (2005) make a related point about measuring the impact of human rights legislation, and that is the issue that our research addresses. But before we address the question of measurement, Arthurs and Arnold's (2005) 'tentative conclusion' about the effectiveness of the Canadian Charter warrants some comment, as they assess the Canadian Charter against much more ambitious claims than have been made for either the HRA or the Victorian Charter .

Arthurs and Arnold's (2005, 50) critique is one of many of the Canadian Charter and they cite a range of other perspectives. What is distinctive about their critique, however, is that it is premised on their assertion of 'the often-euphoric and -overstated claims of those who conceived, promulgated, embraced, and used the [Canadian] Charter' — that is, the claims we have set out above.

Such claims are indeed overstated, because they are largely concerned with aspects of life that are not addressed directly by the Canadian Charter, which protects civil and political rights, not economic, social and cultural rights. Although it is a valid

1 Some scholars in the United Kingdom have provided a similar analysis of the impact of the *Human Rights Act 1998* (UK), arguing that socially deprived and marginalised groups have not derived any benefit from it. See, for instance, Clements 2005.

criticism of the jurisprudence of the Canadian Charter that it ought not treat rights as 'rigidly categorized as civil and political rather than social and economic, negative rather than positive, or legal rather than economic' (Brodsky and Day 2002, 187), that categorisation has been the approach in Canada, where:

In a variety of cases, governments have argued, with some success in lower courts, that the *Charter* is a negative rights instrument — a document of civil and political rights rather than of social and economic rights — which does not impose positive obligations on governments to assume a redistributive role. [Brodsky and Day 2002, 185.]

Of the claims that Arthurs and Arnold say were made for the Canadian Charter, only the prevention of abuse of power by state officials is clearly within the contemplation of its explicit terms. Other claims — such as improving life chances, enhancing the communal life of minorities, and preserving social entitlements — are the concerns of economic, social and cultural rights that are not explicitly within the scope of the Canadian Charter.

Arthurs and Arnold's assessment of the effectiveness of the Canadian Charter is therefore based on inappropriate criteria of extensive social change. They look, for example, to 'studies of Canadian social development' (Arthurs and Arnold 2005, 53) to assess the effectiveness of the Canadian Charter, observing that '[v]arious indicators suggest a lack of progress towards social and economic equality for First Nations' (2005, 53). Similarly, they chart changes in the socioeconomic status of women (2005, 65–79), of 'immigrants and visible minorities' (2005, 79–87), and of 'gays and lesbians' (2005, 89–103). But the Canadian Charter was not intended to 'effect significant improvement in the individual and collective lives of Canadians' in any broad sense. Arthurs and Arnold's analysis of 'legal and due process rights' (2005, 79–87) is much closer to addressing the actual terms and intent of the Canadian Charter.

The claims that Arthurs and Arnold say have been made for the Canadian Charter, against which they measure its effectiveness, can be contrasted with the more modest claims made for the HRA and the Victorian Charter, and appropriate assessment criteria can be established accordingly.

In his Second Reading Speech on the Human Rights Bill 2004 (ACT), the ACT Chief Minister made no claims for social change, or for the improvement of the circumstances of any social groups, saying that the 'object of this bill is to give recognition in legislation to basic rights and freedoms' (Stanhope 2003b, 4246). The legislation was intended to bring human rights considerations to bear on law making and executive action by requiring that 'all ACT statutes and statutory instruments

must be interpreted and applied so far as possible in a way that is consistent with the human rights protected in the [Bill]', that government decision makers 'will have to incorporate consideration of human rights into their decision-making process', and that 'a statutory discretion must be exercised consistently with human rights unless legislation clearly authorises an administrative action regardless of the human right' (2003, 4247). Beyond affecting the mechanics of law-making and executive conduct, an aspiration for the Bill was that it would 'promote a dialogue about human rights within the parliament, between the parliament and the judiciary, and, most importantly, within the Canberra community' (2003, 4250). It was anticipated that the Bill would 'educate us and foster respect for the rights of others and greater understanding of our responsibilities towards each other', and would, by 'enshrining the values of inclusiveness and decency in our law ... [lay] a solid foundation for human rights protection in the ACT — at home, at work, at school and in our neighbourhoods' (2003, 4250).

Nor did the Victorian Attorney-General make promises of social change in his Second Reading Speech on the Charter of Human Rights and Responsibilities Bill (Hulls 2006). He said that the Victorian Charter would 'strengthen and support our democratic system', and would strengthen 'democratic institutions and the protections that currently exist for those human rights that have a strong measure of acceptance in the community — civil and political rights'. The Victorian Charter was intended to 'promote better government, by requiring government laws, policies and decisions to take into account civil and political rights ... [and to] make sure that there is proper debate about whether proposed measures strike the right balance between the rights of Victorians and what limits can be justified in a free and democratic society'. More broadly, the Victorian Charter was intended to be 'a powerful symbolic and educative tool for future generations and new arrivals in Victoria ... help[ing] us become a more tolerant society, one which respects diversity and the basic dignity of all' (Hulls 2006, 1289–90).

In light of these stated aims, the effectiveness of the HRA and the Victorian Charter ought to be assessed against criteria quite different from those against which Arthurs and Arnold (2005) assessed the Canadian Charter. The focus would be, for example, on changes in legislative and executive conduct, rather than on changes in people's socio-economic circumstances, and on the symbolic and educational effect of the legislation in the community as much as on its technical application.

Measuring the effectiveness of human rights legislation

Whatever the merits of Arthurs and Arnold's (2005) critique of the Canadian Charter, and however different their criteria for assessment might be from those that should

be used for the HRA and the Victorian Charter, Arthurs and Arnold make an important methodological point: it seems that no-one had actually tried to measure the effect of the human rights guarantees in the Canadian Charter on those whom they were intended to affect. Although the objectives of the human rights guarantees in Canada may be quite different from the objectives of the human rights guarantees in the ACT and Victoria, the same point can be made: who is assessing whether the intended effects are being achieved, and how? In the Canadian context, after 25 years of the Canadian Charter, Arthurs and Arnold (2005, 46) complained that:

The focus of scholarship, in other words, has been primarily on the status and well-being of Charter rights, not of the rights-holders themselves. Empirical measurement is mobilized to assess particular features of the litigation process rather than to evaluate its social consequences. [Arthurs and Arnold 2005, 46.]

In the Australian context, a complaint in 25 years might be that scholarship has focused primarily on the status and wellbeing of the legislated rights, not on the way the rights have been understood or used, or on the influence they have exerted. The complaint may also be that empirical measurement has been employed merely to monitor human rights references in law and policy, rather than to evaluate the effect of human rights on official conduct. Indeed, a focus on 'the status and well-being of rights' is apparent in the ACT's *Twelve-Month Review*, which reported on the number of occasions when the HRA was cited in court decisions and used as a test for legislative compliance (ACT Department of Justice and Community 2006).

Arthurs and Arnold (2005, 38) call on scholars to ask 'the questions we have raised ... to develop the tools to answer those questions, and, absent such tools ... to be less celebratory or condemnatory about *Charter* judgments, culture, and politics'. In a similar vein, Ian Urquhart (1997, 53) notes the absence of empirical research on the impact of the Canadian Charter, and especially on whether it has delivered on its promise to forge a stronger sense of Canadian citizenship. British scholars have made the same point about the need for empirical research on the impact of the *Human Rights Act 1998* (UK). For instance, Halliday and Schmidt (2004) observe that most legal scholarship on the UK *Human Rights Act* explores the doctrinal implications of human rights for domestic law. They point out that 'socio-legal work on human rights in the national context has failed to match the pace and enthusiasm of doctrinal work, particularly in terms of the empirical socio-legal evidence necessary to assess the claims made for human rights as legal practice' (Halliday and Schmidt 2004, 2). They therefore call for empirical study of the implementation of human rights, 'where that includes an interest in *institutional and individual behaviour deeper than legislatures and constitutional courts*' (Halliday and Schmidt 2004, 3, emphasis added).

These are the calls to which our research responds. We agree that any evaluation of Australian human rights laws needs to be informed by evidence, but we say that that evidence needs to go beyond measurable activity and outputs, and should try to assess the existence and strength of an underlying human rights sensibility among those for whom human rights laws are an available tool. This is an effort to give meaning to the purported, but hard-to-quantify, goals of 'foster[ing] respect for the rights of others and greater understanding of our responsibilities towards each other' (Stanhope 2003b, 4250), of 'enshrining the values of inclusiveness and decency' (Stanhope 2003b, 4250), and of 'help[ing] us become a more tolerant society, one which respects diversity and the basic dignity of all' (Hulls, 2006, 1290). Accordingly, our research is a pilot study that explores the feasibility of indicators that will yield a picture of knowledge of, use of and attitudes towards the HRA and the Victorian Charter among legal and social service professionals — in short, of their human rights sensibilities.

Indicators of what?

Developing human rights indicators or measures of human rights performance is a very large and complex task,² and the research described in this article concerns itself with only one aspect of the task. When assessing the extent to which human rights are realised, it is common to distinguish among structural, process and outcome indicators, as suggested by Paul Hunt, Special Rapporteur of the Commission on Human Rights (2003, [15]). Structural indicators 'address whether or not key structures, systems and mechanisms are in place in relation to a particular issue' (Hunt 2003, [19]). Thus, structural indicators assess a state's legal acceptance of human rights obligations by, for instance, ratifying international human rights treaties, enacting domestic Bills of Rights or passing anti-discrimination laws. Process indicators assess measures taken to realise human rights in practice, such as providing funding for human rights institutions; they monitor 'efforts' (Hunt 2003, [26]). Outcome indicators assess whether the intended effects have been brought about. They therefore measure the results achieved by rights-based policies (Hunt 2003, [28]). This approach is apparent in the 2012 guide to human rights indicators produced by the Office of the United Nations High Commissioner for Human Rights (2012, 16), where a human rights indicator is defined as 'specific information on the state or condition of an object, event, activity or outcome that can be related to human rights norms and standards'.³

2 See, for instance, Landman and Carvalho 2010. For a discussion of the inescapably political nature of indicators, see Merry 2011.

3 See also Candler et al 2011, 40–41.

Clearly, Arthurs and Arnold (2005), in their article about the Canadian Charter, are concerned with outcome indicators, and in particular with indicators of concrete improvements to people's lives. They focus on changes to people's real-life circumstances, especially the circumstances of those who are socially disadvantaged and marginalised. As we suggested above, even if it is appropriate to ask such questions of the Canadian Charter, it is not so for the HRA and the Victorian Charter. Those human rights laws have the more modest aim of achieving change in legislative and executive conduct, as well as a wider symbolic and educational effect. The former is eminently measurable, in that quantities of activity and outputs can be recorded and tracked over time. The latter is less tangible, but is our concern: changes in human rights sensibilities — that is, practices and attitudes that reflect the internalisation of human rights norms.

To illustrate briefly how readily activity and conduct are relied on as indicators, we note, for example, that the terms of reference for the four-year parliamentary review of the Victorian Charter were concerned with measurable activity rather than any underlying knowledge and attitudes: the development and drafting of statutory provisions; the consideration of statutory provisions by Parliament; the provision of services and performance of functions by public authorities; litigation and the roles and functioning of courts and tribunals; and the availability of accessible, just and timely remedies (Victorian Scrutiny of Acts and Regulations Committee 2011, v). Similarly, the *Twelve-Month Review* of the HRA focused on the effectiveness of the institutional dialogue and on the influence of the HRA on 'cases, executive acts and legislative acts' (ACT Department of Justice and Community Safety 2006, 11). A 2011 review of the Victorian Charter reported extensively on observable phenomena, such as who is using the Charter, how and in what circumstances, and the activities of courts, parliament and public services (Victorian Equal Opportunity and Human Rights Commission 2012). In contrast, relatively brief reference was made to the need for 'building greater community awareness' (Victorian Equal Opportunity and Human Rights Commission 2012).

Despite the focus on measuring conduct, some effort has been made to assess progress towards fostering a human rights culture. The *Twelve-Month Review* of the HRA, for example, assessed 'the development of a human rights culture within government agencies' by reference not to what people within the agencies knew and thought, but to what information had been disseminated and what training had been offered (ACT Department of Justice and Community Safety 2006, 35). Subsequently, more attention has been paid to the knowledge and attitudes of, for example, ACT public servants, but interviews that explored their human rights sensibilities — while they offer valuable insights at a point in time — did not establish any basis for measurement of changes over time (Australian National University 2008). Something closer to establishing

indicators for human rights sensibilities was attempted in 2009 on a very modest scale when, using a 'survey monkey' instrument,⁴ the ACT Human Rights Commission asked both ACT public servants and the ACT public to comment on their awareness of and attitudes to human rights (ACT Human Rights Commission 2009, appendices 4 and 5). Similarly, it has been proposed that a potential indicator of use of the Victorian Charter by local government officers is an assessment of the extent to which those officers "'think Charter" in their work as a matter of course, can point to key human rights strategies, policies and procedures and ... feel that they too are responsible for rights compliance, compatibility and culture' (Ramcharan et al 2009, 11).

It is a commonplace to note the existence of a potential gap between the 'rights in principle' that are afforded by laws and the enjoyment of 'rights in practice' (Landman 2002, 896). Our research concentrates on the internalisation of human rights norms that is necessary if this gap is to be bridged. It is hard to see how the passing of legislation can lead to the enjoyment of rights in practice without the emergence of a 'rights mindset' at all levels of society. As Andrew Hines observes, changes in social attitudes are 'arguably the most important long-term indication of the success of the human rights movement' (Hines 2005, 11),⁵ and it is precisely such changes in attitudes that our research was designed to explore.

Methodology

Aim and purpose

Our research aim was to collect data that would measure awareness, understanding and use of human rights legislation among a relevant cohort. Our purpose in doing so was to demonstrate that benchmarks can be set as a basis for evaluating the effectiveness of human rights legislation over time.

Funding and ethics

The research was funded by Macquarie University under an internal competitive grants program,⁶ and was supported in kind by the Macquarie Law School at Macquarie University and the ANU College of Law at the Australian National University. The research was approved under human research ethics protocols at both Macquarie University and the Australian National University.

4 See www.surveymonkey.com.

5 See also Falk 2000, 61.

6 Macquarie University Research Development Grant, Ref: HE26SEP2008-R06062.

Research scope

The largest cohort among whom human rights awareness could be measured is the population at large. That exercise was well beyond what we were able to do, and may be too large an exercise for any research unless done by comprehensive sampling. On the other hand, many of the more manageably sized cohorts are also people whose knowledge and use of human rights legislation will play an important role in its effective implementation. They are defined groups, readily accessible through their associations.

Two such groups are social service providers and legal practitioners, both of whom have the opportunity to bring human rights considerations into their professional work.⁷ We chose to survey these groups in particular for two main reasons. First, other researchers have focused on the attitudes and practices of governmental actors. For instance, there are several reports on the influence of the HRA and the Victorian Charter on case law, the development of government policy and legislation, and the work of parliamentary committees.⁸ In contrast, there is relatively little information about the experience of non-governmental actors with the HRA and the Victorian Charter. One main source of information about the experience of lawyers with the Victorian Charter is the Law Institute of Victoria's 2011 *Charter Impact Project Report*, which aimed to assess Victorian legal practitioners' knowledge of the Victorian Charter and to identify how the Charter is being used (Law Institute of Victoria 2011b). Our survey of practising lawyers in the ACT and social service providers in the ACT and Victoria complements the Law Institute's research. We did not survey practising lawyers in Victoria because the Law Institute of Victoria was doing so; we do, however, refer to the findings of the Charter Impact Project where relevant.

Our second reason for focusing on lawyers and social service providers is the fact that the effectiveness of human rights laws appears to be partly dependent on the extent to which non-government organisations and lawyers understand and are committed to human rights norms. In a comparative study of the United States, India, Canada and the United Kingdom, Charles Epp investigated the conditions for what he calls 'rights-revolutions', where a rights-revolution is 'a sustained, developmental process that produced or expanded the new civil rights and liberties' (Epp 1998, 7). He concluded that the success of such revolutions is tied to constitutional guarantees, a receptive judiciary, rights consciousness, and a support structure for legal

7 The same two groups have previously been surveyed for their use of and opinions on human rights: Rice and Calnan 2007.

8 See, for example, McKinnon 2005; 2006; Australian National University 2008; ACT Human Rights Act Research Project 2009; Victorian Equal Opportunity and Human Rights Commission (various dates); Law Institute of Victoria (2011a).

mobilisation, central to which are advocacy organisations, funding for litigation, and legal professionals committed to human rights (Epp 1998).

Epp's view about the importance of rights advocacy groups to the effectiveness of a Bill of Rights is confirmed by the findings of Richard Maiman in a case study of Liberty, a UK rights organisation. Maiman concludes from his study of Liberty's efforts as a human rights litigator that 'the relationship between interest groups and Bills of Rights is mutually constitutive' (Maiman 2004, 109), and that the significance of the UK *Human Rights Act* will consequently be heavily influenced by the extent to which interest groups exploit its potential.

Conversely, other research, done by Ruth Costigan and Philip Thomas in the United Kingdom, showed that generalist solicitors working in a socially deprived community in Wales had only patchy knowledge of the UK human rights legislation and minimal awareness of its possible relevance to their work (Costigan and Thomas 2005). Costigan and Thomas (2005) do not mean to criticise the solicitors, since the reasons for their lack of knowledge and interest are perfectly understandable. It is, nevertheless, obvious that the aims of human rights legislation cannot be fully realised if those who provide legal services lack familiarity with the issues and are unable to bring them before the courts; in that vein, remarks have been made in the ACT about 'the lack of understanding by the legal profession of the provisions of the HRA, and their potential application' (Australian National University 2008). If true, this would be a significant obstacle to realising the aims of the legislation.

For all these reasons, we elected to investigate the human rights sensibilities of lawyers and social service providers. Of the nine jurisdictions in Australia, only two — the ACT and Victoria — have enacted human rights legislation, so our survey cohorts were limited accordingly.

Surveys

Between June and September 2009, we surveyed practising lawyers in the ACT, and social service providers in the ACT and Victoria, to collect data on attitudes and behaviour.

We used an online questionnaire,⁹ which was available at a dedicated web address.¹⁰

9 We are grateful to Dr Mehmet Mahmut, Postdoctoral Research Fellow in the Department of Psychology at Macquarie University, for designing and advising on the survey instrument.

10 We are grateful to staff of the IT Unit in the ANU College of Law at the Australian National University, and in particular Andrew Vella, for hosting the survey instruments and managing the collection and storage of data from the survey responses.

Before being released, the survey was piloted with a small cohort of volunteers who reported on ambiguities and completion time.¹¹

We enjoyed the support of the ACT Law Society, the ACT Council of Social Service, and the Victorian Council of Social Service, each of which promoted the survey to its membership through its email lists, newsletters and websites. The Law Institute of Victoria took a similar approach with its Charter Impact survey, inviting its members to complete an online survey.

The survey was completed voluntarily and submitted anonymously. Participants were not paid and were not offered any incentive to complete the survey. The survey was designed so that no cross-referencing between anonymous surveys was possible, no personal information was collected, and the survey responses could not be linked back to a respondent.

Response rate

Because the aim of the pilot survey was to explore the feasibility of setting benchmarks, it was not necessary for us to establish comprehensive or even representative coverage of the cohort. A sufficiently large number in each cohort responded to enable us to say confidently that a survey such as this is a viable instrument for collecting data to establish benchmarks (ACT legal practitioner respondents, $n = 37$; ACT service provider respondents, $n = 61$; Victorian service provider respondents, $n = 34$). As we report above, no incentive was offered to encourage participation; we note that the Law Institute of Victoria's Charter Impact Project did offer incentives to encourage participation, and had 414 respondents (Law Institute of Victoria 2011b).

Respondents' profile

As we noted above, the aim of the pilot survey was not to establish comprehensive or even representative coverage of the cohort. We report here the profile of the respondents to illustrate the type of data that would underpin a larger survey and would enable useful inferences to be drawn about human rights sensibilities among a cohort. When reporting on responses, we have rounded percentages to the nearest whole number.

11 We are grateful to members of Australian Lawyers for Human Rights who responded to a call to test the survey for us, and to Brooke McKail of the ACT Council of Social Service, who commented on a draft of the survey.

Profile of respondents: ACT lawyers

We sought information on the different professional profiles of the respondents (experience, employment type, and current and career areas of practice). The sample cohort's responses, reported on in detail below, suggest that there are clear differences in some of the responses according to the different professional profiles. If conducted on a larger scale, the survey is likely to illustrate differences in awareness and use of, and support for, the HRA according to factors such as experience, employment type, and areas of practice.

Lawyers' experience

Respondents were asked the year in which they were admitted to practice, and the number of years they had spent in practice. There was an almost exact concurrence between the two, indicating that the respondents had been in continuous practice since admission.

The respondents were grouped according to the number of years they had spent in practice (that is, years post-admission) at the time of completing the survey: 0–3 years (57% of respondents), 4–9 years (21.5%) or 10 or more years (21.5%). We note that for the Law Institute of Victoria's *Charter Impact Project Report*, almost 30% of respondents had over 20 years of experience (Law Institute of Victoria 2011b).

Lawyers' type of employment

Respondents were asked to identify their type of employment at the time of completing the survey. They were principally a private practice employee (43.25%) or a government or government agency employee (43.25%); these figures include respondents who identified as 'other': legal aid and Australian Public Service employees were classified as working in 'government or a government agency', and sole practitioners and barristers were classified as working in 'private practice'. Further employment types among respondents were in-house counsel, community legal centre employees and law firm partners, but they were in such small numbers that we have not reported on them as an employment type.

Lawyers' current area of practice

Respondents were asked to identify their primary areas of current legal practice at the time of completing the survey. They were offered nine practice areas, and were able to select up to three, which almost all did.

Because some areas were selected in numbers too small to be viable for reporting, we combined them with overlapping areas to arrive at three consolidated areas of practice, with one-third of respondents in each: government legal practice (government advice and representation); commercial law (commercial advice and transactions, including property, commercial litigation, and international trade law, maritime security law and insurance litigation); and personal law (personal advice and transactions, including property and estates, personal remedies litigation, including administrative law, family law, criminal defence, domestic violence, personal protection orders, human rights, humanitarian law, residential tenancy, disability discrimination, veterans, mental health and legal aid). Further areas of legal practice among respondents were criminal prosecution, law reform, legal training and legal writing, but they were in such small numbers that we have not reported on them as an area of practice.

In commenting generally on the HRA and the survey, one respondent said 'My engagement with the HRA is generally a result of pro bono activities'. Another said 'For clarity, I practise in corporate/commercial law but also attend to various pro bono matters so I refer to human rights issues in that context'. A similar survey in future could usefully distinguish between work done in the ordinary course of business and work done as a pro bono activity.

Lawyers' career area of practice

Respondents were asked to identify the areas where, in all their years of legal practice, they had spent the most time. They were offered the same categories as for 'current area of practice' above, and we resolved the responses in the same way, identifying three consolidated career areas of practice.

Only four individuals listed a completely different area or set of areas of work from their current areas of work, which may reflect the fact that the majority of respondents were 'early career', being 0–3 years post-admission as we report above, and therefore unlikely to have yet undertaken any major career change. This suggests that there would be little difference between an analysis of the survey responses by reference to current areas of practice, and an analysis of the survey responses by reference to career areas of practice. We found this to be so: across the survey data, there was a negligible difference in responses on these criteria.

Profile of respondents: ACT and Victoria social service providers

We sought information on the different professional profiles of the respondents (qualification, years of experience, type of service, and current and career areas of

Table 1: Social service providers' qualifications

Tertiary qualification	ACT %	Victoria %
Degree in social science or social work	21	24
Degree in arts, education or psychology	10	39
Degree in science, health or applied psychology	15	3
Degree in law	7	—
Certificate or Diploma in welfare, counselling, etc	8	14
Other, including business and commerce	3	11
None or blank	36	9
Total	100	100

work). The sample cohort's responses, reported on in detail below, suggest that there are clear differences in some of the responses according to the different professional profiles.

We have not given an exhaustive account of the data. It would be possible, for example, to correlate responses exhaustively according to variables such as tertiary qualification or years in practice; we have done so only to a limited extent, for illustrative purposes. If conducted on a larger scale, the survey is likely to illustrate differences in awareness and use of, and support for, the HRA or Victorian Charter as the case may be, according to such factors.

Social service providers' qualifications

Respondents were asked their undergraduate degree, if any (table 1). They held over 50 different types of tertiary qualifications, which, for ease of reporting, we have collected into six groups. Five respondents reported they have no undergraduate degree and 20 left the response field blank. It is possible that some of these 25 respondents held a certificate or diploma but, because of the narrow wording of the question, did not say so.

Social service providers' experience

Respondents were asked the number of full years they had worked in social services at the time of the survey: 0–3 years, 4–9 years, 10–19 years or 20 or more years (table 2). Because there were insufficient data in the 0–3 and 4–9 years brackets for Victorian social service providers (five and two respectively), we combined them into

Table 2: Social service providers' experience

Years in practice	ACT %	Victoria %
0–9	61	21
10–19	30	41
20+	9	38
Total	100	100

Table 3: Social service providers' area of work

Area of work	ACT %	Victoria%
Disability, supported accommodation, home and community care	15	68
Alcohol, drug, health, mental health and counselling services	29	9
Housing	15	3
Policy	15	3
Other*	26	17
Total	100	100

* Including advocacy; information and referral; multicultural work; sexual assault and domestic violence; and child welfare.

a 0–9 years bracket to establish a viably sized group (seven) for reporting. This data shortage was not the case for ACT social service providers, but we have combined them in the same way so that the two cohorts can be compared.

Social service providers' area of work

Respondents were asked to identify the description that best fitted the services their employer provides (table 3). As well as 'other', they were offered 22 categories, identified in consultation with the Victorian Council of Social Service: alcohol and other drug services; child care; child welfare; disability services; employment/training services; family relationship services; financial and material support; health services (not mental health); home and community care; housing and homelessness services; individual advocacy; individual and family relationship counselling; information, advice and referral services; legal services; mental health services; multicultural and CALD (culturally and linguistically diverse) support services; policy/systemic advocacy; residential aged care; sexual assault/domestic violence services; sector development/capacity building; supported accommodation; and youth services.

Table 4: Social service providers' current role

Current employment role	ACT %	Victoria %
Administration	33	71
Policy and advocacy; service provision	52	23
Other	15	6
Total	100	100

To establish viably sized groups of reporting, we combined the respondents into five groups.

Social service providers' current employment role

Respondents were asked to identify the one area of activity on which they spend the most time in a normal week's work in their current employment (table 4). They were offered five categories: clerical/administration, policy and advocacy, service provision, management, and 'other'.

In total, 92% of respondents were in either policy and advocacy or administration. Disappointingly, there were no managerial respondents and simply too few service providers to analyse independently. The three ACT and four Victorian service providers were therefore grouped with policy and advocacy respondents for analysis purposes both here and, as their responses were the same, in the analysis areas in which respondents were most employed over the years.

We added some of the 'other' responses to the specified areas as follows: 'research' 'advocacy' and 'sector development' were added to policy and advocacy, and 'client support etc' was added to service provision.

Social service providers' career role

Respondents were asked to identify the one area of activity where, in all their years of social service practice, they have spent the most time (table 5). They were offered the same five categories as for 'current employment role' above.

Apart from the seven social services providers, there was much migration between the different work areas in these cohorts. In particular, a significant number of respondents who now spend most of their week's work in administration reported that they had worked principally in policy and advocacy over the years (55% in the ACT, 29% in Victoria). Just one respondent reported having spent most of their

Table 5: Social service providers' career role

Career role		Victoria %
Administration	13	47
Policy and advocacy; service provision	75	47
Other	12	6
Total	100	100

time in managerial work; necessarily for reporting, this respondent was grouped with 'other'.

We added some of the 'other' responses to the prescribed areas as follows: 'service provision, policy and management', 'research' and 'advocacy' were added to policy and advocacy, and 'employment consultant', 'direct client support' and 'program coordination' were added to service provision.

Indicators of human rights sensibilities

In this section of the article, we outline the ways in which the survey sought to measure attitudes towards, and knowledge and use of, human rights legislation. The data we gathered was extensive and is not reported in detail; a full data report is available from the authors on request.

We highlight ways in which the survey responses provide useful benchmarks for measuring human rights sensibilities and tracking changes in those sensibilities over time. To begin, we assess attitudes towards the HRA/Charter to gauge the level of support for human rights legislation. Next, we measure knowledge and use of human rights legislation to generate indicators of the extent and stage of respondents' human rights internalisation. We then use these indicators to assess differing levels of human rights internalisation between lawyers and social service providers, before measuring the spread of human rights internalisation according to experience and area of specialisation. Finally, we look at the difference in indicators between the two jurisdictions that introduced human rights legislation at different times, to assess temporal and local aspects of human rights internalisation.

Assessing attitudes towards human rights legislation

Overall, the respondents had positive attitudes towards the HRA/Charter. This suggests that the respondents had a high level of support for human rights legislation.

We measured respondents' attitudes towards the HRA/Charter in a number of ways: asking whether they thought that the legislation strikes the right balance between individual and societal interests, asking whether the HRA/Charter gives too much power to the courts at the expense of parliament's power, and asking whether the legislation should be expanded to cover a wider range of rights.

On whether the legislation strikes the right balance between individual and societal interests, the data show strong support for the proposition that the HRA/Charter strikes the right balance. Most ACT lawyers (62%) agreed or strongly agreed with this proposition for the HRA (11% disagreed or strongly disagreed), and 73% of social services providers agreed or strongly agreed (6% disagreed or strongly disagreed). Future surveys could explore the reasons behind these responses.

On whether the HRA/Charter gives too much power to the courts at the expense of parliament's power, overall the proposition was strongly rejected, which suggests a positive attitude towards human rights legislation among both lawyers and social service providers. Of ACT lawyers, 73% disagreed or strongly disagreed that the HRA gives too much power to the courts, and only 8% agreed or strongly agreed. Most social service providers (52%) disagreed or strongly disagreed with the proposition, although a high proportion (38%) was unsure. This relatively high level of uncertainty may be due to some social service providers having limited engagement with the court system.

On whether the legislation should be expanded to cover a wider range of rights, the data indicate that members of both groups thought that the reach of human rights legislation should be extended, suggesting acceptance of and support for human rights norms. Most ACT lawyers (59%) agreed that the HRA should be extended to include economic, social and cultural rights; only 16% disagreed or strongly disagreed.¹² A large majority of social service providers (70%) agreed that the HRA/Charter should be extended to include economic, cultural and social rights; only 13% disagreed or strongly disagreed.

Knowledge and use of human rights legislation

While the respondents had a high level of support for human rights legislation, their knowledge and use of human rights law remained low. Nevertheless, many were seeking to further their knowledge of human rights law and expected to make greater use of human rights in the future, suggesting that human rights internalisation in

12 The HRA has subsequently been amended to include the right to education (s 27A): *Human Rights Amendment Act 2012* (ACT).

the ACT and Victoria may have been — at the time of the survey — at an embryonic stage. This is to be expected, given that the HRA and Charter had been in effect for only five and three years respectively. If the same study were to be conducted again, the progress of human rights internalisation could be tracked by assessing whether the respondents' support for human rights legislation remained high, and whether their knowledge and use of the legislation had increased.

We outline below how the survey measured the respondents' knowledge and use of the HRA and Charter, and highlight why these are useful benchmarks for measuring human rights sensibilities. We then describe how the survey measured the respondents' intentions to further their knowledge of human rights law and anticipated future use of human rights legislation. We discuss why these two indicators can provide a more nuanced picture of the extent and stage of human rights internalisation. Finally, we outline how the survey measured whether human rights awareness is more developed in relation to particular rights and, if so, whether this is consistent between professions.

Human rights knowledge and use

The pilot survey showed that knowledge of the HRA/Charter was quite low at the time. For example, while 54% of ACT lawyers stated that their knowledge of the *aims* of the HRA was good or excellent, 46% of ACT lawyers reported that they have no or minimal knowledge of its *provisions*, and over one-quarter of ACT lawyers have never sought information about developments in ACT laws regarding the HRA. Interestingly, 57% of respondents estimated the knowledge of their professional colleagues as minimal.

Only 34% of social service providers stated that their knowledge of the *aims* of the HRA/Charter was good or excellent, and 24% rated their knowledge of the *provisions* as good or excellent. Similarly to lawyers, 54% estimated that their professional colleagues had minimal knowledge. The responses were very similar as between social service providers in the ACT and Victoria.

The view of both lawyers and social service providers that their professional colleagues had lower knowledge about the aims and provisions of the HRA/Charter than they did may be a result of self-selection bias, in that those who responded to the survey might have had a greater interest in or use of human rights law. This suggests that to obtain the best indicators of human rights sensibilities, it is important to survey a diverse cross-section of lawyers and social service providers.

The data show that while knowledge of the HRA was low, its use was even lower: the HRA was seen as only occasionally relevant to legal work for ACT lawyers, and

over 40% had never advised on it. Almost half of ACT lawyers did not think they could have made more use of the HRA. Nearly two-thirds (65%) had rarely or had never given advice about matters arising under the HRA, and a large majority (73%) had never or rarely referred to the HRA in legal advice, argument or submissions. More than three-quarters (80%) of ACT lawyers had never relied on ss 30 and 31 of the HRA (the interpretation provisions) in legal advice, arguments or submissions, and only one ACT lawyer surveyed had made an application under s 32 of the Act (declaration of incompatibility).

Among social service providers, most (58%) had never or had rarely sought information on the effect of the HRA/Charter on their work, with similar responses as between social service providers in the ACT and Victoria. Very few social service providers (17%, but proportionately more in Victoria than in the ACT) regularly took action as a result, to some extent, of the HRA/Charter, and 39% of social service providers had never taken such action. Almost half (49%) of social service providers had never or had rarely referred to the HRA/Charter in representations or submissions, and only 17% had done so frequently or regularly, with similar rates as between the ACT and Victoria.

The above data indicates why knowledge and use of human rights legislation are essential indicators of the development of human rights sensibilities. Although the respondents strongly supported the HRA/Charter, their knowledge and use of the legislation remained low, suggesting that human rights internalisation in the ACT and Victoria was, at the time of the survey, at an early stage. Periodic surveys could track changes to knowledge and use of human rights legislation over time.

Seeking information about human rights, and anticipating future use of human rights legislation

Although knowledge and use of the HRA/Charter was relatively low at the time of the survey, as reported above, most lawyers and social services providers responded that they had sought texts, materials, training or further education on human rights law or were likely to do so in the future. For example, the data show that over half of ACT lawyers (52%) had sought out texts and materials on human rights law, and two-thirds of the remainder were likely to do so in the future. Similarly, over half of ACT lawyers (54%) had undergone further training or education in human rights law, and almost all of the remainder intended to do so in the future.

Over half of social service providers (53%, at a higher rate in the ACT than in Victoria) had sought out texts and materials on human rights law. Of those who had not, 36% said that they were likely to do so in the future, and only 12% thought they

were unlikely to do so. Some social service providers (39%) had undertaken further training or education in human rights law, 43% intended to do so in the future, and 20% thought they were unlikely to do so.

A further indicator of the development of human rights sensibilities is respondents' assessments as to whether they expected to make more use of human rights legislation in the future. While lawyers' current use of human rights legislation is low, many lawyers (43%) reported that they expect to make more use of the HRA in the future.

These responses indicate why intention to seek further knowledge about human rights law and anticipated future use of human rights legislation are benchmarks that can provide a more nuanced indication of human rights internalisation. While knowledge and use of the HRA/Charter were low, many respondents intended to further their knowledge of human rights law, and anticipated that they would use it more in the future. Periodic surveys would demonstrate the impact, if any, of information, education and training on attitudes towards and knowledge and use of human rights legislation.

Human rights that are used

We asked which rights in the HRA/Charter had been the subject of advice, argument, submissions, applications or representations. Responses to such a question can indicate whether human rights awareness is more developed in relation to particular rights and, if so, whether this is consistent between professions.

The data suggest some similarities in the use of particular human rights by lawyers and social service providers. For example, the right to privacy and reputation scored highly for both lawyers and social service providers, while the right to life scored low for both. There were, however, also some differences — some of which can be explained easily. For example, the right to a fair trial was mentioned more frequently by lawyers than by social service providers, which is unsurprising given that lawyers are more likely to be assisting clients in court-related matters. However, some variations may warrant further investigation. For example, minority rights were ranked much higher by social service providers than lawyers; further research could investigate why lawyers refer to these rights less often than do social service providers.

Differing levels of human rights sensibilities between professions

The degree of human rights internalisation — measured by assessing attitudes towards and knowledge and use of human rights — can indicate differences between

professions. Although limited in the pilot study, the data suggest that there may be important differences between the human rights sensibilities of lawyers and social service providers.

To give just a few examples, more legal practitioners reported no or minimal knowledge of the provisions of their human rights law than did social service providers. Furthermore, while a very small number of ACT legal practitioners reported that the HRA was frequently or regularly relevant to their work, just over half of the social service providers saw their local human rights law as frequently or regularly relevant. In addition, more social service providers than legal practitioners thought that the legislation strikes the right balance between individual and societal interests. These data suggest that the social service providers we surveyed have a more developed human rights sensibility than do the legal practitioners. A deeper inquiry into whether such differences are due to, for example, differences in training and professional development could be undertaken in a comprehensive survey.

Experience and area of specialisation as indicators of human rights internalisation within professions

The pilot survey asked respondents to report their level of experience and specialisation. Data of this kind can provide indicators of the spread of human rights internalisation within professional groups.

The responses from the ACT lawyers indicated that the more experienced lawyers had the highest knowledge and use of the HRA; were more likely than less experienced lawyers to have sought out information, texts, materials, training or further education; were more likely to have found the HRA relevant to their work; and were more likely to expect to use the HRA more in the future. These data suggest an anomaly. While it may be expected that experienced practitioners are more likely to rate their knowledge and use of the HRA as higher than those of less experienced practitioners, it is also the experienced practitioners who were more likely to have sought out information about human rights developments, to have undertaken further training, and to expect to use the HRA more in the future. This suggests that increased experience is correlated with more developed human rights sensibilities. This is surprising, in light of the increased focus on human rights law at most Australian law schools, and the growing body of students interested in pursuing a career in human rights law (Robertson 2003). Carrying out this survey periodically would assist in understanding whether human rights internalisation develops with experience, or whether different generations of lawyers are more or less likely to develop strong human rights sensibilities as a result of, for example, differences in training or law school curriculum.

Some patterns involving different practice areas emerged from the data about ACT lawyers' use and knowledge of human rights legislation. As might be expected, commercial lawyers were the least likely to use the HRA or to see it as relevant to their work. They also rated their knowledge of the aims and provisions of the HRA as slightly lower than did those working in other areas, including those working in personal law and government lawyers. Lawyers in personal law also scored higher in respect of other matters, such as seeking information and further materials and expecting to use the HRA more in the future. Repeating such a survey periodically would be a good way to track the spread of human rights internalisation within different sectors of the profession.

By contrast, for social service providers, area of practice rather than years of experience was a more relevant indicator of human rights sensibilities. The pilot survey indicated that social service providers working in public policy were much more likely than those working in housing, disability services, health and advocacy to have superior knowledge of the HRA/Charter, to use it more often, to see it as relevant to their work, and to expect to make more use of it in the future. A surprising finding is that those working in advocacy were the least likely to have used the HRA/Charter in representations or submissions. Follow-up studies could explore the reasons for this.

One of the few areas in which years of experience was a factor for social service providers was seeking out further information, texts, materials, training and education on human rights legislation. The less experienced practitioners were much less likely to have sought out such training, and were less likely to have the intention of doing so. More experienced practitioners were also more likely to report that they could have used the HRA/Charter more than they have done. If this survey were to be repeated periodically, it would be possible to assess whether human rights sensibilities among social service providers develop with experience or are related to generational differences in education or training.

Measuring human rights sensibilities across jurisdictions

At the time the survey was conducted, the HRA had been in force for five years and the Charter for only three years. Surveying professions across jurisdictions with human rights legislation introduced at different times can elicit information about local and temporal aspects of human rights internalisation. For example, proportionately more respondents in the ACT had sought texts, materials and training or further education on human rights law (59%) than had respondents in Victoria (41%). This suggests that there may be a delay between the introduction of human rights legislation and the point at which professionals seek information and training to assist them in using the legislation in their work.

Interestingly, there were varying levels of optimism about their expected future use of human rights legislation reported by ACT and Victorian respondents. Respondents from Victoria seemed more optimistic about the future use of human rights legislation, while the only respondents to think they would make less use in the future were from the ACT. Further, significantly more respondents from Victoria than from the ACT strongly agreed that the HRA/Charter should extend to include economic, social and cultural rights (61% compared to 13%). These contrasting levels of optimism may suggest that there is an initial surge of support when human rights legislation is introduced, but this support can wane if it appears to be having little impact. Periodic surveys would be able to measure changes to these levels of optimism over time.

In addition, surveying two jurisdictions can provide indications of local aspects of human rights sensibilities and internalisation. Although the HRA and the Charter contain comparable provisions, many more social service providers in Victoria than in the ACT had acted as a result, at least to some extent, of the HRA/Charter: 24% of social service providers in Victoria had done so frequently or regularly, compared to 13% of social service providers in the ACT. Furthermore, the Law Institute of Victoria's Charter Impact Project indicated that 59% of lawyers reported that the interpretation provision in the Charter is relevant to their work, whereas our survey found that 80% of ACT lawyers had never relied on the interpretation provisions in the HRA in legal advice, arguments or submissions.

One of the many possible inferences that could be drawn from the above data is that the implementation of the Victorian Charter has been more successful in achieving a human rights sensibility than has the implementation of the HRA, not merely by promoting knowledge of human rights law, but also by embedding a consciousness of it and its relevance to law, policy and practice. A close examination of the respective implementation strategies may support this inference. The Victorian Charter and its implementation can be distinguished from the HRA by, for example, a more extensive periodic review mechanism.¹³ Furthermore, the Victorian Equal Opportunity and Human Rights Commission has considerably more extensive advisory, educative, review and reporting functions than the ACT Human Rights Commission.¹⁴ As well, while the HRA was accompanied by an annual allocation of \$250,000 to fund additional capacity at the Human Rights Commission (ACT Human Rights Office

13 Compare ss 44 and 45 of the *Charter of Human Rights and Responsibilities Act 2006* (Vic) with ss 43 and 44 of the *Human Rights Act 2004* (ACT) as originally enacted: No 5 of 2004. We are grateful to the ACT Human Rights Commission for drawing this and other information to our attention; comments we make are our own and cannot be attributed to the Commission.

14 Compare s 41 of the *Charter of Human Rights and Responsibilities Act 2006* (Vic) with s 41 of the *Human Rights Act 2004* (ACT) and s 27 of the *Human Rights Commission Act 2005* (ACT).

2005, 3), the Victorian State Budget 'allocated \$6.5 million [over four years] to fund a range of measures to ensure compliance with the new Charter' (Cauchi 2008, 2.1), which led to a widespread implementation program supported by a Human Rights Unit in the Victorian Department of Justice and, for example, training for the public sector,¹⁵ social service providers¹⁶ and local government.¹⁷ A related explanation could be that the relevant professional body (for example, in Victoria, the Law Institute of Victoria) has been more proactive about alerting its members to the legislation and providing the necessary information and training.

Conclusion

We began this article by saying that the stimulus to our research was a claim by Arthurs and Arnold that it is difficult to tell whether the Canadian Charter has had the effects that its proponents promised, since there is little empirical research directed to answering this question. Our hope was to make a contribution to forestalling a similar criticism in the Australian context by providing an instrument for assessing whether the HRA and the Victorian Charter have achieved one of their most important, albeit relatively intangible, aims — that of fostering a human rights culture.

With this in mind, we created an instrument designed to test the extent to which lawyers and social service providers in the ACT and Victoria have internalised human rights norms, as evidenced by their knowledge of, use of, and attitudes towards human rights legislation. As we said at the outset, our aim was not to present definitive data about the members of these groups. Instead, we wanted to show that simple but useful indicators of knowledge, use and attitudes can be developed.

Our research indicates that degrees of internalisation of human rights norms can be measured and that richer and more meaningful data could be generated by a more comprehensive survey that would ask the same questions of a significantly larger cohort. Our measures included the degree to which a cohort agrees with the individual–collective and political–legal balance struck by human rights legislation and the degree to which a cohort believes that the coverage of human rights legislation should be extended. Some other measures we used were the degree to which a cohort is knowledgeable about the aims and provisions of the legislation,

15 See, for example, Victorian Equal Opportunity and Human Rights Commission 2010, 22.

16 See, for example, Bray and Cauchi 2008.

17 See, for example, Victorian Local Government Association and Australian Centre for Human Rights Education 2010; Victorian Equal Opportunity and Human Rights Commission 2010.

uses the legislation and sees it as relevant to their work, and seeks or intends to seek human rights information. Changes can be tracked by periodically revisiting these measures, thus providing the basis for an informed assessment of the long-term success of human rights legislation. We therefore conclude that surveys such as ours offer a way to evaluate over time the extent to which legislated rights have been internalised as community values. ●

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