



Talking about human rights in Australia

Messaging guide for promoting an
Australian Charter of Human Rights and Freedoms

Thank you

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Human Rights Law Centre

The Human Rights Law Centre uses strategic legal action, policy solutions and advocacy to support people and communities to eliminate inequality and injustice and build a fairer, more compassionate Australia.

We are an independent and not-for-profit organisation and donations are tax deductible.

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About this guide

Kick-starting the conversation

The Human Rights Law Centre is committed to building public and political support for the creation of an Australian Charter of Human Rights and Freedoms.

We are working with a wide range of community and not-for-profit organisations and finding ways to encourage and facilitate thousands of people right across Australia to get involved, have their say, and help put a Charter of Human Rights on the national agenda.

This messaging guide seeks to help people and organisations who are advocating for a Charter to craft their public messages in a way that will energise supporters and convince neutral audiences about the many benefits a Charter will provide to the whole community.

The messaging guide draws on research conducted in 2019 – both reflective analysis of past advocacy efforts and detailed market research using focus group discussions and online surveys and testing.

The guide is not static – the messages will evolve over time as the context in which they are used and our strategies develop. We will publish updated versions of this guide in coming years.

Thanks to everyone who helped make this research possible, especially the three funders and Lee Carnie – a senior lawyer at the Human Rights Law Centre when the research was conducted, John Armitage at QDOS Research and Tim Chapman at Bluestone Research.

And of course a big thanks to everyone helping to build the campaign and spreading the word about why we need to create an Australian Charter of Human Rights and Freedoms. Together we can make it happen.

Please remember, this is a guide – not a rule book – and all efforts to raise the profile of the issue will be greatly appreciated. Feel free to get in touch if you have any questions, feedback or ideas.

Tom Clarke
Director of Campaigns
Human Rights Law Centre

Our lives are better when we all treat each other with respect and fairness. An Australian Charter of Human Rights will ensure the decisions and actions of our governments are guided by the values of freedom, equality and dignity. Together we can make it a reality.

Summary

A Charter will benefit the whole community

The take home message from our research is that in our public communications, we need to highlight the benefits an Australian Charter of Human Rights and Freedoms will deliver to the whole community.

So instead of overly focusing on the individual human rights problems a Charter will help fix, we want to tell stories about what people's lives look like when their rights and freedoms are respected.

We want to talk less about protecting or *safeguarding* our rights, and more about the **benefits** of unifying our community and enjoying our **freedoms**.

The conversation needs to be less about legal mechanisms and more about the type of community we want to live in – one that values fairness, respect, freedom and equality.

Where possible, these conversations should take place in forums and formats that involve community participation, because the process of listening and ensuring everyday people have a say is part of the story of why and how we want to create an Australian Charter of Human Rights and Freedoms.



Cheat Sheet

Key messages at a glance

Headline messages:

- Creating an Australian Charter of Human Rights & Freedoms will benefit the whole community.
- A Charter will help prevent human rights violations, provide a powerful tool to challenge injustice, and foster understanding and respect for human rights.
- An Australian Charter of Human Rights will ensure the decisions and actions of our governments are guided by the values of freedom, equality and dignity.
- A Charter will mean if someone's rights are violated they can take action to get justice.



Narrative:

No matter who we are or where we are, our lives are better when we all treat each other with fairness and respect and when we can enjoy our rights and freedoms.

We should all be able to see a doctor regardless of our bank balance and all children should get a quality education regardless of their postcode.

But powerful corporations and politicians don't always respect the rights of individual people or communities. We need to create an Australian Charter of Human Rights and Freedoms to help level the playing field.

A Charter will ensure the decisions and actions of our governments are guided by the values of freedom, equality, compassion and dignity.

It will help everyone from school children to new Australians understand the rights and freedoms that we all share and it will mean that if someone's rights are violated they can take action to get justice.

We're all in this together. Let's create a Charter of Human Rights & Freedoms to make life better for everyone.

Try to:

- Emphasise values like freedom, respect, fairness, compassion, dignity and equality.
- Provide examples of the benefits of human rights. (What do people's lives look like when their rights and freedoms are respected?) Preferably with a focus on healthcare.
- Be firm that everyone needs to be able to take action if their rights are violated.
- Explain that a Charter will put people and communities on a more 'equal footing' with governments and corporations.
- Highlight that a Charter will bring the community together, reflect our values and help articulate the type of society we want to live in.
- Talk about the importance of navigating our differences with respect and suggest the need at times for independent umpires.
- Specifically call for the creation of an Australian Charter of Human Rights & Freedoms.

The lay of the land

We're starting with a blank canvas



Our research suggests that overall public sentiment is very supportive of human rights as a concept and people are likely to support actions that they believe will protect or strengthen human rights.

However, the research also suggests that human rights are viewed as something relevant to places overseas as they are mostly associated with basic services like water, food, shelter, medical care, and war and other conflicts.

The idea of an Australian Charter of Human Rights & Freedoms has very low visibility within the community with around 57% of people having not heard of it or having no opinion on the subject. Support for a Charter is modest (28%) but opposition is even lower (18%).

This 'blank canvas' presents a lot of opportunity because unlike many long-standing political debates, people aren't already entrenched in their positions and are likely to be open-minded about a Charter.

Supporters

Currently, the people likely to support a Charter are often going to have at least a diploma level of education, vote for either the Greens or Labor, consider themselves to be 'left-wing', keenly follow current affairs and politics, not be earning a great deal of money, and don't think human rights are currently well protected.

Persuadable

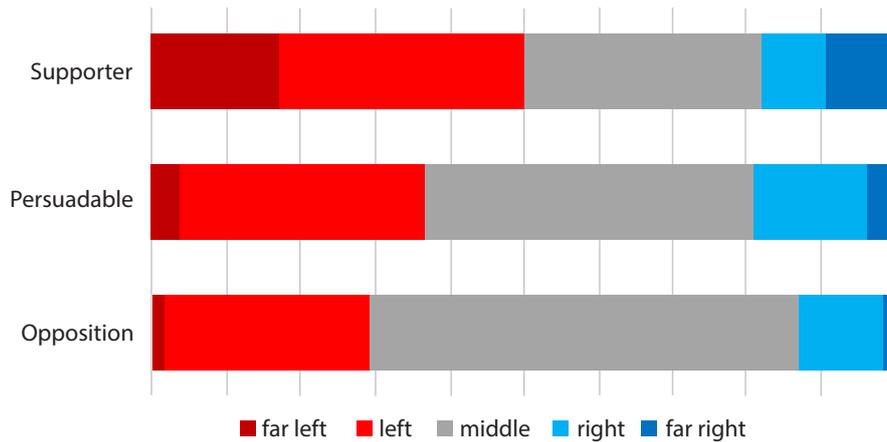
The people we have identified as currently being the 'persuadable middle' are likely to be somewhat interested in current affairs, identify as being part of the 'political centre' but generally preference the Liberal National Coalition.

Opponents

People who currently oppose a Charter are more likely to be male, to vote for the Liberal National Coalition but identify as being part of the political centre, and don't follow the details of current affairs or politics.



Interestingly our supporter base, whilst mainly made up of people identifying as 'left' or 'far left', also features the largest component of 'far right' identifying people. This is likely related to the higher level of mistrust of government generally to be found at both ends of the political spectrum and seeing a Charter as giving people more power or protection and limiting government power.



All of the groups consider that politicians are the most likely to breach our human rights. Opposition and supporters both think government agencies are the next most likely to breach human rights, but the persuadables think large corporations are more likely to.



Human rights people care most about

Health is the stand out

The research suggests that people's standout favourite human right is the right to health.

People who support a Charter care strongly about equality, free speech, the environment and health.

People who are persuadable about a Charter care about safety, free speech, health and equality.

People who oppose a Charter are most concerned about health, safety and privacy.

Concepts people are drawn to

Freedoms & benefits over rights & protections

The research suggests that the term/concept of 'freedoms' is more readily embraced by supporters and the persuadable middle than our 'rights' which is strongly preferred by the opposition.

Likewise the supporters and persuadable middle seem more eager for things that will provide 'benefits' for the whole community as opposed to things that will provide 'protection' which is preferred by the opposition.

Our support base gravitated to the concept of an 'independent umpire', whereas the opposition were drawn to the concept of giving people and communities more power.

(As the persuadable middle are supportive of both concepts, the advice is for us to try to adopt the umpire frame where possible for reasons explained below.)

Supporters and the persuadable middle accepted a description of 'the problem' when it centred on the unequal footing between powerful organisations like government and corporations and people and communities. I.e the idea of a power imbalance that needs to be corrected.

From the research, we are also very confident that people like the idea of a Charter being a document that could be taught to school children and new Australians to inform them of their rights and the type of values that we want to guide our society.

Another concept that performed very well was the notion that people should be able to take action if their rights are violated.

Themes that fall flat

Negativity isn't going to cut it, we need to celebrate the good that human rights deliver

Other than our supporters, people rarely view the government as a malign or potentially malign entity. Therefore, efforts to sell a policy solution that curtails government powers were not particularly effective.

Highlighting particular topics would usually just prompt a proxy debate about that issue rather than advance the concept of a Charter. So using a Charter to protect the rights of refugees for example, will only motivate people that already believe the rights of refugees need better protection.

Thematic examples will be advantageous to winning particular demographics over to our cause, but should only be utilised when a relevant audience can be reached. For example, the above would be a fine message when addressing a Rural Australians for Refugees conference or running social media advertising designed to reach people that support refugee organisations.

If you did need or want to use a specific thematic example for a wider audience, the recommendation would be to highlight the mistreatment of Aboriginal children in youth prisons as this was an example of an extreme human rights violation in Australia that was generally not contested.

The research very clearly suggested that blanket aspersions about politicians and governments don't merely fail to work for us, but actually work against us when trying to persuade the middle.

Explaining that Australia was the only democracy without a Charter of Rights or similar law had no real impact on changing anyone's mind. It is not harmful to our cause, but just seemingly not effective as there is no real emotive value in it. (However, we're comfortable including it in the mix of talking points or it if it helps gets attention.)

Referring to a "Bill of Rights" usually prompted people to think about the USA, which people generally don't associate with good systems of government. Commonwealth examples like New Zealand, Canada, the UK are safer examples. (We also felt that the term "Human Rights Act" wasn't clear to people as "Act" isn't a word most people are familiar with. So we decided to go with "Charter".)

Our messaging strategy

Disarm rather than confront

Taking this context into account, we have adopted a communications strategy that will transition over time.

Until the topic of creating an Australian Charter of Human Rights and Freedoms has a larger profile, our primary communications objective must be to energise, grow and mobilise our support base. If we can't do this, then our train won't even leave the station.

So the first task is to shore up our support and convert our supporters into advocates willing to spread the word and help increase the profile of the issue.

Although the primary objective is to appeal to the support base, we mustn't use messaging that will alienate the persuadable – instead we want to use messages that energise the supporters while also persuading the middle.

Over time as the profile of the issue increases – or the particular communications output is anticipated to reach a large mainstream audience – the focus of our messages will need to shift to appealing primarily to the persuadable middle, whilst still keeping the supporters engaged and active.

A key challenge for us is that the persuadable middle simply do not view human rights as being under particular threat in Australia. So rather than spend our energy trying to convince them that human rights are being constantly violated in Australia, our strategy will not involve challenging this prevailing view, but instead will highlight how a Charter would make things in Australia even better by bringing the community together and ensuring everyone is treated fairly.



The task at hand

Gentle reminders, tangible examples, visions of a united community

Our messages need to excite the base, persuade the middle and reveal the opposition for the outliers they are.

The steps our messages need to go through are:

- Remind people that they like human rights.
- Provide a tangible example of the benefits of human rights in a local Australian context (preferably using health as the focus).
- Explain how creating a Charter will provide freedoms and benefits for the whole community.
- Motivate our supporters enough to become advocates.

To do this, we want to:

- Evoke values that tap into concepts of self-direction (by using stories or words that evoke a sense of freedom, creativity, independence, choosing your own goals etc), **universalism (a world at peace, equality, wisdom, inner harmony** etc), and benevolence (helpful, friendship, responsible, forgiving, honest, motherly love etc).
- Paint a picture of life where the rights and freedoms that benefit all of us are protected in a Charter. Ideally using examples of health, as well as education, environment, and equality to provide context for the stories that paint that picture.
- Define the problem via stories about actions to create solutions. For example, rather than just focusing on those creating the problem, give ample space to illustrate how people are taking action to fix the problem or create solutions.

Where possible, our narratives and messages should be structured as follows:

- First, set the mood with our shared values and present a positive vision of how we want to treat each other.
- Second, describe the problem.
- Third, promote the solution and the action needed to achieve it.
- Conclude with a reminder of the values and vision.



Central narrative

The story we want underpinning all of our communications

So taking all that into account, our 'stump' speech currently looks like this:

No matter who we are or where we are, our lives are better when we all treat each other with fairness and respect and when we can enjoy our rights and freedoms.

We should all be able to see a doctor regardless of our bank balance and all children should get a quality education regardless of their postcode.

But powerful corporations and politicians don't always respect the rights of individual people or communities. We need to create an Australian Charter of Human Rights and Freedoms to help level the playing field.

A Charter of Human Rights will ensure the decisions and actions of our governments are guided by the values of freedom, equality, compassion and dignity.

It will help everyone from school children to new Australians understand the rights and freedoms that we all share and it will mean that if someone's rights are violated they can take action to get justice.

We're all in this together. Let's create a Charter of Human Rights to make life better for everyone.

Messengers

Choose spokespeople carefully & seek community input

Currently, most of the public advocates for a Charter are from the legal profession. This makes sense given a Charter is a legal tool and for the early phases of this campaign it is likely that our spokespeople will continue to be drawn from the legal sector given that is who is engaged with the topic. However, there is a real need to diversify our messengers.

No research has been completed on optimal messengers, but our choice of messengers will be crucial in framing the public discussion and providing short cuts to thematic focuses. For example, having patients and doctors talking about the right to health is likely to be more influential than a lawyer. Likewise, politicians will need to see this isn't just an abstract concept, but is an issue that will benefit and has the support of everyday people.

The research made clear that the process of creating a Charter would be very important. People's support for and trust of a Charter would depend on who was promoting it – with party allegiances being extremely relevant. Therefore all discussion of how a Charter would be created should highlight community input and processes that are neutral to party politics.

We think the ideal way to promote the idea of Charter is by inviting people to be part of conversations and events in which they get to explore ideas and share their views and desires about what a Charter should include, its scope and strength etc.



Tips

Do more of:

- Provide examples of the benefits of human rights. (What do people's lives look like when their rights and freedoms are respected?)
- Specifically call for the creation of an Australian Charter of Rights.
- Be firm that everyone needs to be able to take action if their rights are violated.
- Explain that a Charter will put people and communities on more 'equal footing' with governments and corporations.
- Highlight that a Charter will bring the community together, reflect our values and help articulate the type of society we want to live in.
- Talk about the importance of navigating our differences with respect and suggest the need at times for independent umpires.
- Encourage conversation about what rights and freedoms people would like to see in an Australian Charter to give a sense that this is something that the Australian community would have control and ownership of. (Don't be limited to existing frameworks.)
- Emphasise values like freedom, respect, fairness, compassion, dignity and equality.

Do less of:

- Being overly critical of government or presenting government as the problem.
- Make aspersions about politicians without specific examples.
- Talking about the details of legal mechanisms.
- Highlighting Australia's uniqueness in not having a Charter.
- Justifying the creation of a Charter because 'outside experts' like the UN say we should.
- Focusing too heavily on the problems that a Charter will fix.
- Referring to a Bill of Rights.

Try doing:

- Diversify spokespeople, so the people speaking on this topic reflect the diversity of our community.
- Actively show that you are listening to the community and interested in what rights and freedoms they would most want included in a Charter.
- Look for ways to talk about the Charter as being key to allowing 'the independent umpire' help us navigate our differences.



Social media posts

Suggestions for messages when sharing content



Charter of Rights @RightsCharter

An Australian Charter of Human Rights will benefit all of us - it will protect our rights & freedoms, reflect our values and help us navigate our differences respectfully. Together we can make it happen. Sign the petition today.



Charter of Rights @RightsCharter

A Charter of Human Rights will help everyone – from school children to new Australians – to understand the rights and freedoms that we all share. It will bring our community together.



Charter of Rights @RightsCharter

We're at our best when the values we all share – like fairness, respect and compassion – guide our decisions and actions. But powerful corporations and politicians don't always respect the rights of individual people or communities. We need to create an Australian Charter of Human Rights and Freedoms.



Charter of Rights @RightsCharter

Making sure all children get a quality education regardless of their postcode. Ensuring that we can see a doctor when we get sick. Having the freedom to come together & speak out. These are the type of things that human rights are all about.



Charter of Rights @RightsCharter

Wouldn't it be great to have in one place a clear list of all the rights and freedoms that people in Australia should be able to enjoy and benefit from? That way everyone – from school children to new Australians – would know their rights and what to do if they are violated.



Charter of Rights @RightsCharter

It's time to think big and think long term. Together we can put the creation of an Australian Charter of Human Rights and Freedoms on the national agenda. Step up, speak up and add your support to the call.



Charter of Rights @RightsCharter

An Australian Charter of Human Rights will help us treat each other with fairness and respect. It will ensure the decisions and actions of our governments are always guided by the values of freedom, equality and respect. Together we can make it a reality.



Charter of Rights @RightsCharter

Creating an Australian Charter of Human Rights & Freedoms will benefit the whole community. It will help prevent human rights violations, provide a powerful tool for challenging injustices & foster a culture of understanding & respecting human rights.

Frequently asked questions

Suggestions for responses

How will a Charter work? What will it do?

A Charter of Human Rights will do three key things:

- Help prevent human rights violations from occurring because it will require governments and public servants to consider people's human rights when creating new laws and policies as well as when delivering services – like aged care, Medicare, disability services, and so on.
- Ensure that if someone's human rights are violated, they can take action and get justice.
- List all our rights and freedoms in one spot, so everyone from school kids to new Australians, can read it to learn what their rights and freedoms are and to understand the type of community we want to be.

In summary a Charter will have a **preventative** effect on human rights violations, it will provide a **powerful tool to challenge injustice**, and will help give our **community a better understanding of their human rights** and freedoms.

What kind of rights would it protect?

We are seeking a Charter that protects all of our human rights – everything from our right to healthcare, for children to get an education, for people to have the freedom to come together and speak out on the issues that they care strongly about.

What form would the Charter take, what's the model?

That's exactly the conversation we're trying to kick-start here, because this would be an *Australian* Charter of Human Rights – something we create to articulate who we want to be as a nation and to protect in our laws the values we all share like fairness, respect and compassion. So it's going to be very important to get community input on these issues.

At the end of the day, there are different ways to get it done, but two key points I'd make are:

- The Charter should protect everyone's human rights – politicians might like to pick and choose which rights they want to respect, but that's not how it works – we need to treat everyone with respect.
- And secondly, it must be enforceable – that is, people need the power, they need the ability to take action if their rights are violated.

It would be fantastic to have all of our human rights protected in the our Constitution, but even without a referendum, the Australian Parliament can still introduce a Charter of Human Rights at any time and we'd be very happy to have what's called a 'legislative model'. (Only use this last sentence if prompted.)

How likely is that given the political landscape?

This is an important reform and we're confident we can achieve it. At a time when

here and around the world, the very concept of human rights – that we should all treat each other with compassion and respect – can no longer be taken for granted, these are the conversations we need to be having.

Various political parties and politicians have differing levels of support for a Charter. There's a lot of potential to build on that support, because at the end of the day human rights are above politics – it shouldn't matter if you're left wing or right wing, human rights are about the essential rights and freedoms that we should all benefit from and that we should all respect.

So the task at hand is to have the conversations, to build the momentum in the community and take that message to Canberra.

How can people get involved?

We're bringing together people from across Australia from different backgrounds and with diverse interests – people who, despite their different opinions or different political leanings, are all united in a belief that the world is a better place when we all treat each other with respect.

We've got a range of community activities underway and the best thing to do is to head straight to our website CharterofRights.org.au and add your name to call to create an Australian Charter of Human Rights.

(We try to avoid going down these paths, but these questions are common.)

Critics of a Charter say that it would transfer power from elected politicians in parliament to unelected judges, is that true?

Australia's democracy relies on a system that provides checks and balances on the power of our politicians, so when there are disputes, when people think politicians have gone too far or broken the law, people are very happy to know our courts and judges can play the role of independent umpire. A Charter doesn't change that in anyway, it simply gives more clarity for everyone involved about what lines the politicians can't cross and what rights and freedoms that we the people have.

What happens when rights clash? For example, there's a current debate in Australia about exemptions for religious organisation to discriminate against LGBTIQ people.

Human rights law is very much about finding a healthy balance between rights and responsibilities.

There are some rights that are referred to as absolute – for example, the right to be free from torture is an obvious one in that it is never justifiable to torture someone. Other rights can be reasonably limited, for example when my right to free speech crosses a line and starts to cause harm to other people then a Charter of Human Rights would help us define the boundaries of those rights.

The classic example is that I shouldn't use my right to free speech to run into a crowded theatre and yell "fire" and cause panic. Or I can't defame someone or print lies about them. We already have laws that limit free speech, but a Charter would better articulate those limits while also better protecting the core freedom in our laws.

Recap of key points

Thanks for spreading the word through your networks

As this campaign proceeds, we will continue to monitor what messages are proving to be most effective with which audiences and update the advice accordingly. We'll also be working to develop ways to highlight and utilise the voices and stories of real people in our community.

For the time being though, here are the messages we are hoping your communications will help reinforce.

Mood setting:

We're at our best when values like fairness, respect, compassion, equality and dignity guide our decisions and actions.

Explaining human rights:

Protecting human rights is about ensuring everyone – no matter who you are or where you are – can live a decent dignified life. It's about things like making sure we can all see a doctor when we get sick, regardless of our bank balance or that all children get a quality education regardless of their postcode.

Defining the problem:

Powerful corporations and politicians don't always respect the rights of individual people or communities. When it comes to rights and freedoms, we simply don't have a level playing field.

What a Charter of Human Rights will deliver:

An Australian Charter of Human Rights will ensure the decisions and actions of our governments are guided by the values of freedom, compassion, equality and respect.

A Charter will help everyone – from school children to new Australians – to understand the rights and freedoms that we all share.

Prompt support:

Together we can make it happen. Get involved today.





www.CharterofRights.org.au

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OF RIGHTS