

From the International Desk

Undergraduate Research and Human Rights: An Australian Case Study on Human Trafficking and Migrant Smuggling

This article describes a pilot teaching collaboration at the University of Queensland involving inquiry-based, interdisciplinary learning in the undergraduate curriculum, specifically in the study of human trafficking and smuggling of migrants. It describes collaboration between the university's School of Political Science and International Studies and its School of Law to facilitate a student working group to plan, present, and disseminate students' research on this topic. An interdisciplinary learning environment was encouraged by having two academics, one from each of the schools, facilitate the working group.

We argue that the inquiry-based learning (IBL) format, as exemplified by the working group, has advantages to offer human-rights educators. These advantages include teaching techniques and assessment approaches that help to highlight the importance of information sources, and the role of disciplinary knowledge and student's own belief systems within human-rights research. The discussion of "research" in this article is largely related to "the student experience of *appreciating, using and doing research*" (Jenkins 2002, 3, original emphasis).

The Student as Scholar Model

Alan Jenkins (2002, 3-4) has provided a brief synopsis of different scholarly perspectives on the nexus between teaching and research in the "student as scholar" model. Two approaches are worth noting here. First, Angela Brew (cited by Jenkins 2002, 3) has explored the relationship between teaching and research, posing it as "dynamic and context driven." She notes that contexts may vary in which research might be seen as an objective product or rather as a process of enquiry; similarly, contexts may vary in which teaching may be seen as a transmission of knowledge or rather as an exploration process. As Brew puts it: "If researchers recognize the ways in which their activities parallel those of students and take steps to involve students in research-like activities, research can inform practice in facilitating learning" (*ibid*).

Second, Marcia Baxter-Magolda, a well-known expert on the scholarship of teaching and learning (SoTL), emphasizes the benefits of inquiry-based learning in assisting students to develop more sophisticated "ways of knowing" and to understand different "conceptions of knowledge." As

Jenkins notes: "[H]er research suggested that more complex assumptions of knowledge stemmed from participating in a mentored, independent research experience" (2002, p. 4). IBL can thus assist students in their educational development, moving from *absolute knowing*, viewing knowledge as certain and seeing their role as obtaining it from authorities to *contextual knowing*, the stage when "students believe that knowledge is constructed in a context based on a judgement of evidence" and see their role as being "to exchange and compare perspectives, think through problems and integrate and apply knowledge" (Baxter Magolda 1992, 75). Such ideas are consistent with the learning paradigm championed at Miami University, where students are envisioned as learners and discoverers—the "student as scholar" model (Hodge et.al. 2011). These approaches focus on the process of "what *students* do as learners and *how* teachers teach and design courses" (Jenkins 2002, 3, original emphasis).

Implications for Human-Rights Education

While the term human rights may appear self-explanatory, in reality the research and teaching on "human rights" take various forms that reflect variables such as disciplinary approach, methodological preference, and normative and moral concerns. The interpretation of the role of human rights in wider society—and thus the pedagogical approaches to teaching—has emerged in contrasting ways. Different disciplinary agendas and foci, as well as competing perspectives within disciplines, mean that curricula on human rights are diverse. This highlights the sentiment of Jenkins (in Kreber 2008, 164) that "disciplines are not the tightly bounded constructs as which they are sometimes portrayed," either by the curriculum or by faculty. For example, within our university's School of Political Science and International Relations, human rights are seen as an important source of theoretical perspectives, as well as forming part of understanding how modern states developed a political relationship with citizens. In our School of Law, professional accreditation guidelines may mandate aspects of the curriculum on international and domestic legal systems relating to human rights, while legal scholars focus on various aspects of human-rights law.

Rhonda K. Smith's work on embedding research in the law curriculum dealing with human rights suggests that theories of human-rights education resonate with theories on linking teaching and research: "They both focus on individual learning; they develop skills; they pursue lifelong learning objectives" (2013, 338). Education concerning human rights in higher education can have a more immediate impact than in primary education. College graduates (it is hoped) can effect rapid change via teaching, civil-service appointments, and judicial appointments or within non-governmental organizations (NGOs) (Smith 2013). While these goals may be aspirational, Smith notes that human-rights education "brings challenges uncharacteristic of traditional education" in that it is "education *about, through and for* human rights [which] demands a holistic approach to education, viewing it as more than the cultivation of knowledge and understanding. For human-rights education to be successful, results have to be achieved and change effected in three distinct aspects: knowledge, skills, and attitude" (Smith 2013, 340, emphasis added).

In this context, "knowledge" about human rights includes a broad awareness of various human rights, their context, and state obligations toward them. "Skills" refer to attributes such as critical reasoning and analysis, oral argumentation, numeracy, and advocacy. Smith suggests that a "fuller contextual understanding" is needed for human-rights work and thus a greater range of research skills are drawn upon than for traditional legal work" (341). Finally, "attitude" refers to the "changing hearts and minds" aspect of education, which human-rights educators would view as transformative: "creating student knowledge and understanding, developing skills to pursue human rights, and fostering a contextual awareness which sows the seeds of attitudinal change" (341).

The Working Group

The University of Queensland's Human Trafficking and Migrant Smuggling Working Group was originally established in the School of Law in March 2008 to analyze the phenomenon of trafficking in humans in Australia. The group usually accepts around 12 to 16 students per semester (or 24 to 32 per year). In 2011, the group expanded to include the topic of smuggling of migrants. In Australia, law is usually completed as a four-year undergraduate degree, but can be taken as a three-year postgraduate degree. Law students apply to participate in the working group on a competitive basis, as an undergraduate subject taken as an elective in the law degree. This is usually in their third or fourth year of study. It is weighted the same as other electives in the undergraduate curriculum. In 2012, six students from the School of Political Science and International Studies

participated in the working group along with 16 law students, during a one-year pilot of the course offering both disciplinary perspectives. Students from political science and international studies were allowed to continue to enrol in the working group after the conclusion of the pilot study, on a case-by-case basis.

The working group provides a research-led, seminar-style learning environment, in which students chose a research topic from a range of areas related to trafficking in persons or smuggling of migrants. They are supervised by one of the course facilitators although they also are encouraged to consult the other facilitator for additional assistance in formulating the essays they will produce in the course. Students draw their topics from a range of issues, such as Australian government policy, legislation, victim compensation, victim reintegration and repatriation services, compliance of Australian legislation with relevant international legal instruments, child trafficking in international law, and NGOs working to combat child sex tourism and trafficking in persons.

Students are encouraged to utilize research methods appropriate for their particular research topic, which typically include review of primary sources (such as international law, best-practice guidelines, relevant case law, judicial commentary, NGO documents, and media reports), as well as review of secondary scholarly literature. Students learn that they must become competent in using relevant databases and become familiar with the United Nations documentation and reference system.

A set of suggested research topics is circulated to students, who can widen or narrow the topic they chose as the research process unfolds, in consultation with their supervisor. Forty per cent of a student's grade is based on an oral presentation of the research, and 60 per cent is based on the final research paper, of up to 9,000 words. Students are encouraged to pursue publication of their work on the working group's website (<http://www.law.uq.edu.au/humantrafficking>; <http://www.law.uq.edu.au/migrantsmuggling>) and to submit their work (either as single authors or coauthors) to relevant journals.

Peer-interaction and interdisciplinary dialogue are two important features of the learning format. Students can build on the research of previous students by contributing their research as content on the group's website. The learning process is thus connected to communication of research via website content, research papers, and external presentations (Schloenhardt and Torchia 2011). This encourages students from the outset to consider themselves as "producers" of knowledge in their learning process.

Format of the Working Group

Each three-hour seminar typically begins with a briefing by the facilitators, followed by a student presentation on his or her research. Each student thus presents his or her research once during the course. The student presentation is followed by a question-and-answer session and student “discussant” feedback, which involves one designated student acting as a discussant for the student research presentation. Feedback from the facilitators and open discussion concludes the seminar. Emphasis is placed on enabling students to become *producers* of research and knowledge, and not passive *receivers* of knowledge. An evolving format has sought to adjust to undergraduate students’ needs and provide appropriate scaffolding, while promoting the developmental journey of the student (Baxter Magolda 1999).

As the primary assessment involves a research essay (60 percent of the student’s grade), learning can be conceptually related to “authoring,” where face-to-face class time is structured around students participating in building knowledge. While staff-led facilitation and feedback are incorporated as part of class time, as noted above, students also participate in feedback, either orally during class or via presentation feedback forms, circulated during class, that can be completed anonymously and voluntarily by students and given directly to the speaker at the end of his or her presentation. Students’ responses to their fellow students’ presentations are not assessed as part of the course. Their input is solicited before facilitators’ commentary, to enable students to take the lead in discussions and feedback. Feedback to presenters by their fellow students is frequent.

In qualitative exit surveys, students’ responses suggest that the structure of the course is instrumental in creating an environment that promotes inquiry-based learning, while also allowing undergraduates to learn disciplinary content. As one student said, “Allowing individuals to truly engage in their own individual topics, then communicate that to their peers means that not only the individual, but all of us, learn better.” Other students have noted the advantages of learning via *doing*. Said one, “I remember more of the content, rather than just cramming, then forgetting.” While the working group format is not the only one that allows undergraduates to engage with research topics, the responses to our questionnaires reflect students’ own commentary about a feeling of “ownership” of their research and the learning outcomes they feel they gain from presenting and writing the research essay.

While there is insufficient rigour in this survey to make definitive statements, the questionnaire data suggest that students’ feelings of ownership are, at least in part, facilitated by the learning format. The “expert knowledge” of the faculty facilitators is incorporated into the curriculum via

briefings and mentoring the student participants about research and presentation strategies and the structure of students’ essays. This mentoring happens both in class and in one-on-one consultations. Less time and emphasis are placed on the facilitators disseminating “expert knowledge” per se than in normal courses. Faculty facilitators emphasize that “research and inquiry is not just for those who pursue an academic career” (Brew 2007, 7), stressing that investigating problems, independent thinking, and making judgements based on evidence are central skills students will need for their professional lives after they leave the university.

The working-group format can also promote the nexus between teaching and research, because the facilitators’ briefings are often related to their past and current research projects. Via these briefings and discussions, students get a sense of the facilitators’ “*using and doing*” their own research (Jenkins 2002, 3), and they have opportunity to consider how the faculty facilitators’ research fits in with their own research topic. Existing research is thus promoted as a way into analyzing how to best tackle their research tasks, and problem solving is embedded into the curriculum via this engagement. As one student commented regarding the format, “It has been different in that I have been learning as opposed to being taught.” Another student reported, “I was really ‘teaching’ myself the topic, as well as the class, so I guess it was learning ‘through doing,’ as opposed to just producing ‘standard’ essays that the lecturer expects.”

In the qualitative exit surveys conducted, students were asked to respond to a number of questions related to their experience of the learning process via doing research, aspects they found challenging, and other skills they felt they had acquired from the working group. While all 22 respondents during the two pilot semesters in 2012 reported an overall “positive experience” researching their project, an unexpected theme that emerged was students’ comments regarding their increased capacity to locate, categorize, analyze, and reflect on the quality and range of information sources. Typically students understand that undergraduate study should improve their “research skills,” but some noted that the act of researching their project forced them to identify and locate appropriate research sources. Students noted they had to distinguish between primary and secondary sources, access new databases and materials in other locations (such as the Parliamentary Library), and apply their skills to interpret the quality and validity of sources of information. As one student noted, “I’ve learnt possibly as much about how to both access and read/view sources as I have about my topic.” Another student commented, “Instead of just looking at the legislation, I’ve learnt to also look at explanatory memoranda, legislative inquiries and other legislative documents.”

The potential to contribute to the working group's website and to work toward publication remain motivating factors for some students. Incentives include the opportunity to work with academic staff, gain a publication for their CV, and feel they have actually "produced something" in addition to gaining credit toward their degree. Higher-achieving students recognize that the workplace is highly competitive, and thus some see publication opportunities as a way to set themselves apart from other candidates. For other students, the prospect of publication affected their approach to analyzing sources. As one student said, "The potential to publish the paper made me very conscious of sources and the extensiveness of the paper made me look for more sources."

Research Topics

Topics that relate to the human rights of asylum seekers, refugees, trafficked persons, and smuggled migrants have been a focus of the working group over its six-year history. Research topics have included an analysis of the human-rights value of the United Nations *Trafficking in Persons and Smuggling of Migrants Protocols* (Jolly 2011), human rights issues emerging from the return and reintegration of Australian human-trafficking victims in their country of origin (Schloenhardt and Loong 2011), and the debate surrounding whether trafficking in persons constitutes a crime against humanity, as defined in the Rome Statute of the International Criminal Court. Other student projects have focused on Australia's on-going treatment of asylum seekers and whether Australia's policy of mandatory detention of such people breaches international legal declarations and instruments, including the policy's compatibility with Article 5 of the U. N. *Protocol against the Smuggling of Migrants*, which requires countries not to criminalize migrants because they were smuggled into the country illegally. Other students' research has analyzed how the 1951 U.N. *Convention Relating to the Status of Refugees* and the 1967 *Protocol Relating to the Status of Refugees* define the rights of refugees, and their applicability to the treatment of asylum seekers in Australia.

Having students from two schools at the university in the working group facilitated dialogue and debate during the pilot study, and going forward, about divergent policy and scholarly views on trafficking in persons and migrant smuggling in Australia. In qualitative exit surveys on the 2012 pilot study, students were asked, "Did you gain much from the attempt to combine perspectives from Law and Political Science?" Out of 22 responses, 14 students reported positive experiences from explicit attempts to combine disciplinary perspectives, six responded "no" or did not answer, while two were unsure. It appears that students'

degree program, and whether or not they were already taking political science courses, play a role here, although no clear trends were discernible. In the 14 positive responses, students said they enjoyed hearing "alternative perspectives" on students' research topics during discussions, and one student noted, "Many of these topics are politically charged and it is important to have this perspective."

Irregular migration (or illegal migration as it is often referred to) is one area in which discussion of legislation, policy, electoral cycles, and political party platforms illustrates the utility of combing the disciplinary approaches of law and political science. As one law student commented, "It was good to be able to consider my topic in a wider context. I really liked that we didn't just focus on the law, but on the context and rationale behind it."

Reflections and Conclusions

In reflecting on the pilot study and beyond, two points are notable regarding how students engage with and learn about human rights. First, the working group's format encouraged student-led discussion and feedback, so students expressed varying views of the topics under discussion and their views were not dominated by course facilitators. Faculty facilitating the working groups do express their opinions, but students find that their student peers have differing opinions, based on a variety of factors (such as research sources, religious beliefs, or preference for one disciplinary approach over another). For example, in one class discussion arising from a topic on trafficking in persons, a debate developed about women's choice to participate in sex work, versus the view that prostitution was inherently exploitive. Some students cited their Christian beliefs as affecting their views in this regard. Noted one student, "I have learnt a lot, not just through my own research, but watching the progress and difficulties encountered by other students in the class."

Like the human-rights modules discussed by Smith (2013), the working group's format focuses on the students "appreciating, using and doing" research, and in the process, provides students opportunities for intellectual development. Smith's teaching format "did not focus on teaching directly for attitudinal shift, though changing attitudes [were] observed anecdotally as a consequence of empowering students to undertake their own research and drive their own learning about human rights issues around the world" (2013, 341). Our experience confirms similar results. Conversations in class over time reflected students challenging and dissecting their own (and others) views and opinions, recognizing conflicting moral and ethical standpoints, and how certain laws may deny some groups their fundamental human rights.

Qualitative exit surveys, as well as student grades, suggest more support may be required to help some students translate their research into well-structured and argued essays. The qualitative data do confirm, though, that students, in most cases, reported increased levels of confidence in their ability to research and analyze complex material by the end of the course.

Second, by researching their topics, and listening and engaging in presentations and reading the draft essays of other group members, students become more cognizant of the role of information sources in the development of academic and scholarly work. Regarding human rights, they can then learn to view and critique material relating to specific issues; to recognize and identify how arguments are formed and justified. Ultimately, development of these skills can be applied to a range of scholarly and professional circumstances, and assist students in becoming independent

and capable researchers. This goal is desirable, regardless of the disciplinary focus, and connects to the debate within our university, and in the wider literature on the scholarship of teaching and learning, about the nature of the research-teaching nexus in practice (Myatt and Zimbardi 2011, 42; Jenkins 2008).

Further research is required in order to assess which strategies and scaffolding techniques are beneficial, particularly when supporting written work in an interdisciplinary curriculum. Assessment of student reflections on the course after they have received their grades, and analysis of grades over time, would provide further evidence of the challenges faced by students in planning, writing, and communicating ideas generated in class. Despite doing a good job of presenting their research orally, a number of students have struggled to reflect the quality of their research in their written assignment. This suggests that some students

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require additional methods of support during the research process. Students have access to a vast range of primary and secondary sources, but may not have developed the skills to collate, decipher, and analyze the material sufficiently. A lack of such skills appears to hinder their writing process.

Interdisciplinarity has the potential to assist students in developing insights into complex policy and governance problems, helping them recognize that one specific disciplinary “toolkit” may be insufficient (Jenkins 2008). Opportunities for undergraduate research that incorporate the perspectives of different disciplines are desirable in certain contexts and are particularly suitable for dual-degree programs. In these programs, undergraduates are already implicitly exposed to interdisciplinarity, to some extent, as they pursue discrete degree programs concurrently, such as degrees in both arts and law. It is hoped the research skills acquired and experience of conducting research will encourage some students to consider further research options, either via postgraduate study or in research-related careers. One student in the 2012 pilot study submitted her research essay to the annual university-wide undergraduate research conference (<http://www.uq.edu.au/undergraduate/urc>) and presented a poster on her research on Australian government campaigns to promote awareness of the problem of migrant smuggling. Faculty facilitators can thus encourage additional research beyond the formal end of the course.

Inquiry-based learning techniques provide facilitators with interactive, student-focused learning formats and assessment methods to encourage students to engage and grapple with research problems that transcend disciplinary boundaries. The irregular (illegal) movement of people across international borders, and the state’s on-going interest in regulating and legislating against organized criminal involvement is one area in which a dialogue between the law and political science disciplines has particular utility. Likewise, with human-rights research and education, students’ ability to develop knowledge about cross-jurisdictional and multi-national human-rights issues can be enhanced via interdisciplinary course design. Furthermore, students’ experience of research done by faculty members can be enhanced by embedding staff “knowledge” within the curriculum’s format. It also allows students to learn more by *doing* than by being *taught*, thus exposing them to the praxis of actual research.

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Melissa Curley

University of Queensland, m.curley@uq.edu.au

Melissa Curley is a lecturer in international relations in the University of Queensland’s School of Political Science and International Studies.

Andreas Schloenhardt is professor of criminal law in the University of Queensland’s T.C. Bernie School of Law and visiting professor at the Institute of Criminal Law and Criminology at the University of Vienna, Austria.