



Annual Report 2004

1. Management

The Australian Human Rights Centre (AHRC) secured the appointment of a new director in mid- 2004. Human rights advocate and public interest lawyer, Andrea Durbach joined the UNSW Faculty of Law as Associate Professor in July 2004 and succeeded outgoing AHRC Director, John Squires in August 2004.

With the new appointment, the AHRC management structure and aims and objectives were revised following an extensive consultation process with relevant Deans, Heads of Schools and government and community organisations. Members of the **AHRC Management Committee**, drawn from the academic, government and private sectors, bring strong governance skills and financial expertise to the overall management of the AHRC and a commitment to promoting interdisciplinary research and educational initiatives. The Management Committee will meet 3 or 4 times a year and ensure compliance with AHRC objectives, provide strategic direction, oversee AHRC financial administration and ensure its ongoing viability. The newly constituted Committee met for the first time on 26 November 2004 (see meetings of the AHRC Management Committee under Centre Working group below).

Members of the AHRC Management Committee (as at end 2004):

- Clark Butler (UNSW Law Alumni) (Head, Sourcing Strategy and Transactions, Westpac)
- Prof Andrew Byrnes (Faculty of Law, ANU – joining UNSW Faculty of Law, May 2005)
- Philip Chung (AustLII)
- Andrea Durbach (Director, AHRC)
- Elizabeth Evatt AC (Visiting Professor) (Law)
- Prof Michael Humphrey (Arts and Social Sciences – Sociology and Anthropology)
- Prof Martin Krygier (Law)
- Emeritus Prof Garth Nettheim (Law) (Chair)
- Prof Prem Ramburuth (Commerce and Economics)
- UNSW Chair of Health and Human Rights (on confirmation of appointment)
- The Hon. John von Doussa QC (President, HREOC)

The second tier of management is the **AHRC Centre Working Group (CWG)**, the primary mechanism for facilitating the Centre's core work. Members of the AHRC CWG (Centre Associates) work on various sub-committees which have been convened to:

- reflect the current interests and expertise of Centre Associates; and
- foster interdisciplinary collaboration on contemporary human rights issues and develop potential research and educational projects

In 2004, CWG sub-committees focused on health and human rights; trade and corporate accountability; environment and human rights; international human rights/humanitarian law. Standing CWG sub-committees included: Australian Human Rights Journal; Human Rights Defender; Conference and Seminar program; Human Rights Teaching Program; The CWG meets every 6-8 weeks. The former Centre Management Committee and the newly established CWG met 6 times during 2004 (24 March; 28 April; 16 June; 4 August; 30 September; 26 November - joint meeting of new AHRC Management Committee and Centre Working Group).

A table listing the convenors and members of CWG sub-committees is annexed as **A**.

UNSW law student, Shreeya Muthasamy was engaged as the part-time AHRC administrator until December 2004.

2. Aims and Objectives

To allow for greater engagement in interdisciplinary work and position the AHRC as a centre of contemporary human rights scholarship, the **AHRC aims and objectives** were redrafted following extensive consultation with domestic and international human rights scholars and advocates. The new aims (approved by the Management Committee in November 2004) are to:

- undertake and facilitate interdisciplinary research projects with a particular focus on economic, social and cultural rights;
- develop human rights educational initiatives by hosting workshops, seminars and conferences, co-ordinating interdisciplinary human rights teaching and internship programs and providing a forum for domestic and international scholarship and debate on contemporary human rights issues;
- provide accessible information on significant human rights developments in Australia, the Asia-Pacific region and internationally, facilitate access to online human rights resources via the AHRC website and publish the **Australian Journal of Human Rights**, the **Human Rights Defender** and occasional papers and publications.

3. Research

3.1 Projects

The shift of the Centre's focus to economic, social and cultural rights has been a deliberate strategy to ensure AHRC activities are relevant to contemporary human rights debates domestically, internationally and particularly, within the Asia-Pacific region. This new focus also underscores the objective of facilitating innovative collaboration and partnerships on human rights projects across different faculties and sectors.

During the year, work continued on existing projects and a wide range of research initiated by Centre Associates (primarily from within the Law Faculty) was undertaken by AHRC Research Associates and Fellows from Australian and international universities and organizations.

The Myer Foundation and the Wynn Family Trust funded a joint project of the AHRC and Australian Lawyers for Human Rights, **Promoting Human Rights Standards**. The collation and analysis of primary data was completed and a draft final report is due to be launched in December 2005. The Report will include a national survey of the primary role and activities of non-government human rights organisations and recommendations for the effective support and co-ordination of human rights advocacy and education in Australia.

The Open Society Justice Initiative in New York funded AHRC Research Fellow Laylee Tang to undertake research for a major project on the international law on statelessness, deprivation of nationality and access to citizenship. The project builds on Ms Tang's Ph.D thesis, **Statelessness, Human Rights and Gender: Irregular Migrant Workers from Burma in Thailand** which will be published by Brill/Martinus Nijhoff in 2005.

The Legislative Watch Program, a project developed by an AHRC student intern, monitors and analyses Australian federal legislation for compliance with international human rights treaties and standards to which Australia is a party. Students also monitor the potential impact for Australia of UN Determinations. Using the AHRC website, the Program aims to alert academics, human rights advocates and journalists to Commonwealth legislation which may breach international human rights standards.

The AHRC was invited to work with ACOSS, NCOSS and the National Association of Community Legal Centres to undertake research for the drafting of the **Shadow Report** to the

Australian Government's report to the UN Committee monitoring compliance with the *International Covenant on Economic, Social and Cultural Rights*, due in June 2005. Centre Associates (academics) and student interns and volunteers have been researching various aspects of the report which will include consideration of Australia's compliance with the right to housing, health and access to water, particularly in remote communities.

3.2 Research Associates/Fellows

Allied to the development of a strong research base for the Centre is the objective of building the profile of the AHRC via human rights scholars attached to the AHRC. During 2004, the Centre continued to attract human rights scholars of excellence keen to pursue research via the Centre. The Research Fellows included:

- Dr Danielle Celermajer, who received her PhD from Columbia (with distinction). Dr Celermajer undertook post-doctoral research on religious identity and human rights protection in contemporary Australia. Dr Celermajer and AHRC Director, Andrea Durbach, also conducted preparatory work for ARC Discovery Grant to be submitted in early 2005
- Christy Clark, an ANU graduate, who was awarded an UPA to undertake a PhD (on the impact of the commodification of natural resources on human rights (to be supervised by AHRC Director, Andrea Durbach).

The following AHRC Research Associates undertook research on a variety of human rights topics:

- Margaret Hsieh, Harvard College, USA: human rights education
- Danielle Iacona, University of Bologna, Italy, Department of Islamic Studies: human rights and religious minorities in Spain and Australia
- Mark Hecht, Human Rights Centre, University of Ottawa: international trafficking in children and women
- Laylee Tang, Singapore University and Associate Professor Francis Regan, Legal Studies, Flinders University, South Australia: the right to legal aid in China
- Christy Clark, UNSW PhD candidate: environmental rights and the WTO
- Daniel Joyce, PhD candidate, Cambridge University: international investment law and human rights

3.3 Student internships

Social Justice Program

The AHRC continues to participate in the Social Justice Internship Program each semester with final year law students working in the Centre, undertaking a variety of research and organisational tasks. In anticipation of the appointment of the UNSW NewSouth Global Chair in Health and Human Rights, Centre intern Yvette Selim undertook a project on the impact of the right to health of migration by health professionals

Student electives: Australian Journal of Human Rights and the Human Rights Defender

The AHRC publications, the *Australian Journal of Human Rights* and the *Human Rights Defender* both offer student editor electives to law students. The Journal takes 2 students a year and the HRD takes 3 students, one over the summer.

External placements/student fellowships

The AHRC, under a proposal developed for the Law Faculty, is currently in negotiations with several potential host organisations to establish external placement opportunities for students interested in undertaking human rights work. These include:

- the Edmund Rice Centre, and through them, placements in human rights legal organisations in India and Thailand;
- the Environmental Defenders Office and the Centre for Human Rights and the Environment, Cordoba, Argentina;
- the NSW Legal Aid Commission (who will offer a fellowship to a graduate student to work in the LAC Human Rights Unit with effect from January 2005);

- the Human Rights and Equal Opportunity Commission

The external placement program is being developed with the assistance of the UNSW Risk Management Unit.

4. Educational initiatives

4.1 Human rights courses

The number of human rights courses offered by the Law Faculty has steadily increased and during 2004, AHRC Associate and Convenor of the AHRC Education Program, Gillian Moon, developed a site linked to the Law Faculty website which details Human Rights and Social Justice Courses offered to undergraduate and post-graduate students. The courses, many of which have a strong interdisciplinary component, include: International Human Rights Law and Advocacy, Transnational Business and Human Rights, Refugee Law, Contemporary Issues in International Human Rights, Public Interest Litigation: Origins and Strategies (which will consider how to realise human rights and advance social justice through the practice of law). In light of the UNSW health and human rights initiative and the AHRC's keen interest and involvement in the implementation of the appointment, development of a course on health and human rights is planned for 2005.

Research into the development and construction of a UNSW *Human Rights Masters Program* has continued, with discussions being held with the Schools of Public Health and Community Medicine, Anthropology, Politics, and the Faculty of the Built Environment.

4.2 AHRC Inaugural Annual Public Lecture, Conference and Seminar Program

An *Annual AHRC Public Lecture* featuring an Australian or international speaker on a matter of contemporary human rights significance was established by the Centre with the inaugural lecture planned for early 2005. Discussions with private sector organizations indicated a strong interest in sponsoring the event.

The Centre Working Group conference sub-committee has been developing a program and budget for a major international conference planned for mid-late 2006. The conference working title is *Social, economic and cultural rights: the challenges of implementation*.

The framework for the AHRC *seminar program* has been established and will commence in early 2005. Relevant CWG sub-committees have undertaken to organise 4-6 seminars each year with a focus on trade and corporate accountability; environmental justice; international humanitarian law; and health and human rights. Seminars will also feature visiting scholars. The Law Faculty has also agreed that at least one seminar per year of the Faculty Seminar Series will be hosted and presented by the AHRC.

5. Publications

5.1 Australian Journal of Human Rights (2 issues per year)

The Journal continues as the flagship publication of the AHRC under the editorship of Associate Professor Peter Kriesler, UNSW Faculty of Commerce and Economics. The Journal is the only refereed human rights journal in Australia. The first issue of 2004 focused primarily on the rights of strangers and refugees/asylum-seekers. The December 2004 issue was a symposium on housing, homelessness and human rights.

The editorial board of the Journal was broadened during the year with the appointment of two new members – Dr Fleur Johns, Faculty of Law, University of Sydney and Prof Andrew Byrnes (with effect from 2005, after taking up his UNSW appointment from ANU Law Faculty). The full editorial board is listed in annexure A.

5.2 *Human Rights Defender* (3 issues per year)

The *Human Rights Defender*, edited by Ronni Redman (Law) and Alan Morris (Social Science and Policy) with design/layout assistance from Glen Jeffreys (Law), is a non-refereed magazine published three times a year. It is aimed at the broader community and publishes a cross-section of short human rights articles and reviews. The overall design of the Defender was significantly enhanced during the year, with contributions from COFA students and other artists. The editorial team has been developing a distribution strategy (initially aimed at universities and schools) to increase subscriptions.

5.3 *AHRC Occasional Papers/Monograph Series*

The AHRC is committed to reinstitute publication of a Human Rights Monograph Series edited by Centre Associates (in addition to its primary publications, the *Journal* and the *Defender*). Centre Associate, John Squires, began editing the first monograph during 2004 - a collection of papers from a conference convened by the Centre on Housing Rights and Evictions (COHRE) in Geneva. *Litigation of Economic, Social and Cultural Rights: The State of Play*, featuring writers from Europe, South America and Africa, will be published by the AHRC in 2005 and distributed by UNSW Press.

In addition to the publication of Occasional Papers, submissions, reports briefing and conference papers by AHRC Associates on an array of issues, are published on the Centre website (such as a submission by Justine Nolan to the UN High Commissioner for Human Rights on the *United Nations Norms on the Responsibilities of Transnational Corporations and Other Business Enterprises with Regard to Human Rights* and a briefing paper by Michael Humphrey on *Human Rights, Counter-Terrorism and Security*).

5.4 *Human Rights Essay Prize*

Each year, the AHRC hosts a competition open to all UNSW students to submit a research essay on a human rights topic. Sponsors of the prize have included Unions NSW and from 2005, the AHRC will offer an Economic, Social and Cultural Rights Essay Prize (worth \$500-00), hosted in collaboration with the NSW Combined Community Legal Centre Group and sponsored by 2 individual donors.

The 2004 AHRC Essay Prize was shared by Samantha Newman: *Decolonising Conflict - the search for a common language in mediation and land disputes* and Joshua Freitas: *The World Trade Organisation - Incorporating Development Needs*. The jury recommended three entries for honourable mention: Philippa Huxley (paper on female circumcision), Shan Tong (paper on human rights, international law and the Australian legal system) and Lucinda Wilson (paper on child labour). The winning essays were submitted for publication to the *Journal* and the *Defender* and were posted on the AHRC website.

5.5 *Website*

The AHRC website was redesigned by Glen Jeffreys and Peter Kriesler to make it more attractive, accessible and useful. The new website, which came online in mid-2004, has more links and easier access to AHRC publications, including working papers, submissions, and other non-refereed material. It also publicises AHRC and related events. The site is maintained by the part-time AHRC Administrator.

5.6 *Documentation Centre*

Some years ago, the AHRC's major project was the development of a Documentation Centre to house UN determinations and reports and general human rights materials (including some archival material from Prof Garth Nettheim, Elizabeth Evatt and others). Given the enormous task of cataloguing the materials, an inability of Centre volunteers to maintain the documents to ensure their utility to the university community and the fact that many of the documents are increasingly available on-line, the AHRC and the Law Library met in late 2004 to determine how best the documents might be made more accessible. During the year, Law Library staff and AHRC student volunteers (under the supervision of student interns, Remali Vilat and Simone Krause) and Robert Harcourt, a Masters student in the School of Information Systems,

Technology and Management, reviewed and evaluated the contents of the Documentation Centre and prepared subject guides on online UN and Council of Europe publications for incorporation into the AHRC website. Significant material not available online will be added to the Law Library collection. The project will be finalised prior to the move to the new Law Building.

6. General liaison/visiting delegations

The AHRC continued to receive requests to brief visiting foreign delegations keen to exchange information on human rights issues of common interest and to meet with associated organisations. During 2004, members of the AHRC Management Committee and AHRC Associates met with a delegation of Chinese lawyers and legal academics (at the request of HREOC) and a delegation from Tohoku University and the Refugee Assistance Headquarters in Tokyo.

AHRC Director, Andrea Durbach was invited to the annual HREOC Strategic Planning Day and presented a paper on prospects for litigating economic and social rights in Australia. In addition, she presented papers at the Australian Lawyers and Social Change Conference at ANU (Canberra), the National Legal Aid Conference in Brisbane (on barriers to the conduct of human rights litigation), addressed an event hosted by the Museum of Contemporary Art on Art and Music in Political Trials in Apartheid South Africa and attended a major Health and Human Rights Conference at the University of Melbourne. She has been invited to submit a chapter on the right to legal aid for a Cambridge University Press publication on ***Socio-Economic Rights Jurisprudence – Emerging trends in Comparative and International Law*** (due for release in 2006).

Financial Statement

Submitted in May 2005 (by Gill Kirk)

AUSTRALIAN HUMAN RIGHTS CENTRE

**Statement of Financial Performance
for the Year Ended 31 December 2004**

	2004 \$	2003 \$
Income		
External Funds (i)	38,394.41	37,973.28
UNSW Contribution	<u>160,335.00</u>	<u>13,500.00</u>
Total Income	198,729.41	51,473.28
 Expenses		
Payroll	53,461.14	9,331.19
Equipment	0.00	0.00
Materials	7,803.57	26,373.31
Travel	<u>29,813.32</u>	<u>0.00</u>
Total Expenses	91,078.03	35,704.50
 Operating result	107,651.38	15,768.78
 Surplus(Deficit) Bfwd from Prior Year	18,707.32	2,938.54
 Accumulated Funds Surplus(Deficit)	<u><u>126,358.70</u></u>	<u><u>18,707.32</u></u>
 (i) Excludes debtors (unpaid invoices)	1,256.80	0.00

Signed:

Professor Leon Trakman
Dean, Faculty of Law, UNSW

(Date)

Associate Professor Sandra Egger
Head of School, Faculty of Law, UNSW

(Date)

Annexure A

Australian Human Rights Centre Working Group sub-committees and convenors 2004

<u>Sub-committee</u>	<u>Partner Faculties/Schools</u>	<u>Convenor and members (Associates)</u>
Health and human rights	Law; School of Public Health and Community Medicine; Arts and Social Sciences	Anthony Zwi (SPHCM) (Convenor) Chair of Health and Human Rights (tba) (UNSW) Andrea Durbach (Law) Christine Foster (Law) Michael Humphrey (Arts and Social Sciences) Susan Kippax (National Centre in HIV Social Research)
Environment and human rights	Law; Built Environment; NSW Govt	Linda Pearson (Law) (Convenor) tbc (Built Environment) Pepe Clarke (EDO) Janice Gray (Law) Ann Harrison (NSW Department of Environment and Conservation)
Trade and corporate accountability	Law; Commerce and Economics; ALHR	Justine Nolan (Law) (Convenor) Paul Redmond (Law) Anne Junor (Commerce and Economics) Gig Moon (Law) Simon Rice (ALHR) Cristy Clark (Law)
International human rights/humanitarian law	Law; School of Social Work (Centre for Refugee Research); SPH&CM; Aus Red Cross	Andrew Byrnes (Law) (Convenor) Rosemary Rayfuse (Law) Devika Hovell (Law) Steven Freeland (Law) (UWS) Anthony Zwi (SPHCM) Eileen Pittaway (Social Work) Laurie Berg (Aus Red Cross) Ben Saul (Law) Patrick Earle (Diplomacy Training Program)
Australian Human Rights Journal		Peter Kriesler (Editor) (Commerce and Economics) (Convenor) Christine Forster (Law) Steven Freeland (Law) Eileen Pittaway (Social Work) Fleur Johns (Law, Sydney) Damian Grace (Social Work) Andrew Byrnes (Law) Student intern (Law) Alan Morris (Social Science & Policy)
Human Rights Defender		Alan Morris (Social Science and Policy) (Convenor) Ronni Redman (Law) Glen Jeffreys (Law) Student intern (Law)
Publications and website		AHRC administrator (Convenor)

		Glen Jeffreys (Law) Philip Chung (AustLII) Andrea Durbach (Law) John Squires (Law)
Conference and seminars		Justine Nolan (Law) (Convenor) Devika Hovell (Law) (Convenor) Andrea Durbach (Law) Gig Moon (Law) Danielle Celermajer (Research Fellow)
Teaching programs, SJP and other interns, Research Associates		Gig Moon (Law) (Convenor) Andrea Durbach (Law) Julian Disney (Law) Eileen Pittaway (Social Work) John Pace (UN)
Human Rights Essay Prize		John Squires (Law) (Convenor) Prem Ramburuth (Commerce and Economics) (Convenor) Garth Nettheim (Law) Simon Rice (ALHR)