



## *Annual Report 2005*

### **1. Management**

After a remarkable 20 year contribution to the AHRC's establishment, growth and survival, Emeritus Professor Garth Nettheim stood down as chair of the **Management Committee** in early 2005. The Law Faculty and AHRC hosted a gathering to thank Professor Nettheim, addressed by Dean, Professor Leon Trakman and Professor Paul Redmond. Andrew Byrnes was appointed as the new AHRC Chairperson in April 2005. Professor Daniel Tarantola, NewSouth Global Professor of Health and Human Rights joined the AHRC Management Committee in July 2005 and Associate Professor Lucy Taksa, representing the Faculty of Commerce and Economics, succeeded Associate Professor Prem Ramburuth in October 2005. Associate Professor, Andrea Durbach, continued as Director of the AHRC. She took up the appointment in August 2004.

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 met 4 times over the year to ensure compliance with AHRC objectives, provide strategic direction, oversee AHRC financial administration and ensure its ongoing viability.

Members of the AHRC Management Committee (as at end 2005):

Clark Butler (UNSW Law Alumnus) (Head, Sourcing Strategy and Transactions, Westpac)  
Prof Andrew Byrnes (Faculty of Law, UNSW) (Chair)  
Phillip 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)  
Professor Daniel Tarantola (Global Professor of Health and Human Rights, UNSW)  
Associate Professor Lucy Taksa (Head of the School of Organisation and Management)  
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.

Membership includes both academics and representatives from NGO groups.

Alison Aggarwal (representing the Combined Community Legal Centres Group), Cristy Clark (PhD student researching the right to water), Patrick Earle (Director, Diplomacy Training Program), Professor Sue Kippax (Director, National Centre in HIV Social Research) and Maria Graterol (AHRC Research Fellow) joined the CWG as Centre Associates in 2005. In addition, a new sub-committee on Disability Rights was established and sub-committee members, Rosemary Kayess and Phillip French joined as Centre Associates.

In 2005, CWG sub-committees continued to focus on health and human rights; trade and corporate accountability; environment and human rights; international human rights/humanitarian law. Standing CWG sub-committees include: the *Australian Human Rights Journal*; *Human Rights Defender*; Conference, Seminar and Annual Public Lecture program; Human Rights Teaching Program; AHRC website.

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

The CWG meets every 6-8 weeks. During 2005, the Management Committee and CWG met in April, June (CWG only), August, October and November, the latter being a joint meeting of both committees.

Part-time journalism student, Miriam Lyons was engaged as the part-time *AHRC administrator* from July 2005 until February 2006 and further developed and streamlined the systems of the AHRC to excellent effect.

## **2. Aims and Objectives**

The *AHRC aims and objectives* 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 and training**

### **3.1 Projects**

Building on the AHRC's new focus on economic, social and cultural rights and its objective of facilitating innovative collaboration and partnerships on human rights projects across different faculties and sectors, AHRC Associates continued work on existing projects and developed research initiatives which included:

#### *ARC grant applications*

- *Religious Identity and Human Rights Protection in Contemporary Australia* (ARC) (Andrea Durbach and Dr Danielle Celermajer, post-doctoral fellow): unsuccessful
- *Behavioural, social and contextual factors in preparedness for, response to and mitigation of an avian influenza pandemic: Ethical, Legal and Human Rights Responses* (NHMRC): (Daniel Tarantola, Antony Zwi, Michael Humphrey, Heather Worth, Andrea Durbach): unsuccessful
- *ARC Futures Network* (in conjunction with the School of Public Health and Community Medicine) - project to foster multidisciplinary research on approaches to sexual and reproductive health rights in the Asia Pacific region
- *Structural, Social and Behavioural Influences on Public Health Emergency Preparedness, Response and Mitigation in Australia* (ARC) (Daniel Tarantola, Heather Worth, Michael Humphrey, Andrea Durbach, Niamh Stephenson): awaiting response

#### *Funded Projects*

##### *Human rights capabilities and attitudes among Australian NGOs*

The project conducted by Australian Lawyers for Human Rights and funded by the Myer Foundation and the Wynn Family Trust, will include a survey and analysis of the primary role and activities of non-government human rights organisations based on extensive interviews. The final report will consider the development of a national model which best addresses the

needs identified in the research. The report will be launched in mid-2006, simultaneously with the convening of a round-table to consider options for national non-government human rights advocacy and protection.

***AHRC-HREOC Australia-China Project***

The AHRC was invited by HREOC to conduct a research and education program for the development of materials for a curriculum on human rights in judicial training for the National College of Judges in China. Two officials from the Beijing College, Ms Xiaoli Yang and Ms Qiao Yan worked with Centre Associates for 3 months and met with judges, human rights academics and practitioners to develop a draft manual. The project was initiated under the China-Australia Human Rights Technical Cooperation Program (HRTC) and funded by AusAID

***Right to education in the ACT project***

The AHRC was engaged by the Dusseldorp Skills Forum and the ACT government to conduct a research project on the right to education. The aim of the project was to develop indicators to assess the implementation of a right to education in the ACT with a view to incorporating the right into the ACT Human Rights Act. The project was accepted by the ACT government but subsequently suspended from implementation due to internal departmental constraints.

***DFAT human rights training***

The AHRC submitted a tender to the Department of Foreign Affairs and Trade to develop and conduct human rights training for DFAT officials.

***AHRC/Diplomacy Training Program – Human Rights Advocacy and Business***

The AHRC, DTP and Forum Asia are developing a training program for community advocates from the Asia Pacific region on Human Rights Advocacy and Business scheduled for Sept 2006. The program, which will engage Centre Associates as trainers, will cover topics such as the OECD guidelines, corporate accountability and environmental obligations.

### **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 2005, the Centre continued to attract human rights scholars of excellence keen to pursue research via the Centre. The Research Fellows included:

- Cristy 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 (supervised by AHRC Director, Andrea Durbach)
- Maria Graterol, Visiting Fellow (Masters of Law graduate from Columbia and consultant to international organisations on gender and economic, social and cultural 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. This year, Sally Heighway (semester 1) and Laura Brown (semester 2) undertook a variety of valuable research and organisational tasks.

***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.

The ***Human Rights Defender*** student editors were: Gina Kawalsky; Melissa Lubowski and Avigail Shai

The ***Journal*** interns were: Anouk Siroude and Seranie Gamble

## **4. Educational initiatives**

### **4.1 Human rights courses**

The number of human rights courses offered by the Law Faculty has steadily increased and over 20 human-rights related courses will be offered in 2006. A detailed list of all the Human Rights and Social Justice Courses offered to undergraduate and post-graduate students has been compiled by AHRC Associate and Convenor of the AHRC Education Program, Gillian Moon, which is available on the Faculty of Law's website. One of the main aims at present is to develop a cross-disciplinary enrolment system.

Many of the courses on offer have a strong interdisciplinary focus, and include courses such as: ***Human Rights in the Global Economy, International Human Rights Law and Advocacy, Public Interest Litigation: Origins and Strategies***, and ***Strategic Public Advocacy for Civil Society***. The Health and Human Rights Initiative has also initiated discussions to develop a course in health and human rights.

An Alternative Human Rights Information Night was held in November for potential postgraduate students interested in human rights courses. Amnesty National Director, Mara Moustafine and ACOSS Director, Michael Raper, addressed the evening.

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 External placements/student fellowships**

#### ***Public Interest Internship Program***

AHRC Director, Andrea Durbach and AHRC Associate, Rosemary Rayfuse, developed an external public interest internship program (PIIP) to enable students interested in undertaking human rights/public interest work to spend 1 day a week at public interest government or non-government organisations (eg HREOC, Voiceless) and develop a research project during the program for assessment by an academic supervisor. Centre Associate, Laurie Berg, was appointed PIIP Co-ordinator in late 2005 and the program will be piloted in semester 2 2006 with 20 students and participating organisations.

#### ***NSW Legal Aid Commission Human Rights Fellowship for Graduate Lawyers***

The AHRC, in partnership with the Legal Aid Commission of New South Wales, developed and established a Human Rights Fellowship Program for graduate law students interested in human rights legal practice. The Fellowship, which will be piloted in January 2006, will provide students with an opportunity to gain hands-on experience working in the Human Rights Unit of the NSW Legal Aid Commission for a 15 week period (being the clinical component of their College of Law Practical Training Course Professional Program).

Students who have specialised in human rights and public interest law will be given preference in the selection process. The selected student will be paid a salary for the 15 weeks, commensurate with experience.

### **4.3 AHRC Inaugural Annual Public Lecture**

The first ***Annual AHRC Public Lecture*** was held at the NSW State Library in May. The lecture, which will feature an Australian or international speaker on a matter of contemporary human rights significance, was given by celebrated Australian and international author, David Malouf who addressed the topic, ***Challenging Indifference***. The lecture was over-subscribed and raised over \$2300 for the Centre. The proposed speaker for the lecture in 2006 is Professor Conor Gearty, Rausing Director, Centre for the Study of Human Rights, London School of Economics.

Centre Working Group Conference sub-committee has been developing a program and budget for a workshop/conference planned to celebrate the 20<sup>th</sup> anniversary of the AHRC. The conference is scheduled for late 2006.

#### 4.4 AHRC Seminar Program

2005 marked the commencement of the AHRC *seminar program*. During the year, the AHRC hosted a number of seminars featuring Australian and international scholars, politicians, human rights advocates and practitioners, and film-makers. The program included the following events:

- 25 May - **Deborah Barros Fince** (indigenous leader from the Wayuu community Colombia), *Challenging Impunity: Human Rights Violations, Displacement of Indigenous Communities and Corporate Responsibility in Colombia*
- 21 July - **Hon David Coltart**, Shadow Minister for Justice, Zimbabwe, *The erosion of law in Zimbabwe*
- 16 August - AHRC and the Gilbert & Tobin Centre of Public Law: **Professor Eli Salzberger** (Deputy Dean, Faculty of Law, Haifa University), *The Israeli Supreme Court and the Protection of Human Rights in Times of Emergency:*
- 5 September - AID/WATCH, the Environment Defenders Office, and AHRC: **Ms Anne Kajir** (Environmental Law Centre, PNG) and **Mr Yat Paol** (Bismark Ramu Group, Madang), *Land is life: Human rights, resources and land rights in PNG 30 years after independence*
- 15 September - **Professor Daniel Tarantola** (Chair of Health and human Rights, UNSW), *The Genesis of and Current Prospects for the Health and Human Rights Movement*
- 4 October – AHRC/DTP/Edmund Rice Centre/Gilbert & Tobin Centre of Public Law: **Ravi Nair** (Director, South Asia Human Rights Documentation Centre), *Human Rights and Counter-Terrorism*
- 10 October - AHRC/CCLCG: **Shanthi Dairiam** (international human rights activist and CEDAW committee member), *Using the Women's Convention (CEDAW) to make women's rights happen: recent developments and possibilities*. The seminar was introduced by AHRC management committee member Elizabeth Evatt.
- 19 October - film-screening of *The Guguletu Seven* (an investigation into state-sponsored terrorism) by South African documentary film-maker, **Lindy Wilson** followed by Q&A moderated by special guest, documentary film-maker, **Tom Zubrycki**
- 8 November - AHRC/PIAC host **Roger Smith** (Executive Director of JUSTICE, UK), *Five Years of a Human Rights Act – Victories, Losses and Lessons from the UK*
- 24th November - **Lay Lee Tang** (AHRC Visiting Fellow) book launch: *Statelessness, Human Rights & Gender: Irregular Migrant Workers from Burma in Thailand* (Brill/Martinus Nijhoff) launched by Centre Associate, Alison Aggarwal.
- 28th November - AHRC/*Disability Studies and Research Institute: Critical issues in disability and human rights* –experts' roundtable to review text of a proposed UN convention on the human rights of people living with disability

A selection of speeches from the seminars is available on the AHRC website.

## 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, with editorial assistance from the Editorial Board and student editor interns. The Journal is the only refereed human rights journal in Australia. The Journal often focuses on a particular theme or symposium. The first issue of 2005 contained articles on corporate accountability and criminal liability for human rights abuses. The December 2005 issue featured a collection of papers from the *Fulbright Symposium on Peace and Human Rights Education*, held at Melbourne University Law School in July 2005.

The Members of the editorial board of the Journal are listed in annexure A.

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

The *Human Rights Defender*, edited by Ronnit 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. This year, in response to public debate and concerns about anticipated human rights contraventions, the AHRC published a *special on-line edition* of the *Defender* on the anti-terrorism legislation. The *Defender* is aimed at the broader community and publishes a cross-section of high quality short (1000 to 1500 words) human rights articles and reviews. Subscriptions to the *Defender* continue to increase slowly and wider circulation remains a critical aim of the editors given the broad range of articles it attracts and increasing production costs. In addition to participating in the student editor internship program, the *Defender* works with volunteers and provides students with experience of the editorial process.

### **5.3 AHRC Monograph Series/Occasional Papers and Submissions**

To coincide with International Human Rights Day on 10 December 2005, Australian Human Rights Centre published and launched *The Road To A Remedy: Current Issues in the Litigation of Economic, Social and Cultural Rights* (edited by John Squires (AHRC), Malcolm Langford and Bret Thiele (Centre on Housing Rights and Evictions (COHRE))). *The Road to a Remedy* was published as part of the AHRC Monograph Series and is being distributed by UNSW Press.

Throughout the year AHRC Associates published articles, conference papers, submissions and reviews across a wide range of issues and in a variety of Journals, books, and bulletins and the media. Some of these may be accessed via the AHRC website. Centre Associate and Harvard PhD candidate, Rosalind Dixon, drafted a major submission with Centre student interns and assistance from members of the AHRC Management Committee on the proposed Victorian Bill of Rights which called for a Bill inclusive of economic, social and cultural rights.

### **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. A new competition, with a particular focus on economic, cultural and social rights, has been initiated by the Combined Community Legal Centres Group and sponsored by UNSW PhD candidate, Cassandra Goldie and AHRC Associate from COHRE, Malcolm Langford. The AHRC Economic, Social and Cultural Rights Essay Prize (worth \$500) will be open to entrants in 2006.

### **5.5 Website**

The AHRC website was redesigned by Glen Jeffreys to make it more attractive, accessible and useful. AHRC Administrator, Miriam Lyons and student interns continued to work with Glen to refine the website, adding additional links and facilitating access to AHRC (and related) events and publications.

### **5.6 Documentation Centre**

The AHRC and Law Library have been working collaboratively on the integration of the AHRC Documentation Centre into the main law library. Law Librarian Karen Rowe-Nurse led the project with the assistance of volunteer law student, Simone Krause, undertaking the considerable task of reviewing and evaluating the contents of the Documentation Centre for conversion into on-line access (where available) or for library cataloguing. It is anticipated that the project will be finalised prior to the move to the new Law Building.

*Financial Statement*

**AUSTRALIAN HUMAN RIGHTS CENTRE**

**Statement of Financial Performance  
for the Year Ended 31 December 2005**

	2004 \$	2005 \$
<b>Income</b>		
External Funds (i)	38,394.41	20,946.67
UNSW Contribution	<u>160,335.00</u>	<u>78,376.92</u>
Total Income	198,729.41	99,323.59
 <b>Expenses</b>		
Payroll	53,461.14	141,747.78
Equipment	0	840
Materials	7,803.57	30,463.37
Travel	<u>29,813.32</u>	<u>856.09</u>
Total Expenses	91,078.03	173,907.24
 <b>Operating result</b>	107,651.38	-74,583.65
 <b>Surplus(Deficit) Bfwd from Prior Year</b>	18,707.32	126,358.70
 <b>Accumulated Funds Surplus(Deficit)</b>	<u><u>126,358.70</u></u>	<u><u>51,775.05</u></u>

(i) Excludes debtors (unpaid invoices) 1,256.80

Signed:

Professor David Dixon  
Senior Associate 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 2005**

<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	<b>Convenors:</b> Anthony Zwi (SPHCM) and Michael Humphrey (Arts and Social Sciences)  Daniel Tarantola (UNSW) Andrea Durbach (Law) Christine Forster (Law) Susan Kippax (National Centre in HIV Social Research) Darren Dick (Social Justice Unit, HREOC)
Environment and human rights	Law; Built Environment; NSW Govt	<b>Convenor:</b> Linda Pearson (Law)  TBC (Built Environment) Pepe Clarke (EDO) Janice Gray (Law) Anne Harrison (NSW Department of Environment and Conservation)
Trade and corporate accountability	Law; Commerce and Economics; ALHR	<b>Convenor:</b> Justine Nolan (Law)  Paul Redmond (Law) Gig Moon (Law) Anne Junor (Commerce and economics) 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	<b>Convenor:</b> Andrew Byrnes (Law)  Rosemary Rayfuse (Law) Devika Hovell (Law) Steven Freeland (Law) (UWS) Anthony Zwi (SPHCM) Eileen Pittaway (Social Work) Patrick Earle (Diplomacy Training Program) Laurie Berg (Australian Red Cross) Ben Saul (Law)
Disability Rights	Law	<b>Convenor:</b> Rosemary Kayess (DSRI/Law) Phillip French (PhD student, Law) Andrew Byrnes (Law)



<p>Australian Human Rights Journal</p>		<p><b>Convenor:</b> Peter Kriesler (Editor) (Commerce and Economics)</p> <p>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 &amp; Policy)</p>
<p>Human Rights Defender</p>		<p><b>Convenor:</b> Ronni Redman (Law)                  Alan Morris (Social Science and Policy)                  Glen Jeffreys (Law)                  Student intern (Law)</p>
<p>Publications and website</p>		<p><b>Convenor:</b> Miriam Lyons (AHRC)</p> <p>Glen Jeffreys (Law)                  Philip Chung (AustLII)                  Andrea Durbach (Law)                  John Squires (Law)</p>
<p>Conference and seminars</p>		<p><b>Convenors:</b> Justine Nolan (Law) and Devika Hovell (Law)</p> <p>Andrea Durbach (Law)                  Gig Moon (Law)                  Maria Graterol (Research Fellow)</p>
<p>Teaching programs, SJP and other interns, Research Associates</p>		<p><b>Convenors:</b> Gig Moon (Law) and Andrea Durbach (Law)                  Julian Disney (Law)                  Eileen Pittaway (Social Work)                  John Pace (UN)                  Rosemary Rayfuse (Law)</p>
<p>Human Rights Essay Prize</p>		<p><b>Convenors:</b> John Squires (Law) and Alison Aggarwal                  Garth Nettheim (Law)                  Simon Rice (ALHR)                  Andrea Durbach (Law)</p>