



Annual Report 2006

The AHRC was established in 1986 and from 1996, its primary objective was to increase public awareness about human rights procedures, standards and issues within the Asia-Pacific region via research, the establishment and maintenance of a human rights documentation centre, and publications. With the establishment and impact of the Diplomacy Training Program – an offshoot of the AHRC – which provides human rights training to NGOs and human rights advocates in the Asia Pacific Region, the increasing on-line availability of human rights materials and the need to enhance collaborative research and education initiatives and consolidate and build its resource base, the AHRC revised its key objectives and structure in mid-2004.

1. Core aims and operations

The AHRC remains the only interdisciplinary human rights centre at an Australian university, a feature which is reflected in both its activities and governance structure (see below).

The AHRC's aims and operations include:

- undertaking and facilitating interdisciplinary research projects and consultancies with a particular focus on economic, social and cultural rights
- developing human rights educational initiatives by hosting workshops, public lectures, 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
- providing accessible information on significant human rights developments in Australia, the Asia-Pacific region and internationally, facilitating access to online human rights resources via the AHRC website and publishing the *Australian Journal of Human Rights*, the *Human Rights Defender*, occasional papers and other publications.

2. Management

While the Centre is located in the Faculty of Law, its Management Committee and Centre Working Group include representatives from the School of Public Health and Community Medicine and the Faculties of the Built Environment, Arts and Social Sciences, Commerce and Economics and the Faculty of Law. 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 3 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 2006):

- Clark Butler (UNSW Law Alumni) (Head, Sourcing Strategy and Transactions, Westpac)
- Prof Andrew Byrnes (Faculty of Law, UNSW)
- Phillip Chung (Austlii)

Andrea Durbach (Director, AHRC)
Elizabeth Evatt AC (Visiting Professor) (Law)
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 Chairperson of the AHRC ManComm is Professor Andrew Byrnes (Law)

Management Committee member, Prof Michael Humphrey (Arts and Social Sciences – Sociology and Anthropology) took up an appointment at Sydney University at the end of 2006 and resigned from the AHRC Management Committee.

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.

In 2006, the CWG sub-committees continued to focus its work on four key areas:

- health and human rights
- trade and corporate accountability
- environment and human rights
- international human rights/humanitarian law.

New sub-committees on Disability Rights and Cultural Rights were also established. Standing CWG sub-committees include: the **Australian Human Rights Journal**; **Human Rights Defender**, Conference, Seminar and Annual Public Lecture program; Human Rights Teaching Program; and AHRC website.

During the year, it became apparent that for time and resource reasons, and given the existence of various Centres and initiatives across the university, it was difficult to sustain regular meetings of the CWG. The CWG determined that a revision of the group was required to allow for a more focused research-based orientation.

3. **Staff**

During 2006, the Centre's **staff** comprised:

- part-time Director, Andrea Durbach, who is a full-time member of the Law Faculty academic staff (since mid-2004)
- part-time Deputy Director, Justine Nolan (Law), who is a part-time member of the Law Faculty academic staff. Justine replaced long-standing Deputy Director, Peter Kriesler from the Faculty of Commerce and Economics in August.
- part-time administrator, Amber Rowe. Previous administrator, Miriam Lyons, working 2 days a week, resigned in February 2006 and Centre student intern, Sally Heighway, undertook the Centre administration on a casual basis until August. Centre co-ordinator, Amber Rowe, joined the Centre in September. Recognising the increasing activities of the Centre, the Dean of the Faculty of the Law, Prof David Dixon agreed to engage the new administrator on a 3-day per week basis to allow her to assist with the publication of the **Human Rights Defender** (formerly undertaken by the Glen Jeffreys).
- Centre student intern (1 day p/wk)
- Editor of the **Australian Journal of Human Rights**, Peter Kriesler and the Journal Editorial Board and student editor intern

- co-editors of the *Human Rights Defender*, Ronni Redman (Law), Alan Morris (Arts) and student editor intern.

The Centre's Director and Co-ordinator positions are funded by the Faculty of Law. In addition, the Centre benefits enormously from in-kind contributions from the Faculty, including office space and furniture, office equipment, communication and technological resources.

The move to the new Law Building on lower campus in July 2006, saw the Centre relocated to the Centres Precinct, an area designated for all Law Faculty and affiliated centres.

3. Centre activities

Research

ARC grant applications

This year, AHRC Associates submitted three major research applications to the NHMRC and the ARC:

- ***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).
- ***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)
- ***Networking for Human Rights: the work of the Asia Pacific Forum of National Human Rights Institutions*** (ARC) (Andrew Byrnes and Andrea Durbach with Maria Graterol)

Funded projects and consultancies

APF Right to Education Project

AHRC Research Fellow, Maria Graterol was engaged by the Asia Pacific Forum of National Human Rights Institutions to draft a paper on the evolution of the right to education and the extent to which the right has been addressed by national human rights institutions in the Asia Pacific region. The paper was the major background document for the annual meeting of the Advisory Council of Jurists of the APF held in Fiji in late 2006.

Human rights capabilities and attitudes among Australian NGOs

The project conducted by Australian Lawyers for Human Rights with the AHRC 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, to be published in 2007, will consider the development of a national model which best addresses the needs identified in the research.

Vietnam Women's Union Study Tour on Gender Equality Legislation

At the invitation of HREOC, the AHRC developed and conducted a study tour in Sydney and Canberra for a delegation from the Vietnam Women's Union on the development, implementation and community impact of gender legislation in Australia in anticipation of similar legislation being adopted by the Vietnamese National Assembly. The study tour, funded by the Asian Development Bank and AusAid, included briefings with judges and Federal magistrates, human rights and women's advocates, academics and representatives from government departments.

AHRC/Diplomacy Training Program – Human Rights Advocacy and Business

The AHRC, DTP and Forum Asia developed and presented a training program for community advocates from the Asia Pacific region on Human Rights Advocacy and Business. The program,

which engaged Centre Associates as trainers, covered topics such as the OECD guidelines, corporate accountability and environmental obligations.

Evaluation of Human Rights Legal Resource Centre, Melbourne

The AHRC was requested to undertake a major evaluation of the activities, operations, governance structure and impact of the Human Rights Legal Resource Centre. An evaluation brief and budget was reviewed by the Andrea Durbach, requiring a major re-write with the assistance of external consultant, Greg Masters. Despite extensive work on the brief, it was ultimately determined by the AHRC that the work envisaged could not realistically be undertaken within the budgetary constraints.

3.2 *Research Associates/Fellows*

During 2006, the Centre continued to attract human rights scholars of excellence keen to pursue their research at the Centre. The Research Fellows included:

- ANU graduate and APA scholarship recipient, Cristy Clark, undertook field work in South Africa and the Philippines in furtherance of her PhD on the impact of commodification on the right to water (supervised by Andrea Durbach)
- Columbia Masters of Law graduate and AHRC Visiting Fellow, Maria Graterol, undertook a major research project on the right to education for the APF and co-ordinated the study tour of the Vietnam Women's Union.
- Bjorn Jacobsen, PhD candidate, Copenhagen University, conducted research on specialised equality bodies, comparing Danish human rights complaint bodies with Australian and Canadian systems. Bjorn presented a seminar to the Faculty on his research.
- Phillip French commenced his PhD on Disability – the New Frontier in Human Right (co-supervised by Andrew Byrnes and Andrea Durbach). His research focuses on the definition of disability, legal capacity and the operation of discrimination law in the context of the new disability rights convention.

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, Claire Hammerton (semester 1) and Avigail Shai (semester 2) undertook a variety of valuable research and organisational tasks. Claire was of great assistance in facilitating the Vietnam Women's Union study tour and Avigail worked on the completion of the final report of the APF's Advisory Council of Jurists on the right to education.

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: Bernadette Radford and Diyana Mansour (with student volunteer editors, Talia Epstein and Avigail Shai)

The *Journal* interns were: Seranie Gamble and Kirsten Hunter

Educational initiatives

4.1 *Human rights courses*

In addition to the growing number of undergraduate and postgraduate human rights courses offered by the Law Faculty, this year saw the development of a cross-Faculty Masters course in *Health, Development and Human Rights*, convened by Prof Daniel Tarantola with members of

the UNSW Initiative for Health and Human Rights. The course, which will feature UNSW academics from the Faculties of Medicine, Law and Humanities as well as international presenters, will be offered in mid-2007.

4.2 External placements/student fellowships

Public Interest Internship Program

The first intake of students undertaking the Public Interest Internship Program (PIIP) commenced in 2006. The program, convened by AHRC Associate Laurie Berg, enables 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, Refugee Advice Centre, GetUp!) and develop and implement a research project for assessment by an academic supervisor.

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, piloted in January 2006, provides 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. The inaugural Fellow was graduate law student, Paula Novotna.

Model UN meeting, Sichuan University, Chengdu, China

The AHRC was invited by HREOC and the UN Association of China to participate in a Model UN meeting at Sichuan University, Chengdu. Five students were selected from a competitive field to present submissions to the meeting on economic, social and cultural rights and on the new Human Rights Council. AHRC Associate Assoc Prof Rosemary Rayfuse accompanied the students to China.

4.3 AHRC Annual Public Lecture

The AHRC Annual Public Lecture, held at the State Library in May, was delivered by **Professor Conor Gearty**, Raising Director of the Centre for the Study of Human Rights and Professor of Human Rights Law, London School of Economics. Prof Gearty's address, ***Human Rights, Human Security - protecting rights in the national interest***, was introduced by NSW Attorney-General, the Hon Bob Debus.

4.4 AHRC Seminar Program

During the year, the AHRC hosted a number of seminars featuring Australian and international speakers. These included:

- Prof Paul Hunt, UN Special Rapporteur on the Right to Health with HREOC Social Justice Commissioner, Tom Calma and Justice Michael Kirby
- Faculty of Law Visiting Fellow and AHRC Centre Associate, Dr John Pace (former Chief of the Human Rights Office of the UN Assistance Mission to Iraq (2004-2006), presented a seminar on ***The Failure of Human Rights Protection in Iraq***
- Visiting Fellow from Copenhagen University, Bjorn Jacobsen, addressed a seminar on comparative complaint mechanisms in the context of equality legislation in Australia and Denmark
- Malcolm Langford, Executive Director of the Centre on Housing Rights and Evictions, Geneva and PhD student, Cristy Clark, recently returned from conducting field work in

South Africa, presented a seminar *And Not a Drop to Drink- Exploring the Right to Water*

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 long-term and dedicated editorship of Associate Professor Peter Kriesler, UNSW Faculty of Commerce and Economics, with editorial assistance from the Editorial Board and student editor interns. Later in the year, Peter Kriesler indicated that he would be stepping down as Editor but would remain a member of the editorial board. Editorial Board members Christine Forster and Alan Morris will assume co-editorship of the Journal in 2007.

The Journal is the only refereed comprehensive and refereed human rights journal in Australia and includes articles on human rights from a variety of disciplines and perspectives. From time to time, the Journal focuses on a particular theme or includes papers from a symposium. The first issue of 2006 featured a collection of articles from a symposium on marginality.

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) and Amber Rowe (AHRC), is a non-refereed magazine published three times a year. 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 in large part due to the reinvigoration of the content and design of the magazine by Ronni Redman. Student editor interns and volunteer editors working on the *Defender* are involved in all aspects of the editorial process, make a considerable contribution and gaining invaluable experience.

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, was 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 \$500-00), piloted in 2006, requests students to write an essay in collaboration with a community legal centre, serving the dual purpose of undertaking research which offers the potential for practical application.

5.5 *Documentation Centre*

The AHRC and Law Library have worked collaboratively on the integration of the AHRC Documentation Centre into the main law library over the last 2 years. Law Librarian Karen Rowe-Nurse initially 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. During the year, with assistance from Law Library staff, particularly Richard Gray, the incorporation of the collection UNSW Law Library was successfully completed.

Financial Statement

The AHRC Centre income is derived from a mix of project work, consultancies, seminar/lecture fees, subscription from the *Journal* and *Human Rights Defender* and intermittent donations

**Statement of Financial Performance
for the Year Ended 31 December 2006**

	2005 \$	2006
Income		
External Funds (i)	20,946.67	42,214.59
UNSW Contribution	<u>78,376.92</u>	<u>108,238.00</u>
Total Income	99,323.59	150,452.59
Expenses		
Payroll	141,747.78	82,744.08
Equipment	840	1505
Materials	30,463.37	13,281.62
Travel	<u>856.09</u>	<u>2,136.07</u>
Total Expenses	173,907.24	99,666.77
Encumbered		
Materials	<u> </u>	<u> </u>
Total Encumbered		
Operating result	-74,583.65	50,785.82
Surplus(Deficit) Bfwd from Prior Year	126,358.70	51,775.05
Accumulated Funds Surplus(Deficit)	<u><u>51,775.05</u></u>	<u><u>102,560.87</u></u>

(i) Excludes debtors (unpaid invoices)

Signed:

Professor David Dixon
Senior Associate Dean, Faculty of Law, UNSW

(Date)

Associate Professor Brendan Edgeworth
Head of School, Faculty of Law, UNSW

(Date)