



# Australian Human Rights Centre E-BULLETIN May 2009

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## AHRCentre rebrands

To avoid confusion with the recently re-named Australian Human Rights Commission and its acronym (AHRC) – previously known as the Human Rights and Equal Opportunity Commission (HREOC) – the Australian Human Rights Centre acronym has changed to AHRCentre. This reflects our website address which is [www.ahrcentre.org](http://www.ahrcentre.org)

## What's on at the AHRCentre

### Upcoming Events

#### **21 May - Corporate responsibility: failed rhetoric or future remedy?**

The AHRCentre and Allens Arthur Robinsons invite you to a seminar on corporate responsibility and human rights. The seminar will consider whether corporate responsibility initiatives are effective and the role of business in protecting human rights. Speakers include representatives from the Office of the United Nations Special Representative on Business and Human rights, Westpac, the Australian Human Rights Commission, the Cambridge Programme for Sustainability Leadership, Allens Arthur Robinson, the Australian Human Rights Centre and the Gilbert & Tobin Centre for Public Law.

The event will be held on Thursday 21 May (6pm to 7.45) at Allens Arthur Robinson, Level 28, Deutsche Bank Place, corner of Hunter & Phillip Streets, Sydney. RSVP to [ahrc@unsw.edu.au](mailto:ahrc@unsw.edu.au)

#### **1 July - Schools event on Human Rights**

As part of the UNSW Schools Network Program, the AHRCentre and the Faculty of Law are hosting a Human Rights Round Table with senior high school students from across Sydney. The round-table will bring together human rights experts, practitioners and advocates, including Australian Human Rights Commissioner and

Disability Discrimination Commissioner, Graeme Innes AM and AHRCentre staff and interns to inspire young people to develop an understanding of and interest in human rights and their impact on daily lives.

### **21 July - Justice Yvonne Mokgoro, South African Constitutional Court**

The AHRCentre is delighted to be hosting an evening seminar with South African Constitutional Court judge, Justice Yvonne Mokgoro who will address the topic: "The Role of Legislation and Courts in Promoting Socio-Economic Rights: the South African experience"

### **August/September (date tbc) - Indigenous advocate and winner of the 2008 Human Rights Medal**

Les Malezer will address a seminar, co-hosted with the Indigenous Law Centre, on the Declaration on the Rights of Indigenous Peoples and Australia's recent decision to endorse the Declaration after an initial refusal to do so.

### **Friday, 2 October - Protecting Human Rights Conference**

The conference will consider the National Human Rights Consultation and provide an update on developments in the Victorian Charter of Human Rights and Responsibilities, the ACT Human Rights Act and in NSW human rights law. Leading Australian and international speakers will consider the National Consultation process and its possible outcomes. Finally, the conference will consider additional challenges in relation to human rights protection, including: the rights of Indigenous people; the protection of economic, social and cultural rights; and the intersection between human rights and religion. For more details see the Gilbert & Tobin Centre of Public Law at <http://www.gtcentre.unsw.edu.au/>

### **26-29 October - International Conference on Right to Health and Development, Vietnam**

The University of New South Wales Initiative for Health and Human Rights (IHHR) and Central Commission for Popularization and Education of The Communist Party of Vietnam, are to host an international conference on 'Realising the Rights to Health and Development for All' in Hanoi. The Conference aims to further the understanding of the complex relationships between health, development and human rights and to propose practical ways that policies, strategies and research can optimally respond to these challenges. The themes of the Conference include: HIV/AIDS and other current and emerging public health threats; maternal and child health; climate change; and economic globalisation. More details at <http://www.healthandrights.com/>

## **Recent Events**

### **24 March - Professor Jeff Halper**

American/Israeli anthropologist Professor Jeff Halper addressed a packed theatre when he spoke on Reframing the Israel-Palestine Conflict: a human rights perspective. A controversial scholar, Prof Halper said that Israel is implementing apartheid in the occupied Palestinian territories – evident in the 'cantonisation' of Palestinian populations and the segregation of Arabs from Jews by the construction of Israel's security wall. Many in the audience rejected his views, labelling them inaccurate and over-simplistic and accusing Professor Halper of "infantalising" the Palestinian people by stripping them of any responsibility for the conflict. In an often-fiery exchange with audience members, Professor Halper said Israel's presence in the occupied territories was now so great that he could not see how a viable Palestinian state could come about. There was no political will to secure a two-state solution, he argued.

An American Professor of Anthropology and lecturer at Haifa and Ben Gurion universities, Professor Halper is the recipient of the Olive Branch Award from Jewish Voice for Peace in the USA and was nominated for the Nobel Peace Prize in 2006 by the American Friends Service Committee. He is the author of several books on the Middle East and was coordinating director of the Israeli Committee Against House Demolitions.

### **18 March - Launch of Bills of Rights in Australia – history, politics and law**

A new and timely book, Bills of Rights in Australia – history, politics and law written by AHRCentre Chair, Andrew Byrnes, and Hilary Charlesworth and Gabrielle McKinnon (Regnet, ANU), was launched in March at Gleebooks by Sydney Morning Herald columnist and law journalist, Richard Ackland. Discussion centred on the adequacy of human rights protection in contemporary Australia and the need for a national human rights act. The book was also launched in Canberra on March 31st by Prof Frank Brennan SJ (speech at [http://acthra.anu.edu.au/news/Brennan\\_Speech - Launch of Bills of Rights in Australia.pdf](http://acthra.anu.edu.au/news/Brennan_Speech_-_Launch_of_Bills_of_Rights_in_Australia.pdf))

## Seminars

### 7 April - China Human Rights Delegation

The AHRCentre coordinated a visit to the Faculty of Law by a high-level delegation from the Chinese University of Political Science and Law. Various members of the Centre and Faculty addressed the delegation, which was in Australia to review human rights initiatives and protection.

### 30 March - A Human Rights Act for Australia?

In March, Andrew Byrnes spoke at Meeting of the Minds - a panel discussion on whether Australia should enact a Human Rights Act. Other panel speakers included NSW Attorney General, John Hatzistergos, Solicitor-General of the Commonwealth of Australia, David Bennett QC, NSW barrister, Dr Melissa Perry QC, Gilbert and Tobin Centre of public Law Bill of Rights Project Director, Ed Santow and PIAC Executive Director, Robin Banks. (audio file available at

[www.gtcentre.unsw.edu.au/audio\\_mtom.wma](http://www.gtcentre.unsw.edu.au/audio_mtom.wma))

### 19-20 Feb - UNSW International Research Workshop

In February 2009 the Faculty of Law hosted a number of international visitors for the International Research Collaboration workshop. Several AHRCentre staff and associates organised and participated in the Human Rights and International Law stream of the workshop and it is hoped that research projects with colleagues at the various international universities represented will be developed.

### 17 February - Disability Rights Seminar

AHRCentre staff and associates including Andrea Durbach and Andrew Byrnes addressed a seminar on the implementation of the most recent human rights treaty to enter into force, the Convention on the Rights of Persons with Disabilities. The seminar, International Convention on the Rights of Persons with Disabilities: Implementation, National and International Monitoring was co-convened with the Disability Studies and Research Centre and the Australian Human Rights Commission. Director of the Centre for Disability Law and Policy at the NUI Galway School of Law, Professor Gerard Quinn was the keynote speaker along with Australian Disability Commissioner, Graeme Innes, and Disability Studies and Research Centre Director, Rosemary Kayess and disability expert, Philip French.

### 10 December 2008 - 60th Anniversary of the UN Declaration of Human Rights

The AHRCentre, the Initiative for Health and Human Rights and the Diplomacy Training hosted a joint celebration of the 60th Anniversary of the UN Declaration of Human Rights at UNSW Faculty of Law with Lord Bingham, leading human rights jurist and former Master of the Rolls and Lord Chief Justice of England and Wales and Elizabeth Evatt AC, former member of the UN Committee on the Elimination of Discrimination against Women and the United Nations Human Rights Committee.

### 28 November 2008 - Violence Against Women: the power of men, the power of rights

The AHRCentre hosted a seminar on 'Violence Against Women: the power of men, the power of rights' with Centre Visiting Fellow, Ineke Boerefijn, Associate Professor at the Netherlands Institute of Human Rights, School of Law, Utrecht University and Penelope Andrews, Professor of Law at Valparaiso University Law School and Chair of Law at LaTrobe University

## AHRCentre visitors

Former Australian Human Rights Commissioner, **Professor Brian Burdekin AO** is a Visiting Professor at the AHRCentre and the Faculty of Law and taught a new course on *Human Rights in Asia* which focused on the role of national human rights institutions in the protection of human rights in the region. Brian is a former Special Adviser on National Institutions to the UN High Commissioner for Human Rights and currently Visiting Professor at the Raoul Wallenberg Institute of Human Rights in Sweden.

**Simon Rice** is a Visiting Research Fellow at the AHRCentre where he has been working with Justine Nolan and Adam McBeth (Monash University) on a book for OUP on international human rights, and with Andrea Durbach on a research proposal relating to public interest litigation. Simon is an Associate Professor at the ANU College of Law in Canberra, where he is Director of Law Reform and Social Justice. He was a former Director of the NSW Law Foundation and Kingsford Legal Centre at UNSW.

**Dr. Angela Ward** is currently visiting both the AHRCentre and Gilbert & Tobin Centre of Public Law at UNSW. She will be undertaking research on comparative human rights protection and guest lecturing in human rights courses. Angela is a barrister (Dublin and London) and Adjunct Professor in European Union and Human Rights Law at University College, Dublin.

#### **Beth Goldblatt**

Beth Goldblatt is a Visiting Research Fellow at the Centre undertaking research with Andrea Durbach on the impact on the right to health of the migration of health professionals. She is was formerly based at the School of Law, University of the Witwatersrand, South Africa. Beth is also undertaking research for the Disability Research Centre at UNSW and is an Honorary Senior Research Fellow on a gender and rights project at Sydney University Law Faculty.

#### **Dr. Gregor Heißl**

Dr. Heißl visited the AHRCentre in March - April 2009 to conduct research on Australian immigration law and practice and the right to respect for family life. Dr. Heißl is based at the Institute for Constitutional and Administrative Law, University of Vienna.

### Research Projects

AHRCentre staff and associates are conducting research across a variety of issues and disciplines, including:

- **business and human rights** and corporate accountability (Justine Nolan)
- **health and human rights** (Andrea Durbach and Beth Goldblatt)
- the intersection of **trade**, development and human rights (Gillian Moon)
- the potential impact of **economic, social and cultural rights** on the ACT Human Rights Act (Andrew Byrnes)
- **reparations for the Stolen Generations** (Andrea Durbach)
- international law, **human rights and counter-terrorism** (Chris Michaelson)
- **national human rights institutions in the Asia Pacific** (ARC funded project with Linkage Partner, the Asia Pacific Forum of National Human Rights Institutions) (Andrew Byrnes, Catherine Renshaw, Andrea Durbach). The project team have conducted field work in Nepal and Malaysia and will travel to New Zealand and Jordan mid-year to research their respective human rights commissions.

See publications below

### Postgraduate human rights opportunities

#### **Human Rights Internship Program**

A Human Rights Internship for post-graduate students will be introduced from session1, 2010 at UNSW, Faculty of Law. Enrolment will be by competitive application. Students will undertake a research project with an external human rights organization. The internships will be open to students in the Master of Laws, the Master of Human Rights Law & Policy and the Grad Dip Human Rights Law and Policy.

For more information, contact Gillian Moon [g.moon@unsw.edu.au](mailto:g.moon@unsw.edu.au)

#### **Masters of Human Rights Law and Policy**

The Faculty of Law at the University of New South Wales has recently launched a Masters of Human Rights Law and Policy. The new program, which will be open to both law and non-law graduates, offers an extensive range of courses which examine human rights law, with an emphasis on the international context. This specialised post-graduate degree provides an opportunity for those working or active in the field to develop enhanced human rights law and policy skills, capacity and impact. The program aims to train and support future professionals and scholars as leaders in the field of human rights law and policy. Please visit our website for more information: [www.law.unsw.edu.au/mhr/p](http://www.law.unsw.edu.au/mhr/p)

#### **AHRCentre International Internship Program with AYAD**

The AHRCentre has developed a partnership with the Australian Youth Ambassador Development (AYAD) Program to increase opportunities for AHRCentre researchers,

interns and volunteers to broaden their practical and research experience by working with human rights organizations and agencies in a developing country in the Asia Pacific region. The AYAD program is fully funded by the Australian Government's overseas aid agency, AUSAID. For internship opportunities with the AHRC see: <http://www.ahrcentre.org/content/Activites/Opportunities.html>

The AHRCentre currently has three 'ambassadors' on assignment: Avigail Shai, working as a Child Protection Officer with UNICEF in Nepal; Julia Mansour working with the Judicial Systems Monitoring Programme in Timor Leste; and Anouska Perram working with the Feminist Dalit Organisation, also in Nepal.

Avigail Shai shares some of her experience below:

*"I have been a member of the UNICEF Nepal Country Team since July 2008, as an Australian Youth Ambassador for Development working in the Child Protection section. During my time at UNICEF, I have drafted a legal Expert Submission on child rights, in collaboration with over 70 partner organisations, which was submitted to the parliamentary committees responsible for writing the new constitution of Nepal. This submission will provide a foundation for future advocacy efforts relating to constitution-building by UNICEF and its partners during this crucial time in Nepal's transition from conflict to peace. I was also deployed to Eastern Nepal for 3 months to support an emergency child protection response in response to flooding that displaced over 60 000 people. Since then, I have been involved in ongoing preparations for humanitarian response, including contingency and strategic planning, development of training materials, inter-agency coordination, and development of monitoring tools and indicators for use during emergencies. On an ongoing basis, I have drafted communications materials, speeches, policy briefs, and internal guidelines for various sections within UNICEF, such as Social Policy, Child Protection, and Programme, Advocacy and Communications.*

*And yes, I am having lots and lots of fun!!"*

## AHRCentre Publications

### Australian Journal of Human Rights

The recent edition of the Australian Journal of Human Rights (AJHR) (Vol 14(1) 2008) has been published and features the articles set out below. The next edition due for publication in June 2009 is a general edition with articles covering human trafficking, academic freedom, South Africa's Truth and Reconciliation Commission and strategic litigation. The following edition will focus on disability. If you would like to submit an article to the AJHR please email [ajhr@unsw.edu.au](mailto:ajhr@unsw.edu.au). Submission criteria are available at ([http://www.ahrcentre.org/documents/Publications/AJHR\\_styleguide.pdf](http://www.ahrcentre.org/documents/Publications/AJHR_styleguide.pdf)).

#### Volume 14 Number 1

##### Articles

*Human rights, power and welfare conditionality* - Ann Nevile

*Indigenous health and human rights* - Tom Calma

*Indigenous autonomy matters: what's wrong with the Australian government's 'intervention' in Aboriginal communities* - Sarah Maddison

*Joining the club: the Asia Pacific Forum of National Human Rights Institutions, the Paris Principles, and the advancement of human rights protection in the region* - Andrew Byrnes, Andrea Durbach and Catherine Renshaw

*The international protection of journalists in armed conflict and other violent situations* - Ben Saul

*Children, medical treatment and religion: defining the limits of parental responsibility* - Thomas Humphrey

*Kariong Juvenile Correctional Centre: countless contraventions of international law* - Mia Dambach

*Extending the International Criminal Court's jurisdiction to corporations: overcoming complementarity concerns - 8* - Kathryn Haigh

##### Book Reviews

*Crime, Aboriginality and the Decolonisation of Justice by Harry Blagg* - Leanne Weber

*Australian Charter of Employment Rights edited by Mordy Bromberg and Mark Irving, with a foreword by Bob Hawke* - Keith Hancock

The AJHR is a peer-reviewed journal article and recently received 'A' ranking status in the ARC journal classification exercise. For back issues see <http://www.austlii.edu.au/au/journals/AJHR/>

## Human Rights Defender

The **December** (2008) and March (2009) editions of the Human Rights Defender (HRD), focused on criminal justice and human rights. The editions drew on expertise from criminal law practitioners and other commentators from Australia, Japan, Pakistan, Hong Kong, Mongolia and the Solomon Islands. The July edition will focus on climate change and human rights. To subscribe or submit articles, please contact [hrd@unsw.edu.au](mailto:hrd@unsw.edu.au). Back copies of the HRD are also available.

## Publications and Presentations by AHRCentre Staff and Associates

### Recent publications

**Andrea Durbach**, "The Cost of a Wounded Society": Reparations and the Illusion of Reconciliation' (2008) 12(1) *Australian Indigenous Law Review* 22–40

**Andrew Byrnes**, Hilary Charlesworth and Gabrielle McKinnon, *Bills of Rights in Australia – History, Politics and Law* (Sydney: UNSW Press, 2009)

**A Durbach, C Renshaw and A Byrnes**, "A Tongue But No Teeth? The Emergence of a New Human Rights Mechanism in the Asia Pacific Region", *Sydney Law Review* (forthcoming 2009)

**C Renshaw, A Byrnes and A Durbach**, "Implementing Human Rights in the Pacific Through the Work of National Human Rights Institutions: the Experience of Fiji" [2008] UNSWLRS 66,

<http://law.bepress.com/unswwps/flrps08/art66> (*Victoria University of Wellington Law Review*, forthcoming 2009)

**Christine Forster** & Vedna Jivan, Gender Equality Laws: Good Practice and a Review of Five Southeast Asian Countries (UNIFEM Bangkok: Bangkok, March 2009)

**Justine M. Nolan** 'The China Dilemma: Internet Censorship and Corporate Responsibility' *Asian Journal of Comparative Law* Volume 4, Issue 1 2009 Article 3

**Justine Nolan** 'The nexus between human rights and business: Defining the sphere of corporate responsibility' in *Sanctions Accountability and Governance in a Globalised World* J Farrell and K Rubenstein (eds) forthcoming 2009 Cambridge University.

**Tarantola D** and Gruskin S (2009) 'Universal Access: Are National Strategic Plans Sensitive to Human Rights?' in: RG Marlink, SJ Teitelman, (eds) *From the Ground Up: Building Comprehensive HIV/AIDS Care Programs in Resource-Limited Settings* Washington, DC, Elizabeth Glaser Pediatric AIDS Foundation, pp 331-350 [In Print]

Esposito C, Steel Z, **Tarantola D** (2009) 'The prevalence of depression among men living with HIV in Vietnam' *American Journal of Public Health* [Accepted April 2009]

### Presentations

**Andrea Durbach** and **Catherine Renshaw** briefed a visiting delegation of Thai court officials from the Supreme Court of Thailand on the AHRCentre national human rights institutions project and the Australian human rights protection national consultation (15 May)

**Andrea Durbach** addressed the launch of the Young Lawyers Human Rights Opportunities Database. The database, which contains close to 300 entries for human rights internships, courses and volunteering in Australia and internationally, was launched by the Hon. John Hatzistergos MLC, NSW Attorney General and Minister for Industrial Relations at NSW Parliament House. Human rights barrister and co-founder of Australian Lawyers for Human Rights, Kate Eastman and Jonathon Hunyor, Director of Legal Services, Australian Human Rights Commission, also addressed the event. (14 May)

**Andrea Durbach** and **Beth Goldblatt** presented papers at a Sydney University Law School workshop on *Gender, Race and Reparations* on reparations for the Stolen Generations and the failure of reconciliation and the South African Truth and Reconciliation Commission's approach to gender issues (3 April)

**Andrew Byrnes** "The Asian Development Bank: the role of human rights in the pursuit of just and sustainable development in the Asia Pacific region, and other research projects" presentation at the International Research Workshop, UNSW (29 February)

**Andrea Durbach**, along with Tom Calma (the Aboriginal and Torres Strait Islander Social Justice Commissioner and Race Discrimination Commissioner from the Australian Human Rights Commission) and Richard Clarke (Human Rights Officer in the Anti Discrimination Unit of the Office of the High Commissioner for Human Rights in Geneva) addressed a seminar in Melbourne on "Can the UN Combat Racism? A Preview of the Durban Review Conference". The seminar was organised by the Castan Centre for Human Rights, Monash University (20 February).

**Andrew Byrnes** "The Convention and the National Human Rights Consultation", presentation at seminar on the International Convention on the Rights of Persons



with Disabilities: implementation, national and international monitoring, UNSW (17 February)

**Andrew Byrnes** “Drug offences, Access to Courts and Human Rights”, presentation to Young Lawyers CLE Seminar Series (11 February)

**Catherine Renshaw** presented a paper ‘The Globalisation Paradox and the Implementation of International Human Rights: the Function of Transnational Networks in Combating Trafficking in the ASEAN Region’ at the 25th Annual Law and Society Australia and New Zealand Conference held at the University of Sydney from 10 to 12 December 2008 (available at <http://ses.library.usyd.edu.au/handle/2123/4045>)

**Andrew Byrnes**, “Reflections on the 60<sup>th</sup> Anniversary of the Universal Declaration of Human Rights”, commentator on video presentation by Craig Mokhiber, Deputy Director of the Office for the United Nations High Commissioner for Human Rights, Australian Institute of International Affairs (NSW) (10 December 2008).

### Submissions

**Andrea Durbach, Catherine Renshaw and Andrew Byrnes**, Evidence given at hearing of Human Rights Sub-committee of the Joint Standing Committee on Foreign Affairs, Defence and Trade, Inquiry into Human Rights Mechanisms and the Asia-Pacific, Sydney, 18 February 2009 available at [http://www.aph.gov.au/house/committee/jfadt/asia\\_pacific\\_hr/hearings/Proof 18 Feb.pdf](http://www.aph.gov.au/house/committee/jfadt/asia_pacific_hr/hearings/Proof%2018%20Feb.pdf)

**Andrew Byrnes and Andrea Durbach** (with Hilary Charlesworth, Susan Harris Rimmer, ANU), Submission into the Inquiry into the Optional Protocol to the Convention on the Rights of Persons with Disabilities, conducted by the Joint Standing Committee on Treaties, February 2009, <http://www.aph.gov.au/house/committee/jsct/3december2008/subs/sub11.pdf> (number of references in JSCOT Report No 99, available at <http://www.aph.gov.au/house/committee/jsct/3december2008/report/fullreport.pdf>)

**Andrew Byrnes**, Submission to the Inquiry into Human Rights Mechanisms and the Asia-Pacific (Submission on Australia’s role in the work of the Asian Development Bank), Joint Standing Committee on Foreign Affairs, Defence and Trade,, 20 November 2008, available at [http://www.aph.gov.au/house/committee/jfadt/asia\\_pacific\\_hr/subs/Sub 6.pdf](http://www.aph.gov.au/house/committee/jfadt/asia_pacific_hr/subs/Sub%206.pdf)

**Andrea Durbach, Catherine Renshaw and Andrew Byrnes**, Submission to the Inquiry into Human Rights Mechanisms and the Asia, 20 November 2008, Joint Standing Committee on Foreign Affairs, Defence and Trade, available at [http://www.aph.gov.au/house/committee/jfadt/asia\\_pacific\\_hr/subs/Sub 4.pdf](http://www.aph.gov.au/house/committee/jfadt/asia_pacific_hr/subs/Sub%204.pdf)

**Justine Nolan** (co-signatory to the) Joint Submission of International Academic Human Rights Programs to the United Kingdom’s Joint Committee on Human Rights inquiry into business and human rights (May 2009).

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