

## Annual Report 2010

### 1. Introduction

The Australian Human Rights Centre (AHRCentre) is an inter-disciplinary research and teaching institute based at the Faculty of Law. Established in 1986, the AHRCentre:

- undertakes and facilitates interdisciplinary research projects and consultancies with a particular focus on economic, social and cultural rights;
- develops human rights educational initiatives by hosting workshops, public lectures, seminars and conferences, co-ordinates interdisciplinary human rights teaching and internship programs, and provides a forum for domestic and international scholarship and debate on contemporary human rights issues; and
- provides accessible information on significant human rights developments in Australia, the Asia-Pacific region and internationally, facilitating access to online human rights resources via the AHRCentre website and publishing the *Australian Journal of Human Rights*, the *Human Rights Defender* and occasional papers and publications.

### 2. Management

Located in the Faculty of Law, the Centre's Management Board includes representatives from a number of UNSW faculties and schools, including the School of Public Health and Community Medicine, and the Faculties of the Built Environment, Arts and Social Sciences, and Law. Members of the AHRCentre Management Board, drawn from the academic, government and private sectors, bring strong governance skills and financial expertise to the overall management of the AHRCentre and a commitment to promoting interdisciplinary research and educational initiatives.

The Management Board met in July and December 2010 to ensure compliance with AHRCentre objectives, provide strategic direction, oversee AHRCentre financial administration and ensure its ongoing viability. In keeping with UNSW Centres Policy Guidelines, the Management Committee has been renamed the Management Board. The Board approved a new logo in accordance with the adoption in 2009 of 'AHRCentre' as the Centre's acronym.

The members of the AHRCentre Management Board in 2010 were:

- The Hon Catherine Branson QC – President, Australian Human Rights Commission
- Professor Andrew Byrnes - Faculty of Law, UNSW
- Professor Louise Chappell – School of Social Sciences and International Studies Australian Research Council Future Fellow, UNSW and Co-director, Feminist International Network on State Architectures
- Phillip Chung – Faculty of Law, UTS and Executive Director, AustLii
- Associate Professor Linda Corkery – Faculty of the Built Environment, UNSW
- Associate Professor Andrea Durbach - Faculty of Law, UNSW
- Elizabeth Evatt AC - Visiting Professor, Faculty of Law, UNSW; Commissioner of the International Commission of Jurists and Chair, PIAC
- Professor Martin Krygier – Faculty of Law, UNSW and Co-Director, Centre for Interdisciplinary Studies of Law
- Emeritus Professor Garth Nettheim – Faculty of Law, UNSW
- Professor Anthony Zwi – School of Public Health and Community Medicine, UNSW; Fellow, Australasian Faculty of Public Health Medicine; Management Board Member, Centre for Refugee Research, UNSW.

The Chairperson of the AHRCentre Management Board is Professor Andrew Byrnes; and the Director of the AHRCentre is Associate Professor Andrea Durbach. Justine Nolan was Acting Director during Semester 1 2010 while Professor Andrea Durbach was on sabbatical leave.

The Board was delighted to welcome Professor Louise Chappell from the Faculty of Arts and Social Sciences, and Professor Anthony Zwi from the Faculty of Medicine as new members in 2010. Professor Chappell replaced Associate Professor Lucy Taksa and Professor Zwi replaced Professor Daniel Tarantola.

The Board extended a vote of thanks to Professor Daniel Tarantola, Professor Lucy Taksa and Clark Butler for their contributions to the AHRCentre during their time as Board Members.

The Centre's project/program directors are:

- Health and Human Rights - Andrea Durbach and Beth Goldblatt
- International Human Rights Law: APF/NHRI project – Catherine Renshaw
- Business and Human Rights - Justine Nolan
- Trade, development and human rights - Gillian Moon
- Gender, development and human rights – Andrew Byrnes and Beth Goldblatt
- Migrant and Refugee Rights Project – Asia Pacific - Bassina Farbenblum
- Counter-terrorism and Human Rights – Chris Michaelsen
- Environment and human rights - Linda Corkery

The Conference, Seminar and Annual Public Lecture programs are co-ordinated by Andrea Durbach and the Human Rights Teaching Program is co-ordinated by Gillian Moon.

### **3. Staff and Centre Operations**

#### **3.1 Staff**

During 2010, AHRCentre staff was:

- Chair, Andrew Byrnes, who is the Law Faculty Professor of International Law (since 2005).
- Director, Andrea Durbach, who is a full-time member of the Law Faculty academic staff (since mid-2004).
- Deputy Director, Justine Nolan, who is a part-time member of the Law Faculty academic staff.
- AHRCentre co-ordinator, Amber Rowe (3 days per week).
- Catherine Renshaw, Research Fellow, Director, APF project (ARC Linkage Grant).
- Social Justice Program student intern (one day a week during semester): Zoe Adams-Lau and Stephanie De Lorenzo (Semester 1); Joy Chang and Sephora Sultana (Semester 2).
- Co-editors of the *Australian Journal of Human Rights* (AJHR): Christine Forster and Alan Morris (and the editorial board (see under Publications))
- Co-editors of the *Human Rights Defender* (HRD): Justine Nolan (Law); Claudia Tazreiter (Arts); Janice Gray (Law); and Jill Hunter (Law)
- Student editor interns of *AJHR* – Justin Levy (semester 1) and Rob Thomas (semester 2).
- Student editor interns of *HRD* – Pablo Ramirez (semester 1) and Merry Zhao (semester 2).

We are also delighted that AHRCentre Associates, Research Fellow Chris Michaelsen and Daniel Joyce have been appointed to the UNSW Faculty of Law commencing 2011.

#### **3.2 Centre Operations**

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.

During late 2009, space requirements and resource constraints within the Law Faculty saw the Centre's co-ordinator, Amber Rowe move to level 3 from the Faculty Centres precinct (on level 1) to share an office and administrative tasks with the Gilbert + Tobin Centre of Public Law administrator, Belinda McDonald. Having the AHRCentre co-ordinator located on level 3 in close proximity to AHRCentre staff has been a valuable and productive initiative. Space allocated in the Law Faculty Centres precinct (level 1) to AHRCentre staff and interns was however reduced to accommodate staff from the newly established Disability Studies and Research Centre (DSRC).

## 4. Research

### 4.1 Research Projects

#### **Building Human Rights in the Region: the role of the Asia Pacific Forum of National Human Rights Institutions**

The AHRCentre undertook a major 3-year research project, which explored the role of the Asia Pacific Forum of National Human Rights Institutions (APF) in promoting the domestic dissemination of international human rights norms via the establishment of national human rights bodies (NHRIs). In analysing the work of the APF and some of its member NHRIs, the project examined the adequacy of existing theoretical models to explain how horizontal transnational public networks, such as the APF, contribute to the implementation of international norms at the national level. Andrew Byrnes and Andrea Durbach were the project chief investigators, and Catherine Renshaw was the project research fellow.

During 2010, Andrew Byrnes, Andrea Durbach and Catherine Renshaw conducted interviews, with staff members of national institutions and government officials from Nepal, Malaysia, Jordan, and New Zealand. Brian Burdekin was actively involved and contributed immensely to the research.

Andrea Durbach attended a meeting of the Asia Pacific Forum of NHRIs in Bali as a member of the Advisory Council of Jurists, whose current reference is related to human rights, sexual orientation and gender identity.

In March 2010, the team attended a Workshop on the Universal Periodic Review, hosted by the APF and the Australian Human Rights Commission. The Workshop brought together representatives from NHRIs from across the region (Indonesia, Korea, New Zealand, Afghanistan, India, Sri Lanka, Malaysia), from civil society and government, to share experiences of the UPR and to discuss the role of the Australian Human Rights Commission, the Australian government and Australian NGOs in the lead-up to Australia's own review before the Human Rights Council in February 2011.

The project (LPO776639) is funded by the Australian Research Council and the Asia Pacific Forum of National Human Rights Institutions under the ARC Linkage Projects Scheme.

In 2011, a book will be written drawing on the 3 years worth of research that the Project has collated.

#### **Economic, Social and Cultural Rights: ACT Human Rights Act**

Professors Andrew Byrnes and Hilary Charlesworth (Centre for International Governance and Justice, Regnet, ANU) continued their work on their project, *Protecting economic, social and cultural Rights in the ACT: Models, methods and impact*, carried out in collaboration with the ACT Department of

Justice and Community Safety. This project follows on from an earlier Linkage project on the impact of the ACT Human Rights Act 2004.

Andrew Byrnes worked with Hilary Charlesworth and Renuka Thilagaratnam concerning the inclusion of economic, social and cultural rights in the ACT Human Rights Act. This ARC Linkage project was conducted by the Centre for International Governance and Justice at the Regulatory Institutions Network at the ANU (Professor Hilary Charlesworth, Ms Renuka Thilagaratnam and Dr Katie Young) and the Australian Human Rights Centre (Andrew Byrnes).

The Project recently submitted a major report to the ACT government on the desirability of including economic, social and cultural rights in the ACT Human Rights Act 2003. An article by Andrew Byrnes on economic, social and cultural rights was published in the *UNSW Law Journal* special issue on the National Human Rights Consultation.

### Asian Development Bank

Professor Andrew Byrnes was awarded a Goldstar for his ARC Discovery application *The Asian Development Bank: The role of human rights in the pursuit of just and sustainable development in the Asia-Pacific region*. A revised application was submitted in 2010.

## 4.2 Other research activities

### International Human Rights Law

AHRCentre Chair and International Law Professor, Andrew Byrnes has been awarded an ARC Discovery Grant to undertake a project entitled: *Whose law is it, anyway? Citizens' and peoples' challenges to state dominance in the making and application of international law* (DP110101594). This new project will run from 2011 until 2013. It will explore the role of citizens' and peoples' tribunals operating outside formal international institutional structures, yet deploying international law norms and procedures, as a form of accountability mechanism.

Elizabeth Evatt was involved in a multi-authored commentary on the Convention on the Elimination of all forms of Discrimination against Women (CEDAW).

The Centre for Interdisciplinary Studies of Law co-sponsored a conference on immigration and citizenship with Harvard University, which will be the subject of a book. David Grant undertook a new program on nanotechnology and the law. In 2010 UNSW decided to discontinue the Centre for Interdisciplinary Studies of Law.

### Business and Human Rights

Justine Nolan conducts research on the intersection of human rights and business. Her current research is focusing on the effectiveness of codes of conduct and 'soft law' in protecting against corporate human rights violations and in November 2010 she presented a paper on this topic at a conference at the United Nations University in Tokyo on 'Sustainable decision making in a time of crisis: public and private perspectives'. The project focuses on the role business can play in protecting and promoting human rights.

Justine Nolan attended a conference about the UN Global Compact in New York's Human Rights and Business Institute in June 2010. An opinion piece by Justine was published in *The Age* and *The Canberra Times* on 'The global scourge of corporate buck passing' on 10 June 2010.

### **Trade, Development and Human Rights**

The intersections between international economic law, international human rights law and trade, commerce and investment are the focus of this project, led by Gillian Moon. It seeks to foster and conduct research into the impacts of international investment and trade law, policy and practice on economic and social rights in developing countries, including into the intersection between trade and investment law and norms of equality and non-discrimination. Gillian is currently undertaking research in this area while on sabbatical at Cambridge University.

Gillian Moon presented a paper on 'The Human Rights Dimension of Debt-for-Development Exchanges' at the UNSW Colloquium on Debt-for-Development Exchanges on 19 March 2010.

### **Health and Human Rights**

The health and human rights projects developed via the work undertaken by the AHRCentre with the UNSW Initiative for Health and Human Rights (IHHR) established in 2005 under the chair of Professor Daniel Tarantola. AHRCentre staff have participated in developing a symposium on the impact of climate change on the right to health, research projects on balancing human rights and public health emergency imperatives during pandemics in Australia and the impact of health professional migration on the right to health in developing countries and teaching components of the IHHR course, Health, Development and Human Rights.

After 5 years of successful research and teaching in the area of health and human rights, the International Health and Human Rights program has come to end because of the decision of UNSW to discontinue the project. Several members of the Initiative Steering Committee hope to retain aspects of the initiative, such as continuing with the Health, Human Rights and Development course as well as the collaborative research projects.

### **Gender, Development and Human Rights**

A number of Centre staff and Associates are working on issues of the human rights of women, particularly the implementation of the UN Convention on the Elimination of All Forms of Discrimination against Women. AHRCentre Board members Louise Chappell and Andrew Byrnes, Anna Cody, Christine Forster, Beth Goldblatt and Gillian Moon work on a number of projects analysing gender rights and development in different contexts.

ARC Future Fellow, Louise Chappell, is undertaking research on gender justice and the International Criminal Court, specifically the extent to which the Court's promise to advance women's rights are being implemented in practice. In the first half of 2011 Louise will be undertaking her research at the University of Manchester as a Hallsworth Fellow, and as the 2011 Australian European University Institute (EUI) Visiting Scholar in Florence.

Andrew Byrnes has written a number of chapters on a comprehensive commentary on the CEDAW Convention to appear in 2011 and with Jane Connors of the Office of the UN High Commissioner for Human Rights is preparing a monograph on the treaty.

Christine Forster is currently part of a team working on drafting a new progressive CEDAW-compliant Family Law Bill for the Cook Islands, which incorporates extensive protection for victims of domestic violence as well as spousal benefits and parenting orders. She is also currently working on articles on domestic violence law in Pacific Island countries and the role gender equality laws in transitional states.

Anna Cody has worked on the last two reviews of Australia by the CEDAW Committee, developing and writing NGO alternative reports for the Committee's consideration. In July 2010 Anna was a participant in the NGO delegation, which advocated on behalf of Australian NGOs to the CEDAW committee and is currently working on the implementation of the Committee's concluding observations.

Beth Goldblatt has co-edited a special issue of the South African Journal on Human Rights on Women and Social and Economic Rights. Gillian Moon works on the issues of equality and non-discrimination in the context of trade and development.

### **International Co-operation, Human Rights and Counter-Terrorism**

This new project, led by Christopher Michaelsen, undertakes a comprehensive and interdisciplinary analysis of pressing international human rights problems and challenges in contemporary international co-operation in counter-terrorism. A key objective of the project is to examine recent state practice, case law as well as developments in international diplomacy in order to identify trends in international jurisprudence and policy on the intersection between human rights and counter-terrorism law and policy.

Analysing recent developments in public policy and in international and domestic jurisprudence, this project directed by Chris Michaelsen addresses a range of pressing international law and human rights questions in the area of international co-operation on counter-terrorism. It explores the relationship between the quasi-permanent threat of international terrorism and the option for States to 'derogate' from international human rights obligations in times of public emergency. It also examines the legality of relying on so-called diplomatic assurances on the non-use of torture when deporting and extraditing individuals suspected of terrorism. A major sub-project focuses on the Security Council's Al Qaeda and Taliban sanctions regime established by Security Council Resolution 1267. The 1267 regime's listing and de-listing mechanism, in particular, raises a number of human rights concerns and challenges.

The project will also explore, where appropriate, options for reform that bring counter-terrorism measures in compliance with international human rights obligations. Research undertaken as part of the project has already led to a number of conference presentations, including at the 2010 Annual Convention of the International Studies Association in New Orleans.

### **Migrant and Refugee Rights in Asia Program**

Led by Bassina Farbenblum, the Migrant and Refugee Rights in the Asia Pacific Project (MRRP) engages in advocacy, impact litigation, research and law reform to advance the human rights of refugees and migrants in Australia and the Asia Pacific region. A Clinic has been established that allows senior UNSW law students under the supervision of the MRRP Director to gain experience as legal advisors, co-counsel or advocacy partners with human rights advocates in Australia and the region. MRRP took its first student intern over summer 2009-10, and had 3 interns enrolled in first session 2010.

MRRP partners with community organisations and law firms in Australia and Asia to

- a. Bring or intervene in strategic litigation within domestic courts and tribunals, as well as at the international level;
- b. Engage in domestic advocacy, law reform, and rights-based education initiatives; and
- c. Develop resources for and networks with human rights lawyers and advocates in Asia.

In addition to its domestic litigation and advocacy work, MRRP collaborates with legal NGOs in the region on advocacy and law reform initiatives such as drafting communications to UN human rights bodies; undertaking fact-finding and documentation of systemic rights violations; research and drafting white papers and parliamentary submissions; and filing and litigating freedom of information requests. The MRRP's current projects and cases in development focus on transparency and accountability with respect to Australia's role in the interception and detention of asylum seekers in South-East Asia.



The MRRP worked on several tasks throughout the year:

- **Malaysian Bar Council Refugee Employment Litigation:** test case on whether criminal provisions relating to the employment of illegal immigrants applies to refugees. The outcome of the case affects the right to work for over 100 000 asylum seekers and refugees in Malaysia
- **Submission to the Australian Senate Legal and Constitutional Affairs Committee on the Anti-People Smuggling and Other Measures Bill:** A submission examining the Bill's consistency with Australia's international obligations and policy implications for refugee communities in Australia and overseas.
- **Regional Policing of Irregular Migration:** a project that utilises Freedom of Information laws, parliamentary processes, and an innovative new internet portal to increase transparency and accountability for state conduct in the interception and detention of irregular migrants in Indonesia, Malaysia and Sri Lanka.
- **Domestic Violence against Non-Citizen Spouses:** in partnership with the Immigration Advice and Rights Centre (IARC), MRRP developed a legislative advocacy report to address the current dilemma of New Zealand citizens resident in Australia who are not entitled to permanent resident or social security if they leave violent or abusive relationships.
- **Human Rights Clinic:** A clinic was established where UNSW undergraduate student interns spent one day a week at the MRRP offices gaining unique clinical experience in multifaceted approaches to human rights litigation and advocacy in both domestic and international settings, in collaboration with regional partner organisations. The clinic provides essential resource assistance to civil society organisations in the region that would otherwise be unable to undertake such systematic advocacy work.
  - The work undertaken by the Clinic includes all aspects of casework including litigation strategy, legal and factual research, drafting of motions and preparing briefs. The Clinic's work also included drafting communications to UN bodies, parliamentary submissions on proposed legislation and advocacy reports.

Bassina Farbenblum had been involved in media work on asylum and refugee issues. In 2011 Bassina Farbenblum will be on maternity leave.

## Environment

A new initiative was proposed in 2010 to engage with the National Dialogue on Universal Housing Design in collaboration with the UNSW Faculty of Built Environment. The focus of the project will be identifying how built environment endeavours – planning, architecture, landscape, and interior architecture, industrial design, public art, property development – intersect with and have an impact on human rights. The relationship of the built environment to health care access, affordable housing and public transport, accessible public domains and culturally meaningful public spaces, will be explored.

Linda Corkery of the Faculty of Built of Environment has led this project.

### Disability Rights

The AHRCentre remained active in the area of disability rights in 2010. AHRCentre staff and Associates are involved in research on issues of disability and human rights. These included a focus on the UN Convention on the Rights of Persons with Disabilities, and its international and domestic implementation. Andrew Byrnes and Rosemary Kayess have worked on this project throughout the year.

### New Media and Human Rights

This project combines Daniel Joyce's post-doctoral research in international law with his research and teaching interests in media law and human rights law. A particular focus of his inquiry will be the connection between new and social media and the human rights methodology of witnessing. Daniel will commence as a lecturer in the Faculty in January 2011.

## 4.3 Research Associates/Visiting Fellows

During 2010, the AHRCentre continued to attract human rights scholars of excellence keen to pursue their research with Centre colleagues.

- **Professor Brian Burdekin AO**, former Australian Human Rights Commissioner, was a Visiting Professor at the AHRCentre and the Faculty of Law and taught a new course on *Human Rights in Asia* that 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.
- **Anna Cody**, Kingsford Legal Centre Director (Associate) contributed to the Gender program.
- **Beth Goldblatt** is a Visiting Senior Research Fellow undertaking research with Andrea Durbach on the impact on the right to health of the migration of health professionals. She was formerly based at the School of Law, University of the Witwatersrand, South Africa. Beth is also undertaking research for the Disability Studies and Research Centre at UNSW and is an Honorary Senior Research Fellow on a gender and rights project at Sydney University Law Faculty.
- **Jessie Taylor** is a Visiting Research Fellow with Centre's Migrant and Refugee Rights Project. She is the author of the only empirical public report on Indonesian immigration detention conditions, bringing unique expertise to the MRRP's work on the interception and detention of asylum seekers in South-East Asia. Her research at the Centre focused on Australia's role in relation to Indonesian immigration detention, and concentrated on transparency and accountability issues concerning the International Organisation for Migration (IOM). Jessie is Chair of the Law Institute of Victoria Refugee Law Reform Committee and Secretary of Liberty Victoria, among other appointments.

- Visiting Fellow, **Mac Darrow's** research focuses **on the human** rights implications of climate change, extra-territorial obligations under international human rights law and theories of global distributive justice, as well as international aid and development policies in their relationship with human rights obligations concerning water and sanitation. Mac is the Coordinator of the Millennium Development Goals Unit of the Office of the United Nations High Commissioner for Human Rights, Geneva, on extended leave from the United Nations in 2009-10, based in Cambodia. In 2009 he worked as a consultant to the World Bank, Washington D.C., on climate change and human rights issues under international law. He was formerly Secretary to the U.N. Committee on the Elimination of Racial Discrimination, and prior to that, Research Fellow at the European University Institute, Florence (Academy of European Law) and government lawyer working on disability discrimination and human rights issues at the Commonwealth Attorney-General's Department, Canberra.
- **Maria Graterol**, Human Rights Consultant, currently based at United Nations.
- **Elizabeth Evatt**, Visiting Professor, the first Chief Judge of the Family Court and the first female judge of the Federal Court.
- Daniel Joyce joined the Centre as a Centre Associate in 2010. He taught a course on international human rights law at UNSW. Daniel Joyce has a PhD from the University of Cambridge where he was the Whewell Scholar in International Law and also a Senior Rouse Ball Student at Trinity College. He has previously taught at Columbia University and Seton Hall and recently held the Erik Castren Fellow in international law and human rights at the University of Helsinki and lectured at the University of Turku. He is currently researching the area of new media and human rights witnessing.
- **Christopher Michaelsen**, Research Fellow, Faculty of Law, UNSW: "International Law, Human Rights and Counter-terrorism: Future Direction and Challenges"
- **Lisa Yarwood**, School of Law, University of Exeter. Visiting associate of AHRCentre - Lisa was awarded the Clifford Park Memorial Scholarship to complete a PhD at the University of Exeter. Her thesis is titled 'State Accountability for Breaching *Jus Cogens* Norms' and is in the broader field of public international law. She has a book contract with Routledge Publishing to turn the thesis into a monograph. As part of her broader research in public international law she has drafted a book Chapter on the identification of trade law in human rights for a collaborative project led by Manoj Sinha of the Indian Society of International Law. Lisa will be in Sydney completing this chapter.
- **Lee Wei San**
- **Raoul Wallenburg** Institute, Sweden
- **Greg Heesom** is a Visiting Fellow at the Centre undertaking comparative research on constitutional and legislative provisions establishing national human rights institutions, with particular emphasis on compliance with the Paris Principles (relating to the status and functioning of national institutions for the protection and promotion of human rights). He is currently Legal

Counsel with the Asia Pacific Forum of National Human Rights Institutions and in that role provides legal, policy and drafting advice to countries within the region that are considering establishing a national human rights institution. He was formerly a legal and policy adviser to Red Cross, the Australian Human Rights Commission and the Federal Attorney-General's Department.

The students currently undertaking PhDs or Masters of Laws by research under the supervision of staff or associates of the Centre include:

- **Nazir Gul Daawar**, who completed his LLM at UNSW. Nazir is undertaking a PhD on “Re-evaluating the prominence of ‘accountability’ in building the rule of law in a transitional period within conflict and post-conflict societies”. He is supervised by Martin Krygier and Justine Nolan.
- **Cristy Clark** continued her PhD which addresses the impact of privatisation on the right to water. Cristy is supervised by Andrea Durbach and Rosemary Rayfuse.
- **Phillip French**, disability rights advocate and scholar, conducted research on human rights and disabilities in light of the new UN Convention on the Rights of Persons with Disabilities. He is supervised by Andrew Byrnes and Andrea Durbach.
- **Fabiana Dal'Mas Rocha Paes continued research on “Domestic Violence against African-descent women in Brazil: The Power of Prosecutors in the Protection of Women's Rights”**. She is supervised by Chris Cuneen.
- **Andre Gustavo de Almeida Geraldes** continued his PhD on “Sustainable Development and the Development Banks in the Brazilian Amazon.” He is supervised by Andrew Byrnes and Gillian Moon.
- **Jacoba Brasch** continued her PhD research for her thesis “From exceptionalism to convergence: the development of fair trial standards in Australian military justice.” She is supervised by Andrew Byrnes.
- **Lu WenWen**, jointly supervised by Andrew Byrnes and Andrew Lynch, continued her LLM research on international human rights and counter terrorism legislation
- **Ricard Sunga**, jointly supervised by Andrew Byrnes and Jane McAdam, continued his research on the development of international law relating to disappearances
- Lou Shetzer

## **5 Educational initiatives**

### **5.1 Human rights courses**

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

The Master of Human Rights Law and Policy program, developed by Gillian Moon, continued in 2010 and is ran successfully. Open to law and non-law graduates, the Masters offers an extensive range of courses that examine human rights law in an international and domestic context. The new program is a postgraduate degree which aims to train and support future professionals and scholars as leaders in human rights law and policy.

#### **Masters in Health, Human Rights and Development**

For the third successive year, AHRCentre staff participated in teaching a course on *Health, Development and Human Rights* – a joint venture of the UNSW Faculties of Medicine, Law and Arts and Social Sciences. The course, developed by Prof Daniel Tarantola within the UNSW Health and Human Rights Initiative, covered a wide range of topics, including Human Rights and Disabilities, Intellectual Property Rights and Access to Medicines, Human Rights and the Law and the Gender, Health and Development.

#### **Postgraduate courses**

Members and associates of the AHRCentre taught two postgraduate courses for 2010:

#### **Human Rights in Asia (National Human Rights Institutions in the Asia Pacific Region) (LAWS4060).**

The course focused on the origins, mandates, functions and powers of national human rights institutions in the Asia Pacific region and is aimed at increasing the knowledge of their role and impact among governments, legislators, bureaucrats and NGOs interested in promoting and protecting human rights. The course was taught by Professor Brian Burdekin AO, former Federal Human Rights Commissioner and former Special Adviser on National Institutions to the UN High Commissioner for Human Rights, currently Visiting Professor at the Raoul Wallenberg Institute of Human Rights in Sweden, and Visiting Professor at UNSW. The course was run in Summer 2010.

#### **Australian Bills of Rights in International and Comparative Perspectives (LAWS4061)**

This course explored the theoretical debates around the desirability of constitutional and other models of bills of rights. It focused on statutory bills of rights, in particular the existing and proposed State and Territory statutory charters in Australia, and the continuing debate about an Australian federal bill of rights. It examined the impact of the human rights charters in the ACT and Victoria on policy-making, government decision-making, legislative processes, and in the courts by reference to a number of case studies and consideration

of selected areas of substantive law. Reference was also made to bills of rights elsewhere, including the UK Human Rights Act, the Canadian Charter, the South African Bill of Rights, and the Hong Kong Basic Law. The course was convened by Professor Andrew Byrnes.

### **Undergraduate courses**

#### **Australian Bills of Rights and the Protection of Human Rights (LAWS2047)**

In 2010, Andrew Byrnes continued to teach this course which explores the debates around the desirability of constitutional and other models of bills of rights. It explored the reluctance in Australia to enact formal bills of rights, and examined the development and operation of the modern statutory “charters” of rights adopted by the ACT and Victoria, as well as the proposals for similar legislation at the State/Territory and federal levels. It examined the impact of the human rights legislation in the ACT and Victoria on the policy-making, government decision-making, legislative processes, and the work of the courts. It also examined the ways in which human rights may be protected without a bill of rights, and tracked the national consultation on a charter of rights.

## **5.2 Student internships/placements**

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

AHRCentre has been instrumental in establishing a Human Rights Internship for post-graduate students which was introduced from Session 1, 2010 at the UNSW Faculty of Law. The internship program allows Masters students to undertake an internship at a domestic or international organisation while completing a related research task. Enrolment is by competitive application. In 2010, sixteen students were placed at twelve participating organisations including Red Cross, OXFAM, Amnesty International, Asia Pacific Forum of National Human Rights Institutions, Australian Human Rights Centre Migrant and Refugee Rights Project, Civil Liberties Australia, Disability Discrimination Law Centre, Edmund Rice Centre, Public Interest Advocacy Centre, Indigenous Policy and Dialogue Research Unit, International Committee of the Red Cross, Institute for Human Rights and Business, Human Rights Watch, and PEN International. UNSW had established links with these organisations through academic supervisors.

Feedback from the program has been very positive. Catherine Renshaw has been instrumental in initiating and overseeing the Human Rights and Internship Program.

The internships are open to students in the Master of Laws, the Master of Human Rights Law & Policy and the Grad Dip Human Rights Law and Policy and the Masters of International Law and International Relations.

#### **Social Justice Program**

The AHRCentre continued to participate in the Social Justice Internship Program each semester with final year law students working in the Centre. During 2010, Zoe Adams-Lau and Stephanie De Lorenzo (semester 1)

undertook research for the Centre's submission to the National Consultation on Human Rights. Joy Chang and Sephora Sultana (semester 2) prepared an interview piece with Albie Sachs for the *HRD*

### ***Australian Journal of Human Rights* and the *Human Rights Defender***

The AHRCentre publications, the *Australian Journal of Human Rights* and the *Human Rights Defender* 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: Pablo Ramirez (Semester 1) and Merry Zhao (Semester 2). The *Journal* interns were Justin Levy (semester 1) and Rob Thomas (semester 2). The students plan editions, edit submissions and liaise with authors.

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

In 2010, the AHRCentre continued the partnership with the Australian Youth Ambassadors for Development (AYAD) Program which aims to strengthen mutual understanding between Australia and the countries of the Asia-Pacific region and make a positive contribution to development in the region. It provides opportunities for AHRC 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.

The AHRCentre has so far sent three 'ambassadors' on 12 month overseas assignments: Avigail Shai, working as a Child Protection Officer with UNICEF in Nepal (returned July 2009); Julia Mansour working with the Judicial Systems Monitoring Programme in Timor Leste (returned September 2009); and Anouska Perram working with the Feminist Dalit Organisation, also in Nepal (returned September 2009). We currently have two candidates working towards departure dates in early 2011, with one candidate applying for a placement in Kenya, the first country in Africa to be included in the AYAD program.

### **AHRC/AHRCentre Model UN meeting, China**

For the last five years, the Australian Human Rights Centre and the Faculty of Law have participated in the student Model UN meeting in China at the invitation of the Australian Human Rights Commission. The initiative is a joint venture of the United Nations Association of China and the Australian Human Rights Commission, and forms a part of the Australia-China Human Rights Technical Cooperation Program. AHRCentre delegations have attended Model UN meetings in Chengdu, Harbin, Xiamen and Beijing.

This year, AHRCentre Director, Andrea Durbach and UNSW law students Adam Arnold, Georgia Drake, Alison Ewart and Katherine McCallum participated in the Model UN meeting held in Chongqing at the Sichuan International Studies University. The student delegation, representing the

country of Cuba, drafted two positions papers and made submissions on the impact of the GFC on the realisation and enjoyment of human rights and the promotion and protection of the rights of persons with disabilities. AHRCentre student delegates Alison Ewart and Georgia Drake were awarded a Best Delegates Award.

Special thanks to David Robinson and Natasha de Silva from the International Programs Unit, Australian Human Rights Commission which each year has provided funding to enable a team to participate in this remarkable event. Thanks to **Catherine Branson** and the Australian Human Rights Commission for their ongoing support and for providing the opportunity.

### UCT/UNSW Student Exchange Program

Throughout 2009 Justine Nolan and Andrea Durbach worked to establish a student exchange program between the UNSW Faculty of Law and the University of Cape Town Faculty of Law. The program was finally launched by Professor David Dixon, Dean of the Faculty of Law, UNSW, and Professor Evance Kalula, Deputy Dean, Internationalisation and Outreach, Faculty of Law, University of Cape Town (UCT) in August 2009. UNSW law students will now be able to spend a semester on exchange at UCT and UNSW and the AHRCentre looks forward to welcoming UCT students to our Faculty.

The Dean of UCT's Faculty of Law visited UNSW in 2010.

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

The AHRCentre, 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 in 2007. The Fellowship 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). Law graduates Penny Adams (May – October) and Shana Krishnan (Nov – Jan 2010) were selected for the 2010 intake. Our thanks to Alex Grosart of the NSW LAC for his management of the project and supervision of our graduates.

<b>6. Events</b>
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#### 6.1 AHRCentre Annual Public Lecture

On 14 September **Albie Sachs**, former judge of the South African Constitutional Court and internationally renowned lawyer and activist, delivered the AHRC Annual Public Lecture at the UNSW Law Faculty Theatre. The lecture was entitled 'A Man called Henri: Truth, reconciliation, justice and gross violations of the past'.



An iconic figure in the struggle against apartheid, Albie Sachs went on to play a key role in South Africa's road to reconciliation. He was one of the first judges appointed to the new Constitutional Court of South Africa by Nelson Mandela. In 1996, the Constitutional Court, which interprets the country's Bill of Rights, handed down a decision that upheld the law allowing the Truth and Reconciliation Commission (TRC) to grant civil and criminal indemnity to perpetrators of torture and assassination under apartheid. Both Hal Wooten's response to Albie's lecture and Andrea Durbach's introduction of Albie are published in the December 2010 edition of the Human Rights Defender.

This year the AHRCentre Annual Public Lecture was joined with the Law Faculty's Annual Hal Wooten Lecture. Prior to the lecture, the Chancellor David Gonski presented Albie with an honorary degree (LLD), UNSW being the first Australian university to award him such an honour. In addition to the lecture, Albie met with UNSW law students, conducting what emerged as riveting 'master classes' in human rights law and policy.

## 6.2 AHRCentre Seminar Program

Seminars held in 2010 include:

- 26 February 2010: *Human Rights, Democracy and Peaceful Resolution in Indonesia* was a roundtable discussion with **Usman Hamid**, Coordinator of the Commission for Missing Persons and Victims of Violence (KontraS) and **Yan Christina Warinussy**, human rights lawyer and Director of the Institute for Research, Analysis and Development of Legal Aid in West Papua. Co-hosted with the Diplomacy Training Program, with the support of the Indonesian Solidarity, the seminar addressed developments in Indonesian democracy, human rights, and the ongoing conflict in West Papua.
- 30 April 2010: *Protecting Civilians in Times of Conflict: Human Rights in the Congo* with **Anneke van Woudenberg**, Human Rights Watch senior researcher. Anneke delivered a seminar recounting her experiences as a senior researcher in the Democratic Republic of Congo. A renowned specialist on human rights and humanitarian issues in the DRC – she regularly briefs the UN Security Council, the United States Congress and the British and European Parliaments – Anneke discussed the role of research in effective international human rights advocacy in relation to one of the most protracted and brutal wars.
- 18 May 2010: *Human Rights in the Palestinian Occupied Territories* with **Professor Bisharat**. Professor George Bisharat, author of *Palestinian Lawyers and Israeli Rule: Law and Disorder in the West Bank* (1989), addressed an AHRCentre seminar in early May. Formerly a trial lawyer with the Office of the Public Defender in San Francisco, George Bisharat is Professor of Law at the University of California, Hastings. During his seminar, Professor Bisharat argued that Israel's continued siege of Gaza and occupation of the West Bank has undermined the promise of international law

with the steady erosion of international humanitarian and human rights protections evident in both territories.

- 27 May 2010: *Human Rights in an Age of Digital Media* was a seminar presented by **Daniel Joyce** – the AHRCentre associate examined the impact of new media witnesses such as NGOs and IGOs in the field of human rights and discuss the development of citizen media as a promising avenue for international law in terms of the ability of actors to connect with each other, engage new audiences, assisting with documentation, evidence gathering and compliance.
- 22 June 2010: *The Fight against Terror: Practical dilemmas in applying the Laws of War* with **Professor Abraham Bell** and **Colonel Sharon Afek**. Prof Abraham Bell of Bar-Ilan University (Israel) and Col. Sharon Afek, Deputy Military Advocate General for the Israel Defence Forces presented their views on the difficulties in applying the current international humanitarian laws in counter-terrorism operations. Since 11 September 2001, the nature of the terrorism threat to the global community has expanded both quantitatively and qualitatively to encompass private groups having a multinational presence and the capacity to inflict armed attacks against states. There is a growing awareness that the traditional laws of conflict did not foresee the new challenge of states fighting worldwide terrorism networks. Difficult questions were raised as to the extent to which and the manner in which contemporary international humanitarian law applies to situations of international terrorism – and whether changes in the law may be necessary to allow effective regulation of this new form of terrorism compliance.
- 11 August 2010: *Gender Justice at the International Criminal Court: An Assessment of the first seven years* was addressed by **Professor Louise Chappell**.
- 18 August 2010: **Beth Goldblatt** addressed the topic 'Transnational obligations: realising health rights in Zimbabwe' Staff Seminar, School of Law, University of Technology Sydney.
- 19 August 2010: **Professor Alison Brysk** addressed the topic '*Global Good Samaritans: Human Rights as Foreign Policy*.' The AHRCentre and the Australian Council for International Development (ACFID) held a joint seminar at which Professor Alison Brysk spoke. Alison Brysk is Professor of Political Science and International Studies, as well as Director of Human Rights Program, at University of California, Irvine. She has authored and edited numerous books on human rights, foreign policy and globalization and in 2007 held the Fulbright Distinguished Visiting Chair in Global Governance at Canada's Centre for International Governance Innovation. Professor Brysk's most recent book is *Global Good Samaritans: Human Rights as Foreign Policy* (OUP, 2009). Introductory remarks were made by Gillian Moon (Senior Lecturer, UNSW Law School and Director, Trade, Human Rights and Development Project) and James Cox from the Human Rights Task Group, ACFID.

### 6.3 Other events

- The book launch of Christopher Michaelsen's *International Law and the Use of Force* (co-authored with Shirley Scott and Anthony Billingsley) on March 30 2010 by Emiratus Professor Ivan Shearer AM RFD (University of Sydney), Kelisiana Thynne (Legal Adviser, ICRC) and Professor Timo Koivurova (Arctic Centre, University of Lapland).
- The AHRCentre hosted the book launch by Bob Debus of former Judge of the South African Constitutional Court, Albie Sachs' *The Strange Alchemy of Life and Law*. At an AHRCentre event hosted by Freehills, close to 150 people packed a room to hear Albie in conversation with former Federal Minister for Home Affairs and NSW Attorney General, Bob Debus.
- The AHRCentre organised a national tour which saw Albie Sachs deliver seminars, lectures, meet with members of the judiciary and launch his book in Adelaide, Canberra, Melbourne and Perth.
- The AHRCentre organised a COFA screening of a video documenting the building and design of the New Constitutional Court in South Africa.

## 7. Other Activities

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### 7.1 Conferences

AHRCentre Director Andrea Durbach attended the Public Interest Litigation Conference in Dublin, Ireland, in April 2010.

#### **Inaugural Hong Kong University-UNSW Research Symposium**

On 2-3 December 2010 the inaugural UNSW-HKU Research Symposium was held at UNSW Faculty of Law. It was the first major event to be held under the Memorandum of Understanding between the HKU and UNSW Law Faculties, signed last year by the Vice-Chancellors of the two institutions. The Symposium brought together almost 20 colleagues from Hong Kong to UNSW to explore common interests in a variety of fields including human rights, international law, land law, restitutions and remedies, and taxation law and policy. The Symposium was held in conjunction with the Ingram Colloquium for Law and Development.

#### **APF Council of Jurists Meeting**

Following a meeting convened in 2009 by the Asia Pacific Forum of National Human Rights Institutions (APF) to discuss the role of national human rights institutions in implementing the Yogyakarta Principles on Sexual Orientation and Gender Identity (SOGI), the APF requested its Advisory Council of Jurists (ACJ) to review the extent to which SOGI laws in the region were consistent with international human rights law. In August, ACJ member (Australia) **Andrea Durbach** participated in a 3-day meeting held in conjunction with the APF's 15th Annual Meeting in Bali, Indonesia. With the assistance of experts from ARC-International, Geneva, the Alternative Law Forum in Bangladesh, the International Gay and Lesbian Human Rights Commission and the United

Nations Development Program, the ACJ reviewed SOG domestic laws and policies of 17 countries within the region.

## **7.2 Visiting delegations**

Daniel Joyce presented a seminar and taught International Human Rights in Semester 1, 2010.

Former dean of the Law Faculty at the University of Cape Town and constitutional and administrative law scholar, Professor Hugh Corder, South Africa, visited the AHRCentre and Law School on 1 December 2010. Prof Corder met with Dean David Dixon and AHRCentre staff to discuss the exchange program of law students between the two universities and to meet with administrative law experts to discuss the role of administrative tribunals

## **7.3 Research Funding Applications**

Australian Research Council Discovery applications were completed in March 2010 for the following research:

- Andrew Byrnes and Justine Nolan applied for their work on the NSW Anti-Discrimination Board and Human Rights; and
- Andrew Byrnes applied for his research on non-state challenges to state monopoly of international law.

## **7.4 Website Redesign**

The AHRCentre website was being redesigned to include the new logo and to improve its accessibility. The redesign is being coordinated with the help of Michael Caddy, Law Faculty Web Developer.

## **7.5 Other**

The Board adopted a new acronym and logo for the AHRCentre to avoid confusion with the Australian Human Rights Commission, which is featured on page 1 of the Annual Report 2010.

The centre is involved in a project coordinated by the National Association of Community Legal Centres, the Human Rights Law Resource Centre and Kingsford Legal Centre that documents the state of human rights in Australia. The primary focus of this project is the preparation and submission of two NGO reports to the United Nations—one to the Committee on Economic, Social and Cultural Rights, and the other to the Human Rights Committee. In April 2008, the first of the two NGO Reports entitled *Freedom, Respect, Equality, Dignity: Action*, was submitted to the UN Committee on Economic Social and Cultural Rights regarding Australia's implementation of the International Covenant on Economic, Social and Cultural Rights. Substantial

contributions to the report were made by over 30 NGOs with specific human rights expertise, and the Report is supported by over 100 NGOs.

## **8. Publications**

### **8.1 Australian Journal of Human Rights (2 issues per year)**

The *Journal* remains the only comprehensive and refereed human rights journal in Australia and includes articles on human rights from a variety of disciplines and perspectives. It recently received 'A' ranking status in the ARC journal classification exercise. The first edition of the *Journal* in 2010 (vol 15, no 2, March 2010) featured articles covering death penalty, Christian concerns with a human rights Charter, human trafficking and the Convention on Rights of Persons with Disabilities. The latest edition of the Australian Journal of Human Rights (AJHR) (Vol 16(1) 2010) included articles on the role of the ombudsmen in the protection of human rights, the Convention of the Rights of Persons with Disabilities, the impact of human rights charters on young people, the Myanmar Charter and NGO's representing war-affected children.

Christine Forster and Alan Morris are the *Journal* co-editors and Andrew Byrnes, Andrea Durbach, Steven Freeland, Fleur Johns, Peter Kriesler and Eileen Pittaway make up the editorial board.

An online version was launched by publisher LexisNexis in 2010.

### **8.2 AHRCentre Newsletter**

The first edition of the AHRCentre newsletter was published in 2010. Justine Nolan collated information for the AHRCentre Newsletter, which is published in the form of an E-Bulletin and distributed to the mailing list.

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

The *Human Rights Defender* editorial team consists of Justine Nolan, Janice Gray, Jill Hunter and Claudia Tazreiter.

The three editions of Volume 19 in 2010 concentrated, respectively, on: 'The Relationship between Human Capabilities, Development and Human Rights' (Volume 19: Issue 1) drawing on expertise from academics and practitioners in Australia and abroad, including Dr Kath Gelber, Mozaffar Qizillbash, Eva Cox, Francesca Panzeroni; 'Right to Sanitation and Health' (Volume 19: Issue 2: July 2010); and 'Refugees and Asylum Seekers in the Asia-Pacific Region' (Vol 19: Issue 3: Dec 2010) in which articles address people smuggling, Australia's offshore processing system, the role of NGOs in supporting refugees and an interview with a refugee..

### **8.4 Publications and presentations by Centre staff and associates**

## Publications

**Andrew Byrnes**, 'Second-Class Rights Yet Again? Economic, Social and Cultural Rights in the Report of the National Human Rights Consultation', *UNSW Law Journal*, Thematic Edition 33(1): The Future of Human Rights in Australia.

**Andrew Byrnes** and Catherine Renshaw, "Within the State" in D Moeckli, S Shah, S Sivakumaran and D Harris (eds), *International Human Rights Law* (Oxford: Oxford University Press, 2010) 498-517.

**Louise Chappell** 'Gender and Judging at the International Criminal Court' 2010. *Politics & Gender*, (6,3): 484 -495.

**Mac Darrow** 'Climate Change and the Right to Water,' in Langford & Russell eds, 'The Right to Water: Theory, Practice, Prospects' (CUP: 2011).

**Mac Darrow**, 'The New Modalities: Opportunity or Threat for Human Rights?', in David Kinley & Morten Pedersen (eds) *Principled Engagement* (UNU 2010).

**Andrea Durbach**, 'Human rights commissions in times of trouble and transition: the case of the National Human Rights Commission of Nepal,' in Hitoshi Nasu and Ben Saul (eds), *Human Rights in the Asia-Pacific Region: Towards Institution Building*, Routledge (forthcoming).

**Andrea Durbach** and **Beth Goldblatt**, 'Realising the right to health in Zimbabwe: Advocating a Reciprocal Obligation', 19 (2) *Human Rights Defender* July 2010, 9-11.

**Andrea Durbach**, A Missed Opportunity: The Foregone Conclusion of a National Human Rights Consultation, 7(17) *Indigenous Law Bulletin*, March/April 2010.

**Andrea Durbach**, 'The Sins of the Nation and the Ritual of Apologies' by Danielle Celemajer, 15 (2) *Australian Journal of Human Rights*, 2010, 143 (book review).

**Andrea Durbach**, 'Rainbow nation offers clues for Australia's indigenous healing', *National Times*, 14 September 2010 at <http://www.nationaltimes.com.au/opinion/politics/rainbow-nation-offers-clues-foraustralias-indigenous-healing-20100913-157vl.html>

**Christine Forster**, & Vedna Jivan 'Reworking Sex: Prostitution in the Pacific and the Challenges of Law Reform' in *Prostitution of Women, Men, and Children: A Global Perspective* (Lexington: April 2010).

**Christine Forster** 'Advancing the Implementation of CEDAW in the Cook Islands: Good Practice Approaches to a Civil Family Law Bill' (forthcoming) UNDP Pacific Centre, Suva.

**Christine Forster** 'Women's Right to Health in Australia', Conference Papers, Institute of Law Chinese Academy of Social Sciences, Beijing, 2010.

**Daniel Joyce** "Photography and the Image-Making of International Justice" (2010) 4(2) *Law and Humanities* pp 229-249.

**Daniel Joyce** "Human Rights and the Mediatization of International Law" (2010) 23 *Leiden Journal of International Law* pp 507-527.

**Daniel Joyce** "International Law and the Media: Envisioning the Media" in the Proceedings of the Third Biennial Conference of the European Society of International Law (Hart Publishing, Oxford, 2010).

**Christopher Michaelsen**, Shirley Scott and Anthony Billingsley, *International Law and the Use of Force: A documentary and reference guide*. Praeger Security International, 2010.

**Chris Michaelsen** "Time for an objective approach to the terrorism threat," *Canberra Times*, 26 February 2010, Opinion, p. 21.

**Chris Michaelsen**, "The Security Council's Practice of Blacklisting Alleged Terrorist and Associates: Rule of Law Concerns and Prospects for Reform" (2010) 8 (1) *New Zealand Journal of Public and International Law* 71-90.

**Chris Michaelsen**, "The Proportionality Principle, Counterterrorism and Human Rights: A German-Australian Comparison", (2010) 2 (1) *City University of Hong Kong Law Review* 19-43.

**Chris Michaelsen**, "Terrorism in Australia: An Inflated Threat", (2010) 6 (2) *Security Challenges* 19-25.

**Justine Nolan**, 'The global scourge of corporate buck passing', *The Age and The Canberra Times*, 10 June 2010.

**Catherine Renshaw**, **Andrea Durbach**, and **Andrew Byrnes**, "Human Rights Protection in the Pacific: The Emerging Role of National Human Rights Institutions in the Region" (2010) 8 *New Zealand Journal of Public and International Law* 117-144

## Presentations and Lectures

**Andrew Byrnes**, 'The Convention and the Committee: Reflections on their role in the Development of International Human Rights Law and as a Catalyst for National Legislative and Policy Reform', paper presented at UN Commission on the Status of Women, 54<sup>th</sup> session, New York, 1-12 March 2010, Interactive Panel III, 'Commemorating 30 years of CEDAW',  
[http://www.un.org/womenwatch/daw/beijing15/interactive\\_panel\\_III/Byrnes%20paper.pdf](http://www.un.org/womenwatch/daw/beijing15/interactive_panel_III/Byrnes%20paper.pdf) (webcast of Panel at  
<http://webcast.un.org/ramgen/ondemand/specialevents/2010/se100305pm.rm>)

**Andrew Byrnes**, 'National case study: Australia', paper presented at colloquium *From Ratification to Implementation: The Domestication of CEDAW*, Centre for Advanced Studies, University of Oslo, 11-12 March 2010

**Andrew Byrnes** participated in The International Conference on Disability Rights Tribunal in Asia & Pacific, Bangkok, 22 October 2010

**Andrew Byrnes** prepared an expert report on international legal issues relating to the death penalty and international law (and other issues) for the District Court of Denpasar, May 2010, and presented oral evidence at hearing before the Court, 16 September 2010.

**Andrew Byrnes** participated as one of four panellists at the 2010 Lesbia Harford Memorial Oration, Do We Measure Up? Protecting Women's Rights in Australia organised by PILCH and the Victorian Women Lawyers' Association, Melbourne, 8 September 2010.

**Andrew Byrnes** was participant in a workshop of authors developing a Commentary on the UN Convention on the Elimination of All Forms of Discrimination against Women, held at the Rockefeller Center, Bellagio, July 2010

**Andrew Byrnes** visited the Secretariat of the Permanent Tribunal in Rome in July 2010, as part of a research project on peoples' tribunals.

**Andrew Byrnes** contributed to the OHCHR's Thematic study of the High Commissioner for Human Rights on discrimination against women, in law and practice, and on how the issue is addressed throughout the UN human rights system, for the UN Human Rights Council, 15th session (September 2010), UN Doc A/HRC/15/40 (2010). The Council established a new thematic mechanism in October 2010, the Working Group on the issue of discrimination against women in law and in practice (Council resolution 15/23), which will commence work in 2011.

**Andrea Durbach** addressed the Public Interest Litigation Conference in Dublin, April 2010. Her paper considered the efficacy of litigation in redressing the experience of the Stolen Generations in Australia and children who suffered abuse in Irish church-run institutions.

**Andrea Durbach** delivered the opening lecture at the PILA (Public Interest Law Alliance) conference, Public interest law in action – using the law to face current challenges.

**Andrea Durbach** participated on a panel with University of London political scientist, Eric Kaufman and Secretary of State for the Council of Ministers of Timor L'Este, Agio Pereira arguing the 'affirmative' in the Sydney Opera House Festival of Dangerous Ideas IQ2 debate, If you want Peace, Forget Justice.

**Christine Forster** 'Challenges of Drafting a CEDAW-compliant Family Law Bill for the Cook Islands' 11<sup>th</sup> Triennial Conference of Pacific Women, Noumea, August 2010.

**Christine Forster** 'Women's Right to Health in Australia' International Conference on Strengthening legal protection of Women's Social Rights, Beijing, May 2010.



**Daniel Joyce**, 'Public Opinion and the Mediatization of International Law', at the Australian and New Zealand Society of International Law, Annual Conference, ANU, Canberra, 26 June 2010.

**Chris Michaelsen** attended the Third Four Societies Conference, hosted by the Japanese Society of International Law, in Hyogo, Japan from 26-28 August, as one of four scholars selected by the Australian and New Zealand Society of International Law (ANZSIL) at the event. The conference brings together 16 scholars from the Japanese, American, Canadian and Australian and New Zealand Societies. Andrew Byrnes also attended the conference in his capacity as President of ANZSIL and member of the Conference Steering Committee.

**Chris Michaelsen**, 'Banning the Burqa? A Human Rights Perspective', invited address at the 46th Annual Congress of the Australian Federation of Islamic Councils, Sydney, 16 May 2010.

Ben Golder and **Chris Michaelsen**, 'Men from the Forest: Political Criminals, Terrorists and Extra-Criminal Regimes of Punishment', paper presented to the Centre for International and Public Law (ANU) Workshop, Connecting International Law with Public Law - Allegiance and Identity in a Globalised World, Canberra, 20 July 2010.

**Chris Michaelsen**, 'Interception and International Law', Overboard Seminar No. 4 (invited lecture), Amnesty International, Sydney, 9 September 2010.

**Chris Michaelsen**, 'The Competence of the Security Council to Sanction 'Independent' Individuals', paper presented at the Third Four Societies Conference (ANZSIL, ASIL, CCIL, JSIL), International Law in the New Era of Globalization, Awaji, Japan, 27 August 2010.

**Chris Michaelsen** presented his paper "Human Rights and Counter-Terrorism in Theory and Practice", 51st Annual Convention, International Studies Association, New Orleans, USA, 19 February 2010.

**Gillian Moon**, paper on 'The Human Rights Dimension of Debt-for-Development Exchanges', UNSW Colloquium on Debt-for-Development Exchanges, March 2010.

**Gillian Moon** provided a commentary in response to a paper given by Professor David Kinley as part of Sydney University Law School's Distinguished Scholars Lecture Series, 7 September 2010. The topic, 'Too Big to Fail: Making Global Finance Pay for Human Rights,' investigated the relationship between human rights and the activities of the international finance sector, with a particular focus on the critical differences and connections between the real and paper economies. The relative capacities of global finance to do great harm to human rights as well as its potential to do great good was canvassed, especially in the context of developing countries.

**Justine Nolan** and **Andrew Byrnes** attended the Third Beijing Forum on Human Rights, organised by the China Society for Human Rights Studies, Beijing, 20-21 October 2010. They delivered papers entitled 'Privatising Human Rights' and 'The

Asian Development Bank: the role of human rights in the pursuit of just and sustainable development in the Asia Pacific region', respectively.

**Justine Nolan** presented a paper at a conference at the United Nations University in Tokyo on November 4-5 2010 on 'Privatising Human Rights: a just and sustainable development' which explored the implications of regulating human rights in manufacturing supply chains.

**Catherine Renshaw**, National Human Rights Institutions in the Asia Pacific Region- preliminary research results were presented by at the Annual Conference of the Law and Society Association of Australia and New Zealand, Wellington, 8-10 December 2010.

**Statement of Financial  
Performance  
Year Ended 31 December 2009**

	<b>2010</b>	<b>2009</b>	<b>2008</b>
	\$	\$	\$
<b>Income</b>			
External Funds (i)	16,436.05	5,544.85	6,833.92
UNSW Contribution	<u>                    </u>	<u>594.00</u>	<u>-57.78</u>
Total Income	16,436.05	6,138.85	6,776.14
 <b>Expenses</b>			
Payroll	0.00	0.00	5,822.84
Equipment	0.00	0.00	364.55
Materials	17,625.87	19,782.67	25,051.25
Travel	<u>416.67</u>	<u>5,128.67</u>	<u>550.36</u>
Total Expenses	18,042.54	24,911.34	31,789.00
 <b>Operating result</b>	-1,606.49	(18,772.49)	(25,012.86)
 <b>Surplus(Deficit) Bfwd from Prior Year</b>	20,148.45	41,304.05	66,316.91
Adj to Budget Clear GI Closing bals (ii)	-10,849.25		
Less UNSW Learning & Teaching Bfwd removed		(651.48)	
Less Closing Bal of PS10469 Reclassified from Commercial to Operational	1,731.63	(1,731.63)	
 <b>Accumulated Funds Surplus(Deficit)</b>	<u>9,424.34</u>	<u>20,148.45</u>	<u>41,304.05</u>
 Less Unpaid Invoice	<u>0</u>	<u>0</u>	<u>0</u>
<b>Net Accumulated Funds Surplus(Deficit)</b>	<u>9,424.34</u>	<u>20,148.45</u>	<u>41,304.05</u>
Plus Non Project Bfwd bal Per PROJSTATG	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
<b>Net Accumulated Funds Surplus(Deficit)</b>	<u>9,424.34</u>	<u>20,148.45</u>	<u>41,304.05</u>

(i) Excludes debtors (unpaid invoices)  
Unpaid invoice

(ii) As part of the 2010 UNSW Commercial Review, removal of closing balances that were deemed to be not Commercial

1. As per UNSW Budget Guideline, no carry forwards were allowed.
2. Direct UNSW contribution was discontinued from 2007.
3. The Centre received an in-kind contribution of \$50,732 towards the payroll.
4. Additionally, the Centre is supported by the provision of office space, IT and communication infrastructure as well as administrative (Professional & Technical) support from the Faculty.