About the Castan Centre

Since Michael Kirby AC CMG officially opened the Castan Centre for Human Rights Law in October 2000, our dedicated staff have strived to create a stronger culture of human rights in Australia. We at the Castan Centre believe that human rights must be respected and protected, allowing people to pursue their lives in freedom and with dignity. In our pursuit of a stronger human rights culture for Australia, we work in seven broad areas:

**Public education**, including numerous public lectures, roundtables, conferences and workshops featuring prominent Australian and international human rights figures, and an increasing social media presence.

**Policy**, through submissions to parliaments, direct representations to governments and contributions to public debates on important issues.

**Student programs** aimed at tertiary and secondary students, including internship programs, mooting and essay competitions, and careers seminars.

**Indigenous programs**, such as the legal advice and assistance provided to the Wadeye community and the Aurora Project’s native title capacity building program.

**Teaching**, through the oldest human rights law masters degree in Australia, as well as a thriving undergraduate human rights program.

**Research** leading to the publication of monographs, textbooks, handbooks and practical guides on a variety of human rights issues.

**Human rights training** and consultancies aimed at educating Australian and international government officials about human rights.

"The Castan Centre is unique in that it blends the intellectual rigour of human rights law and brings human rights to life in practical ways. As a place of learning and action, I have had a long and warm association with the Centre."

- Jose Ramos Horta, President of Timor Leste

"The Castan Centre is a jewel in the crown of Australian law"

- The Hon. Michael Kirby AC CMG, former High Court judge

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About Ron Castan AM QC

Ron Castan was a passionate advocate for the recognition and protection of human rights and a distinguished member of the Victorian Bar. He is best remembered for his role as lead counsel on the landmark Mabo case, which recognised native title over land. Ron toiled on the case for over 10 years and, according to Greg McIntyre, a lawyer who worked with Ron on the matter, he ‘effectively under-wrote the whole claim’.

Prior to the Mabo case, Ron worked on the landmark Gove and Koowarta land rights cases, and helped found the Victorian Aboriginal Legal Service. His commitment to human rights extended beyond Indigenous issues. He was a member of the Victorian Equal Opportunity Commission and President of the Victorian Council for Civil Liberties (now Liberty Victoria). Ron led the campaign against the Australia Card in the 1980s and was a key player in negotiations over the Wik native title legislation in the 1990s. He died in 1999.

"There was a sort of a ruthlessness in Ron Castan. A ruthlessness on behalf of justice."

Thomas Kenneally AO
2010 In Review
by Prof. Sarah Joseph, Castan Centre Director

Monash University seeks to improve the human condition by advancing knowledge and fostering creativity. It does so through research and education and a commitment to social justice, human rights and a sustainable environment.

- Monash University Statement of Purpose

2010 was a very big year for us. We were delighted to welcome Her Excellency Ms Quentin Bryce AC, Governor-General of the Commonwealth of Australia, as our Patron-in-Chief, and The Hon Michael Kirby AC CMG, a long term supporter of the Centre, as our Patron. Indeed, Mr Kirby, then of course a Justice of the High Court of Australia, launched the Centre at a function at the law firm Arnold Bloch Liebler in October 2000.

The highlight of the year was our tenth anniversary dinner, held at Carousel in Albert Park on 20 October, which attracted over 340 people. The speakers included Michael Kirby, who gave an entertaining and moving speech about his memories of Ron, and the Australian of the Year, Professor Patrick McGorry AO, who spoke powerfully about mental health issues. The evening was hosted by the comedian Hannah Gadsby, and also included a silent and an unsilent (and rather raucous) auction. We are very grateful to all who turned up to wish us well as we begin our second decade, and to those who contributed to make the evening very special.

Other highlights of the year included our annual human rights conference, held in 2010 at the State Library of Victoria, which again sold out well in advance. We also held a workshop on human rights in closed environments in October, pursuant to an Australian Research Council grant. Our Annual Lecture was given by Mr Andrew Demetriou, well-known to Melbournians as the CEO of the Australian Football League, who spoke about the role of the AFL in the community. We continued our regular programme of public lectures in the Melbourne CBD, normally held at no cost and open to all comers: speakers included Professor Philip Alston, then the UN Special Rapporteur on extrajudicial killings and also a member of our Advisory Board, and Julian Assange, the head of the whistle-blowing organisation Wikileaks.

We expanded our global interns programme, with the kind support of our donors, which enabled us to send eight outstanding law students to five continents to undertake legal work with human rights organisations. We also held our very successful moot competition again: congratulations to the winners from the University of Melbourne. For secondary schools, we ran our annual essay competition, which attracted an unprecedented 220 essays.

Of course, as an academic organisation Castan Centre directors and associates have engaged in extensive research, including publications, grants, research consultancies, and public engagement, for example through submissions to Parliament, op-eds and interviews in the media, training programmes, and, new in 2010, blog posts and social media. Castan Centre academics form the backbone of the Monash Law Faculty’s highly successful masters level courses in human rights law, though we also welcome guest lecturers such as Eugene O’Sullivan, defence counsel at the International Criminal Tribunal for the former Yugoslavia.

The Centre’s other ongoing endeavour is the Aurora Project, which provides capacity building services to Native Title Representative Bodies, as well as a raft of other programs such as internships and a scholarships guide for Indigenous students. We are grateful to Richard Potok and his team at Aurora Projects and Programs for all of its work in making the Project such a success.

The success of the Castan Centre is due to its members, both internal and external, and its supporters. Regarding supporters, we must pay respect to our kind donors who are listed in the back of this report. Without you we could not continue to grow and expand our programmes and make our mark on human rights in the world. As for our staff, I must here thank my hard-working Deputy Directors, our tireless Manager Marius Smith, and loyal and dedicated administrative staff Janice Hugo and Erica Contini. I must also make special mention of Kay Magnani, our administrator for our first 9.5 years until her retirement in April 2010, who was in many ways the rock upon which the Centre’s activities were built over its first decade. We wish her well in her retirement, and hope to continue to see her at our public events.
Castan Centre Programs

1. Public Education

The Castan Centre aims to improve people’s awareness of human rights through public education. We work to achieve this goal by bringing human rights to the general public through events such as conferences, roundtables and lectures. Uniquely, most of our events are free and open to all. Since the Centre opened in 2000, we have hosted 117 conferences, public lectures, roundtables and careers seminars featuring foreign dignitaries, United Nations experts, politicians, academic experts, judges and activists.

The Centre continued its outstanding public education program in 2010 with the following events.

Public lectures

The Centre’s public lectures featured a number of internationally-renowned experts and advocates, including the UN’s expert on extrajudicial executions, Prof. Philip Alston and WikiLeaks founder Julian Assange. Remarkably, when Assange spoke in April 2010, many people had not heard of him, or his website. Within months, he would become one of the most polarising figures on the planet. The packed room that he addressed that night at the Monash Law Chambers confirmed, however, that our members were well-informed.

In keeping with our mandate, our 2010 events covered a wide range of topics, from Australia’s policy on asylum seekers to campaign finance laws, the political situation in Iran and the latest news and views on Victoria’s human rights laws. The 2010 Annual Lecture was presented by Andrew Demetriou, the CEO of the Australian Football League, on the league’s role in the community.

- Prof. Amin Saikal, Director of the Centre for Arab and Islamic Studies, Australian National University, ‘Iran: Between the Sovereignty of God and Sovereignty of People’, 17 February 2010
- George Bizos SC, one of South Africa’s leading human rights lawyers, ‘Human Rights in South Africa Today’, Co-hosted with Liberty Victoria, 5 March 2010
- Nana Oye Lithur, Chief Executive Director of the Human Rights Advocacy Centre, in Ghana, ‘How gender can affect progress towards the UN’s Millennium Development Goals’, 14 April 2010
- Julian Assange, activist, journalist, and the editor of WikiLeaks.com, ‘Geeks versus gag orders: has censorship been privatised?’, Co-hosted with Liberty Victoria, 13 May 2010
- Prof. Philip Alston, UN Special Rapporteur on extrajudicial, summary or arbitrary executions, Special Adviser to the UN High Commissioner for Human Rights on the Millennium Development Goals, ‘The rise and rise of targeted assassinations, and the implications for international law’, co-hosted with the Human Rights Law Resource Centre, 19 May 2010
- Andrew Demetriou, AFL CEO, ‘A matter of leadership: the AFL on the field and in the community’, Annual Lecture sponsored by Mallesons Stephen Jaques, 17 August 2010
- Victorian State Election Human Rights Forum with Shadow Victorian Attorney-General and Liberal Member for the State seat of Box Hill Robert Clark MP and Greens candidate for the State seat of Melbourne Brian Walters SC. Moderated by Damien Carrick presenter of The Law Report on ABC Radio National, 9 September 2010
- Dr Joo-Cheong Tham, Associate Professor at Melbourne Law School, ‘Money and Politics: Why it matters to human rights’, with commentary from Sam McLean of GetUp!, 4 November 2010
Conferences and Roundtables

Our annual conference is the only annual human rights conference in Australia, and has become a vital source of the latest news and views on Australian and international human rights issues. Again in 2010, the conference sold out more than a month in advance and feedback from the 220 attendees was overwhelmingly positive.

Speakers at the conference, which was held at the State Library of Victoria, were:

- Dr Helen Szoke, Commissioner of the Victorian Equal Opportunity and Human Rights Commission, ‘The right to equality and the right to freedom of religion - not absolutes!’
- Mr Phil Lynch, Executive Director of the Human Rights Law Resource Centre, ‘Charters of Rights in Australia: Recent developments and prospects’
- Associate Prof. Peter van Onselen of the Faculty of Education and Arts at Edith Cowan University and Contributing Editor of The Australian newspaper, ‘The race to the bottom: Understanding why our political leaders won’t lead on refugee debates’
- Dr Adiva Sifris, Senior Lecturer in the Law Faculty, Monash University, ‘Say ‘YES’ to same sex marriage in Australia’
- Mr John Garnaut, Fairfax China Correspondent, ‘The rise of China and human rights’
- Mr Iarla Flynn, Head of Public Policy and Government Affairs (Australia/NZ), Google, ‘The open internet and censorship’
- Prof. Ron McCallum AO, Chair of the UN Committee on the Rights of Persons with Disabilities and Professor of Law, University of Sydney, ‘How the Convention on the Rights of Persons with Disabilities can improve the lives of those living with a disability’
- Associate Prof. Jane McAdam, Director of the International Refugee and Migration Law Project, Gilbert + Tobin Centre of Public Law, Faculty of Law, University of New South Wales, ‘Climate change and human rights: Whose rights, what protection?’

In addition to the annual conference, the Castan Centre co-hosted a successful roundtable in conjunction with a number of Monash University academics. The event, entitled ‘Monitoring and Oversight of Human Rights in Closed Environments’, addressed human rights issues in closed environments, that is places where people are deprived of their liberty, such as prisons, forensic psychiatric institutions, closed mental health and disability units, and immigration detention.

The roundtable was convened by Castan Centre Deputy Director Dr Julie Debeljak, Monash University academics Dr Bronwyn Naylor and Dr Stuart Thomas, and Dr Inez Dussuyer of Ombudsman Victoria. The event featured 60 participants from a range of stakeholders, including international technical experts, federal and state government representatives, service providers, non-governmental organisations, community organisations, and academic institutions.

The Annual Castan Centre Conference ‘Human Rights 2011’ gives a vital health check on the state of human rights in Australia and overseas to practitioners (from the legal profession as well as from governments, NGOs and community organisations), academics and students.
Special Event – The Castan Centre 10th Anniversary Dinner
The Centre celebrated its 10th anniversary in style on 20 October 2010 with a gala dinner at Carousel on Albert Park Lake, which was attended by over 340 people. The Australian of the Year, Prof. Patrick McGorry, spoke on mental health issues in Australia, while retired High Court judge Michael Kirby AC CMG gave a stirring toast to Ron Castan. The night was expertly hosted by comedian Hannah Gadsby and our charity auctions raised vital funds to help continue the Castan Centre’s work.

Our thanks must go to all those who contributed to the dinner, including auction items. Special mention must go to Vernon Chalker, who contributed prizes and wine for the evening. A full list of donors is at the rear of this report.

2. Student Programs
As a university-based human rights centre, nurturing students’ passion for human rights is a vital part of what we do. The Centre was founded by academics who have devoted their careers to teaching human rights law, and from the outset the Centre has sought to increase engagement with students beyond the classroom.

Global Internship Program
The Castan Centre has supported interns heading to international human rights organisations since 2000. The number of program donors has grown substantially since then, enabling us to offer ever more positions to dedicated and intelligent young students with a passion for human rights.

Interns receive a stipend to cover living costs, insurance and airfares. They also take part in a cross-cultural training course prior to departure and then blog about their experiences while on assignment (see the social media report in section 3, below).

The 2010 Global Interns were:
- Michael Adams: Center for Constitutional Rights, New York, USA
- Amy Burton: Campus Law Clinic, Durban, South Africa as part of the Monash-Oxfam partnership
- David Carolan: the International Criminal Tribunal for the former Yugoslavia, The Hague, Netherlands
- Emily Dickson: International Women’s Right Action Watch – Asia Pacific, Kuala Lumpur, Malaysia. Emily also travelled with IWRAW-AP to the meeting of the UN Committee for the Elimination of all forms of Discrimination Against Women, Geneva, Switzerland
- Helen Fabinyi: Campus Law Clinic, Durban, South Africa as part of the Monash-Oxfam partnership
- Catherine Miller: Human Rights First, New York, USA
- David Straijt: Amazon Defence Coalition, Quito, Ecuador

We must acknowledge the support of the 2010 Global Internship supporters: Daniel and Danielle Besen, the Law Faculty’s Student Mobility Fund, the Office of the Deputy Vice Chancellor (Education), the Nordia and Dara Foundations and Silvia and Michael Kantor.
**In-house Internship Program**
The Centre strives to give as many students as possible an experience of working in human rights policy and research through our In-house Internship Program. Students spend three weeks full-time over the semester break or one day per week during semester working on our various projects. In particular, students conduct research for submissions to parliamentary inquiries and other policy initiatives, attend Castan Centre events, write articles for the newsletter, draft case notes for important human rights cases and help out on important projects like our secondary schools essay competition. It gives us a great deal of satisfaction to have enthusiastic students assisting us while learning more about human rights. Our 2010 In-house Interns were:

- Summer interns: Carolyn Zeimer, Chris Spain, Bryn Butler, Kristine Tay, Sally Teale and Sarah Lenthall.
- Semester 1 and 2 interns: Jodie Dunn, Crystal Triggs, Godwin Lo, William Parker, Monique Hurley and Joseph Charles.

**Native Title Internships**
As part of its collaboration with the Aurora Project, the Castan Centre supports the Aurora Native Title Internships, which send university students from all over Australia to native title representative bodies, Indigenous policy bodies and other organisations focusing on Indigenous rights. 2010 interns from Monash University were Sarah Griffin, Chris Holt, Jenna McConnachie and Ellen Murphy.

**Human Rights Moot Competition**
Ten teams competed in the 4th annual Victorian Charter of Human Rights and Responsibilities Mooting Competition. The preliminary round was held at the Melbourne offices of Clayton Utz. The competition was won by a team from the University of Melbourne with runners up from La Trobe University. The final was held at the Victorian Court of Appeal before his honour, Justice Maxwell, President of the Court of Appeal, the Honourable Judge Felicity Hampel of the County Court and Prof. Spencer Zifcak, Allan Myers Chair of Law at the Australian Catholic University.

We must acknowledge our moot sponsor, Clayton Utz, which has generously supported the competition since its inception in 2007.

**Human Rights Careers Series**
The passion of many Monash Law students for an alternative career in law can best be seen at our annual human rights careers events. In 2010, the Centre produced two seminars, one focused on human rights careers in Australia, and another on similar opportunities overseas. The domestic seminar featured:

- Anna Serry, Lawyer at the Victorian Bar Pro Bono Scheme, Public Interest Law Clearing House
- Elizabeth Wall, Legal Policy, Human Rights Unit of the Victoria Department of Justice
- Kerin Leonard, Manager of the Legal Unit, Victorian Equal Opportunity and Human Rights Commission

The international seminar featured:

- Louise Searle, Senior Advisor, Humanitarian Protection at World Vision
- Andrew Beswick, Campaigns Manager at Amnesty International Australia

*Timothy Lau, of the victorious Melbourne University team, during the final*
Human Rights Essay Competition

We believe in nurturing students’ interest in human rights even before they get to university. For this reason, the Centre runs an annual essay writing competition. The 2010 Writing for Human Rights Essay Competition was open to Victorian school students in years 10-12, and the topic was ‘Criminals don’t deserve the same human rights as everyone else’. Each year, the Centre endeavours to choose an engaging and topical issue, and the 2010 topic obviously fulfilled this criteria: a record 220 essays were received. The competition was supported with a General Grant from the Victoria Law Foundation. Congratulations to the winners, who were:

- First prize: Anna Gruen, Melbourne Girls Grammar
- Second prize: Tim Gibson, Woodleigh School
- Third prize: Emily Rutherford, Buckley Park College

Congratulations also to Melbourne Girls Grammar, which won the schools’ prize.

3. Policy

As a centre of academic excellence, we believe that it is vital to utilise our research to inform public policy debates on vital human rights issues. We are committed to providing impartial and independent views on important human rights issues to government, business and the general community. Centre staff were active in doing so throughout 2010.

Submissions to Parliamentary committees

One of the most important ways in which the Centre informs policy debate is through its engagement with federal, state and territory parliamentary committees. The Centre has a long history of influencing parliamentary debate and securing amendments to legislation and policy through its submissions. The Centre’s submissions in 2010 were:

- J. Debeljak, Submission to the Legal and Constitutional Affairs Committee Inquiry into the Human Rights (Parliamentary Scrutiny) Bill 2010, 9 July 2010, 1-11
- P. Emerton, Submission to the Senate Legal and Constitutional Affairs Committee Inquiry into the National Security Legislation Amendment Bill 2010 (Cth), Appearance before the Committee in relation to this submission, 21 May 2010
- P. Emerton, Submission to the Senate Legal and Constitutional Affairs Committee, Inquiry into the Telecommunications Interception and Intelligence Services Legislation Amendment Bill 2010, November 2010
- A. McBeth and S. Joseph, Submission to the Senate Legal and Constitutional Affairs Committee Inquiry into the Parliamentary Scrutiny Bill 2010, 9 July 2010
- T. Penovic, Submission to the Senate Legal and Constitutional Affairs Committee Inquiry into the Civil Dispute Resolution Bill 2010, 1 November 2010, with L. O’Dwyer and K. Northwood
By engaging with the media, the Centre reaches a wider audience and can influence and inform public debate on human rights issues. Media engagement in 2010 included:

- Gideon Boas, ‘Tribunal must tighten leash on Karadzic’, opinion piece, The Age and Brisbane Times, 15 March 2010
- Gideon Boas, ‘Laws give wriggle room to war criminals’, opinion piece, The Age and Brisbane Times, 27 February 2010
- G. Boas, ‘Celebrity mini-drama cheapens trial’, The Age, 14 August 2010
- G. Boas, ‘Soldiers’ work is life or death, but they’re not above the law’, The Age, 13 October 2010
- J. Debeljak, Ask an Expert Column on a National Bill of Rights, The Age, 21 September 2010
- S. Joseph, Interview with The Age, ‘Getting down to business on human rights’ by Deb Anderson, 26 October 2010
- S. Joseph, Interview with The Age, ‘Do we have the rights to a fair go?’ by Deb Anderson, 26 October 2010
- S. Joseph, ‘Abbott out of step on elected judges,’ National Times, 1 November 2010
- J. Kyriakakis, Interview on ABC News Radio, ‘Arvil Mining and Corporate Accountability,’ Out of Africa, 17 October 2010
- A. McBeth, ‘The bottom line is this: the final say lies with the elected’, The Australian, Legal Affairs, 19 March 2010
- A. McBeth, ‘Victoria’s Charter of Human Rights protects the individual’, The Australian, Legal Affairs, 10 December 2010

In recent years, social media websites such as Twitter and Facebook have enjoyed meteoric rises as people throughout the world have flocked to use them. Although it was initially seen predominantly as a recreational medium, social media is now used by people throughout the world to receive news and views on all matters of interest to them.

The Castan Centre joined the social media world in 2009 when we tweeted live from our annual conference. Since then, we have added a Facebook page, a YouTube channel and two blog sites. People rely on the different media for different reasons. Our Twitter page is a trusted source of the latest news and opinion on human rights issues, while our Facebook page publicises the Centre’s latest goings-on, including upcoming events and recent policy papers and submissions. Our supporters can access video of past events on our YouTube channel and read opinion pieces by Centre members on our blog site. A separate blog site carries contributions from each year’s batch of Global Interns. We believe that social media is a vital tool for creating a stronger human rights culture by engaging with our existing supporters and reaching new audiences. Our plan is to strongly expand our social media presence in the coming years.

After setting up the blog page in November, Centre staff produced the following entries in 2010:

- M. Castan, ‘Remembering the Rule of Law’, 16 November 2010
- P. Gerber, ‘Opening up Marriage to Same-Sex Couples’, 17 November 2010
- M. Smith, ‘Eritrea: All that potential, and so little to show for it’, 14 December 2010

Relevant year-end statistics for social media were:

- 715 followers on Twitter (twitter.com/castancentre).
- 612 followers on Facebook (facebook.com/thecastancentre).
- 3297 hits on its main blog site (castancentre.wordpress.com).
- 1862 hits on its Global Interns blog site (castanglobalinterns.wordpress.com).

The Centre did not have statistics on its YouTube page (youtube.com/castancentre) by the end of 2010.
4. Research

Much of the work produced by the Castan Centre is underpinned by its outstanding research capabilities. The Centre’s Director, five Deputy Directors and seven Associates produce research leading to books, journal articles, conference papers, submissions to parliamentary inquiries, policy papers and opinion pieces.

Publications by Centre staff in 2010 were:

Books and Edited Collections


Book chapters


G. Boas, ‘Command Responsibility for the Failure to Stop Atrocities: The Legacy of the Tokyo Tribunal’ in Yuki Tanaka, Timothy LH McCormack and Gerry Simpson (eds), Beyond Victor’s Justice? The Tokyo War Crimes Trial Revisited (Martinus Nijhoff, in press 2010), 163-173


G. Boas, ‘Commentary – contempt, false testimony and misconduct,’ in Andre Klip and Goran Sluiter (eds), Annotated Leading Cases of International Criminal Tribunals: The Special Court for Sierra Leone 2004-2006 (Intersentia, 2010), 676-682


S. Kneebone, ARC Linkage Grant, entitled Law, Governance and Regulation of the Intra-regional Labour Migration in South East Asia: An Agenda for Protection and Development ($170,000), which runs from 2009-2011

S. Kneebone, ARC Linkage Grant, entitled Delivering Effective Protection to Victims and Prevention of Human Trafficking in the Greater Makong Sub-Region ($150,000) which runs from 2009-2012

Research Consultancies

S. Joseph, Oxford University Press, Oxford Reports in International Law, headnotes and commentary for all decisions of UN Human Rights treaty monitoring bodies, $100,000+, ongoing

S. Kneebone, Consultancy with the Migration Policy Group, Belgium regarding the MIPEX Index, 2010

Conference Papers and Public Talks

M. Castan, ‘Heather Osland’s case and the Legal Process’ Victorian Commercial Teachers Association, 25 July 2010

M. Castan with P. Seidel, D. McCormack and M. Avery, ‘Wadeye; The Right to Education in Remote Schools’, Garma Key Forum, 8 August 2010


P. Emerton, ‘Human Rights - A Non-Universalist Conception’, Julius Stone Institute of Jurisprudence, University of Sydney, 13 May 2010

P. Emerton, ‘Peoples, States and Intervention: Philosophical reflections on the norms governing the international use of force’, Australian Society of Legal Philosophy Annual Conference, University of Melbourne, (co-authored with Toby Handfield), 4 June 2010

P. Emerton, ‘Cosmopolitanism, Self-Determination and National Self-Defence’, paper (jointly authored with T. Handfield), Oxford Institute for Ethics, Law and Armed Conflict workshop Why We Fight: The Purposes of Military Force in the 21st Century, Oxford University, 8 October 2010


S. Kneebone, ‘The Refugee-Trafficking Nexus’, Refugee Studies Centre (RSC), Oxford University, 2 April 2010

S. Kneebone, ‘Compliance and Pluralism: Responses to Human Trafficking and Labour Migration within ASEAN’, 7th Asian Law Institute Conference (ASLI), Kuala Lumpur, Malaysia, 25-26 May 2010

S. Kneebone, Kuala Lumpur, Malaysia ‘The governance of migration in the region’ (by invitation on regional panel at Workshop on Managing Migration in Asia: Building Research Cooperation), 11 November 2010

S. Kneebone, ‘Trafficking in Children in South and South East Asia: More Degrees of Separation Needed’ presentation at NUS, ARI Inter-Asia Roundtable on Transnational Migration and Children in Asian Contexts, Singapore, 2-3 August 2010


J. Kyriakakis, ‘Economic Actors and Just Post Bellum’, Workshop on Ethics, Just Post Bellum and International Law, ANU, Canberra, 23 August 2010


T. Penovic, ‘International human rights law as a vehicle for activism opposed to reproductive choice’, Public Interest Law-Opportunities and Obstacles, University of Melbourne, 28 September 2010

5. Human rights training consultancies

The Centre conducts short courses and training programs, predominantly for Australian and international government officials. In 2010 it conducted the following programs:


Department of Foreign Affairs Human Rights Training, 11-14 October 2010, Canberra (S. Joseph, A. McBeth, P. Gerber)

6. Teaching and Supervision
Monash University runs the oldest Masters course in Australia devoted to human rights law, in addition to its rich offerings in the area at the undergraduate level. Since the establishment of the Castan Centre in 2000, student interest in human rights has markedly increased. At the same time, the number of human rights academics employed in the Monash Law Faculty has continued to grow, allowing the Faculty to increase the range of units on offer.

In 2010 the following units were offered.

Postgraduate Units
• Children’s Rights in International and International Domestic Law, P. Gerber
• Health Law and Human Rights, I. Freckelton SC
• Human Rights and Advocacy: Australian Law and Practice, K. Eastman
• Human Rights in the Global Economy, A. McBeth
• Indigenous Rights and International Law, M. Castan
• International Criminal Law: Procedural and Practical Aspects, G. Boas and P. Morrissey QC
• International Humanitarian Law, E. O’Sullivan
• International Refugee Law and Human Rights, S. Kneebone
• Overview of International Human Rights Law, K. Eastman and S. Joseph
• Use of Force in International Law, B. Saul

Undergraduate
• Human Rights in Australian Law, T. Penovic
• International Criminal Law, G. Boas and P. Morrissey QC
• International Human Rights, S. Joseph
• International Human Rights, H. Askola (Prato program)
• International Laws of Armed Conflict, G. Boas
• Law and Discrimination, C. Campbell
• Parents Children and the State, R. Alexander

Guest Teaching

PhD, SJD and LLM Major Thesis completions
In addition to formal teaching, Centre academics supervise postgraduate students undertaking their degree by research. Students may undertake a LLM by research instead of coursework. At the doctoral level, candidates have two options: the SJD, for which students must complete four postgraduate subjects and write a 50,000 word thesis, and the PhD, for which students must complete a 100,000 word thesis.

Research students generally develop outstanding levels of knowledge in their chosen field and often progress to academia, or work in fields related to their study. For these reasons, we consider nurturing research students to be a vital contribution to human rights scholarship and practice. Candidates for the various research degrees in 2010 were:

PhD
Olivia Ball, All the way to the UN: Is petitioning a UN human rights treaty-body worthwhile? (P. Gerber)
Nicolle Bleske, Culture and punishment: a case study on the road to university (S. Joseph) (completed in 2010)
Azadeh Dastyari, Out of Sight, Out of Right?: Extraterritorial processing of Refugees by the United States on the Caribbean Sea (A. McBeth with P. Emerton and S. Kneebone)
Sina Etezazian, Ambiguities regarding the prerequisites for the exercise of self-defence (G. Boas)
Ekram Haque, Protection of economic, social and cultural rights: a critical analysis of the fundamental principles of state policy in the Constitution of Bangladesh (S. Joseph)
Bryan Keon-Cohen QC (staff PhD), The Mabo Litigation (M. Castan)
Brendan Keon-Cohen QC, Determining Native Title (M. Castan)
Kirsten McKillop, Indigenous Adoption practices (M. Castan) (completed in 2010)
Marika McAdam, Strengthening the human right of freedom of religion and belief by protecting freedom from religion (S. Joseph)
Engi Messiah, Rule Against Double Jeopardy in Criminal Law (J. Kyriakakis, ongoing; Associate Supervisor, Main supervisor – B. Naylor)
Ronli Sifris, Conceptualising Restrictions on Abortion and Involuntary Sterilisation Procedures as Torture or Cruel, Inhuman or Degrading Treatment (S. Joseph, Associate supervisor, Main supervisor – B. McSherry)
Natalie Stroud, The Koori Court of Victoria: An answer to cultural and language disadvantage for indigenous offenders in the criminal justice system? (M. Castan)
Sue Teppendon, Neo-liberalist doctrine of individual rights (P. Emerton)
Noel Villaroman, The intersection of the human right to religious freedom and planning laws, Building God’s Temple: Planning Regulations, Places of Worship and Religious Freedom in Australia (A. McBeth)

SJD
Caroline Aebersold, Investment Law and Human Rights Law (S. Joseph)
Mark Gumbleton, Complicity in crime (S. Gray)
Elizabeth King, From Milosevic to Guantanamo Bay, an examination of the construction of the due process norm in the enforcement of International Humanitarian Law (G. Boas)
Mark Morley, Religious Minorities in Pakistan (S. Joseph)
Robin Smith, The paradox of legal responsibility: the application of corporate criminal liability to the state (G. Boas)

LLM
Noel Villaroman, A Fate Worse Than Debt: An Alternative View of the Right to Development and Its Relevance in the External Debt Problem of Developing Countries (A. McBeth)
Honours

David Carolan, Sentencing in international criminal law (A. McBeth)

Helen Fabyini, Evaluating Indigenous Welfare Reforms in the Northern Territory and Queensland (M. Castan)

Sushendra Fernando, The National Security Exception to Freedom of Expression (A. McBeth)

Chris Holt, Sexual Orientation and International Law: Is Being Queer a Universal Human Right (J. Debeljak)

Sarah Lenthall, Ensuring Fair Play by Transnational Corporations: The Extractive Industry, the Resource Curse and the Right to Development in Developing Countries (J. Kyriakakis)

Kim Northwood, Jurisdiction over terrorist crimes: Examining the case for a rule of permissive universal jurisdiction in customary international law to try certain crimes of terrorism (J. Kyriakakis co-supervisor with G. Boas)

William Parker, Concerned repatriation of Indigenous ancestral remains in Australia, the UK and the US (S. Gray)

Christopher Spain, Humanitarian Intervention: The Vital Last Resort (G. Boas)

Crystal Triggs, Indigenous Peoples Right of Self-Determination in International Law (S. Joseph)

Julian Vido, EU Renewable Energy Directive with the WTO General Agreement on Tariffs and Trade (S. Joseph)

Jing Zhu, Counter-terrorism laws (A. McBeth with P. Emerton)

Undergraduate Papers

Namrata Kant, The ATCA, the ICC, and Corporate Human Rights Abuses: An Analysis in Terms of Union Carbide and Unocal (J. Kyriakakis)

Srindhi Kulkarni, Sexual Violence in Conflict and the ICC: Is the End to an Era For Sexual Violence Against Women in Sight? (J. Kyriakakis)

7. Indigenous Programs

Since 2004, the Castan Centre has been involved with the Aurora Project. The project, which is operated in conjunction with Aurora Projects and Programs, focuses on building the professional capability of Native Title Representative Bodies, and includes other features such as assistance with recruitment, the operation of a large-scale internship program and a handbook on postgraduate scholarship opportunities for Indigenous students. The project is funded by the Commonwealth government.

The program has had great success in boosting the capability of the NTRBs and other indigenous bodies through ongoing professional development training and other assistance. The internship program – which has already sent over 600 legal, anthropology and other social science interns to 61 bodies (including NTRBs) working in Indigenous affairs - has had outstanding results. Sixty eight of the interns so far have been Monash University students. Research shows that twenty percent of these interns end up working in full-time, part-time or contract positions in Indigenous Affairs after completing their degrees.

The Indigenous Students’ Guide to Postgraduate Scholarships in Australia and overseas, published for 2009/10, included opportunities in a wide range of disciplines, including architecture, the arts, business, education, engineering, government, health, humanities, information technology and law. In all, 121 scholarships were included in the guide, made up of 88 Australian opportunities, and 33 international ones. During 2010, the Aurora Project commenced work on a similar guide for undergraduate scholarships, due to be released in 2011.

Aurora native title intern Romy Grace, of Monash University, out and about while working at the Northern Land Council
Our People

The Castan Centre sits within the Law Faculty at Monash University. The Centre is governed by the Director and five Deputy Directors, who are all senior Faculty members with teaching and research expertise in human rights. Centre Associates are Faculty members who are recognised for their role in assisting the Centre. Day to day operations are carried out by the Director and the administrative staff.

Director
Prof. Sarah Joseph Director (Leave 19/8/10 to 30/9/10)

Deputy Directors
Dr Julie Debeljak, Deputy Director (Outside Studies Period (OSP) – First Semester)
Dr Paula Gerber, Deputy Director
Prof. Susan Kneebone, Deputy Director (OSP – First Semester 2010)
Dr Adam McBeth, Deputy Director (Acting Director 19/8/10 to 30/9/10)
Melissa Castan, Deputy Director

Associates (faculty staff)
Dr Heli Askola
Dr Gideon Boas (OSP – Second Semester)
Ms Azadeh Dastyari
Dr Stephen Gray
Dr Patrick Emerton
Ms Tania Penovic
Dr Joanna Kyriakakis

Associates (external)
Dr David Yarrow
Chris Sidoti

Awards
P. Gerber, Special Commendation, Monash University Vice Chancellor’s Excellence in Teaching Award, 2010
P. Gerber, Highly Commended for Excellence and Innovation in the Teaching of Law Award, Lexis Nexis - Australasian Law Teachers Association, 2010
S. Joseph, Award Winner, Future Summit Leadership Awards, Melbourne, 2010
A. McBeth, Law Faculty award for excellence in research by an early career researcher, 2010

Administrative Staff
Marius Smith – Manager
Erica Contini – Project Officer
Kay Magnani – Administrator (January-April)
Janice Hugo – Administrator (April- December)

Patron-in-Chief
Her Excellency Ms Quentin Bryce AC, Governor-General of the Commonwealth of Australia

Patron
The Hon Michael Kirby AC CMG

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Professor Philip Alston: John Norton Pomeroy Professor of Law, New York University School of Law; co-Chair of the Center for Human Rights and Global Justice at NYU School of Law; former UN Special Rapporteur on extrajudicial, summary or arbitrary executions

Mr Patrick Dodson: Founding Chair, Lingiari Foundation Inc; Chair of the Kimberley Institute; Director of the Indigenous Policy, Dialogue and Research Unit at the University of New South Wales

The Hon Elizabeth Evatt AC: Commissioner of the International Commission of Jurists; Visiting Professorial Fellow, University of New South Wales

Professor Claudio Grossman: Dean, Law School, Washington College of Law, the American University; Raymond Geraldson Scholar of International and Humanitarian Law and co-Director of the Center for Human Rights and Humanitarian Law at the American University; chair of the UN Committee Against Torture

The Hon Judge Felicity Hampel: County Court of Victoria

Professor Christof Heyns: Professor of Human Rights Law and co-Director of the Institute for International and Comparative Law in Africa, University of Pretoria, South Africa; UN Special Rapporteur on extrajudicial, summary or arbitrary executions

Professor Ivan Shearer: Emeritus Professor of Law, Faculty of Law, University of Sydney; former Member, UN Human Rights Committee

Judge Christopher G Weeramantry: President of the International Association of Lawyers Against Nuclear Arms; Emeritus Professor in the Law Faculty at Monash University

Members
2541 as at 31 December 2010.
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