Dalai Lama Inspires Packed House at Monash

By Marius Smith

The visit of the Dalai Lama to Monash University in June of this year was a marvellous event, witnessed by 1600 excited onlookers who had snapped up tickets in just over a day when they went on sale months earlier.

After six months of planning by the Castan Centre and its co-host, the Australia Tibet Council, it was a relief for all concerned that the day itself turned out to be such a wonderful event. His Holiness had chosen the Monash event to deviate from his usual themes of religious observance to instead talk about conflict resolution, most particularly with China.

His speech was a serious statement about his position on Tibet, an impassioned plea to give Tibet its autonomy within the Chinese nation.

After his speech, the event lightened up considerably as he joked onstage with his aides, and interacted with a panel of journalists and academics assembled to quiz him further on his relations with China and hopes for the future of Tibet.

His discussion roamed from his meetings with Mao Tse Tung, visits to Taiwan and his time in India as a refugee.

His Holiness was his usual quick-witted self and extraordinarily sprightly considering his advancing age and the gruelling nature of his schedule while in Australia. His motorcade arrived at Monash direct from an event for thousands of youth at the Rod Laver Arena, having previously addressed crowds in rural Victoria and around the nation.

After the event, as the audience slowly made its way out, His Holiness said his goodbyes backstage to a group that included Nellie Castan, wife of the late Ron Castan whom he had met many years earlier and came to know well.

The Castan Centre was delighted when His Holiness decided to visit Monash and the memories of the day will remain with all of us for years to come.
For the first time this year, Monash Law students will travel to Israel and Cambodia as part of the Castan Centre Global Internship Program. The position with Israel is at the St Yves Catholic Human Rights Centre, in Jerusalem. The centre is run by Bill Docherty, a Monash University alumni who was inspired to set up the centre along the same lines as the Monash-Springvale Legal Service, where he worked in the 1970s. The centre assists the poor and marginalized and the general community in East Jerusalem while actively working to address the continuing humanitarian problems in the area. The chosen intern will also stay at Tantur Institute of Ecumenical Studies, which welcomes scholars of all faiths. The Cambodian internship will be with the United Nations Assistance Mission to the Khmer Rouge Tribunals. The Cambodian tribunal will be with the United Nations Assistance Mission to the Khmer Rouge Tribunals. The tribunals, which are a combination of international and national courts, will try members of the former Khmer Rouge government who have been accused of war crimes. Castan Centre Global Intern Bridi Rice (who interned at the UN Human Rights Council in Geneva) spent three months with the mission earlier this year.

The Castan Centre has recently begun work on creating a database of case notes on every individual case heard by the United Nations treaty bodies. The database will be operated by Oxford University Press and will be the first such resource on the internet. The treaty bodies are the UN committees which hear complaints from individuals who claim that their human rights have been breached by their Government. In addition to the Human Rights Committee, which hears alleged breaches of the International Covenant on Civil and Political Rights, there are committees who deal with torture, women’s rights and discrimination. At last count, there were over 1200 cases in all. The project is being overseen by Castan Centre Director, Professor Sarah Joseph, who is being assisted by a phalanx of Castan Centre staff and In-House Interns.

The database being compiled by OUP will also include case notes for other human rights bodies, such as the European Court of Human Rights.

2008 Global Internship Program Expands Again

In addition to these two positions, four other interns will travel to the Castan Centre’s existing partner organisations in New York (Human Rights First), Geneva (the Australian Delegation to the Human Rights Council), Kuala Lumpur (International Women’s Rights Action Watch - Asia Pacific) and the Hague (International Criminal Tribunal for the former Yugoslavia).

This year, for the first time, interns will have the opportunity to attend a pre-departure cross cultural training course to prepare them for the difficulties of working in alien places and in workplaces with people from many different countries.

In addition to the travel funding that interns receive from the Monash Law Student Travel Fund, students will also receive a stipend from the Castan Centre to help them cover some of their living expenses. This assistance helps make the Program more accessible to students.

Besen Family Heads List of Castan Centre Donors

The Castan Centre’s 2007 fundraising drive was capped off recently with a generous donation from Daniel and Danielle Besen.

Daniel, a Monash Law graduate, visited the centre in June and was impressed by its commitment to human rights. He was particularly interested in the centre’s attempts to increase educational and career opportunities for students through its undergraduate and graduate teaching programs and its Global Internship Program.

Castan Centre Deputy Director, Melissa Castan, said that “donations such as this one are vital to allow the centre to continue funding its suite of programs.”

“We are delighted with the support we have received from Daniel and Danielle. It goes a long way towards ensuring that we can continue to provide important opportunities to young Monash Law students”, said Melissa.

“We hope that we will be able to continue working with Daniel and Danielle in the future”, she added.
2007 Conference Focuses on the Environment

While the movie ‘An inconvenient truth’ shot the issue of climate change into the public limelight in 2006, the legal industry has been grappling with the complex and controversial impact that climate change will have on the law for a number of years.

The Castan Centre’s annual Human Rights: the Year in Review conference - Human Rights and the Environment - aims to explore the pressing implications of the intermingling of human rights and the environment and the impacts each has on the other.

Headlining this year’s conference, which will be held on 30 November at the Malthouse, is Martin Wagner, a Holding Redlich Distinguished Visiting Fellow, and managing attorney for Earthjustice’s international program, which is dedicated to finding international solutions to the impact of climate change. At Earthjustice, Martin works with international institutions to defend the environment from damage coming from unregulated international trade as well as to promote and protect the human right to a healthy environment. To that end, he recently filed a petition with the Inter-American Court of Justice on behalf of the Inuit people. The petition seeks to identify Global Warming as a human rights issue and was prepared with Sheila Watt-Cloutier, an Inuit woman who was nominated for the Nobel Peace Prize with Al Gore (this year’s winner). In his paper, Martin will discuss the effect of global warming on different cultural and national groups. Adding to the topic, Ms Rowena Cantley-Smith, from the Monash law faculty, will discuss the intersection of international environmental law, human rights and their transcendence into the broader energy market.

The crisis in Darfur has also gained international attention on account of the vast human rights violations there. While many lives have been lost to armed conflict, Professor John Langmore of the Political Science Department at the University of Melbourne, will discuss how the government-supported fighting is exacerbating the competition for scarce environmental resources in Darfur.

As the world’s largest per capita greenhouse gas emitter, Australia’s obligation to assisting in environmental policy reform is pressing. Cam Walker, Campaigns Co-ordinator for Friends of the Earth, will discuss Australia’s responsibility as a wealthy country and greenhouse gas emitter, to the global poor and set out actions it should undertake in this area. This responsibility will increase as Australia continues to play a key role in the emerging nuclear energy sector as one of the world’s main suppliers and a potential user. Ron Levy, of the Northern Land Council, will discuss the need for Australia to address the issues of nuclear waste and its effect on the environment before it can move forward in utilizing nuclear power as an energy source.

In a slight shift away from the conference focus, human rights and the environment, Mr Philip Lynch, Director, Human Rights Law Resource Centre, will discuss the September 2007 High Court decision Vickie Roach v The Commonwealth, in which the Court found a constitutionally entrenched right to vote in the Australian Constitution. This decision returned the right to vote to over 8,000 Australian prisoners, of whom a quarter are Indigenous.

This year’s annual conference offers a unique blending of human rights and environmental law along with an update of some other current pressing human rights developments. As two of the worlds pressing issues, the influence they have on one another impacts on a wide variety of people and issues. The conference will explore this impact and we invite you to be a part of the discussion it is assured to raise.

Christie Weeramantry, former Vice President of the International Court of Justice, and Emeritus Professor at Monash University, will be the conference rapporteur.

Keep Informed on the Castan Centre Website

The Castan Centre constantly keeps its website updated, giving members and interested passers-by the chance to keep up-to-date with what’s happening at the Castan Centre and around the world.

All Castan Centre events are advertised on the website and the centre’s “bulletin board” provides information on other human rights-related events happening in Australia and elsewhere.

Organisations wishing to have their events advertised on the bulletin board can email a brief summary to castan.centre@law.monash.edu.au. And, if appropriate, we will add the event to the board.

Where possible, papers presented at Castan Centre events by guest speakers are posted on the website as soon as possible. There is also a human rights careers series section, with helpful hints from human rights practitioners on how to get started.

Finally, the World Human Rights News page provides links to current news stories of interest from around the world.

The website can be accessed at www.law.monash.edu.au/castancentre
Centre Sponsors Launch of New Trafficking Report

The Castan Centre recently sponsored the launch of a new report on human trafficking, *Collateral Damage: The Impact of Anti-Trafficking Measures on Human Rights Around the World*.

The report, commissioned by the Global Alliance Against Trafficking in Women (GAATW), looked at the response of and anti-trafficking measures taken by eight countries: Australia, Bosnia and Herzegovina, Brazil, India, Nigeria, Thailand, the United Kingdom and the United States. Because it tied in with the Castan Centre’s current research project on human trafficking, it was natural that the centre should be involved in the Melbourne launch.

A number of speakers addressed the Friday morning gathering in Melbourne. Eleanor Taylor-Nicholson from GAATW spoke about the need for a human rights approach to trafficking which eschewed the current focus on law enforcement at the expense of trafficking victims.

Elaine Pearson, author of the report’s Australia chapter, stated that Australia itself had failed trafficking victims. Ms Pearson said that all victims of trafficking should receive temporary residence visas and that the provision of services should be transparent and victim-centred. Currently, assistance to victims is unhealthily tied to whether the victim is willing or able to provide assistance to police. Although the crime of trafficking must be punished, Ms Pearson said, the victims must also be protected.

Jenny Stanger, coordinator of the Anti-Slavery Project at the University of Technology Sydney, spoke on the situation in the United States, where she founded the Coalition to Abolish Slavery and Torture. She said that the US government had set a higher benchmark by interacting with community groups and taking their advice when setting policy on trafficking. A collective effort is needed in order to really get to the heart of the problem.

Susu Thatun of World Vision, which also sponsored the event and Castan Centre Deputy Director Julie Debeljak introduced the event. The report received coverage in Australian and Thai newspapers and Professor Susan Kneebone of the Castan Centre was interviewed about the report and the wider issue of trafficking on ABC radio.

See page 14 for a report on the ongoing research project of three Castan Centre academics entitled “Australia’s Response to Trafficking in Women: Towards A Model For the Regulation of Forced Migration in the Asia-Pacific Region”. A copy of the report, *Collateral Damage*, can be found on GAATW’s website at www.gaatw.net

Castan Centre Deputy Director Awarded his PhD

If you have ever wondered whether completing a PhD is difficult, just ask Castan Centre Deputy Director Adam McBeth. He was racing against the clock to finish his thesis before his first child, Jamie, was born in June. He ultimately achieved that goal, but saw some similarities in the two experiences. “The PhD had a much longer gestation than the baby and was just as painful in the final stages - they don’t give epidurals for thesis completion after all - but both experiences have been extremely rewarding”, said Adam.

Adam’s thesis, entitled “Global Rules for Global Players: International Economic Actors and Human Rights” looked at the application of international human rights law to entities other than states operating in the international economic arena. This included multinational corporations, as well as intergovernmental organisations such as the World Trade Organization, and financial institutions such as the World Bank and the International Monetary Fund.

The basic argument was that international law should be approached as a holistic system, rather than compartmentalising it. Trade law, financial "rescue packages", development projects, foreign investment and so on should therefore be conducted within a cohesive international framework, which includes human rights.

It took Adam, who was supervised by Castan Centre Director Sarah Joseph, 5 years to complete the thesis while teaching and undertaking Castan Centre projects at the same time.

Adam speaking at a Monash Law event earlier this year.
Prato Conference Highlights the Effect of Trade Body on Human Rights

Castan Centre Director, Professor Sarah Joseph, recently co-hosted a colloquium of world experts at the Monash premises in Prato, Italy on the topic of The World Trade Organisation and Human Rights.

The colloquium, held on 21 and 22 June of this year, was part of an ARC Discovery Grant awarded to Professor Joseph, Monash Professor Jeff Waincymer and Professor David Kinley of the University of Sydney. Professor Kinley was also the Castan Centre’s foundation Director.

The 26 participants comprised international legal scholars, representatives from the UN High Commissioner for Human Rights and the WTO, as well as interdisciplinary scholars from the fields of economics, philosophy and political science.

The participants engaged in two days of discussion, with invaluable insights arising from the interdisciplinary nature of the gathering. A copy of the final programme may be found at www.law.monash.edu.au/castancentre.

The papers will be collated into a book to be edited by Professors Joseph, Waincymer and Kinley, and will be published by Edward Elgar in 2008.

Centre Welcomes New Human Rights Academic to Monash

Fresh from a six year stint as Senior Legal Officer at the International Criminal Tribunal for the Former Yugoslavia, Dr Gideon Boas joined the Monash Law Faculty in July of this year as a Senior Lecturer.

While at the ICTY, Dr Boas worked on the trial of former Serbian dictator Slobodan Milosevic. He has channelled his experiences into his first book, The Milosevic Trial: Lessons for the Conduct of Complex International Criminal Proceedings, which has just been published by Cambridge University Press.

Prior to working with the ICTY in the Hague, Gideon worked in Sydney for the International Committee of the Red Cross as its International Humanitarian Officer. He gave a paper about his career path during the Castan Centre’s 2007 Human Rights Careers Series where he advised students on how to follow their dreams. For Gideon, it began when he helped found the Social Justice Action Group at Monash, which was a prominent human rights advocate on campus in the 1980s and 1990s.

Perhaps his biggest break was getting the position at the Red Cross, despite a lack of experience in the area of International Humanitarian Law (the laws of war). At that time, there were very few people in Australia with that kind of experience. And look where it all ended up. A role in one of the trials of the century, a PhD, a book and a position as an academic at Monash.

Gideon’s teaching commitments at Monash will focus on International Humanitarian Law and International Law.

See page 17 of this newsletter for Seven Questions for Gideon Boas

International Academics a Huge Hit at Monash

A masters subject taught by two visiting British experts has underlined the high level of interest in the new Victorian Charter of Human Rights and Responsibilities.

Comparative Bills of Rights, taught by Rabinder Singh QC and Dr Angela Ward at the Monash Chambers in August, gave students an insight into how the Charter will work in practice by looking at how similar bills have worked overseas.

The cross-section within the student body was remarkably fertile. A Supreme Court Judge, the Solicitor-General, Barristers, Solicitors, Government Officials, a journalist, NGO workers and regular students, all sharing ideas in a Socratic environment.

Most people agreed that the coffee breaks were as informative as the classes.

Singh QC and Ward brought a combination of practical experience, academic rigour and policy arguments to focus upon the as yet untested Victorian Charter.

Comparative Bills of Rights was part of Monash Law’s LLM (Human Rights). For more information on the LLM, see www.law.monash.edu.au/postgraduate.

See page 17 of this newsletter for Seven Questions for Gideon Boas

For more Castan Centre news, see page 16
By Erica Contini

As a Monash Law graduate, former Castan Centre global intern to the Australian Delegation to the Human Rights Council and a current masters degree student, Jessie Taylor has not taken her opportunities for granted. During her time at Monash, Jessie spent over 3 years working with refugees and asylum seekers through weekly visits to the Maribyrnong Immigration Detention Centre and visits to the Baxter Immigration Detention Centre in Port Augusta, South Australia. The plight of the individuals detained and the lack of public knowledge about the situation prompted Jessie to take action to address the issues surrounding Australia’s mandatory immigration detention policy.

In 2006, Jessie gathered a group of 9 people from different nationalities, backgrounds, political views, age groups and experiences, and brought them to the Baxter Immigration Detention Centre in order to meet and interact with some of the individuals being detained there. The purpose of their trip was to gain exposure to the realities of detention and to see first hand what the experience would be like. Their three day trip was recorded by video and combined into a documentary, “We Will be Remembered for This”.

The group’s journey begins as it travels in a white bus from Melbourne to Baxter in Port Augusta, South Australia. Along the way we hear each traveller’s expectations of the detention centre, general knowledge or lack-thereof of the detention scheme in Australia, and what his or her background is. The visitors include students from different courses, a bookstore retailer, a teacher, a European member of the Institute of Peace & Armed Conflict, and one individual who had actually spent time in immigration detention.

Designed to be watched by people with little or no knowledge about immigration detention, the film provided an overview of the mandatory detention policy in Australia in an entertaining and moving manner. We get to hear about the daily lives and hardships faced by those being detained through recounts by the visitors following each trip they take into the centre. Additional information on the realities of the policy are presented in interviews with former Prime Minister Malcolm Fraser, human rights advocate Julian Burnside QC and Professor Patrick McGorry a psychiatrist who discussed the psychological impact of immigration detention.

The stories of other individuals directly impacted by Australia’s policy also shed light on the situation. The narrative of an Afghan man who fled his homeland as a child was told throughout the film. His flight into Pakistan and then through a people smuggler into Indonesia and then a boat to Australia, culminated in his gaining his ‘freedom’ by being detained once he reached Australia. While he has since gained his Australian citizenship after being deemed a refugee, his plight illustrates the additional hardships individuals in detention have faced. Another story told is of an Australian woman who met and fell in love with her husband at Baxter Detention Centre. While the two were married, he was forced to remain in detention and was ultimately deported back to his home country, leaving with a $210,000 bill for his time spent in detention.

The film has screened all over Australia and the Castan Centre organised a screening for Monash University students in early October. The film was followed by a question and answer session where audience members discussed the video with Jessie directly. Some wanted to ask about the experience Jessie had while doing the film and how she got involved with detainees. Others wanted to know what they could do to help change the policy. Even more wanted help in understanding how Australia could support and encourage what appears to be an utterly unconscionable system. Jessie provided further information about the situation but was unable to explain how such a system could be condoned. It was clear from the questions asked and the overall response of the audience that Jessie and her film have succeeded in educating the Australian public about the policy and bringing a human element to the issue.

For more information about the movie, see http://wewillberemembered.wordpress.com
A very impressive team of Monash University mooters has edged out its equally dedicated opponents from Victoria University to win the $3000 first prize in the Castan Centre’s inaugural Victorian Charter of Human Rights and Responsibilities Mooting Competition.

A prisoner’s right to privacy and religion, the detention of protesting university students, and the displacement of an elderly couple from their care home were among some of the issues addressed by students during the competition, which was sponsored by law firm Clayton Utz and mainly hosted at its Melbourne offices.

Two teams from each of Victoria’s five law schools – Deakin, La Trobe, Melbourne, Monash and Victoria – competed in a round robin format. Teams, each comprising 3 students, were given only a few days to prepare for each moot, and were judged on their oral presentations, written submissions, development of argument, and their ability to answer (often challenging) questions from the bench.

Moot problems were drafted to allow students to explore the Charter as widely as possible, and students were required to research both domestic and international case law to provide jurisprudence for this new Act.

After the completion of two sets of preliminary rounds in which each team had the opportunity to represent the defendant and the plaintiff, it was clear that the standard of competition was very high. In fact, the fourth, fifth and sixth-placed teams were separated by just four points (teams were scored out of a possible 400), with the top four contenders being Melbourne University 2, both Monash teams and Victoria University 2.

In the Semi-final round, the teams argued their cases in front of 3-member panels of judges. Monash University’s first team represented a university student who had been detained by police after her involvement in a protest. They battled it out with Victoria University’s second team, and after a well-argued case by both sides, the judges came down in favour of Victoria. Monash University’s second team represented the state police and security company which had detained the university student. While Melbourne University’s team skillfully argued their case, they were unable to overcome the legal arguments presented and the oral advocacy skills of the Monash team which also progressed onto the final.

The Red Court of the Victorian Court of Appeal was fully packed with supporters and onlookers during the final round of the competition. Both the Monash and Victoria teams faced a barrage of pointed and challenging questions from the bench, which consisted of the Honourable Justice Maxwell, President of the Court of Appeal, Judge Tony Howard of the County Court and Ms Helen Szoke, CEO of the Victorian Equal Opportunities and Human Rights Commission.

Both teams argued and responded to questions with impressive ease and at the conclusion of the moot, those in the audience were unable to pick a winner. Grant Schubert of Victoria University had shown particular poise under pressure while his team-mate Damian Clancy spoke with great confidence. For Monash, Jess O’Brien had been nerveless, and Kaja Strzalka very polished.

In the end, Monash University’s team, which also included Lucinda Bradlow, was victorious and won the $3000 grand prize; Victoria University were runners up, winning the $1000 prize. It was a particularly impressive performance from Victoria, the state’s youngest law school, which provided two outstanding teams.

The level of preparation and arguments made by all competitors was commendable and showed their interest in and commitment to human rights law and the new Charter. Sponsorship by Clayton Utz, and the hard work and support of Anitra Robertson, Sally Sheppard, Kirsty Robb and Brad Vann, all the individuals who assisted in the judging, and the Castan Centre, helped make this moot a huge success.
Hope and Disillusionment in Geneva

Bridi Rice Experiences the Highs and Lows of Diplomatic Life as a Castan Centre Global Intern

By Bridi Rice

Being an Australian Delegate at the United Nations Human Rights Council is as much about politics as it is about law and human rights. It’s also about being a diplomat and I can’t say that I’ve worked out what that is yet.

Australia has a Permanent Mission to the United Nations in Geneva, Switzerland. It was here that I spent two months with a team of Australian diplomats, representing Australia and the world’s interests on the newly formed Council. Sounds cutting edge, and indeed it was. But some days, it felt more as though we were on a knife’s edge. Fighting for human rights in the field I understand: you want to stop a government from persecuting its citizens, you want to stop a conflict, you fight for the right of a child to attend school, for a woman’s autonomy. Fighting for human rights wearing a suit and drinking a cocktail in one of the world’s wealthiest cities is a different game. I call it national interest ping pong.

The Council consists of member states, observer states and groups of interested parties such as Human Rights Watch and Amnesty International.

Most State delegations are made up of career diplomats with little human rights experience. In one case, someone’s ‘really important niece who hadn’t been home in 15 years’ sat at the front of her country’s delegation. It was therefore a treat to find that Austria had an ex-peacekeeper in its delegation and damn near extraordinary that the Israeli delegation comprised a career human rights lawyer from the US.

So what happens at the Council when member states include some of the world’s greatest human rights violators, and many countries vote according to their regional group line? What happens when the only people who have ever seen a human rights violation are the maligned Human Rights Watch and Amnesty Internationals of this world? What happens when you, as a 22 year old Australian who is firmly ‘misaligned’ with current Australian government human rights policy find yourself on the world’s human rights platform? You have an existential crisis romantically similar to that of Meursault in Albert Camus’ The Outsider.

Sitting in a room with delegates whose countries you have visited and worked in, listening to their vast self-appraisals, makes your blood curdle at their denial of reality. Sitting in a room where delegates deny discrimination on the basis of gender and sexual preferences makes you think of gay and lesbian friends back home. Sitting in a room as Amnesty International delivers 23,000 postcards addressed to your government requesting the release of David Hicks from Guantanamo Bay requires self control to put it mildly.

This existential crisis can make you ashamed, frustrated, angry and want to turn your back on your idealistic dreams of making the world a better place. Or, it can be the best damn signal you can receive that you’re doing the right thing.

Questioning what your nation is about and what you are about, and openly considering the perspectives other than our own is vital. It is vital for our world to overcome our defensive and polarised negotiating positions in Geneva. It is vital that we start learning. And so, learn I did.

The Council is a political organ – and my jury is out on whether it can ever be an effective one. One thing is certain though, it will be a near sighted world that will allow the Council to be hamstrung by the ping pong game it is currently playing. It is my hope that the Council, with the suggestions made in the Universal Periodic Review mechanism will open itself to human rights expertise beyond what its diplomats can offer. It is my hope that it engages in constructive and meaningful dialogue. It is my greatest hope that, if the Council does not do these things, it comes under intense global scrutiny and criticism.

Working in Geneva was sensational. There is no doubt. As a 22 year old, to sit behind a little white sign whose black letters spell the French, ‘Australie’ and deliver a speech striking out against child prostitution and pornography and the use of child soldiers in Sri Lanka was what every young human rights advocate dreams of. To spend evenings attending speeches and calls to action from some of the world’s greatest human rights workers is simultaneously heartbreaking and inspiring.

Undoubtedly Australia’s representatives to the UN are amongst the most professional and well regarded diplomats Geneva has to offer. And, by and large, whether agreeing or disagreeing with Australia’s position on particular human rights concerns, our diplomats are a thoughtful, considered and far-sighted lot who work in an intensely frustrating negotiating context. I return to my original musing about what a diplomat is, and I must say, I have no further conclusion. But, if it includes being part of trying to build a better international mechanism to protect and promote human rights, then giving it a go for a while has been nothing but an honour and hopefully a taste of what will be more to come.
By Erica Contini

In the aftermath of the American invasion of Afghanistan in 2001, there was much publicity about the plight of women in that country. The news has been far less frequent in recent years, but the plight of most women remains perilous.

Into this news void stepped Dr Sima Samar, the chairperson of the Afghan Independent Human Rights Commission and its first Minister for Women, to address the issue at a Castan Centre event in Melbourne. Dr Samar, who is also United Nations Special Rapporteur on the situation of human rights in Sudan, visited Australia as a guest of the Department of Foreign Affairs and Trade.

Dr Samar was the first woman from the minority Hazara ethnic group to obtain a medical degree in Afghanistan, but she was forced to flee to Pakistan with her son in 1984 when the government arrested her husband, who was never seen again. Over the next decade, Dr Samar established the Shuhada Organisation in Pakistan which was dedicated to providing health care and education to Afghan women and providing training to medical staff. In 2002, after the fall of the Taliban, Dr Samar returned to Afghanistan where she headed the Women’s Ministry until she was forced to resign when threatened with death and harassed for questioning conservative Islamic laws. She was then appointed as the Chairperson of the Afghan Independent Human Rights Commission, which was created by the Afghan Constitution to monitor, promote and advance human rights.

During her speech, Dr Samar assured the audience that, while the situation is tenuous, the outlook is not necessarily bleak and Afghanistan will continue to make progress in creating a culture which values the human rights of all people.

Dr Samar spoke about the activities of the AIHRC and the difficulties it has faced in implementing its mandate. When Dr Samar took on the role of commissioner of the AIHRC, the first issue that had to be addressed was creating a culture which embraced human rights—prior to the new constitution, even the utterance of the phrase ‘human rights’ was a criminal offence. Rather than borrow an approach used by another country, she wanted to create an approach which was suited specifically for Afghanistan.

Dr Samar started by making people aware of human rights and the equality of all peoples. The AIHRC worked in conjunction with the ministry of education to implement a new curriculum which instilled the values of human rights into everyday teachings. For this strategy to work, the AIHRC also had to promote the value of education as a basic human right which was accessible to all individuals, including girls.

While it was important to change the social culture through education, it was also important to integrate human rights into the political structures. One major project involved the training of police and other law enforcement officers on the prohibition of the use of torture, even for police interrogations and national security situations.

Another concern of the AIHRC is transitional justice. An independent study of Afghan citizens found that they wanted to see crimes properly punished, rather than a truth and reconciliation process. Dr Samar noted that peace will not be sustainable without justice.

While the country has come a long way since the fall of the Taliban, Dr Samar noted that security is getting worse and the rule of law is weak. She stressed the need for continued international support of Afghanistan to combat the power of the warlords and to stop the oppression of women.

Dr Samar’s outspoken enthusiasm for the progress the country is making brings cause for optimism about the country’s future. Social change does not occur overnight, but through gradual social transformation. Dr Samar is exactly the person the country needs in order to progress further and realise its goals as a new democracy.
By Erica Contini and Marius Smith

A capacity crowd of almost 1600 people packed the Robert Blackwood Hall at Monash’s Clayton campus in June to hear His Holiness the Dalai Lama discuss the political situation in Tibet. The event, which formed part of the sprightly guru’s whirlwind 2007 Australian tour, was the culmination of months of planning by the Castan Centre and its co-host, the Australia Tibet Council.

On his arrival at Clayton, His Holiness was greeted by Castan Centre Director Sarah Joseph and Australia Tibet Council Chairman George Farley, and ushered onto stage where the waiting crowd had been entertained by Dr Keith Suter’s lively discussion on the New Era of Warfare. Dr Suter, a leading economic, social and religious commentator, noted that war is gradually dying out and being replaced by disarmament, conflict resolution and the struggle for justice. It was an appropriate introduction to His Holiness’ talk on “The Middle Way: a peaceful approach to resolving conflict”. The talk was a departure from most of his Australian speeches, which focused on religious issues.

Specifically, His Holiness discussed his approach to the Tibetan issue and the relationship between Tibet and China. He noted that many in the Chinese government fear that he is striving towards complete independence for Tibet, but he emphatically rejected this and instead stated that Tibet is part of China. He added that he was simply concerned with the preservation of Tibetan culture and establishing meaningful autonomy for Tibet, as envisioned in China’s Constitution.

His Holiness addressed four aspects of the Tibetan problem which make it a global issue. First, the preservation and protection of the environment. Geographically, Tibet is the source of a number of major rivers which flow through the Asian continent. His Holiness noted that there has been large scale deforestation and exploitation of minerals and other natural resources on account of lax restrictions imposed by the Chinese Government in Tibet since the 1960s. This has had a major impact on the flooding of India, Bangladesh and China. The second aspect was Tibetan Buddhist culture, which is naturally compassionate and creates a peaceful society and is thus worthy of preservation. The third issue involves human rights abuses in Tibet, which often result in the arrest and torture of ordinary Tibetans. This approach only serves to increase anger and resentment against Chinese rule in Tibet. Finally, the Dalai Lama noted the geopolitical role Tibet played acting as a buffer zone preventing conflict between India and China. He also went into detail of the history of the situation and steps he had taken to attempt to come to an agreement with China.

After his speech, his Holiness relaxed noticeably as he was subjected to a very enjoyable panel discussion with a number of experts hosted by Peter Mares, presenter of ABC Radio National program, “The National Interest”. The presence of a translator during the discussion – which took place in English – seemed mostly to allow His Holiness to engage in...
The discussion also touched on the spirituality of Buddhism when Professor Bee Chen Goh, Head of the School of Law and Justice at Southern Cross University, asked a question about Buddhism’s wider role in society. His Holiness stated that his religion’s non-violent and peaceful nature would allow it to play a role in rebuilding traditional Chinese family values which have been destroyed in the past half century. His Holiness wrapped up the discussion commenting on the need for continued dialogue between Tibet and the Chinese government and further reiterated his role as a spiritual leader for those not only in Tibet, but in China as well.

At that point, there was an elaborate succession of Tibetan greetings on stage before His Holiness was ushered off to meet the late Ron Castan’s wife Nellie and daughter Melissa. Ron had met the Dalai Lama many years earlier and struck up a relationship which reverberates to this day.

For a transcript of proceedings and all the highlights from the day, see www.law.monash.edu.au/castancentre.
By Lauren Scott

Greensborough College student Erin Stewart won this year’s Castan Centre Writing for Human Rights Essay Competition with an insightful essay which contended that free speech is vital for social progression, increased compassion and the continuation of democracy.

The topic for this year’s competition was “Freedom of Speech has gone too far”, and there was a fantastic response from Year 11 and 12 students around the State, highlighting how interested today’s youth are in both human rights and controversial public issues.

The competition tied in with Monash Law’s annual Great Law Week Debate, in which the debaters addressed the same topic. Erin and the other competition winners were on hand to witness the debate, and to judge for themselves whether they had done as good a job as the celebrity debaters.

Paul Ronalds, World Vision Australia’s Director of Policy and Programs and co-founder of wishlist.com.au, together with the respected QC, David Galbally, joined world debating champion Meg O’Sullivan to argue that freedom of speech has indeed gone too far. Human rights expert, Lex Lasry, QC, with Damien Carrick, presenter of ABC Radio National Law Report, and Kylie Lane, voted best speaker in the world at the 2005 University Debating Championships formed the negative team, to vehemently argue that freedom of speech is paramount in a democracy.

Following the debate, Erin was presented with her $1000 prize by Castan Centre Deputy Director, Adam McBeth.

Place-getters and recipients of special commendation awards were also presented with their prizes. Second prize and $500 went to Xavier Hildebrand from Xavier College. Xavier persuasively argued that instead of harbouring personal prejudices, opinions should be debated and judged at face value, and that freedom of speech is one of many equally important rights which secure human dignity and integrity. Third prize and $250 went to Michael Dorman from Narre Warren South College. Michael argued that by permitting extreme views from both sides of the political spectrum, a centrist platform is created which allows good ideas to be considered in good faith and concessions made, thus creating a progressive, yet stable society.

Certificates of commendation for their outstanding submissions were awarded to Rebecca Kerley of Mill Park Secondary College and Carla Bellomarino of Lowther Hall. Lowther Hall received the schools prize for the quality and magnitude of its submissions. Other outstanding schools included Western Port Secondary College, Minaret College and Melbourne High School.

The judging panel was impressed with the entrants’ ability to thoroughly explore both the specifics and generalities of the topic, illustrating their ability to demonstrate the importance of freedom of speech, while understanding the difficulties this human right can impose.

The Castan Centre, in conjunction with the Monash University Law School, would like to thank all of those students and schools who contributed to the great success of this year’s Writing for Human Rights Essay Competition. We hope that both students and schools will continue their strong commitment to issues of such great social importance and that their activism and enthusiasm will inspire others to become involved in seeking justice and a fair go for all.

The winning essays can be found on the Castan Centre website by going to www.law.monash.edu.au/castancentre and clicking on “Human Rights Essay Competition”
By Megan Barnett

The ICTY was the first truly international criminal tribunal, established by the United Nations to prosecute those responsible for serious violations of international humanitarian law in the former Yugoslavia since 1991.

I was assigned to work on the case of Milutinović et al, which involves the prosecution of six of Serbia’s highest ranking political and military leaders (on the rung of the ladder immediately below Federal Republic of Yugoslavia President Slobodan Milošević) for various crimes against humanity and violations of the laws or customs of war, including persecutions on political, racial or religious grounds and murder that allegedly occurred in various municipalities throughout Kosovo from 1998 up to the NATO air campaign in 1999.

My role

The work I got to do far exceeded my expectations. Under the excellent management of the Legal Officers of the team I was involved in, interns are recognised as an inherent and significant part of the legal staff of the Chamber. When my internship commenced the prosecution was presenting their case, and I was in court around once a fortnight, summarising witness testimony, checking exhibits had been appropriately admitted and attending Judges deliberations in which the credibility of witnesses was discussed. I was also very involved in the motion practice of the trial, especially that which had to do with the admission of documentary evidence, and drafted a large number of orders and decisions in relation to this area, which I am now proud to say will forever be on the judicial database and part of international criminal jurisprudence. When the prosecution case closed, I was involved in drafting a section of the 98bis decision, which is a decision handed down by the Bench in response to a motion for the acquittal of the accused, essentially alleging their client has no case to answer. I was also honoured to be given the opportunity to work on a draft section of the judgement, on the basis of my analysis of scores of both documentary and direct witness evidence. I was frequently assigned research assignments on areas of and issues in law, and could be instructed either directly from the four Judges I essentially served, or the five Associate Legal Officers or two Legal Officers I worked with.

Reflections

Working at the ICTY was the most professionally satisfying experience I have ever had the pleasure of undertaking, and I would do it all again if I could. The work was challenging and demanded long hours (which could frequently run into weekends), and it could often be very emotionally draining, given the sensitivity of issues witnesses would testify about, and the horrific evidence one had to read and analyse as part of an international war crimes trial. But each day brought something new in the forever evolving realm of international law, and you really felt like you were contributing to an incredibly important process of reconciliation in the Balkans, and international justice generally.

Socially, the ICTY is a wonderful place to work. With employees from over 82 different countries around the world, each day you would meet another inspiring person from another part of the world, already armed with a fascinating and diverse background of experiences. The judges of the Chamber I worked for were particularly hospitable and as a team, we often had traditional dinner parties and other social occasions where we would learn more about one another’s countries.

The internship offered through the Castan Centre is for 3 months, with the option to extend for 6. If I could leave you with one piece of advice, take the 6 month option. You will want the amazing experience which is an internship at the ICTY to last as long as possible.

The ICTY is primarily comprised of three organs: Chamber, the Office of the Prosecutor (“OTP”) and the Registry. My internship was in Chambers, although anyone can apply directly to the ICTY for an internship in any of the organs (Registry internships can be non-legal) through the ICTY website (www.un.org/icty). There are also internships available working with Defense, thought these are frequently arranged through US universities or personal contacts.
Shining the Light on the Victims of a Despicable Trade
Castan Centre Academics Investigate Human Trafficking

By Thiloshini Herath-Schmidt

A spate of interviews by researchers throughout the Asia-Pacific region has highlighted the second year of the Castan Centre’s Australian Research Council grant on trafficking in women.

The three-year grant, entitled ‘Australia’s Response to Trafficking in Women: Towards A Model For the Regulation of Forced Migration in the Asia-Pacific Region’ was awarded to Professor Susan Kenebone, Professor Bernadette McSherry and Dr Julie Debeljak in 2006. The four Collaborating Organisations that are part of this Linkage Grant are:

- The Commonwealth Attorney-General’s Department, the Chair of the Commonwealth Government’s Inter-Departmental Committee on Trafficking in Persons;
- The Commonwealth Human Rights and Equal Opportunity Commission (“HREOC”);
- World Vision Australia, a non-government organisation that undertakes community-level work and systematic advocacy on trafficking related issues; and
- Cardno ACIL Pty Ltd.

The project is an evaluation of Australia’s response to trafficking in persons from the standpoint of criminal justice, human rights law, and migration law. It focuses on Australia’s domestic response to trafficking, as well as its role and response in the Asia-Pacific region. The Australian Government has, since 2003 implemented an aid program through Cardno ACIL aimed at addressing the causes of trafficking in the Greater Mekong Subregion. In particular, the program has focussed on Thailand, Cambodia, Lao PDR and Myanmar and the project has, in turn, focussed on these countries.

The principal endeavour of this project is to strengthen the ability of governmental, inter-governmental and non-governmental agencies to address trafficking in persons, through a review of the current legislative, policy and practical responses and reform strategies.

In order to achieve this goal, the researchers are examining and evaluating the international law responses to trafficking, and the domestic responses in the focal countries of Australia, Thailand, Cambodia, Lao PDR and Myanmar. The researchers are also assessing regional initiatives dealing with forced migration and trafficking of persons; exploring the effectiveness of Australia’s domestic and regional response to these issues and comparing them with international benchmarks.

This research will have significant implications for legal and policy development, and will contribute to more fully informed debate on the issues surrounding forced migration and trafficking in persons. There are also numerous practical outcomes of this research, which include the development of an Integrated Training Programme within Australia, a complementary Training Manual, and a Plain English Information Booklet on the issue.

After initially researching primary and secondary materials, Susan Kenebone and Julie Debeljak began interviewing stakeholders in Cambodia, Thailand, Australia and Lao PDR this year, and intend to carry out interviews in Myanmar in 2008. The stakeholders include a variety of people, from very senior members of government to individuals working in not-for-profit local victim support agencies. The interviewing process, although a novel form of research for both Susan and Julie, has given them invaluable information and insights that simply could not have been garnered from written reports, commentaries, articles, monographs and the like.

“This has been one of my most rewarding research experiences to date. Thanks to our Collaborating Organisations, each of whom was carefully chosen for the interests they represent and pursue, we have gained access to the broadest range of stakeholders working on the issues of trafficking and forced migration, both in Australia and the region. From discussing issues with stakeholders, we have gained a much deeper understanding of the context within which trafficking occurs, the unique legal and policy challenges in each focal country, and the significant gaps that exist in the domestic, regional and international initiatives to date”, said Julie Debeljak. “There is simply no substitute for face-to-face interviews with people at the coalface for confirming or denying the many myths that exist in the trafficking debates”.

Julie Debeljak

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“...we have gained access to the broadest range of stakeholders working on the issues of trafficking and forced migration, both in Australia and the region. From discussing issues with stakeholders, we have gained a much deeper understanding of the context within which trafficking occurs, the unique legal and policy challenges in each focal country, and the significant gaps that exist in the domestic, regional and international initiatives to date”, said Julie Debeljak. “There is simply no substitute for face-to-face interviews with people at the coalface for confirming or denying the many myths that exist in the trafficking debates, filling in the gaps of our knowledge, and testing out our ideas with the very stakeholders whom we hope to influence and benefit.”

“At times, the interviewing process has been quite a challenge and exhausting. With each new meeting, we have had to find common ground and strike up a rapport before we can get to the crux of the issues. Across cultures, across disciplines, across legal systems, across philosophical divides, across language barriers – we have had to build trust and understanding in order to share knowledge, ideas and insights. We have had the delight of meeting many incredibly dedicated people in all sectors – governmental, inter-governmental and non-governmental. And, of course, there has been many a colourful character thrown into the mix too. Every day and every interview has provided me with renewed inspiration to pursue justice for the victims of trafficking and to reduce the impunity enjoyed by perpetrators”, said Julie.
In the 1950’s, it was stated fervently and unequivocally by tobacco companies that there were no links between cigarettes and cancer and other fatal conditions. Five decades of illness, death and research later and incredibly their line has hardly changed. Now though, a series of law suits around the world is bringing those walls of unreality down and a conspiracy theory to best the Pelican Brief is emerging. The tobacco industry has been found out.

Jonathan Liberman, Legal Consultant for the VicHealth Centre for Tobacco spoke recently at a Castan Centre public lecture about the ethical dilemma faced by lawyers representing tobacco companies. Mr Liberman, a major contributor to the debate on tobacco issues, began with a background on how the activities of tobacco companies have been exposed over the decades. Gradually, through a series of cases, it came to light that the companies had known about addiction to cigarettes for decades, but had actively sought to keep that knowledge a secret amongst themselves.

Companies sought to maximize nicotine delivery and absorption, so as to create and sustain smokers’ addictions, and made false health claims about low tar/low nicotine cigarettes. Liberman said the courts have found that marketing to young people is still practiced today so as to ensure that dying customers are replaced. Perhaps most controversially of all, tobacco companies have suppressed scientific research, destroyed documents to avoid litigation and improperly asserted lawyer-client privilege for the same purpose.

Liberman then turned to the role that lawyers play, stating that, while lawyers have a duty to act in the best interests of their client, they also have a countervailing interest to refrain from misleading the court: lawyers are prevented from assisting their client in criminal activities. When a client is engaged in criminal behaviour and requires the lawyer’s silence or even assistance to further that behaviour, lawyers must act in favour of their higher duty; that of the promotion of justice.

As illustrated by Liberman, the characteristic tobacco company requires its legal representatives to assist in facilitating and legitimising the sale of a potentially lethal product. Liberman referred to the Supreme Court of Oregon case Williams v Philip Morris and R J Reynolds, in which the court stated “viewing the facts in the light most favorable to plaintiff, Philip Morris’s actions, under the criminal statutes in place at the beginning of its scheme in 1954, would have constituted manslaughter. … Today, its actions would constitute at least second-degree manslaughter, a Class B felony.” What is to be made of the lawyer who assists in this process?

Lawyers retained by tobacco companies have often been found in breach of these duties to justice. Liberman quoted Judge Kessler in USA v Philip Morris et al, who said “at every stage, lawyers played an absolutely central role in the creation and perpetuation of the Enterprise and the implementation of its fraudulent schemes.” It was held in that case that lawyers had devised and coordinated strategies, controlled and directed scientific research and experiments, subsidized scientific experts with grants from the Center for Tobacco Research if they spoke positively of the industry and carried out document destruction practices. Liberman also pointed out that tobacco attorneys had come under fire in the Australian case of McCabe v British American Tobacco, which highlighted the impropriety of the relationship between BAT and its retained solicitors, detailing how solicitors of private firms would work on the premises of the client company for months at a time and travel together to conferences to discuss litigation tactics.

While millions of smokers around the world battle an addiction heralded as the most difficult on earth to shake, Liberman pointed out that lawyers sometimes stand between those smokers and justice. He quoted Christine Parker and Adrian Evans (pictured below) who said that lawyers can “act as ‘gatekeepers’ – who can ‘disrupt misconduct by withholding their cooperation from a wrongdoer’”. It is this role of gatekeeper in our society that requires lawyers to act with integrity in upholding the fair processes of the law. They have the ability to either help or hinder the almost unbelievable behaviour of Tobacco companies and it is, as expressed by Judge Kessler, ‘sad and disquieting’ that many lawyers have chosen to use their role in support of this criminal and abhorrent behaviour.

It is beyond us at this stage to determine the future of the tobacco industry, but Liberman reminded his audience that the legal profession, both as individuals and as a whole, should be aware of its pivotal role in the delivery of justice and act to retain its integrity in the face of corporate pressure.

For Jonathan Liberman’s presentation, go to www.law.monash.edu.au/castan centre and click on “public events and lecture series”.
More Castan Centre News

Indigenous Expert Visits Castan Centre

Professor Brad Morse, a Professor of Law at the University of Ottawa, visited the Castan Centre as this edition was going to print. His lecture, “Is the Common Law still relevant for Indigenous Australians? A Canadian perspective” was hosted at the Monash Law Chambers on 16 October. A report will appear in the next edition of the Newsletter, due out in March 2008.

Professor Morse has had a long and distinguished career in Indigenous legal issues and is one of a number of academics who forge strong ties between countries such as Canada, Australia, New Zealand and the nations of South America, which have strong indigenous populations. He has visited Australia a number of times, and presented numerous papers at conferences and guest lectures throughout Canada, U.S.A, Australia, New Zealand, Europe, Brazil, Hong Kong and Papua New Guinea.

Professor Morse's experience as a legal consultant or counsel includes among others: the Australian and Canadian Law Reform Commissions; the Canadian Sentencing Commission; Aboriginal Development Commission (Australia); the Waitangi Tribunal of New Zealand; the Treaty of Waitangi Fisheries Commission; the governments of Canada, Ontario, British Columbia and New Zealand.

The recent introduction of the Victorian Charter of Human Rights and Responsibilities has seen a spike in requests for human rights training.

The centre is conducting training for the Victorian Equal Opportunity and Human Rights Commission on various aspects of the Charter, with the emphasis on challenges likely to be faced by the Commission. Similarly, the centre’s training sessions for the Judicial College of Victoria have focussed on aspect most likely to be relevant to judges. These include the limitations provision of the Charter and the obligations of public authorities. Both of these courses have been headed up by Castan Centre Deputy Director Julie Debeljak.

Dr Gideon Boas, a newcomer to the law faculty and a member of the Castan Centre, is heading up the centre’s training program for the Victorian Department of Justice, which also focuses on the Charter.

On a national level, the regular training courses for the Department of Foreign Affairs and Trade continue. The centre also recently conducted a half day course for a visiting delegation of Iraqi government officials.

Training Continues at Pace

Two More Babies for the Castan Centre

The baby spurt continues at the Castan Centre with the recent arrival of Giles Knyvet Debeljak, second son of Deputy Director Julie Debeljak and her husband, Simon McGregor. Giles entered the world unexpectedly on 7 October 2007 weighing in at 2.4kg and coming an impressive five weeks ahead of schedule. Despite this, Giles is doing well.

Meanwhile, Adam McBeth’s first child, Jamie Joshua Miller McBeth, arrived on 26 June just as Adam was putting the finishing touches on his PhD. Adam has already inflicted his torrid love of the Richmond Football club onto Jamie.
Seven Questions for….
Dr Gideon Boas, Senior Lecturer

This is your first position as an academic. What attracted you to academia?

I have always enjoyed researching and writing. As I became more specialised in international criminal law, there were increasing opportunities to write about issues upon which there was not a great body of literature. I started to write and teach a little in the area. Moving into academia on a full time basis became a logical step.

You worked at the ICTY for 8 years. How did you end up there?

I had worked at the Red Cross in Sydney for a couple of years as an International Humanitarian Law (IHL) Officer. At that time, IHL was not widely taught (particularly in Australia), let alone practiced. A friend of mine had gone to work at the ICTY a year earlier and told me they were advertising for a number of legal positions. I applied, survived the gruelling 10 minute interview and was hired.

How did you find the experience of working for the United Nations?

It was an extraordinary experience - for a number of reasons. On the whole, I was surrounded by very intelligent, dedicated lawyers from all over the world; the subject-matter was incredibly challenging and we were, in many areas of international law, making it up as we went along. The last 4 1/2 years were spent as a senior legal adviser to the trial judges working mainly on the Milosevic trial. That was procedurally and substantively complicated and required as much managerial work as legal work. I am not sure how satisfying working for other UN agencies would be (they vary enormously) but the ICTY was an invaluable professional experience.

You have recently written a book about the ICTY. Tell us about it.

It is a revision of my doctoral thesis, entitled 'The Milosevic Trial: Lessons for the Conduct of Complex International Criminal Proceedings'. It is an analysis of the Milosevic trial and its impact on the development and future of international criminal law. It takes lessons from that trial, and the trials of other senior political and military accused in the international tribunals, and recommends reforms to better enhance the fair and expeditious trial paradigm of these cases.

What is the best thing about being back in Melbourne?

Football.

What has been the highlight of your career?

The Milosevic trial. I doubt I will ever work on anything that exciting and challenging.

If you had to give students one piece of advice, what would it be?

Don’t be hemmed in by the expectation of a career path (unless you want to be). Exposing yourself to different issues and interests may take your career in directions you hadn’t thought of.

Why did you do an in-house internship?

Throughout my law degree I have always been impressed by the work the Castan Centre does. As the end of my degree is nearing, I felt an internship would be an important opportunity to offer my assistance to the Castan Centre while gaining invaluable experience.

What inspires you about human rights?

Fostering human rights feels natural and makes sense in a complicated world. I feel that the purpose of the law is to help people coexist in a peaceful way. If people neglect human rights these same laws can become arbitrary. It is for this reason I will always be driven to promote and protect human rights.

What did you do during your in-house internship?

Under the supervision of Associate Professor Moira Paterson, I drafted a submission to Parliament on the Federal Government’s proposed ‘access card’, which will replace a number of cards and will hold personal information that is held in a chip. The main concern is that it will eventually become a national identity card.

I also wrote case summaries for a human rights case law database being constructed by Oxford University Press. The Castan Centre is providing much of the content.

What do you hope to do in the future?

I wish to use my legal skills to assist those in need. I want to work on improving the law by focusing on legal policy issues that concern human rights.
Becky Batagol
B. Batagol, 'Fomentors of strife? Lawyers and family dispute resolution in Australia', paper presented at the National Alternative Dispute Resolution Advisory Council, Third National ADR Research Forum, La Trobe University, Melbourne, 13-14 July 2007

Melissa Castan
Conference papers


Azadeh Dastyari

Julie Debeljak
Papers


Conference papers


J. Debeljak and S. Kneebone ‘Regional Responses to Global Trafficking in the Greater Mekong Sub-Region: the cases of Laos PDR and Cambodia’ presented at Restoring the Rule of Law in International Affairs: the 15th Annual Australian New Zealand Society of International Law Conference, Australian National University, Canberra, 28-30 June 2007

Submission
‘Submission to the Consultation Committee for the Proposed Human Rights Act’, Western Australian Consultation Committee for the Proposed Human Rights Act, 31 August 2007, 1-46

Articles


Paula Gerber

Sarah Joseph
Book Chapter

Article

Conference Papers


Susan Kneebone
J. Debeljak and S. Kneebone ‘Regional Responses to Global Trafficking in the Greater Mekong Sub-Region: the cases of Laos PDR and Cambodia’ presented at Restoring the Rule of Law in International Affairs: the 15th Annual Australian New Zealand Society of International Law Conference, Australian National University, Canberra, 28-30 June 2007

Refugees and the Rule of Law Workshop, 10-11 August 2007

Joanna Kyriakakis
Conference Papers

J. Kyriakakis ‘The Complementarity Objection Against the Inclusion of Legal Persons in the Jurisdiction of the International Criminal Court’, paper presented at 23rd World IVR Congress of Philosophy of Law and Social Philosophy, Jagiellonian University, Krakow, 6 August 2007

Bernadette McSherry


Maria O’Sullivan
M. O’Sullivan ‘Failure to Exercise Discretion or Perform Duties’ in Australian

Tania Penovic
Papers
T. Penovic ‘Mental harm as an instrument of public policy’ delivered at Monash University and Kings College London conference Public Health and Human Rights, 7-10 June 2007, Prato, Italy.
T. Penovic ‘Seeking asylum in Australia, the path to refuge’ delivered at the ‘Unpacking the Suitcase’ conference sponsored by VicHealth and the South Eastern Migrant Resource Centre, 12 July 2007.

About Our Directors

Professor Sarah Joseph (Director):
Sarah is on sabbatical at Cambridge University. She is still Director of the Centre during this period.

Melissa Castan (Deputy Director):
Melissa is continuing her work on professional development in Native Title Representative Bodies.

Dr Julie Debeljak (Deputy Director):
Julie is currently focussing on her ARC Linkage Grant on ‘Australia’s Response to Trafficking in Persons’ in the spare moments between dealing with her new child.

Paula Gerber (Deputy Director):
Paula is nervously awaiting the marking of her PhD. Recently she has devised the Castan Centre mooting competition.

Professor Susan Kneebone (Deputy Director):


Castan Centre Advisory Board
Professor Philip Alston, New York University School of Law.
Professor Virginia Dandan, Chair, UN Committee on Economic, Social and Cultural Rights.
Mr Patrick Dodson, Lingiari Foundation
Professor Claudio Grossman, Dean, Washington College of Law, The American University.
The Hon Justice Michael Kirby AC CMG, High Court of Australia.
Professor Ivan Shearer, UN Human Rights Committee.
His Excellency, Judge C.G. Weeramantry, International Court of Justice

Castan Centre for Human Rights Law, October 2007
Annual Conference
Human Rights 2007:
Human Rights & the Environment

Friday 30 November 2007
The CUB Malthouse, Southbank, Melbourne
9am - 5pm

The Castan Centre’s annual conference will focus on human rights and the environment. There will also be sessions on the year’s “hot topics”. Speakers include:

Mr Martin Wagner, Managing Attorney, Earthjustice
Mr Cam Walker, Friends of the Earth
Ms Rowena Cantley-Smith, Monash University
Mr Ron Levy, Northern Land Council
Professor Tony McMichael, National Centre for Epidemiology & Population Health, ANU
The Hon Judge Weeramantry, Weeramantry International Centre for Peace Education & Research
Mr Kwame Mfodwo, Monash University
Professor John Langmore, University of Melbourne
Professor Judy Atkinson, Head of School, GNIBI College of Indigenous Australian Peoples, Southern Cross University
Mr Phil Lynch, Human Rights Law Resource Centre

For more information, see www.law.monash.edu.au/castancentre and click on the link for the conference, or contact Kay Magnani on 9905 3327.

Contribute to the Castan Centre

By donating to the Castan Centre, you can help ensure the continued growth of the Asia-Pacific’s leading human rights law organisation. The Centre is a non-partisan organization with a strong commitment to community engagement, student development, education and training and academic research.

The organisation hosts many of the world’s preeminent human rights figures each year and creates pressure for the legal protection of human rights through its engagement with the Australian parliament and international human rights bodies.

Its commitment to nurturing the next generation of human rights scholars has resulted in a strong and growing human rights internship program which sends outstanding law students to some of the world’s leading human rights institutions.

To make a tax-deductible donation, go to www.law.monash.edu.au/castancentre and click on “donate to the Castan Centre”, or contact Kay Magnani on 9905 3327.