

Improving human rights in jails and other “closed environments”

The *Human Rights in Closed Environments* project, as reported on in our May 2009 newsletter, is well underway. The research team of Dr Bronwyn Naylor, Professor Arie Freiberg, Dr Inez Dusseuyer, Dr Stuart Thomas and Castan Centre Deputy Director Dr Julie Debeljak have explored the implementation of human rights in ‘closed environments’, being defined for the purposes of the project as places where people are deprived of their liberty by lawful means such as prisons, immigration detention centres, psychiatric facilities and closed disability settings. This work has been supported by an Australian Research Council Linkage Grant entitled ‘Applying Human Rights Legislation in Closed Environments: A Strategic Framework for Managing Compliance.’

As part of furthering the research and communicating the research results so far, the team is hosting a roundtable in November focussing on the monitoring and oversight of human rights in closed environments. The aims of the roundtable are to reflect on the current practice of overseeing and monitoring human rights in such environments, and to exchange perspectives on the issue in order to strengthen protection mechanisms in the future.

The roundtable will begin by considering the different monitoring bodies currently in existence, their effectiveness, and the nature of such bodies. Issues to be explored in the first session will include the importance or otherwise of independence in monitoring bodies, and the relationships and information sharing protocols between the monitoring bodies. The second session of the roundtable will examine volunteer and advocacy groups, and their role in monitoring human rights in closed environments, as representatives of civil society.

The third session is titled ‘The Human Rights Lens’ and will focus on the effectiveness or otherwise of the explicit adoption of human rights frameworks in monitoring practices in

closed environments. In particular, the session will explore whether domestic human rights legislation and international human rights obligations have any impact on protecting human rights in closed environments, and how human rights are promoted in the absence of such documents. The final session, ‘Seizing the Day’, will synthesise the discussions throughout the day by considering future directions with monitoring agencies, particularly focusing on model oversight agencies that are designated as national preventative mechanisms under the Optional Protocol to the Convention Against Torture. Utilising lessons learned from comparative jurisdictions, it is anticipated that possible solutions will be posed to better monitor and uphold human rights in closed environments.

Another major outcome of the project will be a conference of international significance to be held in late 2011 entitled ‘Implementing Human rights in Closed Environments – international perspectives and practices’. The conference will bring together eminent international experts and will focus on how human rights are implemented and monitored, successes to date in different jurisdictions, and ongoing challenges in practice including how best to balance respecting individual rights while maintaining security and safety in different closed environments. Issues at the conference will be analysed from international, regional and comparative domestic perspectives. The conference will consist of plenary sessions featuring key international speakers, together with concurrent sessions on specialist themes. Plenary sessions will cover topics such as the obstacles to the recognition of the benefits of human rights approaches in closed environments, the effectiveness of monitoring and inspection of human rights practice in closed environments, and whether formalised charters of human rights make a difference in the practice of closed facilities. Work on the conference is well underway and more information will be available in the near future.

Castan Centre staff recognised for their research excellence

Congratulations to Castan Centre Deputy Director Dr Paula Gerber and Centre Associates Dr Patrick Emerton and Associate Professor Gideon Boas, who have been awarded Monash Researchers Accelerator Program (MRA) grants. The MRA grants recognise, reward and accelerate the career development of up to 120 of Monash’s highest performing early to mid-career researchers. The grants will enable these academics to devote their full time to their research pursuits. Dr Gerber intends to focus her research on same-sex marriage, the human right to water, human rights education, and Indigenous birth registration. The subject matter of Associate Professor Boas’ project concerns the presence of war criminals within Australia (individuals who have committed war crimes, crimes against humanity, genocide or other profound human rights abuses) and how to deal with this problem. Dr Emerton will work on developing a new framework for understanding national self determination, and what it means for members of a community to collectively exercise their political agency, which takes account of the continuing, or even increased, significance of non-liberal and non-democratic cultures both in Australia and internationally.

Contents

- 2 News
- 5 The WikiLeaks Iraq War documents: Investigate wrongdoing, or shoot the messenger?
- 6 The Australian Football League – an effective mechanism for grass roots human rights promotion and practice
- 7 Keeping the spotlight on targeted killings
- 8 Packed house, great conference
- 9 Whither human rights in Victoria?
- 10 The Castan Centre celebrates its 10th anniversary in style
- 12 Mooting Competition looks at mandatory minimum sentences
- 13 Human Rights Careers Series – revamped
- 14 Young students have all sorts of views on prisoners’ rights
- 15 Do criminals deserve the same rights as everyone else?
- 16 A pyrrhic victory for individual human rights in Australia?
- 17 Global Internship has a profound influence on Monash Law student
- 18 Q&A Publications and other activities by Centre faculty members