

# Castan Conference 2013

By Kate Mulvany



*The Hon Mark Dreyfus QC addresses a packed auditorium*

Once again, the annual Castan Centre Conference brought together over 300 members of the human rights community from across Australia. The attendees were engaged by the diverse range of topics discussed on the day, and enjoyed the speakers' reflections on human rights in practice.

The opening speaker, then-Attorney General Mark Dreyfus QC MP, began the day's proceedings by reviewing the history and development of human rights in Australia. The visible presence of a rally protesting the government's asylum seeker policy directly outside the Edge auditorium provided an interesting backdrop for Mr Dreyfus' speech. Acknowledging this protest, Mr Dreyfus stressed the importance of robust, open and honest debate in creating the energy that drives a vibrant democracy.

The day's second speaker, Legal Director of the Foundation for Fundamental Rights in Pakistan Mirza Shahzad Akbar, drew on a number of vivid photographs to remind the audience of the faces and stories behind the civilian toll of ongoing United States' drone attacks in Pakistan. Akbar addressed the sheer illegality of the strikes, then moved on to emphasise the problematic nature of secrecy surrounding them. As many members of the audience were surprised to learn, not even the United States authorities know accurately who the drones are killing.

An engaging presentation by Professorial Fellow of the Jumbunna Indigenous House of Learning Eva Cox AO followed. Discussing the progress of women's movements over the last 40 years, Ms Cox noted the comparatively dire position of feminism in contemporary Australia. As she remarked, this slow progress may be a consequence of social values losing out to economic growth and market forces.

Joining Eva Cox in the third session of the day was the Castan Centre's Deputy Director, Associate Professor Paula Gerber. In true professorial style, Associate Professor Gerber began by 'grading' the United Nations' work relating to gay, lesbian, bisexual and transgender rights. While the Human Rights Committee scored highly regarding its responses to individual complaints, she remarked, it was let down by inconsistencies and limited recognition in its general comments and concluding observations.

A timely speech by Executive Director of the Refugee Immigration Legal Centre David Manne followed. Recounting his involvement in High Court test cases challenging the indefinite detention of asylum seekers, Mr Manne argued that immigration law and policy in Australia has been marked by an overarching and radical departure from fundamental democratic legal principles such as the rule of law. Mr Manne called for an 'ethics of protection' - an ethical

code that recognises the necessary and close interrelationship between core legal, moral and practical dimensions of protection - to guide our approach to refugee policy.

Following a light lunch, the audience enjoyed presentations from the National Children's Commissioner Megan Mitchell and Monash PhD student Judy Courtin. With the aid of written quotes and voice recordings of children, Commissioner Mitchell emphasised the importance of listening to children and harnessing their views. She argued that children have an innate sense of fairness and equal opportunity - and that when they are engaged, everyone benefits.

In a sobering presentation, Ms Courtin then addressed the difficulties that survivors of Catholic clergy sexual abuse in Australia face in attempting to obtain justice. Significant legal barriers exist to the delivery of justice, and the internal complaints processes of the Catholic Church are problematic in part because of marked power discrepancies between the relevant parties.

Much-missed former host of Media Watch Jonathan Holmes, along with the Castan Centre's director, Professor Sarah Joseph, spoke in the final session.

Using a self-confessed 'unlawyerly eye', Mr Holmes critiqued the approach of the judiciary towards journalists, arguing that the balance tips too often against freedom of expression in this context. Using recent examples, he identified a great gulf between the legalistic and journalistic views of the world.

Professor Joseph then addressed free speech wars in Australia, starting her discussion with a humorous reference to the combatants of the war: 'martyrs', such as Andrew Bolt; and 'villains', including president of the Australian Human Rights Commission Professor Gillian Triggs. She concluded that these martyrs appear to subscribe to an absolutist, libertarian view of freedom of speech that takes little account of existing power relations or notions of equality.

The day was marked by passionate audience engagement during question times, and networking at tea breaks and lunch. Topics of discussion included emerging technologies that may be harnessed by those working in the human rights community in Australia, such as social media.

With the conference proving a resounding success this year, the Castan Centre looks forward to hosting the 2014 event next July 25.

**More details regarding the presentations and video footage from the Conference can be found on the Centre's website at [www.law.monash.edu.au/castancentre](http://www.law.monash.edu.au/castancentre).**