News

"Freedoms" report catalogues human rights breaches

When the Abbott government came to power in 2013, "freedom" was a hot button issue, framed especially by the heated debate about racial discrimination laws.

Fast forward a little over two years, and the government's signature review into laws that infringe "traditional rights and freedoms" was released with little fanfare.

The Australian Law Reform Commission's (ALRC's) Report, *Traditional Rights and Freedoms – Encroachments by Commonwealth Laws,* was a comprehensive review of which Australian laws are likely to infringe a list of rights deemed traditional by the Attorney-General, George Brandis. Many of the big rights are included in the list of course – freedom of speech (which the ALRC calls the freedom *par excellence*), fair trial rights, freedom of religion, freedom of movement, freedom of association etc. However, there were some **major omissions** including privacy, personal liberty, and freedom from torture and other forms of cruel, inhuman and degrading treatment and punishment. To ignore one of the best-established common law rights protections (*habeas corpus*), presumably on the basis that its inclusion might lead to further criticism of the Government's detention policies (for asylum seekers, refugees and suspected terrorists), is really inexcusable. It must also be noted that economic, social and cultural rights (other than the right to property) are ignored altogether.

The ALRC found that some of the supposedly traditional rights listed by the Attorney-General are surprisingly recent in origin, and others are uncertain guarantees at best due to vague jurisprudence. Overall, their scope is unjustifiably narrow compared with even Australia's **core obligations** under international human rights law.

Even against the Attorney's carefully curated list, the ALRC found a great many potentially unjustified encroachments among current Commonwealth laws. In particular, it presented evidence that migration and anti-terror laws inpinge on multiple rights and freedoms. Also figuring prominently was legislation which makes the Government's life easier by, for example, placing the onus on defendants in criminal trials, imposing strict/absolute liability, providing for compulsory questioning of suspects, immunising authorities from liability, excluding judicial review of government decisions and actions and inappropriately delegating legislative power to the executive. However, possibly to the Attorney's disappointment, very few encroachments on freedom of speech and freedom of religion were found (despite **The Australian's take** on the report).

The Final Report only confirms that section 18C of the *Racial Discrimination Act*, which **arguably kicked this whole inquiry off**, might be slightly too broad – a fact already acknowledged by rights experts, including the Castan Centre. Workplace relations laws were found to be possibly contrary to international norms, but not common law freedom of association. The report also notes that there is "no obvious evidence that Commonwealth anti-discrimination laws significantly encroach on freedom of religion."

Various criminal and national security laws, on the other hand, were found to have significant potential to offend freedom of association, freedom of movement, fair trial rights, property rights and more. Laws relating to advocacy for terrorism and disclosing intelligence operations were also recommended for review due to freedom of speech concerns.

None of this will come as a surprise to anyone with more than a passing interest in human rights in Australia: organisations such as ours regularly shine a light on laws that infringe human rights, and even official parliamentary bodies have documented the issues. The Parliamentary Joint Committee on Human Rights examines all new Commonwealth laws for compatibility with Australia's international human rights obligations, and other bodies including the Senate Scrutiny of Bills Committee play a (more limited) role. With the combined work of all the scrutiny committees, the Government already has most of the information it needs on the rights compatibility of legislation – a fact pointed out by the ALRC.

Nevertheless, having the encroachments catalogued so comprehensively (the final report runs to nearly 600 pages) serves as a reminder of just how many potentially rights-infringing laws are on the books, and provides the government with a handy catalogue of the most concerning ones.

When the Attorney-General tabled the report, the accompanying media release said that the Government is "committed to preserving and maintaining the freedoms which underpin the principles of democracy." However, its practice (both legislative and administrative) to date has greatly expanded the scope of such encroachments, and it has continually sought to remove or undermine relevant oversight and advocacy for reform (you can find the details in **our submission to the inquiry**).

In 2014, the Government announced a 'war on red tape', and followed up with its 'omnibus repeal day.' Might we see something similar in response to the many encroachments on our democratic rights and freedoms identified in this report? The Attorney has written to his fellow Ministers asking them to 'carefully consider what action might be taken.' Let's hope they care as much about rights as they do about red tape.

The gap isn't closing in the NT

When Prime Minister Malcolm Turnbull released the 2016 'Closing the Gap' report in February, the Castan Centre also released a study on the Northern Territory Intervention's impact on this signature government policy. Our report is a damning assessment, and the numbers shocking. While the prime minister's report attempted to accentuate the small gains that have been made, it still managed to ignore some issues, including one of the biggest: the rate at which Indigenous Australians are incarcerated.

Currently, incarceration rates for Indigenous Australians are not covered by the Closing the Gap goals, even though they have risen by 41% in the Northern Territory since the Intervention began. One figure that particularly stands out is that Indigenous Australians make up only 3% of the population but about 27% of the prison population. This is significant, as negative contact with the justice system can be a large contributor to disadvantage.

The Northern Territory Intervention was introduced in 2007 by the Howard Government and, although it has been amended since, it survives to the present day under the name "Stronger Futures".

continued on page 13

An evening with Edward Snowden

By Caitlin McInnis

Host Julian Morrow and guest Edward Snowden

The Castan Centre recently supported Think Inc's "Evening with Edward Snowden" series of events, featuring Mr Snowden appearing via video link. The evening contained many interesting insights on privacy, surveillance, and the nature of whistleblowing from Mr Snowden.

Snowden is a controversial figure who is accused of serious crimes in disclosing top secret information. In 2013 he released US government documents which revealed the extreme nature and extent of the surveillance programs conducted by the US National Security Agency. He claims that his actions were motivated by a desire to provoke a debate over privacy and government surveillance.

At ThinkInc.'s event, Snowden spoke of the importance of privacy. It is often argued by governments in relation to surveillance that if you have nothing to hide you have nothing to worry about. Snowden's reply to this was succinct and articulate: "saying 'I've got nothing to hide' is the same as saying I don't need the right to free speech because I have nothing to say". For Snowden, the right to privacy is the right to individuality. He argues that there is no point in having freedom of expression if there is no safe and private space in which to figure out what it is you want to say.

Open discourse on Snowden's historic revelations is not only desirable, but necessary. His talk highlighted many points most would be ignorant of. For example, as a former intelligence analyst, he asserted that meta-data, the seemingly innocuous bundle of information which the Australian government mandates must be legally stored, is far more important and efficient than content in discovering things about people.

Indeed, Snowden pointed out that Australia is getting worse in terms of surveillance. For example, the ASIO Act may be applied as easily to journalists as it is to whistleblowers. Journalism, argues Snowden, is incredibly important today as executive branches around the world start to hide more and more. The role journalism plays in this tension between government and its people is incredibly important.

Snowden provided some hope. He said that things were changing; the fact that the individual who released the Panama Papers has not been identified and is not in jail is a reflection of a trend in public and political institutions that whistleblowing has a role to play. He noted that it should not be the first tactic, but when institutions and official processes fail it is vital.

Mr Snowden's revelations were of the utmost importance to the international community. They revealed a disturbing level of indiscriminate surveillance of ordinary people all around the world by government agencies. The revelations raise serious questions about human rights, including the right to privacy, the right to security of the person, freedom of speech and freedom of association.

Intimidation and repression in Uganda

By Mushda Huda

Human rights in Uganda have been a hot topic in recent years, particularly because of its ongoing persecution of gays and lesbians in the country, often spurred on by the involvement of US religious activists.

A recent Castan Centre event, held in conjunction with Human Rights Watch, heard about not only LGBTI issues, but also a range of other human rights problems facing the country. The panel consisted of Maria Burnett, senior researcher in the Africa Division of Human Rights Watch, and Nicholas Opiyo, a Ugandan lawyer and founder of the human rights organisation *Chapter Four Uganda*. They were joined by a large audience, including many ex patriate Ugandans living in Australia.

Burnett, who has worked with Human Rights Watch since 2005, has been involved with a range of issues including child soldiers, torture and killings, and justice reform in Central and East Africa. Nicholas Opiyo, among other things, is well known for his leading role in successfully challenging Uganda's anti-homosexuality laws and in advocating for the criminalisation of torture. Together, the two experts gave some insight into how the Ugandan government uses intimidation and repression to maintain control.

Burnett began by highlighting the many limits on the right to freedom of expression. Burnett outlined how intimidation was used to restrict expression on social media platforms, which ultimately led to a complete ban of social media. She also commented on the risks faced by protesters engaged in anti-government campaigns. Numerous protesters and bystanders have been killed at the hands of security forces. Protesters are regularly exposed to tear gas, which the government relies on heavily to suppress opposition. Burnett finished by saying that in light of the political climate, advocacy with the government of Uganda is still quite challenging.

Nicholas Opiyo introduced a more positive face of Uganda. He emphasised that despite its many political problems, numerous things have significantly improved over the years. For example, Opiyo is of the opinion that within its borders, Uganda is now a relatively peaceful country. He compared the Uganda of his childhood to the present country that now holds comparatively democratic elections.

However, Opiyo did not hesitate to express his serious concerns with the lack of practical democracy in these elections. The last Ugandan elections had brought widespread hope in the country that the current government would be overturned, giving way to a peaceful transferal of power. This unfortunately was not the case. In a bid to maintain power, the government suspended access to all social media and restricted the use of mobile money. Opiyo explained that access to mobile money was crucial to the opposition's ability to transfer funds to their agents so that they could fan out across the country and observe the elections. The restriction on transfers meant that many of the agents were unable to attend the election and, as a consequence, scrutiny was hampered.

Additionally, the role of social media in political activism was enormous. Opiyo described social media platforms as the primary means to spread evidence of the government's human rights abuses. A suspension on social media meant that political opposition to the government was considerably curtailed. In addition, the opposition leader was arrested without genuine cause, leading to a 45 day house arrest, during which he was unable to attend his office. To this day, he is subjected to continuous surveillance and interference by the state. Opposition supporters were also beaten on the streets.

Opiyo then turned to suppression of minorities in Uganda. He emphasised that despite the progress in decriminalising homosexuality, sexual minorities were still subject to beatings, denied access to healthcare and exposed to various discriminatory actions. Women, particularly those involved in political activity, are regularly assaulted and sexually harassed. Opiyo gave examples of public undressing and sexual assaults.

Burnett offered the view that despite the constant harassment faced by women in politics, this did not seem to discourage involvement. Uganda had numerous strong female leaders who were, if anything, further galvanised by the abuse they were facing. It did not appear as though women were being successfully silenced.

Opiyo concluded with an extremely important insight into the path forward. He highlighted the importance of civic awareness and stated that the breakdown in law and services is due to a problem in governance. For true democracy to be a reality in Uganda, the government must be held accountable. However, this is not a task for Uganda alone; the international community has an obligation to listen and provide appropriate assistance to concerns of human rights abuses.

Centre Director Sarah Joseph with speakers Nicholas Opiyo and Maria Burnett

Is science helping or harming us?

By April Scarlett

As science continues to redefine our lives at a dizzying pace, Professor Thérèse Murphy is working on the best way for law to ensure that science improves societies rather than harming them.

At a recent public lecture for the Castan Centre, Professor Murphy, who is Director of the Health & Human Rights Unit at Queen's University Belfast, laid out her vision for a future where science and the law complement each other.

Professor Murphy began by suggesting that scientists see the law as a cumbersome tool associated with bans and moratoriums, while lawyers mostly ignore science except when it serves the law—for example, in the provision of expert scientific evidence.

Against this backdrop, she suggested that the relationship between science and the law could and should be reimagined. Noting the 'ELSI' (ethical, legal, and social implications of scientific research) Research Program funded by the Human Genome Research Institute, Professor Murphy advocated shifting thinking about science as something done by scientists first, and then regulated by the law, to a process where the law and science develop in tandem. She acknowledged that the law sometimes seems to be pitted against ethical and social considerations, and indeed against the interests and needs of the researchers themselves. She reminded us, though, that law is more than its technicalities. It can be normative, responsive and creative in its interactions with science and technology, and it is sufficiently flexible to deal with new developments.

Professor Murphy then addressed how science and international human rights law interact. Although the right to science is protected by international law, the content of the right needs to be clarified. A further obstacle is that recent efforts such as UNESCO's Universal Declaration on Bioethics and Human Rights and the Council of Europe's Oviedo Convention on Human Rights and Biomedicine, have been perceived as unhelpful by many bioethicists and largely ignored by lawyers. More broadly, at least one bioethicist has suggested that human rights pose an unwarranted obstruction to scientific progress towards a better future for humanity, and that the 'human' ought to be taken out of 'human rights'.

Professor Murphy proposed that we hold onto both human rights and human rights law. We need, she said, a better sense of the role they can play. With this mind, she called both for more social science enquiry into human rights and for more interest amongst international human rights lawyers in the findings produced by such enquiries. We need, for example, to know who is taking legal action to access new drugs and with what effects. We also need to know more about the ways that scientists understand human rights and human rights law. Do scientists view human rights law as a source of protection or merely the latest form of bureaucracy—or something else? Also, how do gender, age, race, field of expertise and location impact on scientists' views?

To illustrate the need to reassess rights and obligations in a rapidly changing field, Professor Murphy gave the example of donor-conceived children, who were probably not foreseen by the authors of the Convention on the Rights of the Child. Article 7.1, for example, provides that a child shall have a right, as far as possible, to know and be cared for by his or her parents, and Article 9.3 provides that States parties shall respect the right of the child, who is separated from one or both parents, to maintain personal relations and direct contact with both parents on a regular basis. What might these provisions mean for donor-conceived children? To answer this question, we should not simply call for an analogy with adoption or assume the primacy of genetic relationships; instead we need to look closely at the lived experiences of modern family and kinship.

Professor Therese Murphy

Professor Murphy concluded that clarifying the interaction between law and science could be seen as presenting two challenges. The first challenge is the formulation of a set of foundational principles, or aspirations, regarding science and technology, and their relationship to human rights. These principles might include, for example, that science is in the service of humanity and not of the state; and that science has its own intrinsic value in addition to its value to humanity. Second, the legal obligations attached to a right to science must be specified. Taking questions, she emphasised that there is a difference between whether a right exists and what it comprises, and how it is delivered or protected in practice by the state and others. While the latter question is crucial, the lack of answer at present does not prevent work being done on the former. She also suggested that the forthcoming General Comment on the right to science, being prepared by UN Committee on Economic, Social and Cultural Rights, will be a vitally important starting-point for further work on science, technology and human rights.

Professor Thérèse Murphy visited Australia as a Holding Redlich Distinguished Visiting Fellow.

Opinion by Maria O'Sullivan

If not Manus, then where?

Papua New Guinea Prime Minister Peter O'Neill announced on Wednesday that Australia's offshore detention centre on Manus Island is to be closed. This decision follows the PNG Supreme Court's landmark ruling that the detention of asylum seekers and recognised refugees in the processing centre is unconstitutional.

The Australian government has not yet indicated any change in policy in response. Following the court decision, Immigration Minister Peter Dutton said the ruling:

> *… does not alter Australia's border protection policies – they remain unchanged.*

Dutton reiterated the following day:

> *… people who have attempted to come illegally by boat and are now in the Manus facility will not be settled in Australia.*

So, if not Manus Island, what are the alternatives for the processing, detention and resettlement of the 900 men held in PNG?

What now for these men?

The solution is likely to be framed around the two different types of detainees on Manus Island. Around half are recognised refugees awaiting resettlement. The rest are asylum seekers awaiting processing.

Those who have been recognised as refugees could be taken out of detention and moved to an open facility or other community arrangement in mainland PNG. This would comply with the Supreme Court ruling. But, it would face practical difficulties and concerns.

First, there is significant evidence of hostility within the PNG community towards refugees and instances of threats and harm. There is a strong argument that Australia would be legally responsible should any such harm occur. The prospects of the successful resettlement of more than 400 refugees in PNG are therefore slim.

Second, there are no real alternatives for resettling these refugees elsewhere in the region. Only two refugees have been resettled under the troubled Cambodia deal. It is highly unlikely that any significant proportion of the approximately 450 recognised refugees on Manus Island will be able to be resettled in Cambodia. This is particularly so given the Cambodian arrangement is based on refugees voluntarily choosing to go there.

Given many countries in the region are not signatories to the Refugee Convention or are otherwise unsuitable as a resettlement country, it is unlikely that the Australian government will be able to find any other country in Southeast Asia to accept them.

The alternatives for the asylum-seeker caseload – that is, those awaiting processing – are similarly problematic. It is doubtful the hundreds of male asylum seekers in PNG will simply be able to be transferred to Nauru. At its peak capacity, Nauru held approximately 1,233 asylum seekers (in August 2014). It currently holds 468 detainees.

Therefore the physical capacity may be available on Nauru for the Manus asylum seekers, but the current conditions mean it would be dangerous for such a transfer to take place. A refugee being held on Nauru is in a critical condition after setting himself on fire. There have been other reports of self-harm by detainees on the island.

More generally, there are tensions on Nauru and serious medical and mental health issues that provide strong arguments against such a transfer.

The best alternative available would be to transfer the 450 asylum seekers from Manus Island to Australia's Christmas Island for processing. This would still accord with the government's position that "no boat arrival will be resettled in Australia". This is because the transfer would be for processing only.

The Christmas Island centre certainly has a physical capacity to accept more detainees. However, it is also a fragile environment. Serious riots took place there in November 2015 and it appears to still be a place of significant tension. Proper measures would therefore need to be taken to prepare the facility for such an intake. This move would also leave the other 450 or so recognised refugees in PNG in limbo.

Broader implications

The Australian government must face the uncomfortable truth that it is no longer possible to process or detain asylum seekers and refugees in other countries in the region.

In light of a looming election, neither side of politics is likely to warmly embrace this approach. But it is a reality Australian politicians must face head-on.

This reality is something the Australian electorate also appears to be gradually recognising. While a majority of the electorate supports a strict border policy, there are indications of a growing disquiet about the harshness of aspects of the Pacific Solution. This is evidenced by the groundswell of public opinion behind the #letthemstay campaign, the medical community's concerns and the offer of sanctuary by Australian churches.

Dealing with refugee flows in a fair and humane manner is part and parcel of being a democratic country in the affluent industrialised world. Sometimes there is simply no acceptable alternative to this.

This article was originally published on* The Conversation*. Read the* original article*.

Opinion by Adam Fletcher

What does human rights law say about gun control?

Opponents of gun control in the United States have a powerful ally in domestic law, because their Constitution contains a right to 'keep and bear arms.' Since the Heller Supreme Court case in 2008, this has been interpreted as an individual right which can trump legislative gun bans.

In the context of the 2016 Presidential primaries, gun control is once again being hotly contested in the US, and Australia has been drawn into the debate. In 2016, then Prime Minister John Howard ramped up Australia's already strict handgun controls by effectively banning **private ownership of 'long guns' (especially [semi-]automatic and self-loading rifles and shotguns) and initiating a huge national buyback** in the wake of the Port Arthur massacre. Spurious claims by US presidential hopefuls about the effectiveness of such measures have led him to defend this policy, which is one of his Government's most important legacies. In his CBS interview (which, by the way, is not as entertaining as his fantastic one with John Oliver on the same subject), Howard said:

> *People used to say to me, 'You violated my human rights by taking away my gun', and I'd (say), 'I understand that. Will you please understand the argument, the greatest human right of all is to live a safe life without fear of random murder'.*

Q: So is there really a human right to own a gun?

No there isn't. John Howard was probably just being polite. The US Constitution is alone (at least amongst democracies) on this one.

According to the preamble to the International Covenant on Civil and Political Rights (ICCPR), human rights 'derive from the inherent dignity of the human person' and are aimed at achieving 'freedom from fear and want.' Human rights are essentially the opposite of guns.

Amnesty International, as it happens, has called gun violence in the US a human rights crisis. Even the pro-gun Independence Institute, which argues that gun confiscation has led to increases in human rights abuses in some countries, does not claim that there is a right to possess arms or defend yourself with them at international law.

Q: Isn't it a government's duty to keep people safe? What if they just want to defend themselves from criminals?

Well yes, governments have a duty under the ICCPR to ensure people are secure (article 9) and that they are not arbitrarily deprived of life (article 6). That's what police are for (or, in extremis, the military). A government acting in accordance with its human rights obligations, along with criminological evidence, would seek to maximise the chances of personal safety for its citizens by minimising circulation of deadly weapons. The deadlier the weapon, the more control is likely to be justified.

In Australia, guns are not completely banned. The line has been drawn at rocket launchers, flame throwers, portable artillery assault rifles, sawn-off shotguns and (essentially) any other gun without a demonstrably legitimate purpose (such as target shooting, farming or hunting). There are also background checks and other precautionary measures.

Does this provide a 100% guarantee of safety? No – for example, in 2002 there was a tragic shooting event in which two people died right here at Monash University, just metres from the office in which I'm writing this post. The student had obtained his weapons legally through membership of a pistol club. Overall though, the chances of being killed by gunshot in Australia are very low – around 1/10thof the US rate. In countries such as South Korea and Japan, which have even stricter laws, the rates are an order of magnitude lower again.

Given that the right to self defence is not really an individual 'right' at all (legally speaking, it's just a defence which negates what would otherwise be a violent crime), it does not make sense to prioritise it over gun control policies which are a reasonable, rational means of ensuring (or at least promoting) collective safety and security.

On the other hand, policies which seek to ensure security but which restrict freedom (broadly defined) unduly are anathema on an instinctive level for some. For example, one of our Senators portrays Australia as a 'nation of victims' when it comes to gun crime. On the whole, our political leaders after 1996 (like those in the UK after similar trauma) made an assessment that the majority of Australians would be willing to trade some freedom to defend themselves for greater collective safety, yet they have still taken a more libertarian approach than South Korea or Japan. All other things being equal, it could be argued that those nations are better fulfilling their ICCPR art. 6/art. 9 obligations in this regard, but as we know international law is not the only consideration in national policy-making.

Q: OK I get the picture – human rights law wants the Government to take care of the gun toting criminals… but what if I need to protect myself *from* the Government?

History has shown that only the rule of law can protect you from your Government. The police and military have more guns and almost infinitely more resources than you do. Even if you have your own militia and lots of guns, you cannot win.

Finally, it is worth noting that a growing number of nations (78 at last count) are now party to the Arms Trade Treaty, which links their gun sales to trading partners' human rights records. This treaty represents a historic step in the struggle between human rights protection and the proliferation of guns.

Global Intern Estelle at the UN

How I helped the fight for women's rights

By Estelle Petrie

At the end of April 2016 I said goodbye to my colleagues and goodbye to Malaysia. Three incredible months as an intern at International Women's Rights Action Watch had ended and with more than a little difficulty I packed up my things and prepared to return to Melbourne.

It was difficult for three reasons, the first being I had forgotten that all those brochures and info booklets on human rights that I had nerdily collected and lugged from the United Nations in Geneva weighed a considerable amount. Secondly, it was sad to pack and know I would be saying goodbye to all of the spicy, flavour filled cuisine in Malaysia, barred from bringing anything with me by Australia's quarantine rules.

Lastly, but most importantly, it was difficult to pack and leave such an inspiring workplace. IWRAW-AP exposed me to the field of work I had previously only dreamed of working in. This internship was the highlight of my law degree and a formative experience on both personal and professional levels. It has crystallised my career objectives and improved my knowledge, critical thinking and research skills in human rights, discrimination and women's rights.

A central experience was IWRAW-AP's "Global to Local" program, which brings local NGOs from around the world to Geneva when the UN Committee on the Elimination of all Forms of Discrimination Against Women (CEDAW) is reviewing their countries' records on women's rights. I described a number of the highlights of my time in Geneva **in this blog post** including the chance to improve my knowledge and understanding of UN treaty bodies.

When I returned to Kuala Lumpur, my role was to determine the impact of the lobbying undertaken by the NGOs participating in the Global to Local program. This task was rewarding as I was able to refer back to the notes I recorded during lunchtime briefing and other lobbying activities. It was enthusing to see when the committee expressed issues using the language employed by NGO members.

Further, some NGO groups were also successful in having their priority issues selected by the Committee for focus in the Concluding Observations, while other NGOS successfully raised new concerns such as states' extra-territorial obligations for the actions of corporations, some of which I mentioned in **my blog post**.

However, in my opinion, CEDAW also neglected particular issues, perhaps due to conservatism or bias on the part of Committee members. LGBT issues were addressed thoroughly by NGOs from Mongolia and Japan, with particularly impressive lobbying efforts by Mongolian members of the LGBT Centre. However, the NGOs had to thoroughly strategise which Committee members would be sympathetic to their cause and who they should target.

This also brought home the importance of progressive and favourable norm development at the international level for activists campaigning for change in the domestic setting. Although states repeatedly underline that Concluding Observations and General Recommendations of the Committee are not binding international law my recent research has echoed what I saw in Geneva; that outputs of the Committee, particularly General Recommendations (which draw on experience reviewing states), can be characterised as 'secondary soft law instruments' with 'normative significance'. When states are deficient in appropriately protecting women's rights, objective international human rights standards can be invoked by human rights defenders to support campaigns for change, strategic litigation or even individual communications to the Committee.

As well as these growths in my substantive knowledge, the time in Geneva was also an excellent opportunity to meet inspiring human rights defenders from all over the world and expert members of CEDAW. Combined with the exposure to my colleagues and their varied career paths, the IWRAW-AP internship was extremely useful in giving me career ideas and demonstrating the diverse ways in which you can build a career as a human rights defender. It has come at an excellent time, as I near the end of my law degree.

Whilst the Geneva component might be described as the most glamourous part of the internship, other projects I worked on whilst at IWRAW-AP also added to my understanding of human rights and improved my critical analysis skills.

One of these was a Court Watch program which IWRAW-AP were assisting national NGOs from Lebanon and Pakistan to establish. Broadly, the project aims to monitor the court procedures and conduct in rape trials and domestic violence cases. The program demonstrates another way in which IWRAW-AP aims to use the CEDAW Convention as a framework for securing women's rights.

For the Court Watch project I was very fortunate to travel to Bangkok for the first meeting, where I acted as rapporteur and spoke about my personal experience with monitoring and evaluation at Women's Legal Service in Melbourne.

I feel very privileged to have worked with IWRAW-AP and to have contributed to their projects and activist work. My time in Malaysia and Geneva has heavily informed by thoughts about a future in women's rights, for which I am extremely grateful.

continued from page 6

Our report reviews the Intervention as a whole, evaluating its effects on a range of human rights indicators as well as each of the official Closing the Gap targets. Those targets were set by the former Labour government in four key areas: health and life expectancy, education, safer communities and employment and economic participation.

The 2016 'Closing the Gap' report states that the targets of education, employment and life expectancy are not being met Australia-wide. While Year 12 attainment is on track, literacy and numeracy have stalled. These results are nowhere near what they should be.

As a result, overall, we gave the Closing the Gap targets the following scores:

- Health and life expectancy: 4/10
- Education: 5/10
- Safer communities: 4/10
- Employment and economic participation: 3/10
- Incarceration: 0/10

On the human rights front, the results were equally poor. One glaring human rights violation was the suspension of section 10 of the *Racial Discrimination Act* under the initial Intervention legislation. Suspension of section 10 enabled the government to enact measures that clearly discriminated on the basis of race without fear of legal repercussions. The suspension has since been lifted, but discriminatory aspects of the Intervention remain. We gave it a score of 3/10 for discrimination. Other human rights that were trampled included the right to be consulted (3/10), the right to self-determination (2/10) and the right to social security (4/10).

Currently, the trialling of the Healthy Welfare card – a system that restricts how recipients can spend their money – is under way. It raises concerns over the right to privacy, as the legislation that authorises the Healthy Welfare card allows certain people, including bank officers, to disclose information about a person to the government. Other human rights impacted by this system include the right to social security and the right to family and private life.

Prime Minister Turnbull stated ahead of the report's release that "our task must be to engage with Aboriginal and Torres Strait Islander Australians in a partnership that is based on mutual respect." However, the Intervention has been characterised by a lack of consultation and has been a human rights failure on the part of the Australian government. As the author of our report, Centre Associate Dr Stephen Gray, concludes: "The Intervention was meant to improve the lives of Indigenous people in the Northern Territory, but at this rate the gap between Indigenous and non-Indigenous people may never close in many areas". The gap is heightened in the Northern Territory but is by no means limited to it, and Indigenous rights should be a concern of all Australians, especially those in power.

Five questions for:

Alice Fraser

Alice Fraser (yellow jacket) with the Have You Got That Right? cast and crew

Alice Fraser is a comedian who stars as the host of series 3 and 4 of the Castan Centre's *Have You Got That Right?* video series. Like most people involved in the project, Alice worked pro bono, and squeezed it in between her sell-out stint at the 2016 Comedy Festival and jetting to the UK to perform. She spoke to us from the departure lounge.

How did you get into comedy?

I tripped and fell one day and then it was like quicksand and swallowed me alive and now all I can breathe is comedy sand. Help, help!

What else are you working on at the moment?

I'm working on my Edinburgh show The Resistance, my podcast, Tea With Alice, my weekly columns for SBS Comedy, some pro bono legal work and a couple of secret projects that will turn into nothing.

What attracted you to the HYGTR project?

My dad was a crusader for Intellectual Property rights, and the rights of the author, so I grew up around a thirst for justice and someone who was endlessly patiently willing to explain right and wrong and to stand up for it in all circumstances. My dad was never a hypocrite, even in the small ways that most people are. It taught me that it's easy to say the right thing, but difficult and worthwhile to do it.

Do you address human rights in your work/shows?

I wrestle with complicated ideas about moral responsibility sometimes, but my job is to make them funny enough to keep people engaged, and make the ideas digestible.

Who is your human rights hero?

Captain Planet! No, I think my dad is my human rights hero because he was the conduit for that sort of information into my life from an early age. But after that, Aung Sang Su Kyi, Gillian Triggs, the whole of PEN... Anyone who sacrifices their own wellbeing or comfort or time for what is right.