

Our Global Interns are back!



Global Intern Sam Dipnall at the UN in Geneva

Each year we select a cohort of outstanding students who are dedicated to human rights and send them to some of the world's top human rights institutions. In December 2015, we sent this year's cohort on their way and now they're back with life changing experiences.

When Sarah Sacher walked into the Center for Constitutional Rights in New York on her first day, she was confronted with an organisation dedicated to activism for human rights. "Posters hung all over the walls, loudly advocating various causes from Black Lives Matter to Palestinian rights." She was thrown in the deep end working on the US torture accountability project, looking through information on the CIA and the use of international legislation to hold US torturers accountable.

Just down the road at Human Rights First (also based in New York), Geerthana Narendren was getting her head around US asylum law and helping HRF advise lawyers working pro bono on asylum cases. Working in the Refugee Representation Team, she had the experience of working with clients and having to straddle US asylum law and international law. She helped a Tibetan political dissident, family violence victims, someone fleeing the Middle East because of their work in advocating for women's rights and a gay couple fleeing death threats from family members.

Meanwhile, at UN headquarters in Geneva, Sam Dipnall was presenting an oral statement to the Human Rights Council and lobbying and producing reports to ensure the adoption of a UN resolution that protects defenders of economic, social and cultural rights. Sam is still on posting in Geneva with the International Service for Human Rights and has even managed to nab a photo with president of the Australian Human Rights Commissioner Gillian Triggs.

Finally, Estelle Petrie started in Kuala Lumpur then travelled to the UN in Geneva with the International Women's Rights Action Watch, Asia Pacific. Estelle was thrown well and truly into the UN experience watching over sessions of the Convention on the Elimination of all forms of Discrimination Against Women. To gather

some idea of what this was like, here are some of the stats in Estelle's words:

"I have sat in on over 25 hours of 'constructive dialogue' between five states and the Committee...I have witnessed five lunch briefings between NGO's and Committee members, smash typed approximately 130 pages of rapporteur notes, consumed at least twenty cups of (terrible) UN coffee, got lost twice in the Palais des Nations and met some courageous, tenacious national NGO members from eight countries."

We are proud to have been able to provide these future leaders with such impressive experiences. The Global Internship is an opportunity like no other as it provides financial support as well as placements at world-renowned organisation. Perhaps one of the best features of this internship, however, is that the work our interns do is real, interesting and makes a difference.

The 2016 Castan Centre Global Interns were provided with financial assistance by Daniel and Danielle Besen, Sylvia & Michael Kantor, the Nordia Foundation, the Bennelong Foundation, the Monash Law Faculty's Student Mobility Fund, and MyriaD Consultants, which conducts the cross-cultural training.

Compensated surrogacy remains illegal in Australia

In April of this year, a federal parliamentary committee released the report from its *Inquiry into the regulatory and legislative aspects of international and domestic surrogacy arrangements*, recommending that compensated surrogacy remain illegal and that a national uniform model law be created to properly regulate altruistic surrogacy. The Castan Centre made a submission to the Inquiry and parts of the report are in line with the Centre's submission but other parts differ markedly.

Having children is not always easy, and surrogacy is a viable option for some of those people who have trouble conceiving naturally.

Currently in Australia, compensated surrogacy is illegal and the law surrounding altruistic surrogacy (when a surrogate receives no financial gain beyond reimbursement of expenses for carrying the child) varies from state to state. This inconsistency creates issues for the rights of all involved.

Both the report and our submission acknowledge that a uniform law must be made in Australia to protect the best interests

of the child as per the Convention of the Rights of the Child, the rights of the surrogate and the rights of the intended parents. Without a cohesive national law, these rights are hard to protect. Further, without an easily navigated legal framework, people can be driven to "offshore compensated surrogacy" that is often unregulated and can be riddled with legal and human rights issues.

The report stated that 250 cases of offshore surrogacy cases are dealt with each year, and acknowledged that international surrogacy is driven by the difficulty people face in finding altruistic surrogates in Australia. Moreover, many who made submissions to the Inquiry stated that compensated surrogacy would create legal certainty for the intended parents, and also the children.

In our submission, the Centre stated that a national legal framework should be put in place, and that regulation rather than prohibition is the best way to ensure that Australia fulfils its human rights obligations. Those who oppose compensated surrogacy believe that it inevitably leads to exploitation no matter the regulations

put in place. The Centre's submission argues that this view is paternalistic and infringes the rights of women.

Evidence from the US and UK (both similar culturally to Australia) shows that the assertion that compensation leads to exploitation is largely unfounded. Most surrogates make informed and independent decisions.

The Committee on the Rights of the Child has not yet made a definitive statement as to whether compensated surrogacy amounts to the 'sale of a child'. Although still slightly vague, the Committee says that compensated surrogacy would only be wrong if misused. It thus places a high level of importance on having in place a proper and workable regulatory framework – something feasible in a country such as Australia.

Although the government's report is in line with our view that there should be a single nation-wide legal framework regulating altruistic surrogacy, the recommendation that compensated surrogacy remain illegal is frustrating.