

Albert Park lake forms a stunning backdrop for our human rights Gala

By TienYi Long

Three hundred “friends of human rights” from all walks of life came together on a beautiful October evening to celebrate another two years of achievement for the Castan Centre.

The Centre’s biennial dinner, held at Carousel on Albert Park Lake, officially began with an introduction by the host of the evening, comedian and writer Claire Hooper. The Centre’s Director, Professor Sarah Joseph, gave a brief overview of the Centre’s achievements over the last two years, highlighting its most recent project, *Have You Got That Right?*, which features videos that answer important human rights questions quickly, clearly and in a way that doesn’t put anyone to sleep. Throughout the evening, the videos could be viewed on laptop screens around the room.

The highlight was the keynote speech by Dr. Tim Soutphommasane, the Federal Race Discrimination Commissioner. Dr Soutphommasane’s speech focused on the central theme of freedom — freedom to express one’s identity, to live with dignity, and to participate equally in Australian society, free from bigotry and discrimination. He welcomed the decision to abandon the proposed repeal of s18C of the Racial Discrimination Act, which makes it unlawful to offend, insult or humiliate another person on racial grounds. He noted that the section represented Australia’s commitment to racial tolerance, and that one person’s freedom of speech should never trump another person’s freedom from racist bigotry. He further argued that racist speech is most consistently regulated by the law, rather than relying on social criticism or ridicule.

Dr. Soutphommasane went on to draw a clear distinction between patriotism and racism. He argued that patriotism should be “an expression of citizenship and humane commitment”, that the language of patriotism should not be used to limit freedoms or to exclude certain groups from our society.



Dr. Tim Soutphommasane delivers the keynote speech

Finally, Dr. Soutphommasane called for those in positions of leadership to ensure calm and proportionate responses to the rising anxiety about terrorism. Drawing on the (subsequently reversed) ruling that facial coverings should be banned in the Parliament’s public galleries and the increase in attacks against Muslim and Arab communities, he argued that we should not judge communities based on the actions of extremist minorities.

Following a thank-you speech by Dr. Adam McBeth, the charity auction began with fantastic items, including a copy of the Australian Constitution signed by the Hon Michael Kirby AC CMG, dinner with award winning stand-up comedian Nazeem Hussain, and tickets to the Golden Plains Music Festival. The funds raised will continue to be used for some of the Centre’s most important projects, including the Global Internship Program, which nurtures the human rights leaders of tomorrow by sending outstanding law students to the world’s leading human rights organisations.

The 2014 gala was a great success and a fun night for all. You can find a full copy of Dr. Soutphommasane’s speech [here](#)

How well does Australia protect disability rights?

By TienYi Long

The Convention on the Rights of Persons with Disabilities (CRPD) came into force on 3 May 2008. At the 2014 Castan Centre/ King & Wood Mallesons Annual Lecture, Professor Ron McCallum, Chair of the United Nations Committee on the Rights with Disabilities, discussed Australia’s progress in fulfilling the rights of persons with disabilities.

The CRPD recognises the human rights and inherent dignity of persons with disabilities. It is the second fastest ratified international convention in history, and 17 of 18 members of the Committee tasked with overseeing the Convention are affected by disabilities – an unprecedented level of participation by people with disabilities in the United Nations.

Australia was one of the first countries to ratify the CRPD. Thus far, Australia has adopted a “national needs” approach in carrying out its obligations. It has made substantial progress in minimising the social barriers faced by persons with disabilities.

Professor McCallum pointed to three main achievements. Australia remains a major foreign donor in the areas of disability aid and inclusion for developing countries, most recently through its “Development for All” aid strategy between 2009 and 2014. At home, the government developed a National Disability Strategy to make Australia more inclusive and accessible for people with disabilities. It also launched the National Disability Insurance Scheme in 2012 to provide direct funding and support to people with disabilities. The scheme was accompanied by an increase in the Medicare levy, which took effect on 1 July 2014.

Professor McCallum noted that the human rights approach to fulfilling the rights of persons with disabilities is equally valid. However, he noted three examples where the Australian government has found it “difficult” to reconcile human rights with policies affecting people with disabilities.

Firstly, guardianship laws which permit

substituted decisions to be made for persons with cognitive or psychosocial disabilities are inconsistent with their right to equal capacity. Secondly, the sterilisation of women and girls with cognitive disabilities without consent is inconsistent with respect for the physical and mental integrity of persons with disabilities. Responding to a question about whether sterilisation may be justified if the mother was incapable of looking after her child, Professor McCallum noted that there were other options such as long-term birth control and education about human relationships. Thirdly, persons with disabilities are barred from voting and serving on juries.

Professor McCallum concluded that while the national needs approach has brought about significant advances in the rights of persons with disabilities, Australia is only beginning to transition towards a human rights approach.

See the full video of Ron McCullum’s presentation on our [YouTube page](#)