

### Castan Centre 2015 Human Rights Report

Since our inaugural Castan Centre Human Rights Report last April, it has felt as if the number of human rights issues facing people around the world is overwhelming.

Indigenous Australians continue to face enormous obstacles to “closing the gap” in the face of large budget cuts and entrenched bureaucratic barriers. For example, a multi-year research project by Castan Centre staff has revealed that unregistered births, which disproportionately affect Indigenous people, can increase imprisonment rates.

The assault on asylum seekers’ human rights continues unabated. In the 2015 report, two pieces look at the latest legislative and policy changes. Entrenched political opinion on this issue may make it seem futile to address refugee rights at this time. However, there will likely be consequences for the perpetration of such grave human rights abuses, as mentioned in Sarah Joseph’s introductory piece.

Prisoners’ rights is another topic that rarely draws sympathy from the general public. As prisons are so far from the public eye and prisoners so susceptible to abuse, it is a vital human rights issue nonetheless. In our report, we look at how lawyers and judges often fail to use human rights laws to protect prisoners, while in other cases novel methods are being used to hold prison authorities to account.

The nexus between human rights here and overseas has never been greater – from commercial surrogacy to LGBTI rights, land grabs and international criminal law to the death penalty, Australians are increasingly grappling with complex human rights issues.

Our report – which covers just some of the many issues facing humanity today – reminds us that there has rarely been a more important time to stand up for human rights, both here and around the world.

**[Read the 2015 Human Rights Report](#)**

### Have You Got That Right? Get ready for season three

With two successful seasons under our belt, we are once again jumping back into the production stage for seasons three and four of “Have You Got That Right?”.

Our incredible writing team of Elizabeth Yick, Chris Eales, Cassie Axon, Anika Basset and Jeremie Bracka has finished writing the five episodes for season three and are about to dive into season four. These next ten videos will use a different format, but will keep that a secret until they launch later this year.

Suffice to say, that our Director Robert Hall, composer Guy Gross, animation firm Jumbula and extensive roster of actors and crew will all be back, pitching in with amazing pro bono support.

The season three episodes will be:

#### **What is self-determination?**

Is self-determination just declaring your own country and printing your own money? How do you “freely determine your political status and freely pursue economic, social and cultural development”? How might Government activities like the Northern Territory intervention violate a people’s right to self-determination?

#### **Is there a right to the Internet?**

Does denying access to the internet and

the corresponding economic development opportunities also prevent people from fully enjoying their human rights? How critical is the internet to modern communication, particularly when it comes to freedom of expression?

#### **Is there a human right to strike?**

When do employees have a right to strike, and when can the right be limited? Can anyone just up and strike? What about emergency services? And do striking workers have a right to be paid?

#### **Do retrospective laws violate human rights?**

It is a fundamental rule of law that you can only be punished for a crime that was a crime at the time it was committed. But what about war crimes, genocide and crimes against humanity which occurred before those offences existed?

#### **Is bullying a breach of human rights?**

What is bullying? What does the Convention on the Rights of the Child have to say? Can bullying affect a child’s enjoyment of their right to education? What about workplace bullying? How does that violate human rights?

***Catch up on any of the videos you missed from season one or two at our [Have You Got That Right Website](#)***

### Recent Castan Centre policy submissions

The Castan Centre regularly submits papers to state and federal parliamentary committees highlighting the adverse effects of laws on human rights, and suggests ways governments can change these laws to conform with human rights.

#### **Same sex adoption reform in Victoria and South Australia**

As with heterosexual couples, same-sex couples may elect to adopt children for numerous reasons including medical infertility, social infertility, and most importantly, the desire to provide a child with a loving, nurturing and wholesome environment.

The fact that in most Australian jurisdictions, including Victoria, same-sex couples can access fertility treatment is evidence that they are viewed as suitable parents. Furthermore, there is now a significant research that establishes that same-sex couples are just as good parents as heterosexual couples. Once it is accepted that same-sex couples are suitable parents, there is no logical reason to discriminate against the means of achieving parentage.

***The Victorian submission can be read [here](#)***

#### **Recent Allegations relating to Conditions and Circumstances at the Regional Processing Centre in Nauru**

The “Moss report” outlined numerous allegations that are deeply concerning and suggest grave violations of the human rights of asylum seekers. These allegations included sexual assault; rape and threats of rape; indecent assault and sexual harassment; indecent exposure; and the physical assault of detainees. Allegations involving children are particularly troubling because of the vulnerability of children at the detention centre.

These allegations are likely to constitute a tort under Australian municipal law and suggest a failure in the duty of care owed by the Commonwealth government to asylum seekers detained in Nauru.

***The Castan Centre submission along with 26 other submissions can be read [here](#)***