

# Castan Centre Deputy Director Paula Gerber leading the way in promoting LGBT rights

## Launch of the Rainbow Refugee Action Coalition

In February, Paula was the keynote speaker at the launch of the Rainbow Refugee Action Coalition in Canberra, a group focusing specifically on asylum seekers who are lesbian, gay, bisexual or transgender (LGBT). Asylum seekers who are LGBT are particularly vulnerable to harm whilst in detention, as they are often rejected or persecuted by other asylum seekers from their country of origin who, because of their religion or culture are hostile to homosexuality.

Paula spoke of the difficulties that LGBT asylum seekers face in pursuing claims for refugee status on the basis that they have a well founded fear of persecution based on their sexual orientation or gender identity. Decision makers often assess asylum seeker applications based on stereotypical understandings of LGBT persons and culture, and may reject claims from applicants who did not behave in an effeminate manner or visit gay bars. Because of difficulties in convincing officials that they are gay, some asylum seekers have taken to tendering into evidence, photographs or videos of them engaging in same-sex sexual conduct. Clearly such material should not be sought or accepted by any decision maker since it violates an individual's human dignity and right to privacy.

## Teaching sexual orientation and gender identity within the law curriculum

Paula has also presented a paper on her approach to teaching law students about the law relating to sexual orientation and gender identity at the annual human rights teachers' workshop at ANU. Current approaches are often limited to discussing high profile

issues such as marriage equality or criminalisation of homosexuality. Paula advocated for a more holistic approach that includes less obvious aspects of human rights law, such as the application of the Convention on the Rights of the Child to LGBTIQ youth and children with same-sex parents, and moves legal education away from the assumptions of heterosexuality and gender normativity, that is evident in most law programs.

Following this Paula was featured in the Star Observer with an opinion piece observing that, at best, only eight of Australia's 36 law schools offer subjects relating to LGBTI rights, sexual orientation or gender identity. Read it on page 9 of this newsletter.

## LGBT rights in South East Asia

In May, Paula presented a paper on the laws impacting on LGBT people in South East Asia at the Fifth Asian Conference on Cultural Studies in Osaka, Japan. Paula highlighted how 11 of the 77 countries that criminalise same-sex sexual conduct between consenting adults are located in Asia, the majority of which are Commonwealth countries. The criminalisation of same-sex sexual conduct is not the only problem facing LGBT people in this region. The absence of any anti-discrimination laws prohibiting discrimination on the grounds of sexual orientation and gender identity mean that LGBT people have no protection against discrimination in employment, housing, education and healthcare.

***Paula is teaching the masters unit Sexual and Gender Minorities and Human Rights Law as a 4-day intensive in October.***

## "Proof of Birth" examines the causes and effects of unregistered births

In today's world, the demands for proof of identity are growing ever greater. Whenever you try to obtain a driver's licence, open a bank account, obtain a job, get a tax file number, travel overseas, register for social security, undertake education, or even join a sporting team, you are likely to be asked for proof of who you are and, in many cases, how old you are. The fundamental document required in most such situations is a birth certificate.

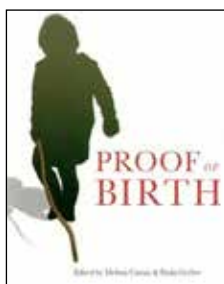
While the majority of Australians do not have any significant difficulty in obtaining a birth certificate, that experience is not universal. Those from Aboriginal and Torres Strait Islander communities, rural and remote communities and culturally and linguistically diverse communities are all over-represented in unregistered births. Not having a birth certificate prevents people from enjoying many of the basic human rights that others take

for granted.

Proof of Birth, edited by Castan Centre Deputy Directors Melissa Castan and Paula Gerber,

draws together the work of a range of experts from diverse fields who present recent developments and strategies designed to overcome barriers to accessing the birth registration systems. It provides recommendations to help communities, governments and civil society work together to ensure all Australians are able to obtain a birth certificate to enable them to fully participate in Australian life.

***Chapters in the book can be downloaded for free***



## Upcoming Castan Centre events

Alongside the annual conference the centre regularly hosts free public events with local and international speakers.



### Christof Heyns, Friday 9 October

Christof Heyns is the current UN Special Rapporteur on extrajudicial, summary or arbitrary executions. He has served as a consultant of the UN Office of the High Commissioner for Human Rights, Organization of African Unity/African Union and the South African Human Rights Commission. Heyns is the founding editor of the African Human Rights Law Reports and founding co-editor of the African Human Rights Law Journal.

***Details of this and other future events will be on our website as they are available.***