

Australia's dressing down at the UN

Australia was the recipient of almost 300 recommendations for improving its human rights record at a November meeting of the UN's Human Rights Council in Geneva.

The recommendations came during the most recent session of the Universal Periodic Review (UPR), a process that sees the human rights records of all 193 UN Member States reviewed over a four and a half year cycle. The Review is undertaken in the UN Human Rights Council, which oversees the UPR process as well as a number of other functions.

Thanks to SACS Consulting and the Monash Law Faculty, the Castan Centre's Director, Sarah Joseph, and Manager, Marius Smith, were on hand to witness the comprehensive Australian review, resulting in 299 recommendations from almost 110 countries. The main issues raised were to do with the rights of indigenous people (closing the gap, disproportionate representation in criminal justice), people with a disability (discrimination, forced sterilisation, indefinite detention for some charged with a crime), women (family violence, achieving equality), and children (particularly in the area of

juvenile justice). However, the outstanding issue at play was concern for Australian policies towards refugees and asylum seekers. The government's policy of boat "turn-backs", offshore and mandatory detention were criticised for their lack of transparency, their impact on children and possible breaches of the international law of *non-refoulement*.

The overall sentiment seemed to be that there has been, as Brazil put it, "deterioration" in Australia's human rights record since its last review in 2011. This perception is fostered by the fact that Australia fully implemented only 10% of the recommendations given to it in 2011.

Naturally, human rights organisations including the Castan Centre have questioned whether the government will implement the new set of recommendations this time around. While it may seem strange that Australia must take on board human rights recommendations from countries with questionable reputations themselves, as Sarah has stated: "human rights are not a contest; they are minimum standards of required respect for human beings. Australia must take all of the



Inside the Human Rights and Alliance of Civilizations Chamber

recommendations seriously, regardless of the source of those recommendations."

Thus the next step in the process is for Australia to implement the recommendations, and Australian NGO's will be working hard to ensure that there is better compliance this time around. The Castan Centre attended the government's consultation with NGO's about the next steps on the 9th of December.

Professor Sarah Joseph's opinion piece on Australia's UPR is on page 5 of this newsletter, and a report on our pre-UPR public event is on page 9.

Deputy Director recognised for LGBTIQ work

Our Deputy Director, Paula Gerber, has been busy scooping up awards and enhancing her leadership in the LGBTI community.

Paula has been awarded the Monash University Vice-Chancellor's Diversity and Inclusion Award. This Award recognises her involvement in the Castan Centre and many other roles at Monash, including Chair of the Diverse Genders and Sexualities Advisory Group, and Director of Equity and Social Inclusion within the law Faculty. It also recognised her efforts to increase teaching of LGBTIQ rights within law schools.

Paula is also prominent in the broader community. She founded the LGBTI

Academics Network and is President of the Kaleidoscope Human Rights Foundation. Her shortlisting as a finalist for the Out for Australia 2015 Professional Role Model of the Year Award acknowledged her contributions in these fields.

In addition to winning awards, Paula has recently been appointed to the Victorian Government's LGBTIQ Justice Working Group. This will see her contributing to the State Government's development of policies on LGBTIQ issues.

Finally, Paula has edited two books this year. *Proof of Birth* (co-edited with fellow Castan Centre Deputy Director Melissa Castan)

looks at the issue of birth registration in Australia and the impact of not having a birth certificate, particularly for Indigenous people.

Her second book *Surrogacy, Law and Human Rights* (edited with Katie O'Byrne) provides insight into the complex and contested area of surrogacy. Paula also delivered a TEDx Talk on surrogacy which is attracting a lot of attention. The book and TEDx Talk are likely to be valuable resources for a new parliamentary inquiry into Regulatory and Legislative Aspects of Surrogacy Arrangements.

We congratulate Paula her on all her achievements in 2015.

Contents

- 2 News
- 5 Opinion: On the Ground at Australia's Universal Periodic Review
- 6 Opinion: 'Safe access zones' laws are protecting reproductive rights
- 7 Opinion: Second Time's the Charm – 2015 Review of the Victorian Charter
- 8 Conference tackles the tough issues
- 9 Previewing Australia's appearance before the UPR Perennial Outlaws – the Shadow Side of International Criminal Justice
- 10 A Global Intern's Lessons Learnt
- 11 2015 Moot goes to a new level The terrifying future of warfare
- 12 Publications and Other Activities by Centre Faculty Members
- 13 5 Questions for Caitlin McInnis