

2014 Castan Conference

By Sarah Austin

With nearly 350 members of the Australian and International human rights community filling the room the stage was set for a fascinating day of diverse speakers, topics and opinions.

Starting off the day was Castan Centre Deputy Director Adam McBeth critiquing aid policies, his paper tellingly titled 'There ain't no votes in aid'. In exploring the current government's "new aid paradigm" many people were surprised to hear that part of Australia's aid program is spent on detaining asylum seekers, infrastructure projects which themselves can cause rights abuses and Australian consultants.

Fresh from presenting the report of the commission of inquiry into human rights abuses in North Korea to the UN Human Rights Council was Michael Kirby. The report outlined massive instances of starvation, executions, forced labour, torture and rape. Not content with just producing the report, a Security Council resolution referring North Korea to the ICC is the next step, but the veto power of China and Russia is likely to prevent that occurring.

Following crowd favourite Kirby would have been a hard task for anyone but Waleed Aly, the "thinking woman's George Clooney", as Holding Redlich's Andrea Tsalamandris described him during

cuts would affect the most vulnerable. She also outlined that previous changes to 'welfare to work' and single parent payments had disproportionately affected children of single parents.

After a long week of speaking across Melbourne, Jillian York, Director for International Freedom of Expression Electronic Frontier Foundation, our inaugural Maurice Blackburn Visiting Activist, was running out of voice by the time our conference came around. However aided by a more informal Q+A session (and a glass of beer), York shared her experiences of working as a front line activist on digital privacy issues. Questions from the audience canvassed the NSA, surveillance, journalism, freedom of association and the collection of data by social media companies. When challenged to address the claim that governments need the data they collect to prevent terrorism, Jillian had a simple response – "prove it!".

Asylum seekers were the topic of conversation for Elaine Pearson, Australian Director of Human Rights Watch. Pearson discussed how fears that Australia was being "flooded" with refugees are unfounded – Europe receives more than 15 times more asylum claims each year. Elaine was particularly concerned with the offshore processing of asylum seekers in PNG and the plans for refugees to be sent to Cambodia.



Jillian York during her Q and A session

her introduction. Aly captivated the audience with his discussion of freedom, in particular free speech. While much of the recent debate has focused on the specifics of laws relating to free speech, Aly took another direction and asked us to consider how free speech is limited in a social way. He pointed to the social "costs" of saying what you think, for example the loss of employment or social exclusion. He raised the example of the cancellation of Uthman Badar's 'honour killing' event at the Festival of Dangerous Ideas after public outcry. Aly argued that often these social costs were disproportionately felt by those less powerful in society.

Refreshed from our first break, we heard from George Williams who discussed the High Court's role in human rights. The major issue for the High Court in this area is that it is required to deal with human rights without having human rights legislation to apply. There are some laws which protect rights such as anti-discrimination laws, privacy laws and some state specific human rights acts, but those acts can be repealed or, in some cases, suspended. Williams gave examples of asylum and anti-terror laws as legislation which expressly abrogate human rights.

Dr Cassandra Goldie, CEO of the Australian Council of Social Service presented on 'The reality of poverty in Australia'. With the federal budget fresh in everyone's minds, Goldie focused on how budget

David Yarrow then looked at why Indigenous consent is marginalised or even missing in Australia. Yarrow also touched on other injustices, such as the weak protection for indigenous languages and the over-representation of Indigenous Australians through the justice system. His suggested solution to the problems with policy formation in Australia was simply to involve a greater level of control by indigenous people and move beyond purely symbolic representation.

Closing the day was Castan Centre Associate Ronli Sifris discussing recent developments in reproductive rights, but focusing on the decriminalisation of abortion in Tasmania. Tasmanian doctors are not required to carry out abortions but they are required to refer the woman to another provider who will, and this has raised concerns in the medical profession. However, a doctor who refuses to provide an abortion or make a referral may result in real and serious health consequences for the woman. Ronli remarked that society needed to consider how the rights of the woman are balanced against the rights of the doctor.

Thank you to our major sponsors Corrs Chambers Westgarth, Maurice Blackburn and Holding Redlich. If you would like to see video footage of the conference including short interviews with our presenters, visit our [YouTube page](#)