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Joint Statement from Chairperson & Executive Director

For the last six years, the Human Rights Law Centre has promoted human rights in Australia and beyond through principled, strategic, evidence-based research, advocacy, litigation and education. Acting in coalition with key partners and supporters, our work has contributed to the protection of human dignity, the alleviation of disadvantage and the realisation of equality. This report highlights some of the impacts of the work of our dedicated staff, partners and donors.

This and coming years bring great challenges and opportunities for human rights in Australia and for the HRLC.

Our work together will determine the future of Australia's Human Rights Framework and whether the legal protection of human rights, such as by the Victorian Charter and the ACT Human Rights Act, is strengthened or weakened.

Our work together will determine whether the process of national equality law reform results in mere consolidation of our current reactive, complaints-based laws or in a comprehensive and proactive system which promotes substantive equality and addresses systemic discrimination.

Our work together will determine whether Australia's rhetoric of "best practice" engagement with international human rights bodies can be translated into best practice implementation of international human rights laws. The Federal Government's initiative in developing a National Human Rights Action Plan is a critical opportunity for civil society and governments to work together to achieve this.



In addition to focusing on these cross-cutting issues, our work in the coming years will target five priorities:

- We will work to ensure that detention is used only as a last resort and that conditions in all forms of detention respect human rights and dignity.
- We will work to promote human rights through Australian foreign policy.
- We will work in partnership with Aboriginal and Torres Strait Islander organisations to implement the UN Declaration on the Rights of Indigenous Peoples.
- We will work to promote a human rights-based approach to the police use of force and the investigation of police-related deaths.
- We will work to develop and promote a human rights-based approach to preventing and responding to violence against women.

We know that these are ambitious and challenging goals, but they are areas of real human rights need where our work can have a real impact. They are areas where human rights reform is not assured, where the dangers of regression are a reality, and where progress will be achieved incrementally and in coalition.

The coming years will also present financial challenges for the Human Rights Law Centre. We do not receive any recurrent Commonwealth grants and funding from the Victorian Government sunsets this year. The generous funds we receive from philanthropic trusts are time-limited and project-based. In 2010/11 we delivered tremendous human rights value and results on a budget of just \$500,000. There is now an urgent need to renew and expand our funding base.

We hope that this report – this record of human rights impact and influence – will convince you to continue and expand your support for our human rights work.

Philip Lynch, Executive Director

Robert Jamieson, Chairperson



Our Work and Impacts.

The Human Rights Law Centre promotes and protects human rights in Australia and beyond through principled, strategic, evidence-based research, advocacy, litigation and education. We work in coalition with key partners, including community organisations, law firms and barristers, academics and experts, and international and domestic human rights organisations.

The highlights that follow demonstrate the impacts of our work in protecting human dignity, addressing disadvantage and enhancing equality.



Strengthening legal protection of human rights.

Our goal: Strong legal and policy protection of human rights at the national, state and territory levels.

The Human Rights Law Centre has resourced and spearheaded a campaign to strengthen legal and parliamentary protection of human rights.

The campaign has resulted in the development of the Human Rights (Parliamentary Scrutiny) Bill 2011 which will require all new laws to be assessed for compatibility with Australia's international human rights obligations.

The campaign has also achieved a commitment by the Australian Government to develop a comprehensive National Human Rights Action Plan, into which the HRLC is coordinating civil society input.

See www.humanrightsactionplan.org.au

And www.hrlc.org.au/our-work/focus/australias-human-rights-framework/



Other highlights

Protecting representative democracy and the right to vote

In partnership with GetUp!, Mallesons Stephen Jaques and Victorian barristers, the HRLC ran a landmark case in the High Court challenging the early close of the electoral roll. The case restored the right to vote to up to 100,000 people at the 2010 federal election and substantially strengthened constitutional protection of the right to vote and the principle of representative democracy. The victory was consolidated when parliament passed legislation in 2011 to give effect to the HRLC's High Court victories in *Roach v Cth* and *Rowe v Cth*.

Using the Victorian Charter of Human Rights

Over the last four years, the HRLC has played a critical role in securing the benefits and protections of the Victorian Charter of Human Rights for individuals and groups that are vulnerable or disadvantaged, including people who are homeless, people with mental illness, people with disability, and Indigenous peoples.

See www.hrlc.org.au/our-work/focus/victorian-charter-human-rights/

Developing progressive human rights jurisprudence

The HRLC has also contributed directly to the development of progressive human rights jurisprudence through a series of landmark Charter cases, including *Momcilovic* in the High Court and Victorian Court of Appeal, *Castles* in the Supreme Court of Victoria, and *Metrowest Housing* and *Kracke* in VCAT.

"There is strong evidence that where human rights are comprehensively protected in law they are far more likely to be respected in practice."

Emily Howie, Director of Advocacy & Strategic Litigation, Evidence to Victorian Scrutiny of Acts and Regulations Committee



Promoting equality and addressing discrimination.

Our goal: Comprehensive legislation which promotes substantive equality and addresses systemic discrimination.

In response to research, advocacy and reports by the HRLC, the Equality Rights Alliance and the National Association of Community Legal Centres, among others, the Australian Government committed to "enhance" Australia's anti-discrimination legislation. This committment includes consolidating federal laws into a single Equality Act, prohibiting discrimination on the grounds of sexual orientation or gender identity, and appointing full-time Race and Age Discrimination Commissioners.



"Equality is a not only a fundamental human right, but also a fundamental social and economic good. Equality makes communities healthier and more cohesive and economies more participatory and prosperous."

Rachel Ball, Director of Policy & Campaigns

Other highlights

Combating sex discrimination and sexual harassment

In 2011, federal parliament passed amendments to the Sex Discrimination Act 1984. While the reforms failed to address major shortcomings of the SDA identified by the HRLC and reflected in the 2008 report of the Senate Standing Committee on Legal and Constitutional Affairs, they do strengthen some protections against sexual discrimination and sexual harassment.

Strengthening equality laws and protections against discrimination

The HRLC is coordinating and resourcing significant civil society input into the Federal Government's process of equality law reform, including by developing a major online hub. Already, civil society advocacy has resulted in a governmental commitment to "enhance" rather than merely "consolidate" federal equality laws.

See www.equalitylaw.org.au

Addressing age discrimination

As recommended by the HRLC and our partners, the Government appointed Australia's first full-time Age Discrimination Commissioner, Susan Ryan AO, in July 2011.



The UN Human Rights Council in Geneva.

Positive and constructive engagement with the United Nations.

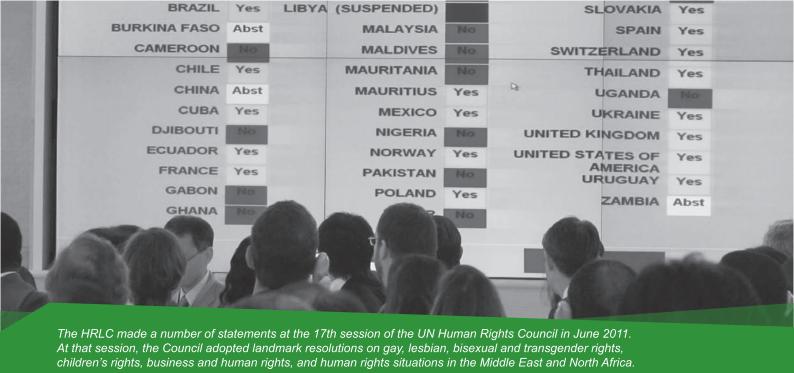
Our goal: Australia engages positively and constructively with United Nations human rights bodies and respects and implements its international legal obligations.

Australia was examined under the Universal Periodic Review process of the UN Human Rights Council in Geneva in January 2011. Drawing extensively on reports and materials of an NGO coalition coordinated by the HRLC, over 50 countries made 145 recommendations for Australia to better promote and protect human rights. Recommendations were made in all of the thematic priority areas identified by the coalition, including in relation to the legal protection of human rights, equality and non-discrimination, the rights of women and people with disability, refugee and asylum seeker rights, the rights of Aboriginal and Torres Strait Islander peoples, homelessness and poverty, counter-terrorism, police and prisons, and sexual and gender identity.

In June 2011, Australia issued its formal response to the UPR, accepting over 90% of recommendations. Many states acknowledged the constructive, positive and "best practice" engagement of both the Australian Government and NGOs with the process.

The HRLC is now working closely with government and civil society to ensure effective implementation of the recommendations.

See www.hrlc.org.au/content/universal-periodic-review-of-australia/



Other highlights

Bringing international human rights obligations home

As recommended by the HRLC in submissions to government and parliamentary committees, the Australian Government has committed to tabling in Parliament all recommendations made by UN human rights bodies, and to establish a systematic process for the regular review of Australia's reservations to international human rights treaties.

Combating racial discrimination and disadvantage

In response to a major report coordinated by the HRLC, together with the National Association of Community Legal Centres and the Foundation for Aboriginal and Islander Research Action, the UN Committee on the Elimination of Racial Discrimination made over 20 recommendations for concrete action to address racial discrimination, disadvantage and inequality in Australia.

See www.hrlc.org.au/our-work/law-reform/ngo-reports/

"The time has now come for Australia to move from the rhetoric of best practice in engaging with human rights mechanisms to the reality of best practice in implementing our human rights obligations."

Ben Schokman, Director of International Human Rights Advocacy, and Phil Lynch, Executive Director, ABC The Drum

Human Rights Law Centre by the numbers in 2010/11

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We ran 12 major human rights cases, including in the UN Human Rights Committee, the High Court of Australia and the Victorian Court of Appeal.



We published 12 editions of Rights Agenda, our highly regarded human rights e-bulletin, which is distributed to over **4000** people.



We ran 91 human rights seminars, workshops and training sessions.



50/12

We made 50 major policy and law reform submissions to bodies ranging from the UN Human Rights Council, to the Commonwealth Attorney-General and Foreign Minister, to the Senate Legal and Constitutional Affairs Committee, to the Victorian Departments of Justice and Health. On average, each submission is cited 12 times in the relevant report.



We received 109,764 visitors to www.hrlc.org.au from 189 different countries.



We expanded our social media engagement, with



followers on Twitter and



supporters on Facebook.

We were quoted or published in the media 109 times, including on the ABC, 2GB and 3AW and in The Age, the Australian Financial Review, the Herald Sun, the Sydney Morning Herald and The Australian.



The estimated value of pro bono work we facilitated was \$3 million, a return on investment of around 500% on our 2010/11 income of approximately \$600,000.



Protecting the rights of people in detention.

Our goal: Detention is used only as a last resort and conditions of detention comply with international human rights standards. In a landmark case run in partnership with Blake Dawson, Debbie Mortimer SC and Michael Borsky, the HRLC affirmed the principle – well recognised in international human rights jurisprudence – that prisoners should be treated with humanity, dignity and respect. The case, Castles v Secretary to the Department of Justice, established that prisoner access to reproductive health care is a fundamental aspect of the right to humane treatment in detention and that access to IVF treatment may be necessary for the preservation of a woman's health.

See www.hrlc.org.au/our-work/focus/detention/



Immigration detention centre on Christmas Island.
Photo Courtesy DIAC Images

Other highlights

Holding Australia to account on the international stage

In June 2011, the HRLC delivered a major statement at the UN Human Rights Council in Geneva calling on Australia to abolish mandatory immigration detention and to implement safeguards to protect asylum seekers' rights. The statement was supported by states including Sweden, Norway, Slovenia, Switzerland and East Timor.

"Access to health care is a fundamental aspect of the right to dignity. Like other citizens, prisoners have a right to... a high standard of health. That is to say, the health of a prisoner is as important as the health of any other person."

Castles v Secretary to the Department of Justice [2010] VSC 310

Immigration detention is no place for a child

The HRLC worked in partnership with the Asylum Seeker Resource Centre to obtain the release from immigration detention of an unaccompanied teenage asylum seeker from Iraq.

Preventing and redressing arbitrary detention

In December 2010, on the basis of a report by the HRLC, the UN Committee against Torture issued a 'please explain' to Australia in relation to conditions in immigration detention, the operation and impacts of counter-terrorism legislation, and the over-representation of Aboriginal and Torres Strait Islander people and people with mental illness in the criminal justice and prison systems.

See www.hrlc.org.au/our-work/topics/torture/

Securing humane conditions of detention

In a major victory for prisoners' rights, the State of Tasmania settled a case run by the HRLC (together with Freehills, Stephen Estcourt QC and Greg Barns of Counsel) by admitting that they had systematically breached a prisoner's rights and committing to major reform to address austere and oppressive conditions of detention.



Foreign Minister, Kevin Rudd, with UN Secretary-General Ban Ki-moon. Photo courtesy UN Photo-Mark Garten

Promoting human rights through Australian foreign policy.

Our goal: The promotion and protection of human rights is a primary aim and instrument of Australian foreign policy.

In July 2011, the Foreign Minister announced a comprehensive new strategy for Australia's aid and development program, which is forecast to grow to \$8 billion by 2015-16. Regrettably, the strategy does not adopt a human rights-based approach. In line with the HRLC's recommendations, it does, however, include a commitment to "enhance justice and human rights for poor people" as one of ten key development objectives. According to Minister Rudd, "human rights, for the first time therefore, has been formally included within the core development objectives of the Australian aid portfolio".



Rowan McRae (Attorney-General's Department), Ben Schokman (HRLC) and the Hon Catherine Branson QC (President of the Australian Human Rights Commission) discuss the Universal Periodic Review of Australia at a public event.

Other highlights

Regulating business and human rights

In August 2010, in response to reports and lobbying by the HRLC, a high-level UN human rights committee called on Australia to enact laws to regulate the extra-territorial activities of Australian corporations which may impact on human rights abroad. This was the first time that a UN treaty body had called on a state to take action on business and human rights.

Developing a comprehensive strategy on human rights and foreign policy

Since 2008, the HRLC has consistently advocated that Australia should develop a comprehensive strategy on human rights and foreign policy. In July 2011, a joint parliamentary committee noted the value of developing an "overarching human rights framework" for foreign policy.

Strengthening safeguards against Australian complicity in the death penalty and torture

Proposed amendments to extradition and mutual assistance laws include safeguards recommended by the HRLC to ensure that Australian officials will not cooperate or be in any way complicit in the death penalty, torture or ill-treatment.

See www.hrlc.org.au/content/topics/torture/australian-law-must-strengthen-safeguards-against-torture-and-the-death-penalty/

"A comprehensive human rights strategy, similar to those developed by the Netherlands and Sweden, could integrate human rights in all areas of Australian foreign policy and, like those countries, capitalise on the benefits of doing so."

Phil Lynch, ABC The Drum

Partnering with NGOs to set a human rights agenda

The HRLC has been appointed to the Federal Government's Human Rights Grants Expert Panel to advise the Foreign Minister on the operation and distribution of AusAlD's \$3.5 million Human Rights Grants Scheme. The HRLC also coordinates an NGO coalition, which includes Amnesty International and the Australian Council for International Development, which meets periodically with the Foreign Minister to advise on human rights and foreign policy issues and priorities.

See www.hrlc.org.au/content/topics/asia-pacific/human-rights-and-australian-foreign-policy-recommendations-for-the-foreign-minister-29-march-2011/

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Policing the police.

Our goal: The police use of force and the investigation of police related deaths is consistent with international human rights standards.

On 11 December 2008, 15 year old Tyler Cassidy was fatally shot by Victoria Police. Only 73 seconds elapsed between the police first approaching Tyler and his death, in which time Tyler was sprayed with capsicum foam twice, took a phone call and was shot 10 times. The HRLC was granted leave to appear at the Coronial inquest into Tyler's death. At the inquest and with the pro bono support of Allens Arthur Robinson, Brian Walters SC and Sam Ure of Counsel, the HRLC made submissions as to the necessity and proportionality of the use of force, the adequacy of police training, and the probity of the investigation into Tyler's death, which was conducted by Victoria Police. In response, Victoria Police has already implemented changes to training and procedures to better equip officers to de-escalate conflict and to more effectively protect life.



Photo courtesy Victoria Police

Other highlights

"No 15-year-old boy should be shot dead by police and no police officers should be put in the tragic situation where this results."

> Emily Howie, Director of Advocacy & Strategic Litigation, The Age

Promoting a human rightsbased approach to policing

In 2010 and 2011, the HRLC provided extensive training to Victoria Police on a human rights-based approach to policing, including in relation to police use of force, responding to family violence, the use of stop and search powers, and the policing of vulnerable individuals and groups.

Regulating the use of force

The HRLC is working with a coalition which includes community legal centres, academics, human rights experts and representatives from affected communities to develop detailed guidance and recommendations for police regarding human rights-compliant use of force.

See www.hrlc.org.au/content/topics/victorian-charter-of-human-rights/lessons-from-tyler-cassidy-inquest-reform-needed-to-avoid-more-police-shootings/

Enhancing the investigation and prevention of policerelated deaths

It is imperative that police-related deaths are fully, independently and effectively investigated. The HRLC is working with the Office of Police Integrity, the Victorian Government, the State Coroner and Victoria Police with a view to establishing a body and process to investigate police-related deaths which is hierarchically, institutionally and practically independent of the police.



Advancing implementation of the Declaration on the Rights of Indigenous Peoples.

Our goal: Australian law, policy, practice and institutions are compatible with the United Nations Declaration on the Rights of Indigenous Peoples.

As a result of the lobbying and reports of the HRLC and an NGO coalition, Australia received over 40 recommendations to enhance Indigenous rights through the Universal Periodic Review process. In its formal response, Australia accepted a vast majority of these recommendations, committing to fully "support promotion of and respect for the principles in the Declaration on the Rights of Indigenous Peoples". The Government also committed to enhance processes of consultation with and participation of Aboriginal and Torres Strait Islander peoples, to reduce disproportionate rates of Indigenous incarceration and to "pursue recognition of Indigenous peoples in the Australian Constitution".

See www.hrlc.org.au/content/universal-periodic-review-of-australia/



Dr Helen Szoke, recently appointed as Australia's first full-time Race Discrimination Commissioner, addresses an HRLC equality law conference.

Other highlights

Reducing Indigenous incarceration

Despite Aboriginal people representing 21 per cent of the population in Alice Springs, Aboriginal people rarely, if ever, appear on juries. The HRLC partnered with the Northern Territory Legal Aid Commission to obtain a stay of proceedings against an Aboriginal man on the basis that he could not receive a fair trial because an impartial and representative jury was not empanelled.

Addressing racial discrimination

In response to a report by the HRLC, the UN Committee on the Elimination of Racial Discrimination recommended that Australia appoint a stand alone Race Discrimination Commissioner. Just a few months later, the Australian Government appointed Dr Helen Szoke as Australia's first full-time Race Discrimination Commissioner.

See www.hrlc.org.au/content/topics/business/race-discrimination-un-committee-releases-report-and-recommendations-on-australia-28-august-2010/

"Australia should fully implement the Racial Discrimination Act and revise federal laws to be compatible with the United Nations Declaration on the Rights of Indigenous Peoples."

Recommendation by Norway to Australia at the UN Human Rights Council



Simon McKeon, 2011 Australian of the Year, delivers the keynote address at the HRLC/PILCH Human Rights Dinner.

Our Governance, Staff and Supporters.

The HRLC is a not-for-profit company limited by guarantee. We have been endorsed by the Australian Taxation Office as a public benefit institution attracting deductible gift recipient status.

The HRLC is governed by a Board of Directors and has established an Advisory Committee to provide strategic assistance and advice.



Paul Ronalds (Department of Prime Minister and Cabinet), Phil Lynch (HRLC) and Daniel Flitton (Diplomatic Editor, The Age)

Board and Officers

Robert Jamieson (Chairperson)
Partner, Blake Dawson

Jamie Gardiner

Vice-President, Liberty Victoria

David Manne

Executive Director, Refugee and Immigration Legal Centre

Fiona McLeay

Executive Director, Public Interest Law Clearing House

Alexandra Richards QC

Victorian Bar Melanie Schleiger

Senior Lawyer, Victoria Legal Aid

Diane Sisely

Director, Australian Centre for Human Rights Education

Anne O'Rourke (Retired 26/11/10) Senior Lecturer, Monash University

Philip Lynch (Company Secretary) Executive Director, HRLC

Advisory Committee

Jenny Leong

Campaign Coordinator, Tactical Campaigns Unit, Amnesty International (London)

Vanessa Lesnie

Director of Strategic Projects, Australian Human Rights Commission

Fiona McLeay

Executive Director, Public Interest Law Clearing House

Nicolas Patrick

Pro Bono Partner, DLA Piper

Alexandra Richards QC

Victorian Bar

Chris Sidoti

International Human Rights Expert and former Australian Human Rights Commissioner

John Tobin

Associate Professor, Melbourne Law School



Staff

Philip Lynch
Executive Director

Ben Schokman

Director of International Human Rights Advocacy (on secondment from DLA Piper)

Rachel Ball

Director of Policy and Campaigns

Emily Howie

Director of Advocacy and Strategic Litigation

Tom Clarke

Manager of Communications and Media

Anna Brown

Senior Lawyer

Frank Deans

Accountant

Secondee Lawyers in 2010/11

Jacqui Bell

Blake Dawson

Zara Durnan

Lander & Rogers

Michael Griffith

Mallesons Stephen Jaques

Meg O'Brien

Mallesons Stephen Jaques

Heath Paynter

Russell Kennedy

Senior Counsel

The following Senior Counsel provide regular and outstanding strategic guidance and advice to the HRLC.

Ron Merkel QC

Debbie Mortimer SC

Mark Moshinsky SC

Brian Walters SC

Financial and In-Kind Supporters

Allens Arthur Robinson

Australian Communities Foundation

Blake Dawson

Clayton Utz

Commonwealth Attorney-General's Department

DLA Piper

Helen Macpherson Smith Trust

Lander & Rogers

Legal Services Board of Victoria

Mallesons Stephen Jaques

Qantas

R E Ross Trust

Reichstein Foundation

Russell Kennedy

Victorian Department of Justice



Together with the Castan Centre for Human Rights, the HRLC convened a major seminar in April 2011 on the use of social media in promoting and protecting human rights.

Audited Financial Statements

This is an extract of the Human Rights Law Centre's audited financial statements for the year ending 30 June 2011.

For a full copy of the financial statements and auditor's report, visit www.hrlc.org.au.

Income Statement for the Year ended 30 June 2011

Income	2011	2010
Victorian Department of Justice	139,020	
Commonwealth Attorney-General's Department - Human Rights Framework Grant	100,000	
Commonwealth Attorney-General's Department - GAOP	20,000	
Legal Services Board of Victoria - Major Grant	130,320	
Legal Services Board of Victoria - Project Grant	32,625	
Planet Wheeler Foundation	40,300	
R E Ross Trust	49,200	
Reichstein Foundation	2,000	
Helen Macpherson Smith Trust	22,000	
DLA Piper	4,400	
Mallesons Stephen Jaques	10,000	
Interest	18,118	
Event Registrations	9,209	
Annual Dinner	13,735	
Legal Costs	6,694	
Training and Teaching Services	35,645	
Refunds & Reimbursement	5,065	
Bulletin Sponsorship - AAR, DLA Piper, Lander & Rogers, MSJ	3,000	
Donations	16,645	
Other Income	150	
Total Income	658,126	497,151
Expenditure		
Occupancy expenses	36,875	41,513
Program and administration expenses	183,176	96,879
Employee benefits	321,428	263,958
Total Expenditure	541,479	402,350
Total Comprehensive Income	116,647	94,801

Balance Sheet as at 30 June 2011

	2011	2010
Current assets		
Cash and cash equivalents	451,951	19,800
Trade and other receivables	7,757	381,558
Total current assets	459,708	401,358
Total assets	459,708	401,358
Current liabilities		
Trade and other payables	30,407	40,496
Provisions	48,391	43,800
Grants received in advance	121,012	174,990
Total current liabilities	199,810	259,286
Non-current liabilities		
Provisions	1,179	-
Total non-current liabilities	1,179	-
TOTAL LIABILITIES	200,989	259,286
NET ASSETS	258,719	142,072
Equity		
Retained earnings	258,719	142,072
TOTAL EQUITY	258,719	142,072



Koda ♥ Victoria's Charter of Human Rights www.hrlc.org.au/koda



The Human Rights Law Centre is an independent, non-profit, non-government organisation which protects and promotes human rights.

We contribute to the protection of human dignity, the alleviation of disadvantage, and the attainment of equality through a strategic combination of research, advocacy, litigation and education.

The HRLC is a registered charity and has been endorsed by the Australian Taxation Office as a public benefit institution. All donations are tax deductible.

Human Rights Law Centre Level 17, 461 Bourke Street Melbourne VIC 3000, Australia ABN: 31 117 719 267 www.hrlc.org.au

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