

Publications and other activities by Centre faculty members

Note – joint pieces are listed under first named author

GIDEON BOAS

Article

'Comment' in response to Christian De Vos, 'Someone who comes between one person and another: Lubanga, local co-operation and the right to a fair trial', in *Melbourne Journal of International Law*, Online Symposium, 2011

Book Chapters

'Joinder and the Death of Milošević', in Timothy William Waters, *The Milošević Trial – An Autopsy* (Oxford University Press, forthcoming 2011), 13 pages

'Omission Liability in International Criminal Law – A Case for Reform', in Shane Darcy and Joseph Powderly, *Judicial Creativity at the International Criminal Tribunals* (Oxford University Press, 2011), 204-226

'Command Responsibility for the Failure to Stop Atrocities: The Legacy of the Tokyo Tribunal' in Yuki Tanaka, Timothy LH McCormack and Gerry Simpson (eds), *Beyond Victors' Justice? The Tokyo War Crimes Trial Revisited* (Martinus Nijhoff, in press 2011), 163-173

Media

'Killing the killers makes a mockery of international justice', opinion piece, Sydney Morning Herald, 26 November 2011.

'War crimes in Australia's too hard basket', opinion piece, The Drum ABC, 27 November 2011.

MELISSA CASTAN

Articles

Book Review "Stephen Gay: The Protectors; a journey through whitefella past", (2011) 36(2) *AltLJ* 140

'Indigenous Australians' Access to Birth Registration Systems: A Breach of International Human Rights Law?' (2011) 17(1) *Australian Journal of Human Rights* 55-89', (with P. Gerber and A. Gargett)

Blog

'It's time to recognise Indigenous Australia', *Castan Centre for Human Rights Law Blog*, WordPress, 9 December 2011

Media

'It's time to recognise Indigenous Australia', *The Conversation*, 12 December 2011

ANDRE DAO

Blog

'Occupy Melbourne – One Observer's Account of the Eviction', *Castan Centre for Human Rights Law Blog*, 24 October 2011

Submission

National Human Rights Action Plan: Exposure Draft, Submission to Australian Government Attorney-General's Department Consultation, February 2012

JULIE DEBELJAK

Articles

'Indigenous Peoples' Human Rights and the Victorian Charter: a Framework for Reorienting Recordkeeping and Archival Practice' (2011) *Archival Science*, with Melissa Castan

'Who Is Sovereign Now? The Momcilovic Court Hands Back Power Over Human Rights That Parliament Intended It To Have' (2011) 22(1) *Public Law Review* 15-51

Book

Susan Kneebone and Julie Debeljak *Transnational Crime and Human Rights: Responses to Human Trafficking in the Greater Mekong Subregion* (Routledge, 2012)

Other

Co-Convenor, "Applying Human Rights in Closed Environments Conference", Monash University Law Chambers, Melbourne, 20-21 February 2012, co-Convened with Bronwyn Naylor.

Edited proceedings, *Monitoring and Oversight of Human Rights in Closed Environments: Proceedings of a Roundtable*, Monash University Law Faculty (2012), (with Inez Dussejer, Bronwyn Naylor and Stuart Thomas (eds))

Invited Participant, 'Redressing the Democratic Deficit in Human Rights Conference', convened by the *Arts and Humanities Research Council* and the *University of Oxford*, 17-18 April 2012, London UK

PATRICK EMERTON

Article

'Judges and non-judicial functions in Australia' in H P Lee (ed), *Judiciaries in Comparative Perspective* (Cambridge University Press) (with HP Lee)

ADAM FLETCHER

Blogs

'Do we need better privacy protection in Australia?', *Castan Centre for Human Rights Law Blog*, WordPress, 31 October 2011

'Retrospective People Smuggling Bill: a Breach of our Constitution?', *Castan Centre for Human Rights Law Blog*, WordPress, 9 November 2011

'Can the Australian Government Return Unsuccessful Asylum-seekers to Afghanistan?', *Castan Centre for Human Rights Law Blog*, WordPress, 15 November 2011

'Rolling the Federal Anti-Discrimination Acts into One "Great Big New Law"', *Castan Centre for Human Rights Law Blog*, WordPress, 5 December 2011

'Turning Back the Boats – Back to the Future on Asylum Policy', *Castan Centre for Human Rights Law Blog*, WordPress, 25 January 2012

'Human Rights are not Luxuries', *Castan Centre for Human Rights Law Blog*, WordPress, 14 February 2012

'Extradition and Mutual Assistance Changes Slip in under the Radar', *Castan Centre for Human Rights Law Blog*, WordPress, 7 March 2012

'Serco and Asylum-seekers' Rights in Detection', *Castan Centre for Human Rights Law Blog*, WordPress, 16 March 2012

'Signs of Progress on Independent Detention Oversight' *Castan Centre for Human Rights Law Blog*, WordPress, 2 April 2012

'Transparency and accountability – is the UN leading by example?' *Castan Centre for Human Rights Law Blog*, WordPress, 18 April 2012

Media

'Undermining the migration act', The Drum, 13 October 2011

Submissions

Submission on Commonwealth Government's Issues Paper: A Statutory Cause of Action for Serious Invasion of Privacy, October 2011

Submission to the Senate Legal and Constitutional Affairs Committee regarding the Inquiry into Deterring People Smuggling Bill 2011, November 2011

Submission to Australian Government Attorney-General's Department regarding the Consolidation of Anti-Discrimination Laws paper, January 2012 (with K. Vandenberg, R. Loftus, K. Tu)

Submission to the Department of Foreign Affairs on a draft Charter of the Commonwealth, February 2012

Submission to Senate Legal and Constitutional Affairs Committee, Migration Amendment (Removal of Mandatory Minimum Penalties) Bill 2012, February 2012

Submission to the Joint Standing Committee on Treaties regarding 'The Optional Protocol to the UN Convention against Torture' March 2012

Submission to the Attorney General's Department in Favour of Australia Signing and Ratifying the Third Optional Protocol to the Convention on the Rights of the Child, April 2012 (with P. Gerber)

PAULA GERBER

Articles

'The UN and the Human Right to Water: Has the Tide Turned?' (2011) 36(1) *Alternative Law Journal* 21-26 (with B. Chen)

'The United Nations Declaration on Human Rights Education and Training: Are its strengths greater than its weaknesses?' (2011) 36(4) *Alternative Law Journal*

Blog

'Children will soon be seen AND heard by the UN', *Castan Centre for Human Rights Law Blog*, WordPress, 23 January 2012

Book

Current Trends in the Regulation of Same-sex Relationships (2010) Federation Press (with A. Sifris)

Book chapter

P. Gerber & A. Sifris, 'It Makes No Sense: Adoption by Same-sex Couples in Australia' in Marsh, Victor (ed) *Speak Now: Australian Perspectives on Same-sex Marriage* (2011) Clouds of Magellan Press, Melbourne

Media

'Denying gay marriage will only hurt the children' Opinion piece, *The Age*, page 15, 7 September 2011

Radio interview with 98.9FM (National Indigenous Radio Service) based in Qld, on the Indigenous Birth Registration Project, 28 February 2012, (with Melissa Castan)

'Same-sex pairs: An 'I do' dilemma', *Monash Weekly*, 23 April 2012

Paper

'10 things you should know about the new Optional Protocol' Symposium on the Recent developments concerning the Convention on the Rights of the Child, 24 April 2012

Submissions

Shadow Report to the UN Committee on the Rights of the Child Regarding Australia's compliance with Article 7 of the *Convention on the Rights of the Child*, 22 June 2011

STEPHEN GRAY

Articles

'Ferdinand von Schirach, Crime', in (2011) 36:1 *Alternative Law Journal* 72

""Far too little Flogging"": Chinese and the Criminal Justice System in the Northern Territory", (2011) 22 *Journal of Northern Territory History* 1-34.

Books

The Protectors, a journey through whitefella past, Allen & Unwin, 2011

Brass Disks, Dog Tags and Finger Scanners: The Apology and Aboriginal Protection in the Northern Territory 1863-1972, Charles Darwin University Press, 2011

Criminal Laws, Northern Territory, 2nd edition, Federation Press, 2012 (co-written with Justice Jenny Blokland, Northern Territory Supreme Court).

SARAH JOSEPH

Articles

'Andrew Bolt, Free Speech and Racial Intolerance', (2011) 36: 4 *Alternative Law Journal*

'Protracted Lawfare: the tale of Chevron Texaco in the Amazon' (2012) 3 *Journal of Human Rights and the Environment* 70-91

'Social Media, Political Change and Human Rights' (2012) 35 *Boston College International & Comparative Law Review* 145-188

Blogs

The "Occupy" movement and the importance of civil protest', *Castan Centre for Human Rights Law Blog*, WordPress, 26 October 2011

'Plain packaging legislation and international investor rights: a challenge to Australia's regulatory sovereignty', *Castan Centre for Human Rights Law Blog*, WordPress, 28 November 2011

'The Human Rights (Parliamentary Scrutiny) legislation: an important but "second best" development', *Castan Centre for Human Rights Law Blog*, WordPress, 29 November 2011

'Time's person of the year: The Protestor', *Castan Centre for Human Rights Law Blog*, WordPress, 15 December 2011

'A silly season blog: Tintin and Human Rights', *Castan Centre for Human Rights Law Blog*, WordPress, 26 December 2011

'Sinking boats: a reason to reconsider compassion?', *Castan Centre for Human Rights Law Blog*, WordPress, 5 January 2012

'Sometimes cricket is "just not cricket"', *Castan Centre for Human Rights Law Blog*, WordPress, 16 January 2012

'Victoria's Human Rights Charter to be Retained, but its Future still Unclear', *Castan Centre for Human Rights Law Blog*, WordPress, 16 March 2012

Book

Blame it on the WTO: A Human Rights Critique (OUP, Oxford, 2011)

Media

"#Occupy movement: different aims, but united by the importance of civil protest", *The Conversation*, 27 October

Radio 3CR, interview on Occupy Melbourne, 28 October

Radio Australia, interview on the Occupy movement, 3 November

'Tintin, human rights and politics', *The Conversation*, 26 December 2011

'Victoria's Human Rights Charter: Future still unclear', *The Drum*, 15 March 2012

Papers

'Twitter Revolutions', *Melbourne University Law School*

'International human rights law, journalism and the public interest', in 'Tomorrow's law: disclosure of information – balancing public and private interests', *Macquarie University* (hosted at Customs House, Sydney), 18 November 2011

Submissions

Submission to the Australian Government regarding the Independent Inquiry into Media and Media Regulation, November 2011

Evidence given to the Federal Legal and Constitutional Affairs Committee, 11 November 2011 (with Adam Fletcher) on the *Deterring People Smugglers Bill* 2011

Other

Completed PhD Supervision - Ekram Haque, 'Constitutional Protection of Economic Social and Cultural Rights in Bangladesh', (2008-11)

JOANNA KYRIAKAKIS

Blogs

'Mining, Security and Human Rights', *Castan Centre for Human Rights Law Blog*, WordPress, 30 December 2011

'Pirates Incorporated: The US Supreme Court to decide if corporations are liable under the Alien Tort Statute', *Castan Centre for Human Rights Law Blog*, WordPress, 5 March 2012

ADAM MCBETH

Book

The International Law of Human Rights 2011, Oxford University Press, Melbourne, (with J Nolan & S Rice)

Paper

'A Tale of Two Projects: Human Rights Accountability in Development Projects', Human Rights & Governance Colloquium, 24-25 November 2011, QUT, Brisbane, 2011

MARIA O'SULLIVAN

Article

'Non-state actors of Protection in Refugee law' (2012) 24(1) *International Journal of Refugee Law*, 1-26

Media

Radio Interview with *ABC Radio Australia* on the High Court decision M70 on the Malaysian solution, 19 October 2011

'Abbott's asylum seeker policy floats in murky legal waters', Online: *The Conversation*, 24 January 2012

TANIA PENOVIC

Articles

Book Review: "Human Rights and the Unborn Child", Rita Joseph, (Martinus Nijhoff, 2009), *Human Rights Quarterly* 33 (2011) 229-242

'Labor's 'New Directions in detention' three years on: Plus ça change' (2011) 36(4) *Alt LJ* 222, 240-244

'An end to the 'Malaysia Solution', (2011) 36(4) *Alt LJ* 222, 280

Blog

'Another 356 pages on the excesses of immigration detention', *Castan Centre for Human Rights Law Blog*, WordPress, 4 April 2012

Paper

'Implementing Human Rights in immigration detention facilities' at 'Implementing Human Rights in Closed Environments 2012 Conference' 21 February 2012

Other

Training of delegates from the Iraqi Ministry of Human Rights in Transitional Justice (2012)

RONLI SIFRIS

Book Chapter

'Is Australia respecting a woman's right to reproductive freedom?: An analysis of recent legal developments' in Paula Gerber and Melissa Castan (eds), *Contemporary Human Rights Issues in Australia* (Thomson Reuters, forthcoming)

Other

Training of delegates from the Iraqi Ministry of Human Rights in Transitional Justice (2012)

Blog

'Southern Somalia: Don't let the Kenyan military run the show', *Castan Centre for Human Rights Law Blog*, WordPress, 23 February 2012