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No study of criminology can be complete without a consideration of its interface with human rights. The most sophisticated system of criminal jurisprudence is of little value if any of those said to have offended against it are detained for unreasonable lengths of time without formulation of the nature of the offence with particularity or are detained indefinitely thereafter without being brought to trial. What justice is there if an alleged offender is not accorded a fair trial when he does eventually face those who are to pass judgment upon him or he is condemned to punishments which degrade him and deny his dignity as a human being?

Since its creation following World War II the United Nations has made a huge contribution by promoting human rights, protecting vulnerable minorities and providing humanitarian aid of all kinds.

The number of people promoting human rights through education and the media, the growth of organizations protecting people through direct action such as Amnesty International, *Medicins sans Frontieres*, and the enactment of legislation providing for the protection of human rights, reflect the impact of the Universal Declaration of Human Rights since its adoption and proclamation in 1948. That Declaration has become the standard by which the dignity and worth of the human person can be measured.

The core value underlying any declaration, legislation or initiative dealing with human rights is the truly fundamental principle which recognises the uniqueness and intrinsic worth of each individual human being and his or her corresponding entitlement to access to all the resources of society. As Kofi Annan, Secretary-General of the United Nations has said:

> Human rights are what reason requires and conscience demands. They are us and we are them. Human rights are rights that any person has as a human being. We are all human beings; we are all deserving of human rights. One cannot be true without the other.

I trust we shall one day achieve a society where the fundamental nature of this principle is innate in all its members. In the meantime we rely heavily on community organisations and government agencies to act as overseers, advocates and educators in the field.

We rely also on organisations such as the Australian and New Zealand Society of Criminology to point the way to a proper recognition and implementation of human rights with particular respect to the administration of the criminal law and, perhaps more importantly, the identification and neutralisation of those circumstances which lead people into conflict with the criminal law. In this regard the community has an obligation, and one I suggest your Society in particular should shoulder, to consider those factors which lead to social disharmony. We were all appalled at the outbreak of conflict on Cronulla Beaches in December, 2005. Certain sections of the ethnic community were said to have incited the intolerant and jingoistic response by large numbers of Australian-born citizens which led to reprisals which were condemned as un-Australian and which, apparently, were in turn reciprocated by the minority which had borne the brunt of that intolerance. But, if Lebanese youths did provoke this reaction by behaviour to which a large section of the rest of the community reacted so violently, could it be that this has resulted from a marginalisation within our society of that group with its different religious and cultural attitudes – a marginalisation which has at its base a lack of respect for their dignity as human beings and a lack of willingness to ensure that they have educational, employment and social opportunities without which their human rights are threatened if not denied? The same question can be asked in respect of other deprived sections of the community including, in particular, many of our aboriginal citizens. Unlike Zola, '*Je n'accuse pas*', but I urge consideration being given to whether there are denials of human rights in our society and if so how best these can be remedied.

Adopting a rating system based on both the ability to participate freely in the political process and the existence of civil liberties including the freedom to develop views, institutions and personal autonomy apart from the state and the operation of the rule of law and economic and religious freedoms; of the 209 countries and territories of the world, Australia is one of only 39 which can be regarded as free. As such we are in a position of both privilege and responsibility to ensure that human rights are respected in both our own country and to draw attention to violations of human rights in other countries. When we become aware that rights are being violated we are both legally, by virtue of our treaty obligations, and morally, bound to act.

Despite this rating we should not smugly assume that every individual or section of our community does enjoy the civil liberties to which I have referred.

I have previously spoken about the issue of torture. Though widely practiced by most courts of the *ancien régime* it was acknowledged by Nicholas Eymerick, author of a Handbook for Inquisitors, that torture itself was not a certain means of discovering the truth. He wrote 'There are weak men who, at the slightest pain, confess even to crimes that they did not commit, and others, stronger and more stubborn, who will bear the greatest torments.' English jurisprudence has for centuries set its face steadfastly against such methods not only on the basis of their intrinsic unreliability but also because they constitute a degrading of the victim and of those who use them, directly or vicariously.

Until recently, few people disputed the principle that torture under any circumstances was repugnant. But in the context of the war on terror, the idea that torture may be justified in some circumstances is being seriously advocated.

One of the great achievements of the United Nations has been the International Convention on Civil and Political Rights. The particular focus upon torture in this convention reflects the fact that of all violations of human rights torture is one of the most horrible and degrading. Even in the war on terror, we must never be seduced by the idea that torture is justifiable. Torture can have no place in a democracy, committed to freedom, the rule of law and respect for human rights, and torture should have no place in the judicial and military practices of a nation so committed.

In his recent Message for the Celebration of the World Day of Peace on 1 January 2006 Pope Benedict re-asserted that 'not everything automatically becomes permissible between hostile parties once war has regrettably commenced.' He went on

> 'As a means of limiting the devastating consequences of war as much as possible, especially for civilians, the international community has created an international humanitarian law. In a variety of situations and in different settings, the Holy See has expressed its support for this humanitarian law, and has called for it to be respected and promptly implemented, out of the conviction that the truth of peace exists even in the midst of war. International and humanitarian law ought to be considered as one of the finest and most effective expressions of the intrinsic demands of the truth of peace. Precisely for this reason, respect for that law must be considered

> binding on all peoples. Its value must be appreciated and its correct application ensured; it must also be brought up to date by precise norms applicable to the changing scenarios of today's armed conflicts and the use of ever newer and more sophisticated weapons.

Sadly, it would seem that there is still a reluctance in some quarters to unequivocally denounce torture as a weapon in the war against terror.

We need to seriously address the question of whether Australia is doing as much as it can to help to eradicate torture by diplomatic pressure, sanctions and unrelenting public exposure of the countries in which it is being carried out.