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Ruddock to be pressed for better sedition laws

December is likely to be the quietest month of 2006 for civil liberties activists, in sharp contrast to 2005, when the Australian Government was ramming through the Anti-Terrorism Act which now holds sway, including the draconian sedition laws.

CLA will work during December to put pressure on the Attorney-General, Mr Ruddock, to change the sedition law in line with Australian Law Reform Commission recommendations.

Australia has had bad law for a year, because the A-G passed legislation before getting the ALRC to analyse it and propose improvements.

The ALRC proposed changes to the law are contained in their report, *Fighting Words: A Review of Seditious Laws in Australia*, report No 104. Go to:

<http://www.alrc.gov.au/publications/recentpubs.htm>

CLA's Goulburn branch, at its November meeting, passed a unanimous motion to write to Mr Ruddock, both as a branch and individually, to ensure he adopts the sensible ALRC suggestions. Goulburn will also pressure its federal MP, Mr Alby Schultz, the Member for Hume.

The Goulburn branch is also generating ideas for a campaign so ordinary Australians can show David Hicks that we haven't forgotten him. Some form of card-writing campaign is envisaged, with further details to be announced later in December.

The Goulburn branch's campaign is likely to become a national CLA initiative.

Other December activities will include:

- meeting ACT Greens MLA, Dr Deb Foskey, and Labor Speaker, Mr Wayne Berry (a CLA member);
- meeting Howard Glenn of Rights Australia to discuss the joint 'Australian Fair Go Values' project;
- interviewing one of the founders of civil liberties in the ACT in the 1970s, Forbes Gordon (a new CLA member from Braidwood), with a view to starting a history collection;
- encouraging the expansion of a Braidwood CLA group;
- attending the ANU's Pacific Update forum, with a view to helping fledgling civil liberties movements in the Pacific; and
- attending a lecture by independent scholar and Australian Defence Force Academy lecturer, Dr Clinton Fernandes, on East Timor with a similar view to learning about opportunities for CLA to help local groups.

For a FULL REPORT of CLA activities in NOVEMBER, see later in newsletter.

THE LAST WORD: Yankees pitch for switch hitters

"He's not all she seems" will be the new catchcry for birth certificates when sex becomes optional. See story at end of newsletter.

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– from NY Times and other sources, 18 Nov 06

Hicks trial delayed until \$125m building completed?

The US military has revealed that it plans to build a \$160 million compound at the Guantánamo Bay (Gbay) Naval Base in Cuba in preparation for trials.

The war-crimes trials for terrorism suspects, including Australian David Hicks, would be held from the middle of 2007.

The minimum seven-month delay was revealed simultaneously with US President Bush assuring Australian Prime Minister John Howard, when they met in Vietnam, that the trials would begin 'as quickly as possible'.

The Gbay compound would accommodate up to 1,200 people, with dining areas, work spaces and sleeping accommodation for administrators, lawyers, journalists and others involved in trials. There would be three courtrooms for simultaneous trials, and a separate high-security area to house those on trial.

Lt. Cmdr. Chito Pepler, a Pentagon spokesman, said the government hoped to begin construction as soon as possible to be ready for trials no later than 1 July.

– from UNity, the UN Assn of Australia, e-newsletter, 17 Nov 06

For refugees, Christmas Island isn't

The new immigration detention camp being built on Christmas Island, dubbed 'Australia's Guantanamo Bay' by opponents, will have bedroom cameras, electric fences and electronically-controlled doors allowing centre-wide lock-downs, plans leaked to the *Sydney Morning Herald* show.

The level of security and surveillance, greater than at any existing detention centre, makes parts of the complex comparable to a maximum security prison.

But with numbers arriving by boat plummeting since 2003, critics are asking why the 800-bed centre, thought to have cost more than \$240 million, is being built at all, the newspaper asks.

For more information, <http://www.smh.com.au/news/national/detention-camp-has-it-all-but-no-people/2006/11/16/1163266639951.html>

– from ABC (radio) Online, 13 Nov 06

Ruddock pooh-poohs Australian Bill of Rights

The federal Attorney-General, Philip Ruddock, said last month that an Australian Bill of Rights would not provide any more human rights protection than existing anti-discrimination laws.

Mr Ruddock said specific anti-discrimination laws protected and promoted human rights far more than general statements, according to an ABC Radio report.

He said there was a "certain chauvinism" in those who see a Bill of Rights as the most appropriate way to protect Australians into the future.

"We may well have entrenched the same rights that they have found impossible to move out of the American Constitution – dealing with the right to bear arms," he said.

"Now people would say, 'well we are not going to do that now', but who is to say that what we see as being balanced and appropriate at this time, is appropriate for all time."

<http://www.abc.net.au/news/newsitems/200611/s1787465.htm>

The quality of Mr Ruddock's judgmental opinions may be gauged against his belief that Guantanamo Bay detainee David Hicks has had a 'fair go'.

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Wheat inquiry's comparative justice delivered against the grain

After a process lasting a full year, 7654 pages of transcript and 1571 exhibits, Commissioner Terence Cole gave the report from his investigation of four companies' involvement in the UN's oil-for-food program.

By contrast, Mr Ruddock gave the Australian Law Reform Commission 90 days to report on sedition laws which affect 20 million-plus Australians.

Howard, Ruddock given power to create disasters

The Privacy Legislation Amendment (Emergencies and Disasters) Bill 2006, which passed in late November, provides for collecting, using and disclosing personal information in an emergency or disaster.

"The Bill places beyond doubt the capacity of the Australian Government and others to lawfully exchange personal information for a specific purpose," Attorney-General, Mr Ruddock, said.

"It does not compel disclosure of personal information but confirms that disclosure is permitted in such situations."

The provisions of the Bill will be triggered by a declaration from either the Prime Minister or the Attorney-General that an emergency or disaster has occurred in Australia or overseas.

Copyright vision: jails await unobservant 14-year-olds

If you'd like an expert rundown on the new copyright legislation, go to this article by the Head of School of Law, Queensland University of Technology, Brian Fitzgerald.

"In a liberal democracy this level of censorship of social commentary is lamentable," Fitzgerald says in one section of his analysis.

"Australians deserve to be angered by this chain of events and should be extremely concerned at what this promises. Consumer sovereignty has been eaten away once more to the benefit of very large corporations," he says elsewhere.

He also warns that 14-year-olds are likely to be inadvertent victims of the laws.

<http://www.onlineopinion.com.au/view.asp?article=5068>

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Ruddock wants to harmonise laws, centralise authority

Attorney-General Philip Ruddock wants the States and Territories to adopt nationally consistent statutory declaration laws.

He claims they would save time and money for cross-border business people.

At the 9 Nov meeting of the Standing Committee of Attorneys-General (SCAG), Mr Ruddock also promoted uniform statutes of limitation and harmonising civil procedure law so the Australian Government can accede to the *Hague Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters*.

Other items on the SCAG agenda included uniformity for evidence laws and reforms aimed at enhancing Australia's coroners' ability to investigate following an emergency without cross-jurisdictional uncertainty.

SCAG is also considering a national system for electronic conveyancing to complement a single national register for security interests in personal property other than land.

– from UNity, the UN Assn of Australia e-newsletter, 10 Nov 06

Army and police chiefs support four hours sleep only

Army chief Lieutenant General Peter Leahy and Australian Federal Police Commissioner Mick Keelty have both ruled out "sleep deprivation" as an appropriate form of interrogation for prisoners held by Australia.

However, it is cautionary to see precisely what they rule out: the Australian Defence Force's interrogator's handbook says detainees must get the same amount of sleep as recommended for soldiers on operations – four consecutive hours out of every 24.

Only four hours out of 24 is just OK for a soldier being rotated through frontline operations at intervals of a few days, and aided by pills and supplements and freedom to move in personal space; however, it is not adequate if only four hours daily is allowed for sleep for a detainee not permitted any such 'extras'.

Attorney-General Philip Ruddock has stated recently he did not regard sleep deprivation as torture; he was supported by the Justice Minister, Senator Chris Ellison.

It is easily within Mr Ruddock's and Senator Ellison's grasp to try for themselves a regime of four hours sleep only – and no dozing at the big desk, or on the plane – for a period of, say, three days. We could then have a personal report from each of them on how well they feel on the fourth day, and observe for ourselves on TV how lucid are their answers to reporters' questions.

– adapted from CLA member Keith McEwan's letter to the Canberra Times

Tasmania leads in practical reconciliation

Many people of goodwill are joining with thousands of indigenous Australians in celebrating the Stolen Generations Bill just passed through the Tasmanian Parliament.

Initiated by Labor and supported by Liberal and Independent members, the new law offers compensation of \$5 million to Aborigines taken from their families under government assimilation policies enforced over decades.

Nine years after the moving *Bringing Them Home* report was tabled in the Australian Parliament, this act of reconciliation by the Tasmanian Parliament is an outstanding example for other States, Territories and the federal government to follow.

Indigenous people struggling to link-up with separated family members, and those suffering ongoing trauma from their past removal as children, will be heartened by this historic act.

The compensation package, limited as it is, strikes a telling blow to powerful, influential voices stridently denying the gravity of such a monumental injustice imposed on the descendants of the Aboriginal people of Australia.

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– from an article by Ben Woodhead, *The Australian IT* pages, 14 Nov 06

HockeyCard starts to run out of time...before play starts

The Department of Human Services is tight-lipped on many specifications for the Access Card – the national ID card – project, including how it will register an estimated 32,000 people daily for the card between 2008 and 2010, Ben Woodhead wrote in *The Australian* last month.

The scope and complexity of the proposed card appears to be beyond the ken of the Minister, Mr Hockey – it is highly unlikely, even at this stage, that the card could be fully in place by his 2010 target date.

Rushing or truncating registration will compromise the supporting documentation process which is at the core of the system's supposed integrity, CLA believes.

The government has not left much time for the tender process, which on a project of this scale is likely to take six to nine months, Woodhead wrote.

The government is yet to commit to a timetable for issuing procurement tenders or tabling legislation that will govern every aspect of the card from privacy protection through to uses, allowed and disallowed.

ID card chief technology officer Marie Johnson was reported as saying that the Department of Human Services would issue tenders after a planned industry briefing in December, but the department could not say if the tender documents would be released this year or early in 2007.

<http://australianit.news.com.au/articles/0,7204,20752199^15306^^nbv^,00.html>

In another article by Karen Dearne, Graham Greenleaf, co-director of Cyberspace Law Centre, University of NSW, said Mr Hockey said the Government has accepted 22 of the 26 recommendations made by a task force to consult on the card.

Professor Greenleaf said that claim was totally misleading. "In fact, the Government has rejected every substantive issue."

The Government had rejected the task force's recommendations that the back-end database should not store photos of every person in the country, but only mathematical templates of the photos to assist fraud avoidance, he said. It also rejected advice that there be no signature on the card.

Australian Privacy Foundation chair Anna Johnston said the Government had dismissed a key recommendation that the personal identifying number not appear on the face of the card.

<http://australianit.news.com.au/articles/0,7204,20752200^15319^^nbv^,00.html>

Senate lecture produces good human rights quotes

Dr Simon Evans' Senate lecture at Parliament House in Canberra last month produced some great quotes. Here are a few:

'The human rights of offenders, particularly notorious offenders, will always struggle for traction in political debate – particularly in the run-up to an election. But a

commitment to human rights requires attention to the human rights of all – *especially* the unpopular and the marginalized.’

‘A recent survey conducted by Amnesty International revealed that Australians greatly value human rights but have a poor understanding of the extent to which their rights are protected under Australian law. 95 per cent of those surveyed stated they considered rights to be important or very important. 61% mistakenly believed Australia has a Bill or Charter of Rights.’

‘Human rights are inherently controversial. Everyone has a stake in that controversy and an equal right to participate in it. Human rights should therefore be the subject of democratic deliberation in legislatures rather than legal-technocratic assessment by courts.’

‘Parliaments can:

- agree and articulate a set of rights
- identify a clear and robust role for scrutiny committees
- provide adequate resources for scrutiny committees
- require government to prepare pre-legislative human rights impact analysis
- require ministers to provide reasoned statements about the human rights impact of legislation

‘These initiatives retain the Australian parliamentary tradition and ensure that rights issues are first addressed by democratic institutions. They should be adopted by all Australian Parliaments.’

‘The struggle to achieve human rights is not won with the passage of a human rights Act. Ultimately the success of a human right Act depends on parliamentarians and governments taking rights seriously as a constraint on government action; on governments providing the resources that are necessary for timely and effective scrutiny; and on Parliaments resisting the instinct to defer to the courts as the sole authoritative interpreters of human rights.

“In other words, the success of these Acts depend on their human rights values becoming part of political culture. Legislators are politicians and respond to the issues that their constituents regard as important. “

You can read the full transcript at

http://www.aph.gov.au/Senate/pubs/occa_lec/transcripts/index/htm

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Banks appointed to privacy body

Ms Robin Banks was last month appointed a part-time member of the Privacy Advisory Committee for three years.

She’s CEO of the Public Interest and Advocacy Centre and the Director of the Public Interest Law Clearing House. On the face of it, she is an excellent appointment by Attorney-General Philip Ruddock.

The committee advises Privacy Commissioner Karen Curtis, recommends material for inclusion in the Commissioner’s guidelines and consults with the community to help protect individual privacy.

Public comment invited on whistleblower protection laws

An issues paper released in November by the Commonwealth, NSW and Queensland Ombudsmen highlights the need for revised legislation to achieve a coherent and national approach to whistleblower protection.

According to a joint statement by the three ombudsmen:

“Whistleblowing or the preparedness of officials and employees to make public interest disclosures about wrongdoing within their organisations is vitally important to ensuring integrity and accountability in the public sector. It will not happen unless there is a sound legislative structure to facilitate and protect public interest disclosures.”

The issues paper compiled by Dr A J Brown has been prepared as part of a \$1m Australian Research Council-supported, national research project initiated by Griffith University in Brisbane to review Australian laws and practices.

The project is titled *Whistling While They Work: Enhancing the Theory and Practice of Internal Witness Management in the Australian Public Sector*.

For a copy:

<http://www.ombudsman.gov.au/commonwealth/publish.nsf/Content/9198B3DE41D4DA79CA257218007FA9C7?OpenDocument>

Submissions/comments by 30 March 2007: contact a.j.brown@griffith.edu.au

“This is an issue of national significance,” writes Mary Lander, reporting on a presentation in Canberra on 3 Nov 06.

“Whistleblowers play an important role exposing corruption or wrong-doing and acting in the public interest in so doing, they often pay a high personal price for raising issues that organisations and public sector agencies may prefer to suppress.

“Without adequate protection there is no incentive to do so (that is, to raise matters in the public interest). All too often we hear that the organisational response to those who make such disclosures is for management to close ranks against the employee and to discredit or victimise them,” she said.

“Whistleblowers are people who are loyal to the integrity of an organisation and not necessarily the people in it if they know them to be dishonest, unethical or corrupt, yet often their actions are interpreted acts of disloyalty, particularly by those in the senior management ranks who may have a personal interest in suppressing information relating to wrong-doing within their organisation or agency.

“However, corruption and maladministration have a real, tangible and adverse impact on outcomes, which in turn impact adversely on the public in various ways either directly or indirectly.

“It is only with the support of the like-minded individuals and groups that we can work towards a better legislative framework to ensure whistleblower protection and the integrity of the systems and processes in which the public have placed their trust.

“Whistleblowers Australia welcomes this initiative and thanks CLA for their support,” she said.

Note: A link to the October Edition of “The Whistle”. WBA’s quarterly newsletter for those who may be interested to find out more about whistleblowing issues:

http://www.uow.edu.au/arts/sts/bmartin/dissent/contacts/au_wba/whistle200610.pdf

UN backs whistleblowers: The newly created UN Ethics Office, which came into existence in January 2006, has pledged to protect whistleblowers against retaliation for reporting fraud and malfeasance in the UN system around the world.

Former Australian High Court Justice, Mary Gaudron, is currently developing a human rights/industrial relations arbitration and ‘court’ system for the UN.

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Oz ranks lowly for privacy and rights

Australia ranked 23rd out of 37 countries in the 2006 release of *'Privacy and Human Rights'*, the global comparison by Privacy International released last month.

Germany ranked 1 (best) and China 37 (worst). NZ and Canada both ranked ahead of Australia.

Anna Johnston, chair of the Australian Privacy Foundation, edited the Australian chapter of the publication. She said the report was compiled before the Access Card (the national ID card) and various other data-sharing initiatives were announced in Australia.

Watcher in the sky dogs junk mail routes

A Sydney firm delivering junk mail is tracking its staff by satellite and global positioning system (GPS) to make sure they stick to the route and stuff the correct number of letterboxes at the right time.

On a Saturday in late October, the kids' pocket money routine changed when a deliverer found she would have to strap a global positioning system around her waist.

Brian Evans, the managing director of PMP, Australia's largest junk mail deliverer, said the company was the first business in the world to use GPS technology this way.

It would allow PMP to prove to customers that all pamphlets were delivered on location on time.

- report based on: <http://www.theage.com.au/news/technology/junkmail-company-tracks-staff-by-satellite/2006/10/30/1162056902623.html>

- from UNity, UN Association of Australia e-newsletter, 10 Nov 06

Former PM Fraser says world judges us badly

A civilised society was judged by its law and by the way it treated minority groups, the former Liberal prime minister Malcolm Fraser recently told the NSW Law and Justice Foundation.

"Australia would be – is – judged badly," he said. "Today for a variety of reasons, but not least because the (federal) government has sought to set Muslims aside, discrimination and defamation against Muslims has been rising dramatically.

Too many people had taken the easy path and accepted the government's contentions that Muslims weren't like us and therefore it didn't matter if discrimination occurred and if access to the law did not apply, he said.

Mr Fraser also criticised Australia's subservience to the US, the folly of joining the Iraq war, the abandonment of David Hicks, the persecution of refugees, the new security laws, which "diminish the rights of all Australians", the arch-conservative rewriting of the nation's history and the threat to the multicultural society, an article in the *Sydney Morning Herald* said.

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Key CLA activities for November 2006 included:

The Directors and several members continued writing letters to the editor throughout the month on civil liberties topics such as whistleblowers, police car chases, capital punishment and jails.

The president sustained the practice of letters to people who had letters on civil liberties theme published, and several new members joined as a result.

CLA member Mary Bennet worked on collecting and distributing annual reports of relevant government departments and agencies. Completed to date: ASIO, ACT Policing, ACT Human Rights Office.

Media: There were numerous media interviews on police chases, as well as on ID card and death penalty issues.

Website: The CLA website was totally revamped during the month, with continued improvements, including both the ability to sign up new members on line and for members to make annual renewals.

The website now has a calendar, which is kept up to date with forward events, and also acts as a diary for completed events. There is a scrolling 'headlines' section on the website, and the ability to run a poll: currently, our poll is on David Hicks.

Web master is CLA member Lance Williamson, whose work is both much appreciated and much complimented by people coming to the CLA site for the first time..

Talks given by CLA: President Dr Kristine Klugman and CEO Bill Rowlings addressed U3A meeting at Canberra Labour Club Belconnen on *Civil Liberties Today*. Mr Rowlings presented *How the State Kills People* to an ANU Centre for Public and Law forum on capital punishment at the National Museum of Australia.

Meetings included the annual meeting with Chief Minister Jon Stanhope, who was both very supportive of the concept of civil liberties work, and very complimentary in terms of CLA's achievements and activities over the past two years. Topics discussed with Mr Stanhope included the ACT prison, and in particular Radio Frequency ID (RFID) and other new technology systems.

As a result, CLA has asked formally for a detailed briefing on all electronic surveillance measures planned for the new Canberra prison, to open in 2008.

Other meetings were held with the editor-in-chief of the *Canberra Times*, Jack Waterford, and police reporter Tamara Glumac, and with Police Consultative Board chair, Associate Professor David Biles.

Death penalty work progressed by Director Vic Adams, particularly working towards 30 November 'Cities for Life' activities, under which the statue of Ethos in central Canberra was to be illuminated all night.

Talks attended: Senate Occasional Lecture: Simon Evans: Aust Parliaments and Protection of Human Rights, an excellent paper. See p6 for some highlights of the talk, and for the URL if you would like to read the paper.

Seminar: ANU's Centre for International and Public Law (CIPL): Public Interest Disclosure Legislation in Australia (see story below).

Internship: After corresponding with the chairs of Legal and Constitutional Committee and the Scrutiny of Bills Committee, finally resolved for ANU student member of CLA, Amanda Alford, to work with the Clerk of the Senate, Mr Harry Evans. Topic: review of the legislation passed since 2001 which has impacts on civil liberties and human rights. CLA legal supervisor is new member, Mr Ernst Willheim, while Mr Evans will be co-supervisor and ANU Law School internship coordinator, Mr Peter Ford (also a CLA member), will be academic supervisor.

Social: CLA held a second spring gathering at home of the President and CEO on 26 November for members to meet each other, and talk about civil liberties issues. Booking for stage show *Keating!* in January 2007: 21 members will attend CLA's annual theatre outing.

Goulburn branch: CLA member Father John Parsons spoke on sedition, and the meeting resolved to write in support of Australian Law Reform Commission recommendations. Also decided to send Australia Day cards to David Hicks, and hold a candidates' forum before the upcoming NSW election to ask candidates their views on civil liberties and human rights issues.

Events planning: A proposed exhibition of cartoons with civil liberty/human rights themes is being managed by CLA member June Verrier. She is in discussions for a display at the ACT Museum and Art with Deputy Director Mark vanVeen, with the timing to be possibly late-2007.

We have also investigated sharing the Aboriginal Cultural Centre facilities at Yarramundi Reach in Canberra, which appear very suitable. While there is a charge for the venue, it is an excellent, central location and there may be two-way benefits in the civil liberties and Aboriginal communities getting to know each other better.

Projects: CLA is working with Howard Glenn and Greg Barns of Rights Australia to develop an 'Australian Values' project, based on the Aussie notion of a 'Fair Go', to counter-balance what may be very conservative, right-wing propaganda emanating from the Australian Government's 'citizenship and values' campaign. More details will be announced in December.

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Peacekeepers number 81,000

UN peacekeeping deployment reached a historic high at the end of October, with nearly 81,000 military and police personnel and some 15,000 civilians serving in peace operations around the world in 18 different missions.

The budget would reach about \$9 billion, the UN Department of Peacekeeping Operations reported last month.

– from article by Sharon LaFraniere, NY Times, 15 Nov 2006

South Africa approves same-sex marriages

The South African Parliament last month voted 230-41 to legalise same-sex marriages.

It is the first country in Africa and the fifth in the world to remove legal barriers to same-sex marriages.

The vote follows South Africa's highest court ruling 12 months ago that South Africa's marriage statute violated the constitution's guarantee of equal rights, and gave the government a year to alter the legal definition of marriage.

Under the proposal approved by Parliament, heterosexual and same-sex couples could register marriages or civil partnerships. In a concession to critics, the law also would allow civil officers to refuse to marry same-sex couples if such marriages conflicted with their conscience, the NY Times reported.

If the measure is to become law, as both sides said they expected, it must be approved by the National Council of Provinces and signed by President Thabo Mbeki.

In many African nations, homosexuality is still treated as a crime. Some impose stiffer penalties for homosexual acts than for rape and murder, the NY Times said. Only the Netherlands, Belgium, Spain and Canada now allow same-sex marriages.

Central Asia and the Caucasus train in liberties/rights

Outside of the capital cities of the Caucasus and Central Asia, where many non-governmental organizations struggle to take root, a CLA member is helping them learn about civil liberties and human rights.

In these newly-aware areas of the world, would-be civil society actors lack experience and find it hard to access international assistance.

In some areas organizations like CLA are virtually unheard of, according to Chris Michaelsen, the CLA member now working with ODIHR.

The Organisation for Security and Cooperation in Europe's (OSCE) Office for Democratic Institutions and Human Rights (ODIHR) has been working in co-operation with the Armenian Helsinki Committee and the Tajik Republican Bureau on human rights and rule of law in the regions of Armenia and Tajikistan to strengthen the capacity of regional non-governmental organisations (NGOs) to monitor human rights in their communities.

Chris Michaelsen will be back in Australia briefly in January if anyone would like to speak with him first hand about his challenging work.

For more information, see <http://www.today.az/news/society/32748.html>

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– from a report by John Carvel, The Guardian, 21 Nov 06

GPs revolt over privacy of patient files

About 50 per cent of family doctors are threatening to defy British Government instructions to automatically put patient records on a new national database because of fears that they will not be safe, according to a Guardian poll.

The survey shows that GPs are expressing grave doubts about access to the "Spine" – an electronic warehouse being built to store information on about 50 million patients – and how information on it could be vulnerable to hackers, bribery and blackmail.

The survey reveals that four out of five doctors think the confidentiality of their patients' medical records will be at risk if the government proceeds with plans to load them on to the new database.

More than 60 per cent of family doctors in England also said they feared records would be vulnerable to hackers and unauthorised access by public officials from outside the NHS and social care.

Ministers have committed a large slice of the NHS's £12bn IT upgrade to developing the Spine. They acted on the assumption that doctors would provide the information without asking their patients' permission first.

The new system has been constructed to upload information from GPs' computer systems automatically, without giving patients a say. But the poll found 51 per cent of

GPs are unwilling to allow this uploading without getting each patient's specific consent.

Though no similar survey appears to have been taken in Australia, it is likely Australian doctors would just as jealously guard their patients' records.

Europe's judges rule terrorism over-reaction out of court

The Consultative Council of European Judges (CCJE), a Council of Europe advisory body, has just adopted an opinion on the role of judges in protecting the rule of law and human rights in the context of terrorism.

The main points of the opinion are as follows:

- While terrorism creates a special situation justifying temporary and specific measures which limit certain rights because of the exceptional danger it poses, these measures must be determined by the law, be necessary and be proportionate to the aims of a democratic society.
- Terrorism cases should not be referred to special courts or heard under conditions which infringe individuals' right to a fair trial.
- The courts should, at all stages of investigations, ensure that restrictions of individual rights are limited to those strictly necessary for the protection of the interests of society, reject evidence obtained under torture or through inhuman or degrading treatment and be able to refuse other evidence obtained illegally.
- Detention measures must be provided for by law and be subject to judicial supervision, and judges should declare unlawful any detention measures that are secret, unlimited in duration or do not involve appearance before a court established according to the law, and make sure that those detained are not subjected to torture or other inhuman or degrading treatment.
- Judges must also ensure that a balance is struck between the need to protect the witnesses and victims of acts of terrorism and the rights of those charged with the relevant offences.
- While states may take administrative measures to prevent acts of terrorism, a balance must be struck between the obligation to protect people against terrorist acts and the obligation to safeguard human rights, in particular through effective access to judicial review of the administrative measures.

– from Chris Michaelsen, CLA member, Warsaw

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– from an article by Salman Masood, NY Times, 16 Nov 06

Pakistan moves to reform rape laws

The lower house of the Pakistani Parliament has passed a Bill to amend rape laws among the world's most arcane and archaic.

The draft legislation still needs to pass the Senate and be endorsed by the Pakistani President, General Musharraf.

Under the current Hudood ordinance, women reporting rape can end up being prosecuted for adultery. Rape is included in matters covered under Islamic law, like marriage and divorce.

A woman who reports that she has been raped must produce four male witnesses to prove it. If she fails to do so, she can be prosecuted for adultery.

Thousands of women have been punished under the law, often on little evidence. Many women refuse to even try to bring rapists to justice, because the law is so one-sided.

The legislation passed last month gives judges the discretion to try rape cases in a criminal rather than an Islamic court. It also allows forensic and circumstantial evidence to be used as a basis for convictions, as with other crimes.

The amendment also introduces the concept of statutory rape, outlawing sex with girls under 16. The Islamic code had merely banned sex with girls before puberty.

– from UNity, UN Assn of Australia e-newsletter, 23 Nov 06

Saudi ban on travelling abroad

In a statement sent to human rights organisations and associations, Prof Matrook Alfaleh from King Saud University in Riyadh has denounced the fact that a group of Saudi reformers and their families have been banned from travelling overseas.

They had also been told not to speak to local and international media.

The group came to notice two years ago when 10 members were arrested for calling on Saudi Arabia to become a constitutional monarchy and for creation of an independent human rights study group.

For more information, www.asianews.it/view.php?!=en&art=7739

Security laws intrusive, say Canadians and Americans

New laws aimed at protecting national security after 11 September 2001 are intrusive, according to most Canadians and Americans.

That's among wide-ranging findings of a survey on the surveillance and privacy attitudes and experiences of 9,000 people in eight countries studied under the Globalization of Personal Data (GPD) project.

The survey asked questions about the surveillance of ordinary people by governments and employers, and via technologies like personal computers, biometrics and global-positioning systems.

Funded by the Social Sciences and Humanities Research Council of Canada and conducted by Ipsos Reid, the survey included nearly 50 questions on participant's attitudes about issues like consumer surveillance, racial profiling at airports, national ID cards, media coverage of surveillance issues, workplace privacy, knowledge of privacy regulations, control over personal data and public trust in government.

The answers revealed many commonalities but also cultural differences culled from participants in Canada, the US, China, France, Spain, Hungary, Mexico and Brazil.

Most respondents (figures represent percentages):

- believe surveillance laws are intrusive (US 57 per cent, Canada 48, Spain 53, Mexico 46, Brazil 41, France 40);
- worry about providing personal information on websites (China 54, Canada 66, Brazil 70, Spain 62 and US 60);

- believe the use of closed circuit television deters in-store crime (Mexico 88, US 80, Canada 79, France 73);
- rejected outright the premise that airport authorities should give extra security checks to visible minority passengers – about 60% of Chinese, Hungarians, Brazilians and Canadians but only a third of Americans found such practices unacceptable.

Culturally distinctive survey findings include:

- 63% of Chinese respondents trust the government to protect the personal information it collects compared to just 48% of Canadians and only 20% of Brazilians; and
- 82% of Canadians and 80% of Americans say they are knowledgeable about the Internet compared to just 35% of Mexicans and 33% of Brazilian respondents.

More information: <http://www.queensu.ca/sociology/Surveillance/>

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– from a report by David Lague in the NT Times, 1 Nov 06

China to slash executions by about one-third

From 1 January 2007, all death sentences in China must be reviewed by the Supreme People's Court.

This change to the law restores a power stripped from the Supreme Court in 1983 and given to provincial courts as part of a major crackdown on crime.

Mounting criticism from international human rights groups and Chinese legal scholars for “widespread and arbitrary use of the death penalty” is believed to have motivated the reversion to the old system.

China executes more people every year than all other nations combined, by some Chinese estimates, up to 10,000 a year. In recent years there have been a number of executions of people later proved innocent.

China's legislature, the National People's Congress, approved the amendment to the law. State news media estimated executions could drop by 30 per cent under the new system, though they did not explain their methodology.

China does not disclose the number of executions it carries out under the criminal code, where almost 70 offences carry the death penalty.

Citing publicly available reports, Amnesty International estimates that at least 1,770 people were executed in 2005 — more than 80 per cent of the world's total — and 3,900 were sentenced to death.

<http://www.nytimes.com/2006/11/01/world/asia/01china.html>

– from a report by Ryan Singel in Wired magazine, 30 Oct 06

Americans get new 'ticket' to ride

Americans will need a new "PASS card" or a passport to fly back into the USA from neighboring countries from 1 January 2008 .

Currently a driver's license is enough to get an American back inside their own country from neighboring spots. From 2008, people making even quick, cross-border jaunts by car will need full documentation.

Last month, the US State Department announced that it would soon be issuing new cards for visitors to Mexico, Canada and the Bermudas containing a chip that could be read from 20 feet away.

RFID chips are being used in US passports, in cards used to identify transportation workers and in cards for federal employees. They are also expected to feature in the Registered Traveler program, the soon-to-be-released standards for all US State driver's licenses under the REAL-ID act, as well as in proposed medical cards.

RFID (radio frequency identification) chips, which either have a battery or use the radio waves from a reader to send information, are widely used in tracking inventory or for freeway toll payment systems.

Critics say hackers can skim information off the chips, which also can be used to track individuals. Hackers have also been able to clone some chips, such as those used for payment cards and building security, as well as passports.

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– from The Guardian, 31 Oct 06

UK charges 400 over terror in five years

Nearly 400 people have been charged with terrorist offences during the past five years, the UK Home Secretary, John Reid, announced in late October.

Mr Reid said that since the 11 September 2001 attacks, 387 suspected terrorists or sympathisers had been charged under the Terrorism Act and other criminal legislation.

Of those, 214 had since been convicted and another 98 were awaiting trial.

– from UNity, UN Assn of Aust e-newsletter, 2 Nov 06

UN moves to set standards on arms deals

A UN General Assembly committee to develop a new treaty to strengthen arms embargoes and prevent human rights abuses by setting uniform global standards for arms deals, according to a *Reuters* report.

The assembly's Disarmament and International Security Committee voted 139 to 1, with the US casting the sole 'no' vote. Nations abstaining included China and Russia, Pakistan and India, while emerging arms exporters, including Brazil and South Africa, supported the resolution.

The UN General Assembly is yet to vote on whether to confirm the initiative.

Meanwhile, the USA in 2005-6 ceded to Russia and France its role of top arms supplier to the developing world, according to a new congressional study.

The annual report by the Congressional Research Service showed the US share of the arms transfer market dropped from 35.4% to 20.5% between 2004 and 2005 and Russia made last year \$7 billion selling weaponry to Asia, Africa and Latin America. France rose to second place, with \$6.3 billion worth of deals, an *AFP* report said.

– from a report by William Broad, NY TIMES, 3 November 06

US Administration's web site shows how to make nuclear bomb

A web site, set up by the US Government to host a huge archive of Iraqi documents, captured during the war, contained detailed instructions on how to make nuclear bombs until being shut down in a panic recently.

New documents added to the site in recent weeks included detailed accounts of Iraq's secret nuclear research before the 1991 Persian Gulf war.

The documents, weapons experts say, constituted a basic guide to building an atom bomb.

The US Government hurriedly shut down the web site after *The New York Times* asked about complaints from weapons experts and arms-control officials, the newspaper said.

A spokesman for the director of national intelligence said access to the site had been suspended "pending a review to ensure its content is appropriate for public viewing."

The dozen documents are charts, diagrams, equations and lengthy narratives about building a bomb that nuclear experts who have viewed them say go beyond what is available elsewhere on the Internet and in other public forums. "For instance, the papers give detailed information on how to build nuclear firing circuits and triggering explosives, as well as the radioactive cores of atom bombs," the *NY Times* reported.

"For the US to toss a match into this flammable area is very irresponsible," said A. Bryan Siebert, a former director of classification at the federal Department of Energy, which runs the nation's nuclear arms program. "There's a lot of things about nuclear weapons that are secret and should remain so."

The US government had received earlier warnings about the contents of the web site.

Six months earlier, after the site began posting old Iraqi documents about chemical weapons, UN arms-control officials in New York won the withdrawal of a report that gave information on how to make tabun and sarin, nerve agents that kill by causing respiratory failure.

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– Op-Ed Contributors, from NY Times, 30 Oct 2006-10-30

Turn North Korea Into a human rights issue

By Vaclav Havel, Kjell Magne Bondevik and Elie Wiesel

...North Korea holds as many as 200,000 people in its political prisons. Not only are real or imagined dissenters imprisoned, but so are their relatives, including the elderly and children, under a guilt-by-association system instituted by North Korea's founder, Kim Il-sung.

Prisoners in the gulag are provided starvation-level rations, forced to work long days under brutal conditions, and many face torture or execution for trivial offenses. It is estimated that more than 400,000 have died in the North Korean gulag over 30 years...

North Korea refuses to recognize the legitimacy of the UN special rapporteur on human rights in North Korea and has denied his numerous requests for access to the country...

...As a first step, the UN Security Council should adopt a non-punitive resolution urging open access to North Korea for humanitarian relief, the release of political prisoners, access for the special rapporteur and engagement by the UN.

Vaclav Havel is the former president of the Czech Republic. Kjell Magne Bondevik is the former prime minister of Norway. Elie Wiesel, a professor of humanities at Boston University, was awarded the Nobel Peace Prize in 1986.

Online world seeks similar 'rules' to the real world

An Internet Governance Forum, held in Greece last month, has produced a number of groups to tackle major online issues.

One group will work towards creating an 'Internet Bill of Rights'.

Another group will work for international access to knowledge and protecting freedom of expression online.

Reporting is China's third most dangerous job

Being a reporter is the third most dangerous occupation in China, according to the official Xinhua news agency.

Writing in *The (London) Guardian* on 9 November, Roy Greenslade said only miners and policemen face more perils.

An increasing number of reporters were obstructed, scolded, even beaten during interviews, according to a Chinese report.

To help injured journalists, Shengjing hospital in the northeastern city of Shenyang has even set up a foundation. Its vice-director, Zhang Chengpu, said: "The foundation will help reporters to pay part of their medical fees if they are attacked or wounded."

China is the world's leading jailer of journalists, with at least 32 in custody, and another 50 Internet campaigners also in prison, according to Reporters Without Borders.

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East Timor human rights report is launched

The ground-breaking 2500-page report of East Timor's Reception, Truth and Reconciliation Commission (CAVR) documents the nation's human rights abuses under Indonesian occupation.

Dr Mark Byrne, convenor of the Australian Coalition for Transitional Justice in East Timor (ACTJET), says the report explains some of the underlying causes of the recent violence in East Timor.

It is to be launched in all capital cities. Details, Dr Mark Byrne, Senior Researcher, Uniya Jesuit Social Justice Centre, on (02) 9356 3888.

– from ACLU email, 17 Nov 06

ACLU lodges legal cases to ensure phone privacy

The American Civil Liberties Union (ACLU) last month launched a nationwide consumer campaign demanding that administrators and regulators protect the privacy of Americans' phone records.

The ACLU's director of the Technology and Liberty Project, Barry Steinhardt, said it was "illegal and un-American" for a phone company to hand over a person's phone

records to the government without a legal order. "But it looks like that's just what they're doing: violating the privacy and rights of millions of innocent Americans in the process," he said.

The ACLU has filed formal documents with the Federal Communications Commission, insisting that they fulfill their regulatory obligation and investigate the claimed breach of consumer trust. At the same time, ACLU offices across the USA have filed similar demands with state regulatory authorities.

More details: <http://www.aclu.org/dontspy>

– from Human Rights First email, 9 Nov 06

In Colombia, even fishing is a dangerous pastime

Members of a notorious Colombian army unit killed Leider de Jesus Castrillon Sarmiento and seriously injured his son while they were fishing in late October.

The army admitted shooting Mr Castrillon, a prominent community leader in Norosi, Bolivar department, and his son but described it as a 'military error'. It also admitted killing a local mining union leader, Mr Uribe, in September, but said he was a guerrilla-terrorist killed in combat.

The killings appear to be part of a broader trend by Colombian authorities to condone and even instigate attacks against non-violent community leaders and human rights defenders, according to Human Rights Watch.

Human Rights Council opens 8 December

The Human Rights Council's third session starts on 8 December.

It is expected to include a review of how the HRC is to operate, an update by the High Commissioner for Human Rights; and other promotion and protection of human rights issues.

– from Tessa Scrine, Baha'i group

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– from a report by Richard Luscombe in Miami, in The Guardian, 28 Nov 06

Guards charged with beating 14-y-o to death at 'boot camp'

Seven guards and a nurse have been charged with aggravated manslaughter over the fatal beating of a teenage inmate at a Florida 'boot camp' detention centre for juveniles.

The beating, captured on video, led Florida's Governor, Jeb Bush, to close the controversial military-style facilities for young offenders.

A grainy recording shows officers allegedly choking and kicking Martin Lee Anderson, 14, at the Bay County Sheriff's Department Boot Camp in north Florida in January, with a female nurse looking on.

The tape sparked outraged allegations of a cover-up when a coroner announced that Martin's death the following day was due to complications of sickle cell disease.

His death was the third involving a black teenager at one of five state-run boot camps, which became popular in the 1990s as a supposedly character-building alternative to prison.

Mr Bush abolished the camps in mid-year and inmates were sent to juvenile detention facilities around Florida.

However, private boot camps, often run by religious organisations, continue to be popular in Florida, The Guardian reports.

WHAT'S DOING?

30 Nov–3 Dec, Jordan: World Congress of NGOs, Dead Sea, Jordan. General Assembly for WANGO Members on last day of the Congress. Detailed information and registration forms: www.wango.org

1 December, Melbourne: Castan Centre, Monash University Law School, *Human Rights 2006 Year in Review*, and three-day People's Inquiry into Detention, Conference in Melbourne and Adelaide. More details. <http://www.rightsaustralia.org.au/calendar.php> or <http://www.law.monash.edu.au/castancentre/events/conferences.html>

2-4 December 2006, Jordan: Civil society conference and Future Forum. <http://www.petra.gov.jo/nepras/2006/Aug/26/5000.htm>

7 December, Sydney: Human Rights Medal and Awards, Sheraton on the Park Hotel, Noon-3pm. HR Medal for outstanding HR contribution in Australia; HR awards also for significant contributions in law, community, print media, television, radio or arts non-fiction. Details, www.humanrights.gov.au/hr_awards/, (02) 9284 9618 or hrawards@humanrights.gov.au

8 December, Brisbane: Human Rights Day UNAA, Qld buffet dinner 6.30pm Palma Rosa, 9 Queens Road, Hamilton, Qld. More information, ph/fax 07 3254 1096.

10 December, World: Human Rights Day <http://www.ohchr.org/>

13 December, Melbourne: Equal Opportunity Commission Victoria, 6th Annual Human Rights Oration, by Julian Burnside. Information, Ian Row 0408 126 396; www.eoc.vic.gov.au

18 December, World International Migrants Day www.ohchr.org

2007:

16 Feb, Melbourne: Human Rights Education conference, keynote speaker Rev Tim Costello (World Vision). Info: <mailto:kboin@unimelb.edu.au> or <mailto:human-rights@unimelb.edu.au>

16 Feb, Sydney: Constitutional Law conference and dinner, Art Gallery of NSW, dinner at NSW Parliament House, details: www.gtcentre.unsw.edu or (02) 9385 2257

27 Feb, Melbourne: *Freedom, Respect, Equality, Dignity:* Victorian Equal Opportunity Commission human rights conference, For further information: <mailto:slavka.scott@eoc.vic.gov.au>

31 March – 1 April, Canberra: Refugee conference, Manning Clark House, with Julian Burnside

17-19 May, Windsor (Canada): Citizenship, Identity, and Social Justice conference, Centre for Studies in Social Justice, U. Windsor; discussing citizenship as rights and responsibilities linked to membership in a political community. More information, <http://www.civicus.org/new/media/CitizenshipIdentityandSocialJusticeconference.pdf>

26-30 August, 2007, Melbourne: Australasian Council of Women and Policing's Fifth Australasian Women and Policing conference, Carlton Crest Hotel, Melbourne. Call for papers deadline is 30 Dec 2006. More info: acwap@ozemail.com.au

2010:

10/10/10, World: Target date for the start of the **CLA**-promoted moratorium on the death penalty – **10/10 for Life**.

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**THE LAST WORD: New York, New York, it's a helluva town...the
Battery's up and the Bronx is down**

Separating anatomy from gender, New York City proposes to let people alter the sex on their birth certificate...without surgery.

The city's Board of Health is expected to adopt a rule that people born in NY may change the documented sex on their birth certificates, at will.

Applicants would provide affidavits from a doctor and a mental health professional stating why their patients should be considered members of the opposite sex, and that their proposed change would be permanent.

Applicants must have changed their name and lived in their adopted gender for two years, but there would be no explicit medical requirements.

– from a Damien Cave article, NY Times, 7 Nov 06

ENDS #### ENDS #### ENDS ####

CLArion welcomes contributions. Please send any items by email. See top of document for email address. Include your name and contact details and details of where the story came from so we can credit the original source, if it is not you.

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Ruddock to be pressed for better sedition laws

December is likely to be the quietest month of 2006 for civil liberties activists, in sharp contrast to 2005, when the Australian Government was ramming through the Anti-Terrorism Act which now hold sway, including the draconian sedition laws.

CLA will work during December to put pressure on the Attorney-General, Mr Ruddock, to change the sedition law in line with Australian Law Reform Commission recommendations.

Australia has had bad law for a year, because the A-G passed legislation before getting the ALRC to analyse it and propose improvements.

The ALRC proposed changes to the law are contained in their report, *Fighting Words: A Review of Sedition Laws in Australia, report No 104*. Go to: <http://www.alrc.gov.au/publications/recentpubs.htm>

CLA's Goulburn branch, at its November meeting, passed a unanimous motion to write to Mr Ruddock, both as a branch and individually, to ensure he adopts the sensible ALRC suggestions. Goulburn will also pressure its federal MP, Mr Alby Schultz, the Member for Hume.

The Goulburn branch is also generating ideas for a campaign so ordinary Australians can show David Hicks that we haven't forgotten him. Some form of card-writing campaign is envisaged, with further details to be announced later in December.

The Goulburn branch's campaign is likely to become a national CLA initiative.

Other December activities will include:

- meeting ACT Greens MLA, Dr Deb Foskey, and Labor Speaker, Mr Wayne Berry (a CLA member);
- meeting Howard Glenn of Rights Australia to discuss the joint 'Australian Fair Go Values' project;
- interviewing one of the founders of civil liberties in the ACT in the 1970s, Forbes Gordon (a new CLA member from Braidwood), with a view to starting a history collection;
- encouraging the expansion of a Braidwood CLA group;
- attending the ANU's Pacific Update forum, with a view to helping fledgling civil liberties movements in the Pacific; and
- attending a lecture by independent scholar and Australian Defence Force Academy lecturer, Dr Clinton Fernandes, on East Timor with a similar view to learning about opportunities for CLA to help local groups.

For a FULL REPORT of CLA activities in NOVEMBER, see later in newsletter.

THE LAST WORD: Yankees pitch for switch hitters

"He's not all she seems" will be the new catchcry for birth certificates when sex becomes optional. See story at end of newsletter.

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– from NY Times and other sources, 18 Nov 06

Hicks trial delayed until \$125m building completed?

The US military has revealed that it plans to build a \$160 million compound at the Guantánamo Bay (Gbay) Naval Base in Cuba in preparation for trials.

The war-crimes trials for terrorism suspects, including Australian David Hicks, would be held from the middle of 2007.

The minimum seven-month delay was revealed simultaneously with US President Bush assuring Australian Prime Minister John Howard, when they met in Vietnam, that the trials would begin 'as quickly as possible'.

The Gbay compound would accommodate up to 1,200 people, with dining areas, work spaces and sleeping accommodation for administrators, lawyers, journalists and others involved in trials. There would be three courtrooms for simultaneous trials, and a separate high-security area to house those on trial.

Lt. Cmdr. Chito Pepler, a Pentagon spokesman, said the government hoped to begin construction as soon as possible to be ready for trials no later than 1 July.

– from UNity, the UN Assn of Australia, e-newsletter, 17 Nov 06

For refugees, Christmas Island isn't

The new immigration detention camp being built on Christmas Island, dubbed 'Australia's Guantanamo Bay' by opponents, will have bedroom cameras, electric fences and electronically-controlled doors allowing centre-wide lock-downs, plans leaked to the *Sydney Morning Herald* show.

The level of security and surveillance, greater than at any existing detention centre, makes parts of the complex comparable to a maximum security prison.

But with numbers arriving by boat plummeting since 2003, critics are asking why the 800-bed centre, thought to have cost more than \$240 million, is being built at all, the newspaper asks.

For more information, <http://www.smh.com.au/news/national/detention-camp-has-it-all-but-no-people/2006/11/16/1163266639951.html>

– from ABC (radio) Online, 13 Nov 06

Ruddock pooh-poohs Australian Bill of Rights

The federal Attorney-General, Philip Ruddock, said last month that an Australian Bill of Rights would not provide any more human rights protection than existing anti-discrimination laws.

Mr Ruddock said specific anti-discrimination laws protected and promoted human rights far more than general statements, according to an ABC Radio report.

He said there was a "certain chauvinism" in those who see a Bill of Rights as the most appropriate way to protect Australians into the future.

"We may well have entrenched the same rights that they have found impossible to move out of the American Constitution – dealing with the right to bear arms," he said.

"Now people would say, 'well we are not going to do that now', but who is to say that what we see as being balanced and appropriate at this time, is appropriate for all time."

<http://www.abc.net.au/news/newsitems/200611/s1787465.htm>

The quality of Mr Ruddock's judgmental opinions may be gauged against his belief that Guantanamo Bay detainee David Hicks has had a 'fair go'.

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Wheat inquiry's comparative justice delivered against the grain

After a process lasting a full year, 7654 pages of transcript and 1571 exhibits, Commissioner Terence Cole gave the report from his investigation of four companies' involvement in the UN's oil-for-food program.

By contrast, Mr Ruddock gave the Australian Law Reform Commission 90 days to report on sedition laws which affect 20 million-plus Australians.

Howard, Ruddock given power to create disasters

The Privacy Legislation Amendment (Emergencies and Disasters) Bill 2006, which passed in late November, provides for collecting, using and disclosing personal information in an emergency or disaster.

"The Bill places beyond doubt the capacity of the Australian Government and others to lawfully exchange personal information for a specific purpose," Attorney-General, Mr Ruddock, said.

"It does not compel disclosure of personal information but confirms that disclosure is permitted in such situations."

The provisions of the Bill will be triggered by a declaration from either the Prime Minister or the Attorney-General that an emergency or disaster has occurred in Australia or overseas.

Copyright vision: jails await unobservant 14-year-olds

If you'd like an expert rundown on the new copyright legislation, go to this article by the Head of School of Law, Queensland University of Technology, Brian Fitzgerald.

"In a liberal democracy this level of censorship of social commentary is lamentable," Fitzgerald says in one section of his analysis.

"Australians deserve to be angered by this chain of events and should be extremely concerned at what this promises. Consumer sovereignty has been eaten away once more to the benefit of very large corporations," he says elsewhere.

He also warns that 14-year-olds are likely to be inadvertent victims of the laws.

<http://www.onlineopinion.com.au/view.asp?article=5068>

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Ruddock wants to harmonise laws, centralise authority

Attorney-General Philip Ruddock wants the States and Territories to adopt nationally consistent statutory declaration laws.

He claims they would save time and money for cross-border business people.

At the 9 Nov meeting of the Standing Committee of Attorneys-General (SCAG), Mr Ruddock also promoted uniform statutes of limitation and harmonising civil procedure law so the Australian Government can accede to the *Hague Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters*.

Other items on the SCAG agenda included uniformity for evidence laws and reforms aimed at enhancing Australia's coroners' ability to investigate following an emergency without cross-jurisdictional uncertainty.

SCAG is also considering a national system for electronic conveyancing to complement a single national register for security interests in personal property other than land.

– from UNity, the UN Assn of Australia e-newsletter, 10 Nov 06

Army and police chiefs support four hours sleep only

Army chief Lieutenant General Peter Leahy and Australian Federal Police Commissioner Mick Keelty have both ruled out “sleep deprivation” as an appropriate form of interrogation for prisoners held by Australia.

However, it is cautionary to see precisely what they rule out: the Australian Defence Force's interrogator's handbook says detainees must get the same amount of sleep as recommended for soldiers on operations – four consecutive hours out of every 24.

Only four hours out of 24 is just OK for a soldier being rotated through frontline operations at intervals of a few days, and aided by pills and supplements and freedom to move in personal space; however, it is not adequate if only four hours daily is allowed for sleep for a detainee not permitted any such ‘extras’.

Attorney-General Philip Ruddock has stated recently he did not regard sleep deprivation as torture; he was supported by the Justice Minister, Senator Chris Ellison.

It is easily within Mr Ruddock's and Senator Ellison's grasp to try for themselves a regime of four hours sleep only – and no dozing at the big desk, or on the plane – for a period of, say, three days. We could then have a personal report from each of them on how well they feel on the fourth day, and observe for ourselves on TV how lucid are their answers to reporters' questions.

– adapted from CLA member Keith McEwan's letter to the Canberra Times

Tasmania leads in practical reconciliation

Many people of goodwill are joining with thousands of indigenous Australians in celebrating the Stolen Generations Bill just passed through the Tasmanian Parliament.

Initiated by Labor and supported by Liberal and Independent members, the new law offers compensation of \$5 million to Aborigines taken from their families under government assimilation policies enforced over decades.

Nine years after the moving *Bringing Them Home* report was tabled in the Australian Parliament, this act of reconciliation by the Tasmanian Parliament is an outstanding example for other States, Territories and the federal government to follow.

Indigenous people struggling to link-up with separated family members, and those suffering ongoing trauma from their past removal as children, will be heartened by this historic act.

The compensation package, limited as it is, strikes a telling blow to powerful, influential voices stridently denying the gravity of such a monumental injustice imposed on the descendants of the Aboriginal people of Australia.

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– from an article by Ben Woodhead, The Australian IT pages, 14 Nov 06

HockeyCard starts to run out of time...before play starts

The Department of Human Services is tight-lipped on many specifications for the Access Card – the national ID card – project, including how it will register an estimated 32,000 people daily for the card between 2008 and 2010, Ben Woodhead wrote in *The Australian* last month.

The scope and complexity of the proposed card appears to be beyond the ken of the Minister, Mr Hockey – it is highly unlikely, even at this stage, that the card could be fully in place by his 2010 target date.

Rushing or truncating registration will compromise the supporting documentation process which is at the core of the system's supposed integrity, CLA believes.

The government has not left much time for the tender process, which on a project of this scale is likely to take six to nine months, Woodhead wrote.

The government is yet to commit to a timetable for issuing procurement tenders or tabling legislation that will govern every aspect of the card from privacy protection through to uses, allowed and disallowed.

ID card chief technology officer Marie Johnson was reported as saying that the Department of Human Services would issue tenders after a planned industry briefing in December, but the department could not say if the tender documents would be released this year or early in 2007.

<http://australianit.news.com.au/articles/0,7204,20752199^15306^^nbv^,00.html>

In another article by Karen Dearne, Graham Greenleaf, co-director of Cyberspace Law Centre, University of NSW, said Mr Hockey said the Government has accepted 22 of the 26 recommendations made by a task force to consult on the card.

Professor Greenleaf said that claim was totally misleading. "In fact, the Government has rejected every substantive issue."

The Government had rejected the task force's recommendations that the back-end database should not store photos of every person in the country, but only mathematical templates of the photos to assist fraud avoidance, he said. It also rejected advice that there be no signature on the card.

Australian Privacy Foundation chair Anna Johnston said the Government had dismissed a key recommendation that the personal identifying number not appear on the face of the card.

<http://australianit.news.com.au/articles/0,7204,20752200^15319^^nbv^,00.html>

Senate lecture produces good human rights quotes

Dr Simon Evans' Senate lecture at Parliament House in Canberra last month produced some great quotes. Here are a few:

'The human rights of offenders, particularly notorious offenders, will always struggle for traction in political debate – particularly in the run-up to an election. But a

commitment to human rights requires attention to the human rights of all – *especially* the unpopular and the marginalized.’

‘A recent survey conducted by Amnesty International revealed that Australians greatly value human rights but have a poor understanding of the extent to which their rights are protected under Australian law. 95 per cent of those surveyed stated they considered rights to be important or very important. 61% mistakenly believed Australia has a Bill or Charter of Rights.’

‘Human rights are inherently controversial. Everyone has a stake in that controversy and an equal right to participate in it. Human rights should therefore be the subject of democratic deliberation in legislatures rather than legal-technocratic assessment by courts.’

‘Parliaments can:

- agree and articulate a set of rights
- identify a clear and robust role for scrutiny committees
- provide adequate resources for scrutiny committees
- require government to prepare pre-legislative human rights impact analysis
- require ministers to provide reasoned statements about the human rights impact of legislation

‘These initiatives retain the Australian parliamentary tradition and ensure that rights issues are first addressed by democratic institutions. They should be adopted by all Australian Parliaments.’

‘The struggle to achieve human rights is not won with the passage of a human rights Act. Ultimately the success of a human right Act depends on parliamentarians and governments taking rights seriously as a constraint on government action; on governments providing the resources that are necessary for timely and effective scrutiny; and on Parliaments resisting the instinct to defer to the courts as the sole authoritative interpreters of human rights.

“In other words, the success of these Acts depend on their human rights values becoming part of political culture. Legislators are politicians and respond to the issues that their constituents regard as important. “

You can read the full transcript at

http://www.aph.gov.au/Senate/pubs/occa_lec/transcripts/index/htm

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Banks appointed to privacy body

Ms Robin Banks was last month appointed a part-time member of the Privacy Advisory Committee for three years.

She’s CEO of the Public Interest and Advocacy Centre and the Director of the Public Interest Law Clearing House. On the face of it, she is an excellent appointment by Attorney-General Philip Ruddock.

The committee advises Privacy Commissioner Karen Curtis, recommends material for inclusion in the Commissioner’s guidelines and consults with the community to help protect individual privacy.

Public comment invited on whistleblower protection laws

An issues paper released in November by the Commonwealth, NSW and Queensland Ombudsmen highlights the need for revised legislation to achieve a coherent and national approach to whistleblower protection.

According to a joint statement by the three ombudsmen:
“Whistleblowing or the preparedness of officials and employees to make public interest disclosures about wrongdoing within their organisations is vitally important to ensuring integrity and accountability in the public sector. It will not happen unless there is a sound legislative structure to facilitate and protect public interest disclosures.”

The issues paper compiled by Dr A J Brown has been prepared as part of a \$1m Australian Research Council-supported, national research project initiated by Griffith University in Brisbane to review Australian laws and practices.

The project is titled *Whistling While They Work: Enhancing the Theory and Practice of Internal Witness Management in the Australian Public Sector*.

For a copy:

<http://www.ombudsman.gov.au/commonwealth/publish.nsf/Content/9198B3DE41D4DA79CA257218007FA9C7?OpenDocument>

Submissions/comments by 30 March 2007: contact a.j.brown@griffith.edu.au

“This is an issue of national significance,” writes Mary Lander, reporting on a presentation in Canberra on 3 Nov 06.

“Whistleblowers play an important role exposing corruption or wrong-doing and acting in the public interest in so doing, they often pay a high personal price for raising issues that organisations and public sector agencies may prefer to suppress.

“Without adequate protection there is no incentive to do so (that is, to raise matters in the public interest). All too often we hear that the organisational response to those who make such disclosures is for management to close ranks against the employee and to discredit or victimise them,” she said.

“Whistleblowers are people who are loyal to the integrity of an organisation and not necessarily the people in it if they know them to be dishonest, unethical or corrupt, yet often their actions are interpreted acts of disloyalty, particularly by those in the senior management ranks who may have a personal interest in suppressing information relating to wrong-doing within their organisation or agency.

“However, corruption and maladministration have a real, tangible and adverse impact on outcomes, which in turn impact adversely on the public in various ways either directly or indirectly.

“It is only with the support of the like-minded individuals and groups that we can work towards a better legislative framework to ensure whistleblower protection and the integrity of the systems and processes in which the public have placed their trust.

“Whistleblowers Australia welcomes this initiative and thanks CLA for their support,” she said.

Note: A link to the October Edition of “The Whistle”. WBA’s quarterly newsletter for those who may be interested to find out more about whistleblowing issues:

http://www.uow.edu.au/arts/sts/bmartin/dissent/contacts/au_wba/whistle200610.pdf

UN backs whistleblowers: The newly created UN Ethics Office, which came into existence in January 2006, has pledged to protect whistleblowers against retaliation for reporting fraud and malfeasance in the UN system around the world.

Former Australian High Court Justice, Mary Gaudron, is currently developing a human rights/industrial relations arbitration and ‘court’ system for the UN.

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Oz ranks lowly for privacy and rights

Australia ranked 23rd out of 37 countries in the 2006 release of *'Privacy and Human Rights'*, the global comparison by Privacy International released last month.

Germany ranked 1 (best) and China 37 (worst). NZ and Canada both ranked ahead of Australia.

Anna Johnston, chair of the Australian Privacy Foundation, edited the Australian chapter of the publication. She said the report was compiled before the Access Card (the national ID card) and various other data-sharing initiatives were announced in Australia.

Watcher in the sky dogs junk mail routes

A Sydney firm delivering junk mail is tracking its staff by satellite and global positioning system (GPS) to make sure they stick to the route and stuff the correct number of letterboxes at the right time.

On a Saturday in late October, the kids' pocket money routine changed when a deliverer found she would have to strap a global positioning system around her waist.

Brian Evans, the managing director of PMP, Australia's largest junk mail deliverer, said the company was the first business in the world to use GPS technology this way.

It would allow PMP to prove to customers that all pamphlets were delivered on location on time.

- report based on: <http://www.theage.com.au/news/technology/junkmail-company-tracks-staff-by-satellite/2006/10/30/1162056902623.html>

– from UNity, UN Association of Australia e-newsletter, 10 Nov 06

Former PM Fraser says world judges us badly

A civilised society was judged by its law and by the way it treated minority groups, the former Liberal prime minister Malcolm Fraser recently told the NSW Law and Justice Foundation.

"Australia would be – is – judged badly," he said. "Today for a variety of reasons, but not least because the (federal) government has sought to set Muslims aside, discrimination and defamation against Muslims has been rising dramatically.

Too many people had taken the easy path and accepted the government's contentions that Muslims weren't like us and therefore it didn't matter if discrimination occurred and if access to the law did not apply, he said.

Mr Fraser also criticised Australia's subservience to the US, the folly of joining the Iraq war, the abandonment of David Hicks, the persecution of refugees, the new security laws, which "diminish the rights of all Australians", the arch-conservative rewriting of the nation's history and the threat to the multicultural society, an article in the *Sydney Morning Herald* said.

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Key CLA activities for November 2006 included:

The Directors and several members continued writing letters to the editor throughout the month on civil liberties topics such as whistleblowers, police car chases, capital punishment and jails.

The president sustained the practice of letters to people who had letters on civil liberties theme published, and several new members joined as a result.

CLA member Mary Bennet worked on collecting and distributing annual reports of relevant government departments and agencies. Completed to date: ASIO, ACT Policing, ACT Human Rights Office.

Media: There were numerous media interviews on police chases, as well as on ID card and death penalty issues.

Website: The CLA website was totally revamped during the month, with continued improvements, including both the ability to sign up new members on line and for members to make annual renewals.

The website now has a calendar, which is kept up to date with forward events, and also acts as a diary for completed events. There is a scrolling 'headlines' section on the website, and the ability to run a poll: currently, our poll is on David Hicks.

Web master is CLA member Lance Williamson, whose work is both much appreciated and much complimented by people coming to the CLA site for the first time..

Talks given by CLA: President Dr Kristine Klugman and CEO Bill Rowlings addressed U3A meeting at Canberra Labour Club Belconnen on *Civil Liberties Today*. Mr Rowlings presented *How the State Kills People* to an ANU Centre for Public and Law forum on capital punishment at the National Museum of Australia.

Meetings included the annual meeting with Chief Minister Jon Stanhope, who was both very supportive of the concept of civil liberties work, and very complimentary in terms of CLA's achievements and activities over the past two years. Topics discussed with Mr Stanhope included the ACT prison, and in particular Radio Frequency ID (RFID) and other new technology systems.

As a result, CLA has asked formally for a detailed briefing on all electronic surveillance measures planned for the new Canberra prison, to open in 2008.

Other meetings were held with the editor-in-chief of the *Canberra Times*, Jack Waterford, and police reporter Tamara Glumac, and with Police Consultative Board chair, Associate Professor David Biles.

Death penalty work progressed by Director Vic Adams, particularly working towards 30 November 'Cities for Life' activities, under which the statue of Ethos in central Canberra was to be illuminated all night.

Talks attended: Senate Occasional Lecture: Simon Evans: Aust Parliaments and Protection of Human Rights, an excellent paper. See p6 for some highlights of the talk, and for the URL if you would like to read the paper.

Seminar: ANU's Centre for International and Public Law (CIPL): Public Interest Disclosure Legislation in Australia (see story below).

Internship: After corresponding with the chairs of Legal and Constitutional Committee and the Scrutiny of Bills Committee, finally resolved for ANU student member of CLA, Amanda Alford, to work with the Clerk of the Senate, Mr Harry Evans. Topic: review of the legislation passed since 2001 which has impacts on civil liberties and human rights. CLA legal supervisor is new member, Mr Ernst Willheim, while Mr Evans will be co-supervisor and ANU Law School internship coordinator, Mr Peter Ford (also a CLA member), will be academic supervisor.

Social: CLA held a second spring gathering at home of the President and CEO on 26 November for members to meet each other, and talk about civil liberties issues. Booking for stage show *Keating!* in January 2007: 21 members will attend CLA's annual theatre outing.

Goulburn branch: CLA member Father John Parsons spoke on sedition, and the meeting resolved to write in support of Australian Law Reform Commission recommendations. Also decided to send Australia Day cards to David Hicks, and hold a candidates' forum before the upcoming NSW election to ask candidates their views on civil liberties and human rights issues.

Events planning: A proposed exhibition of cartoons with civil liberty/human rights themes is being managed by CLA member June Verrier. She is in discussions for a display at the ACT Museum and Art with Deputy Director Mark vanVeen, with the timing to be possibly late-2007.

We have also investigated sharing the Aboriginal Cultural Centre facilities at Yarramundi Reach in Canberra, which appear very suitable. While there is a charge for the venue, it is an excellent, central location and there may be two-way benefits in the civil liberties and Aboriginal communities getting to know each other better.

Projects: CLA is working with Howard Glenn and Greg Barns of Rights Australia to develop an 'Australian Values' project, based on the Aussie notion of a 'Fair Go', to counter-balance what may be very conservative, right-wing propaganda emanating from the Australian Government's 'citizenship and values' campaign. More details will be announced in December.

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Peacekeepers number 81,000

UN peacekeeping deployment reached a historic high at the end of October, with nearly 81,000 military and police personnel and some 15,000 civilians serving in peace operations around the world in 18 different missions.

The budget would reach about \$9 billion, the UN Department of Peacekeeping Operations reported last month.

– from article by Sharon LaFraniere, NY Times, 15 Nov 2006

South Africa approves same-sex marriages

The South African Parliament last month voted 230-41 to legalise same-sex marriages.

It is the first country in Africa and the fifth in the world to remove legal barriers to same-sex marriages.

The vote follows South Africa's highest court ruling 12 months ago that South Africa's marriage statute violated the constitution's guarantee of equal rights, and gave the government a year to alter the legal definition of marriage.

Under the proposal approved by Parliament, heterosexual and same-sex couples could register marriages or civil partnerships. In a concession to critics, the law also would allow civil officers to refuse to marry same-sex couples if such marriages conflicted with their conscience, the NY Times reported.

If the measure is to become law, as both sides said they expected, it must be approved by the National Council of Provinces and signed by President Thabo Mbeki.

In many African nations, homosexuality is still treated as a crime. Some impose stiffer penalties for homosexual acts than for rape and murder, the NY Times said. Only the Netherlands, Belgium, Spain and Canada now allow same-sex marriages.

Central Asia and the Caucasus train in liberties/rights

Outside of the capital cities of the Caucasus and Central Asia, where many non-governmental organizations struggle to take root, a CLA member is helping them learn about civil liberties and human rights.

In these newly-aware areas of the world, would-be civil society actors lack experience and find it hard to access international assistance.

In some areas organizations like CLA are virtually unheard of, according to Chris Michaelsen, the CLA member now working with ODIHR.

The Organisation for Security and Cooperation in Europe's (OSCE) Office for Democratic Institutions and Human Rights (ODIHR) has been working in co-operation with the Armenian Helsinki Committee and the Tajik Republican Bureau on human rights and rule of law in the regions of Armenia and Tajikistan to strengthen the capacity of regional non-governmental organisations (NGOs) to monitor human rights in their communities.

Chris Michaelsen will be back in Australia briefly in January if anyone would like to speak with him first hand about his challenging work.

For more information, see <http://www.today.az/news/society/32748.html>

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– from a report by John Carvel, The Guardian, 21 Nov 06

GPs revolt over privacy of patient files

About 50 per cent of family doctors are threatening to defy British Government instructions to automatically put patient records on a new national database because of fears that they will not be safe, according to a Guardian poll.

The survey shows that GPs are expressing grave doubts about access to the "Spine" – an electronic warehouse being built to store information on about 50 million patients – and how information on it could be vulnerable to hackers, bribery and blackmail.

The survey reveals that four out of five doctors think the confidentiality of their patients' medical records will be at risk if the government proceeds with plans to load them on to the new database.

More than 60 per cent of family doctors in England also said they feared records would be vulnerable to hackers and unauthorised access by public officials from outside the NHS and social care.

Ministers have committed a large slice of the NHS's £12bn IT upgrade to developing the Spine. They acted on the assumption that doctors would provide the information without asking their patients' permission first.

The new system has been constructed to upload information from GPs' computer systems automatically, without giving patients a say. But the poll found 51 per cent of

GPs are unwilling to allow this uploading without getting each patient's specific consent.

Though no similar survey appears to have been taken in Australia, it is likely Australian doctors would just as jealously guard their patients' records.

Europe's judges rule terrorism over-reaction out of court

The Consultative Council of European Judges (CCJE), a Council of Europe advisory body, has just adopted an opinion on the role of judges in protecting the rule of law and human rights in the context of terrorism.

The main points of the opinion are as follows:

- While terrorism creates a special situation justifying temporary and specific measures which limit certain rights because of the exceptional danger it poses, these measures must be determined by the law, be necessary and be proportionate to the aims of a democratic society.
- Terrorism cases should not be referred to special courts or heard under conditions which infringe individuals' right to a fair trial.
- The courts should, at all stages of investigations, ensure that restrictions of individual rights are limited to those strictly necessary for the protection of the interests of society, reject evidence obtained under torture or through inhuman or degrading treatment and be able to refuse other evidence obtained illegally.
- Detention measures must be provided for by law and be subject to judicial supervision, and judges should declare unlawful any detention measures that are secret, unlimited in duration or do not involve appearance before a court established according to the law, and make sure that those detained are not subjected to torture or other inhuman or degrading treatment.
- Judges must also ensure that a balance is struck between the need to protect the witnesses and victims of acts of terrorism and the rights of those charged with the relevant offences.
- While states may take administrative measures to prevent acts of terrorism, a balance must be struck between the obligation to protect people against terrorist acts and the obligation to safeguard human rights, in particular through effective access to judicial review of the administrative measures.

– from Chris Michaelsen, CLA member, Warsaw

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– from an article by Salman Masood, NY Times, 16 Nov 06

Pakistan moves to reform rape laws

The lower house of the Pakistani Parliament has passed a Bill to amend rape laws among the world's most arcane and archaic.

The draft legislation still needs to pass the Senate and be endorsed by the Pakistani President, General Musharraf.

Under the current Hudood ordinance, women reporting rape can end up being prosecuted for adultery. Rape is included in matters covered under Islamic law, like marriage and divorce.

A woman who reports that she has been raped must produce four male witnesses to prove it. If she fails to do so, she can be prosecuted for adultery.

Thousands of women have been punished under the law, often on little evidence. Many women refuse to even try to bring rapists to justice, because the law is so one-sided.

The legislation passed last month gives judges the discretion to try rape cases in a criminal rather than an Islamic court. It also allows forensic and circumstantial evidence to be used as a basis for convictions, as with other crimes.

The amendment also introduces the concept of statutory rape, outlawing sex with girls under 16. The Islamic code had merely banned sex with girls before puberty.

– from UNity, UN Assn of Australia e-newsletter, 23 Nov 06

Saudi ban on travelling abroad

In a statement sent to human rights organisations and associations, Prof Matrook Alfaleh from King Saud University in Riyadh has denounced the fact that a group of Saudi reformers and their families have been banned from travelling overseas.

They had also been told not to speak to local and international media.

The group came to notice two years ago when 10 members were arrested for calling on Saudi Arabia to become a constitutional monarchy and for creation of an independent human rights study group.

For more information, www.asianews.it/view.php?l=en&art=7739

Security laws intrusive, say Canadians and Americans

New laws aimed at protecting national security after 11 September 2001 are intrusive, according to most Canadians and Americans.

That's among wide-ranging findings of a survey on the surveillance and privacy attitudes and experiences of 9,000 people in eight countries studied under the Globalization of Personal Data (GPD) project.

The survey asked questions about the surveillance of ordinary people by governments and employers, and via technologies like personal computers, biometrics and global-positioning systems.

Funded by the Social Sciences and Humanities Research Council of Canada and conducted by Ipsos Reid, the survey included nearly 50 questions on participant's attitudes about issues like consumer surveillance, racial profiling at airports, national ID cards, media coverage of surveillance issues, workplace privacy, knowledge of privacy regulations, control over personal data and public trust in government.

The answers revealed many commonalities but also cultural differences culled from participants in Canada, the US, China, France, Spain, Hungary, Mexico and Brazil.

Most respondents (figures represent percentages):

- believe surveillance laws are intrusive (US 57 per cent, Canada 48, Spain 53, Mexico 46, Brazil 41, France 40);
- worry about providing personal information on websites (China 54, Canada 66, Brazil 70, Spain 62 and US 60);

- believe the use of closed circuit television deters in-store crime (Mexico 88, US 80, Canada 79, France 73);
- rejected outright the premise that airport authorities should give extra security checks to visible minority passengers – about 60% of Chinese, Hungarians, Brazilians and Canadians but only a third of Americans found such practices unacceptable.

Culturally distinctive survey findings include:

- 63% of Chinese respondents trust the government to protect the personal information it collects compared to just 48% of Canadians and only 20% of Brazilians; and
- 82% of Canadians and 80% of Americans say they are knowledgeable about the Internet compared to just 35% of Mexicans and 33% of Brazilian respondents.

More information: <http://www.queensu.ca/sociology/Surveillance/>

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– from a report by David Lague in the NT Times, 1 Nov 06

China to slash executions by about one-third

From 1 January 2007, all death sentences in China must be reviewed by the Supreme People's Court.

This change to the law restores a power stripped from the Supreme Court in 1983 and given to provincial courts as part of a major crackdown on crime.

Mounting criticism from international human rights groups and Chinese legal scholars for "widespread and arbitrary use of the death penalty" is believed to have motivated the reversion to the old system.

China executes more people every year than all other nations combined, by some Chinese estimates, up to 10,000 a year. In recent years there have been a number of executions of people later proved innocent.

China's legislature, the National People's Congress, approved the amendment to the law. State news media estimated executions could drop by 30 per cent under the new system, though they did not explain their methodology.

China does not disclose the number of executions it carries out under the criminal code, where almost 70 offences carry the death penalty.

Citing publicly available reports, Amnesty International estimates that at least 1,770 people were executed in 2005 — more than 80 per cent of the world's total — and 3,900 were sentenced to death.

<http://www.nytimes.com/2006/11/01/world/asia/01china.html>

– from a report by Ryan Singel in Wired magazine, 30 Oct 06

Americans get new 'ticket' to ride

Americans will need a new "PASS card" or a passport to fly back into the USA from neighboring countries from 1 January 2008 .

Currently a driver's license is enough to get an American back inside their own country from neighboring spots. From 2008, people making even quick, cross-border jaunts by car will need full documentation.

Last month, the US State Department announced that it would soon be issuing new cards for visitors to Mexico, Canada and the Bermudas containing a chip that could be read from 20 feet away.

RFID chips are being used in US passports, in cards used to identify transportation workers and in cards for federal employees. They are also expected to feature in the Registered Traveler program, the soon-to-be-released standards for all US State driver's licenses under the REAL-ID act, as well as in proposed medical cards.

RFID (radio frequency identification) chips, which either have a battery or use the radio waves from a reader to send information, are widely used in tracking inventory or for freeway toll payment systems.

Critics say hackers can skim information off the chips, which also can be used to track individuals. Hackers have also been able to clone some chips, such as those used for payment cards and building security, as well as passports.

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– from The Guardian, 31 Oct 06

UK charges 400 over terror in five years

Nearly 400 people have been charged with terrorist offences during the past five years, the UK Home Secretary, John Reid, announced in late October.

Mr Reid said that since the 11 September 2001 attacks, 387 suspected terrorists or sympathisers had been charged under the Terrorism Act and other criminal legislation.

Of those, 214 had since been convicted and another 98 were awaiting trial.

– from UNity, UN Assn of Aust e-newsletter, 2 Nov 06

UN moves to set standards on arms deals

A UN General Assembly committee to develop a new treaty to strengthen arms embargoes and prevent human rights abuses by setting uniform global standards for arms deals, according to a *Reuters* report.

The assembly's Disarmament and International Security Committee voted 139 to 1, with the US casting the sole 'no' vote. Nations abstaining included China and Russia, Pakistan and India, while emerging arms exporters, including Brazil and South Africa, supported the resolution.

The UN General Assembly is yet to vote on whether to confirm the initiative.

Meanwhile, the USA in 2005-6 ceded to Russia and France its role of top arms supplier to the developing world, according to a new congressional study.

The annual report by the Congressional Research Service showed the US share of the arms transfer market dropped from 35.4% to 20.5% between 2004 and 2005 and Russia made last year \$7 billion selling weaponry to Asia, Africa and Latin America. France rose to second place, with \$6.3 billion worth of deals, an *AFP* report said.

– from a report by William Broad, NY TIMES, 3 November 06

US Administration's web site shows how to make nuclear bomb

A web site, set up by the US Government to host a huge archive of Iraqi documents, captured during the war, contained detailed instructions on how to make nuclear bombs until being shut down in a panic recently.

New documents added to the site in recent weeks included detailed accounts of Iraq's secret nuclear research before the 1991 Persian Gulf war.

The documents, weapons experts say, constituted a basic guide to building an atom bomb.

The US Government hurriedly shut down the web site after *The New York Times* asked about complaints from weapons experts and arms-control officials, the newspaper said.

A spokesman for the director of national intelligence said access to the site had been suspended "pending a review to ensure its content is appropriate for public viewing."

The dozen documents are charts, diagrams, equations and lengthy narratives about building a bomb that nuclear experts who have viewed them say go beyond what is available elsewhere on the Internet and in other public forums. "For instance, the papers give detailed information on how to build nuclear firing circuits and triggering explosives, as well as the radioactive cores of atom bombs," the *NY Times* reported.

"For the US to toss a match into this flammable area is very irresponsible," said A. Bryan Siebert, a former director of classification at the federal Department of Energy, which runs the nation's nuclear arms program. "There's a lot of things about nuclear weapons that are secret and should remain so."

The US government had received earlier warnings about the contents of the web site.

Six months earlier, after the site began posting old Iraqi documents about chemical weapons, UN arms-control officials in New York won the withdrawal of a report that gave information on how to make tabun and sarin, nerve agents that kill by causing respiratory failure.

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– Op-Ed Contributors, from NY Times, 30 Oct 2006-10-30

Turn North Korea Into a human rights issue

By Vaclav Havel, Kjell Magne Bondevik and Elie Wiesel

...North Korea holds as many as 200,000 people in its political prisons. Not only are real or imagined dissenters imprisoned, but so are their relatives, including the elderly and children, under a guilt-by-association system instituted by North Korea's founder, Kim Il-sung.

Prisoners in the gulag are provided starvation-level rations, forced to work long days under brutal conditions, and many face torture or execution for trivial offenses. It is estimated that more than 400,000 have died in the North Korean gulag over 30 years...

North Korea refuses to recognize the legitimacy of the UN special rapporteur on human rights in North Korea and has denied his numerous requests for access to the country...

...As a first step, the UN Security Council should adopt a non-punitive resolution urging open access to North Korea for humanitarian relief, the release of political prisoners, access for the special rapporteur and engagement by the UN.

Vaclav Havel is the former president of the Czech Republic. Kjell Magne Bondevik is the former prime minister of Norway. Elie Wiesel, a professor of humanities at Boston University, was awarded the Nobel Peace Prize in 1986.

Online world seeks similar 'rules' to the real world

An Internet Governance Forum, held in Greece last month, has produced a number of groups to tackle major online issues.

One group will work towards creating an 'Internet Bill of Rights'.

Another group will work for international access to knowledge and protecting freedom of expression online.

Reporting is China's third most dangerous job

Being a reporter is the third most dangerous occupation in China, according to the official Xinhua news agency.

Writing in *The (London) Guardian* on 9 November, Roy Greenslade said only miners and policemen face more perils.

An increasing number of reporters were obstructed, scolded, even beaten during interviews, according to a Chinese report.

To help injured journalists, Shengjing hospital in the northeastern city of Shenyang has even set up a foundation. Its vice-director, Zhang Chengpu, said: "The foundation will help reporters to pay part of their medical fees if they are attacked or wounded."

China is the world's leading jailer of journalists, with at least 32 in custody, and another 50 Internet campaigners also in prison, according to Reporters Without Borders.

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East Timor human rights report is launched

The ground-breaking 2500-page report of East Timor's Reception, Truth and Reconciliation Commission (CAVR) documents the nation's human rights abuses under Indonesian occupation.

Dr Mark Byrne, convenor of the Australian Coalition for Transitional Justice in East Timor (ACTJET), says the report explains some of the underlying causes of the recent violence in East Timor.

It is to be launched in all capital cities. Details, Dr Mark Byrne, Senior Researcher, Uniya Jesuit Social Justice Centre, on (02) 9356 3888.

– from ACLU email, 17 Nov 06

ACLU lodges legal cases to ensure phone privacy

The American Civil Liberties Union (ACLU) last month launched a nationwide consumer campaign demanding that administrators and regulators protect the privacy of Americans' phone records.

The ACLU's director of the Technology and Liberty Project, Barry Steinhardt, said it was "illegal and un-American" for a phone company to hand over a person's phone

records to the government without a legal order. "But it looks like that's just what they're doing: violating the privacy and rights of millions of innocent Americans in the process," he said.

The ACLU has filed formal documents with the Federal Communications Commission, insisting that they fulfill their regulatory obligation and investigate the claimed breach of consumer trust. At the same time, ACLU offices across the USA have filed similar demands with state regulatory authorities.

More details: <http://www.aclu.org/dontspy>

– from Human Rights First email, 9 Nov 06

In Colombia, even fishing is a dangerous pastime

Members of a notorious Colombian army unit killed Leider de Jesus Castrillon Sarmiento and seriously injured his son while they were fishing in late October.

The army admitted shooting Mr Castrillon, a prominent community leader in Norosi, Bolivar department, and his son but described it as a 'military error'. It also admitted killing a local mining union leader, Mr Uribe, in September, but said he was a guerrilla-terrorist killed in combat.

The killings appear to be part of a broader trend by Colombian authorities to condone and even instigate attacks against non-violent community leaders and human rights defenders, according to Human Rights Watch.

Human Rights Council opens 8 December

The Human Rights Council's third session starts on 8 December.

It is expected to include a review of how the HRC is to operate, an update by the High Commissioner for Human Rights; and other promotion and protection of human rights issues.

– from Tessa Scrine, Baha'i group

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– from a report by Richard Luscombe in Miami, in The Guardian, 28 Nov 06

Guards charged with beating 14-y-o to death at 'boot camp'

Seven guards and a nurse have been charged with aggravated manslaughter over the fatal beating of a teenage inmate at a Florida 'boot camp' detention centre for juveniles.

The beating, captured on video, led Florida's Governor, Jeb Bush, to close the controversial military-style facilities for young offenders.

A grainy recording shows officers allegedly choking and kicking Martin Lee Anderson, 14, at the Bay County Sheriff's Department Boot Camp in north Florida in January, with a female nurse looking on.

The tape sparked outraged allegations of a cover-up when a coroner announced that Martin's death the following day was due to complications of sickle cell disease.

His death was the third involving a black teenager at one of five state-run boot camps, which became popular in the 1990s as a supposedly character-building alternative to prison.

Mr Bush abolished the camps in mid-year and inmates were sent to juvenile detention facilities around Florida.

However, private boot camps, often run by religious organisations, continue to be popular in Florida, The Guardian reports.

WHAT'S DOING?

30 Nov–3 Dec, Jordan: World Congress of NGOs, Dead Sea, Jordan. General Assembly for WANGO Members on last day of the Congress. Detailed information and registration forms: www.wango.org

1 December, Melbourne: Castan Centre, Monash University Law School, *Human Rights 2006 Year in Review*, and three-day People's Inquiry into Detention, Conference in Melbourne and Adelaide. More details. <http://www.rightsaustralia.org.au/calendar.php> or <http://www.law.monash.edu.au/castancentre/events/conferences.html>

2-4 December 2006, Jordan: Civil society conference and Future Forum. <http://www.petra.gov.jo/nepras/2006/Aug/26/5000.htm>

7 December, Sydney: Human Rights Medal and Awards, Sheraton on the Park Hotel, Noon-3pm. HR Medal for outstanding HR contribution in Australia; HR awards also for significant contributions in law, community, print media, television, radio or arts non-fiction. Details, www.humanrights.gov.au/hr_awards/, (02) 9284 9618 or hrawards@humanrights.gov.au

8 December, Brisbane: Human Rights Day UNAA, Qld buffet dinner 6.30pm Palma Rosa, 9 Queens Road, Hamilton, Qld. More information, ph/fax 07 3254 1096.

10 December, World: Human Rights Day <http://www.ohchr.org/>

13 December, Melbourne: Equal Opportunity Commission Victoria, 6th Annual Human Rights Oration, by Julian Burnside. Information, Ian Row 0408 126 396; www.eoc.vic.gov.au

18 December, World International Migrants Day www.ohchr.org

2007:

16 Feb, Melbourne: Human Rights Education conference, keynote speaker Rev Tim Costello (World Vision). Info: <mailto:kboin@unimelb.edu.au> or <mailto:human-rights@unimelb.edu.au>

16 Feb, Sydney: Constitutional Law conference and dinner, Art Gallery of NSW, dinner at NSW Parliament House, details: www.gtcentre.unsw.edu or (02) 9385 2257

27 Feb, Melbourne: *Freedom, Respect, Equality, Dignity:* Victorian Equal Opportunity Commission human rights conference, For further information: <mailto:slavka.scott@eoc.vic.gov.au>

31 March – 1 April, Canberra: Refugee conference, Manning Clark House, with Julian Burnside

17-19 May, Windsor (Canada): Citizenship, Identity, and Social Justice conference, Centre for Studies in Social Justice, U. Windsor; discussing citizenship as rights and responsibilities linked to membership in a political community. More information, <http://www.civicus.org/new/media/CitizenshipIdentityandSocialJusticeconference.pdf>

26-30 August, 2007, Melbourne: Australasian Council of Women and Policing's Fifth Australasian Women and Policing conference, Carlton Crest Hotel, Melbourne. Call for papers deadline is 30 Dec 2006. More info: acwap@ozemail.com.au

2010:

10/10/10, World: Target date for the start of the **CLA**-promoted moratorium on the death penalty – **10/10 for Life**.

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**THE LAST WORD: New York, New York, it's a helluva town...the
Battery's up and the Bronx is down**

Separating anatomy from gender, New York City proposes to let people alter the sex on their birth certificate...without surgery.

The city's Board of Health is expected to adopt a rule that people born in NY may change the documented sex on their birth certificates, at will.

Applicants would provide affidavits from a doctor and a mental health professional stating why their patients should be considered members of the opposite sex, and that their proposed change would be permanent.

Applicants must have changed their name and lived in their adopted gender for two years, but there would be no explicit medical requirements.

– from a Damien Cave article, NY Times, 7 Nov 06

ENDS #### ENDS #### ENDS ####

CLArion welcomes contributions. Please send any items by email. See top of document for email address. Include your name and contact details and details of where the story came from so we can credit the original source, if it is not you.

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