

Acceptance Speech for the Australian Human
Rights Medal 1991, "Human Rights: An Agenda For
Action"

THE HUMAN RIGHTS & EQUAL OPPORTUNITY COMMISSION

Presentation of the Australian Human Rights Medal 1991
Powerhouse Museum, Sydney, Sunday 24 November 1991

HUMAN RIGHTS: AN AGENDA FOR ACTION

The Hon Justice Michael Kirby*

I am honoured to be awarded the Australian Human Rights Medal for 1991. I am proud to receive it from the President of the Human Rights & Equal Opportunity Commission (Sir Ronald Wilson) at this ceremony, in the presence of my family, friends and representatives of various community bodies with which I am associated. Those bodies are dedicated to the furtherance of the respect for human rights in our country:

- * The Australian Section of the International Commission of Jurists - which does so much for upholding and defending judicial independence and the rule of law which are the guardians of the rights of all Australians;
- * The AIDS Trust of Australia - which defends the human rights of our fellow citizens who are often most in need of protection - people living with AIDS, and with cruel discrimination;

* President of the New South Wales Court of Appeal; President of the Australian Section of the International Commission of Jurists. Trustee of the AIDS Trust of Australia.

- * The Law Reform Commissions, Federal and State, with which I worked for a decade, seeking to reform the law of Australia in a way that would be more sensitive to the rights of ordinary citizens. The statute of the Australian Law Reform Commission, enacted during the Whitlam Government, requires that Commission to bring reformed Australian laws into conformity with the *International Covenant on Civil and Political Rights*;
- * The institutions committed to equal opportunity and to reducing discrimination in our society - including the Human Rights and Equal Opportunity Commission itself and the New South Wales Anti-Discrimination Board; and
- * Finally, the Court on which I serve, where I have found many colleagues who share my commitment to the advancement of human rights, firmly safeguarded by the law.

Behind the dedicated band of colleagues and friends and the truly distinguished Australians who are here today stand countless workers throughout the length and breadth of our continental country who, every day, are striving to advance and defend the rights of their fellow citizens in many highly practical ways. I think of:

- * The nurses and sisters in the AIDS ward of St Vincent's Hospital and other like institutions;
- * The agitators and stirrers in every State who never give up in their struggle to reform the law to make it more modern, simple, accessible and just;
- * The idealistic lawyers who, often without fee, fight

for worthy causes in the courts defending the rights of the unpopular and minorities despite the clamour of the crowd;

- * The leaders of the Aboriginal community who struggle to secure the proper place for their people in their own land; and
- * The people in this country who give voice to the rights of the downtrodden and forgotten peoples of the world struggling for their share of freedom - the Tibetans, the Kurds, the Timorese and many others.

These people are here in spirit with me today. I salute them all.

Above all I would want, on this occasion, to send a message of encouragement to the young and idealistic members of the legal profession. Rightly, the legal profession is often attacked as conservative, selfish, interested only in hefty fees and the preservation of its monopolies. Just now, I fear, the legal profession is on the nose in Australia. Doubtless it is partly to blame for this reputation.

But there is another side to the legal profession which I know only too well. There are lawyers of high skill who fight in the courts for just causes. There are judges and magistrates who bring the principles of human rights down from the tablets of the international conventions, and apply them in the daily work of the courts of this country. The common law of Australia enshrines many of the great principles now recognised in the international instruments of human rights. In a time of widespread cynicism, selfishness and greed - attributes not confined to lawyers - it is

important to tell all people - but young lawyers in particular - that there is an important rôle for all of us in the advancement of human rights in Australia.

We should make human rights part of the national and international agenda. We should realize that human rights are part of our Australian law. After Hiroshima, we should all help to build a new world order - one resting on social justice, individual rights and the rule of law, not the rule of power. Individually, none of us can change the world. But collectively we can do much. And lawyers, because of the nature of their daily work, have a special responsibility to know about basic human rights and to play their part in moulding the law to the defence of those rights wherever they are threatened.

Giving the one human rights medal which is available each year to a judge and an *almost* retired law reformer may seem to some to be an opportunity lost. There are so many other worthy recipients deserving recognition. I know many of them. Some of them are here today. But if this action encourages - even in a little way - a rebirth of idealism and optimism and a spirit of service to basic rights in the legal profession, that would be no bad thing.

In hard economic times we must seek to rekindle the attitudes of sharing of burdens which was once such a feature of Australian life: in war, in post-war reconstruction and in peace. Talk about human rights will be largely empty for the long-term unemployed youth of Cringila. Talk about the rule of law means little to the poor of Whyalla who could never defend a just claim in the courts at \$2,000 a day. That is why lawyers, who can daily do so much for human

rights, must be reminded of the responsibility of their profession. Theirs should not be just a money-making job. It is a calling with a mission to correct wrongs and to protect basic rights. So that is the message I would like to go from here today so that all my colleagues in the law might hear it - but especially the young and not so young who, like me, remain unashamedly idealistic.