

Those problems highlight the obvious conflict of interest issues, where you have lawyers who are also class counsel filing the class actions. In the Dow Corning bankruptcy proceedings, lawyers were appearing as representatives of all claimants worldwide. However, they negotiated settlement benefits which provided for different levels of compensation for women from different countries, over the objection of lawyers directly representing such women. There are obvious difficulties where people who have an interest in the outcome of the case are making allocation decisions about which sections of the class should get which benefits, particularly when they have a direct pecuniary interest in the benefits payable to their own clients.

Notwithstanding the problems and difficulties which I have referred to, the class action, where properly utilised, provides an effective and cost effective means of access to justice for many people.

WHITHER HUMAN RIGHTS?

Michael Kirby

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It is important that we rejoice in, and take advantage of, our freedoms. They do not exist in every country. It is a blessing to meet together, to talk critically, to speak as equal citizens in a generally free country, and to exchange views. We will not necessarily agree because freedom is the freedom to disagree and not just to have a happy consensus about everything. I am sure that some of the things I will be saying tonight will spark disagreement - I certainly hope so!

The creation of modern human rights

I feel in a funny way that I have been at the creation of the international system of human rights. The system that we have in the world grew out of despair and disillusionment at the end of the Second World War. It grew from the horrors of the war and the terrors of deprivation of liberty that preceded and accompanied the war. The awful discovery of the Holocaust, which shocked humanity immediately after the war, propelled the leaders of the United Nations during the struggle and after the war to establish, as one of the three planks of the United Nations Organisation, the building of respect for human rights.

I say that I feel that I was there at the creation because, in one of my activities as a member of the Commission of the International Commission of Jurists in Geneva, I met John Humphrey, a Professor of Law at McGill University in Canada. After the War, when Mrs Roosevelt was establishing the group that was going to work on the Universal Declaration of Human Rights¹, she recruited a number of people. One of them was John Humphrey.

He was a somewhat irascible, tall man who had lost an arm in an accident when he was a boy. He was extremely intelligent and dedicated to the principles of human rights. He told me of how at Lake Success and later at New York he had actually penned the very first

¹ General Assembly resolution. 217A (III), U.N. Doc A/810 at 71 (1948).

words of the Universal Declaration of Human Rights. He said that he would be sitting on a bus, he would get out the bus ticket and note down a few words about human rights. Ultimately, all his bus tickets and other notes came together in the Universal Declaration. It is amazing isn't it? The enemy to action is always the blank page. It was a person like Humphrey, working for René Cassin and Eleanor Roosevelt, who jotted down those words that became the Universal Declaration, which is the cornerstone of the postwar system of human rights.

So, I feel as though I have this link. Isaac Newton it was who said, 'scientists stand on the shoulders of the scientists who went before'. I feel that I stand on the shoulders of John Humphrey. I share with you and with younger people in the audience the experience that I have. You will stand on my shoulders, then, when your time has gone, somebody will stand on your shoulders. We have to make sure that each generation, and especially each generation of Australians in our much-blessed country, makes a contribution and improves the world and leaves the world a better place.

John Humphrey - who died two years ago - certainly did that. He was there at the creation. I am a journeyman on the way. So it is for all of us.

The Universal Declaration of Human Rights led to the many international treaties, covenants and principles that have been adopted by the international community. I have had some involvement with those. That is basically what I want to talk about tonight, offering a few thoughts to share with you about challenges which this system of human rights is going to have to face in the future.

The right to honest democratic governance

My most recent involvement in human rights within the system of the United Nations was through the UN office in Vienna, which is concerned with drug control and crime prevention.

This organisation was establishing a new initiative on the problem of corruption within the judiciary. Fortunately, within Australia this is not a big issue, but in many countries of the world corruption of the judiciary strikes fatally at the very centre of the system of the rule of law and of constitutionalism.

Just imagine what it would be like to live in a country where you could not go to the courts and be sure that the decision maker would be (as the International Covenant on Civil and Political Rights¹ promises every judge will be) professional, independent, impartial. If you lived in a country where nepotism ruled. Where the decision of the judge was determined by the power of the party, or the power of the purse. In such circumstances, you could never really be sure what would happen. It would be decision making by force and by power. It would not be decision making by the principles of constitutionalism and the law.

The group in Vienna comprised eight Chief Justices (I was the only one who was not a Chief Justice). I was working with four from Africa and four from Asia on the system that will establish principles and mechanism that can be implemented in different countries of the world to try to build the strength of non-corruption and raise integrity of the judiciary so important to good governance in all countries of the world.

It is quite an interesting development. The crowds were gathering outside the World Bank and the International Monetary Fund, but actually since James Wolfensohn, an Australian, became the President of the World Bank, the World Bank, the International Monetary Fund and this body in Vienna have become concerned about issues of governance. Unless you can get the governance - the political, the constitutional and the legal systems - right, then you build everything else on shifting sands. Without that, government basically comes down to power: either the power of the purse or the power of guns.

The United Nations special representatives / rapporteurs

The most important activity for human rights that I have been involved in related to Cambodia. That gave me an insight into a level of the United Nations that I had not previously been involved in. Most

¹ International Covenant on Civil and Political Rights, General Assembly resolution 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 52, U.N. Doc. A/6316 (1966), 999 U.N.T.S. 171, entered into force Mar. 23, 1976.

of my UN activities have been like Vienna - they have been involved in the agencies of the United Nations; the Global Commission on Aids and UNAIDS of the World Health Organisation; the activities of the Committee on Freedom of Association of the International Labour Organisation trying to help South Africa on its labour laws; The United Nations Development Program helping Malawi move from Dr Hastings Banda's autocratic system of government to a multiparty democracy. These have been my activities within the United Nations system - the agencies, the working bodies - noble people who are striving to build human rights principles at grass roots level.

Cambodia was different. When after the invasion of Cambodia by the Vietnamese, the Pol Potists (the Khmer Rouge) were banished to a small part of the north east of Cambodia, the government of Cambodia was a leper in the international community. The Kampuchea government, supported by the Vietnamese, sought to rejoin the international community. They did so at a number of negotiations in which our then Foreign Minister Senator Gareth Evans took a very important part. At a number of meetings in Paris it was decided that Cambodia could be let back into the international community if it had a free and fair election and if after that election it set in place the institutions of democracy and mechanisms for protecting fundamental human rights.

The government of Cambodia agreed to that and the United Nations Transitional Authority for Cambodia (UNTAC) was established. It was headed by Australian General John Saunderson. It was agreed in the Paris Peace Accords that once the UNTAC period was over, and once they had established their new constitution, and had an election and had created a new parliament for Cambodia, they would accept monitoring by the international community in the form of the United Nations. A special representative of the Secretary General would be appointed, who would become, in a sense, the eyes of the United Nations into how Cambodia was operating and how it was protecting fundamental human rights.

I was appointed the first Special Representative of the Secretary General in Cambodia. My task therefore took me into the political level of the United Nations - the area of the Security Council and the General Assembly. Most of my earlier activities had been down in the

ground trying to bring human rights into reality, but here I was suddenly up there in the upper decks dealing with the big leagues.

What I learned in my four years as Special Representative of the Secretary General was how the international community is building the institutions for the upholding of human rights around the planet. It is not perfect. Indeed, it is most imperfect. But those who think that nothing has happened and that no progress has been made, do not know the system. It is important for citizens and certainly for people in the law to know what is occurring. In a sense, it is as if we are at Runnymede with the history of English constitutionalism. That is where we are in the international community, at a sort of Runnymede. We are beginning to develop the institutions that will effectively protect human rights of all in the future.

Human rights in Cambodia after UNTAC

My task as the Special Representative was to go to Cambodia three or four times a year. I had to speak with the government, with the human rights non-governmental organisations that had grown up and flourished in Cambodia under UNTAC, with citizens groups, with the military and with all of the organisations in Cambodia. Then I had to negotiate with the government and prepare reports on the need to defend human rights.

When I arrived, I found that the country was absolutely devastated. It is difficult for us in Australia to conceive what the people of Cambodia went through. From the 1960s to the 1990s, approximately one in ten Cambodians (one in ten of the Khmer population) were killed. Therefore, everybody that you spoke to had lost relatives. Of the population of about 11 million, 10 million were left, so in proportional terms it was an even more devastating genocide than Hitler's Holocaust. The country was exhausted, worn out, beside itself with distraction of suffering. In a sense that gave my work a tremendous start because everybody knew Cambodia had to start again and had to build its institutions.

My first job was trying to help to build a judiciary. We take it for granted in Australia. We have a judiciary and people are training and

there are incipient judges all around this room, but in Cambodia, they had no one, I repeat no one. Anybody who had been in the judiciary had either fled or been killed. People wearing glasses were killed. Anybody who had pretensions to intellectualism was killed.

The purpose of my first visits was to try and train the judges. We had no Law Schools; nobody had been trained. So, we had to start from teachers, people who were literate, who could read. They sat in the class and asked the most intelligent, searching questions: can I remain a member of the CPP (Cambodian People's Party, the old communist party)? If I am presented with a gift at the end of a case, as is part of our culture, can I keep the gift? What do I do when there is no law? This question worried them the most. 'We have no law. We've got no books. Everything is destroyed. Any books were destroyed. How can I possibly be a judge without books?' I said, 'That's no problem. Make it up! That's what the judges of the Common Law have been doing for eight hundred years. Make it up! But make it up in a way that is consistent with other decisions, with your own decisions, share the decisions round.' They said, 'Can we ring up the Department of Justice?' This was an old technique of the French - the magistrates would ring the Department of Justice. I said, 'No, no, no. There must be no more telephoning the Ministry of Justice about the cases.' Separation of powers, I explained, was a cornerstone of constitutionalism.

So, that was the first task. Building human rights in the area of land mine clearance; in the area of the empowerment of women who had never spoken in those terms and never knew the principles of international human rights law; learning for myself the different way in which a society like Cambodia looks on human rights.

Learning for example that, for the average Khmer, the important issues of human rights are a clean glass of water. The French laid the sewer line and the water line in Phnom Penh together. The erosion of the climate led to an intermixing of the two. You just cannot drink water. This is another thing we take for granted in Australia: you turn the tap and there is drinkable water. We take for granted a clean glass of water. It is, I discovered, a human rights question.

Having education for daughters was an issue of prime importance. There was a sort of basic education for the sons. Daughters also have rights. Having facilities in a health emergency to go to a hospital, that is a human rights issue. We sometimes hear of the so-called Asian exception for human rights. But if the right is universal, such an exception cannot be accepted. Many western people think human rights is about, and only about, what happens in polling booths, in police stations, in parliaments and in court rooms. It's not! Clean glass of water, emergency health care, education, work, issues of this kind, as Mrs Roosevelt and John Humphrey recognised 50 and more years ago, are human rights questions too.

Reporting to the United Nations

The most important thing I learned in my work as the Special Representative for Cambodia was how the United Nations system operates. Twice a year I would have to give my reports, first in March or April in Geneva to the Commission on Human Rights and then in November to the General Assembly of the United Nations in New York. My reports were very candid and they would acknowledge the progress and they would criticise the failures.

Looking at that assembly and seeing the microcosm of all humanity in these huge rooms of the United Nations and taking my turn amongst the rapporteurs and special representatives of the Secretary General, I saw the future. This, in a sense, is the opportunity for the envoys of the international community to report to the international community and to require the oppressors of the world to come forward and answer. My job was relatively straightforward at the time that I was the Special Representative for Cambodia. My report would be given; the Cambodian Government would answer. Generally, there was more positive than negative.

I was succeeded and preceded by the Special Rapporteur on Iran, the Special Rapporteur on Afghanistan, the Special Rapporteur on Cuba, the Special Rapporteur on Sudan. To see in that hall the representative of the Government of Sudan required to answer before the bar of the international community, in a way that he never answers back home, was an indication that we were beginning to make progress. Imperfect. No blue helmets. In fact, Sudan put a fatwa on the special rapporteur

on Sudan. That rapporteur was himself a Hungarian. This itself, I think, is a wonderful and uplifting thought. Professor Gaspar Biro, he is a young Law Professor from the University of Budapest. Merely 70 years ago, he would himself have been living in a country that oppressed human rights in significant ways. Now he was the guardian and the reporter on the situation in Sudan. He was extremely brave. He was extremely direct. The representatives of Sudan had to answer before the bar of humanity to his reports.

This is the system being put in place. It is, as I have said, less than perfect. But it gives an indication of the progress that is being made and of the way in which, by force of international reportage and international good opinion, pressure is being placed upon the oppressors of the world. They are being required to answer. In a way this supplements the media of communications which for all its trivialisation and the entertainment which tends to be its life's blood, brings into our living rooms knowledge of what is going on in the world.

We are building this system with people of very great integrity. The special rapporteurs and special representatives for example. Although the United Nations was sometimes extremely exasperating in its international bureaucracy, it is overwhelmingly peopled by idealistic human beings who are dedicated to trying to build a better world. Of course, it is easier to make your point about Sudan or about Cambodia than to make criticism of a great power such as China or such as the United States, if you have criticisms of them. Yet for all the imperfections, I have seen the future. I believe that it is a future which we all have an obligation to contribute to.

Human rights and the journey of enlightenment

Now, the theme of my talk is 'Whither Human Rights?' The one lesson you learn from involvement in the activities of the United Nations or the Commonwealth Secretariat of the International Community is that the journey in exploring human rights is never finished. A number of the critics of Western human rights notions (including for example the Foreign Minister of Singapore) have said, 'Well you come around

homosexuals. Therefore you cannot tell us that fundamental human rights are set in stone. It is something that each society has to absorb at its own rate and subject to its own culture.

Things that were not perceived as human rights issues earlier in my lifetime have come to be perceived as human rights issues today. One is the issue of sexuality. When I was a young lawyer, just out of law school, I took an active part in the Council for Civil Liberties of New South Wales. In that council we often talked about issues of police arrests. I had quite a busy practice as a young solicitor acting for many of the conscientious objectors in the Vietnam War. That was the sort of activity which was regarded as civil liberties in that time - the 1970s. Nobody talked about Aboriginal rights. No one talked about women's rights. Absolutely no one talked of about gay rights. These were just non-topics in those days.

Therefore I look into my own little experience and think about the journey I've taken. What I constantly ask myself is: what are the things that we are not talking about today which in twenty years' time will be seen as obvious questions of human rights and which we ought to have been talking about but which we did not? So, the mind starts to puzzle over the things that blind us and what prevents our seeing the issues which we should see. The role of the universities is obviously to stimulate thought on such questions.

Human rights and drug use / addiction

One of them, I suggest to you, is the way in which we deal with drugs. No one, I think, would favour a complete free-for-all in relation to drugs of addiction. Drugs of addiction can blight human minds. But, on the other hand, very few people who are closely involved in the way in which we deal with drugs in society now could be satisfied. Very few would regard the manner in which the criminal law is used as our principal agency is a really satisfactory way to deal with the problem. I feel I have an authority to say this because when I was President of the Court of Appeal, most weeks I would be sitting in the centre in the Court of Criminal Appeal. I would be dealing with appeals relating to criminal matters. A high proportion of those, directly or indirectly, are

mind remarkably as to the way in which our society is dealing with the problem and whether this effective and just.

Increasingly in recent times, not only amongst civil libertarians but also amongst Police Commissioners and people who examine the issue in a scholarly and empirical way, there has been a shift of opinion, at least in our own country. It is a shift towards the notion that we have to find a better solution. It will be a solution which is more attentive to the dignity of human beings, and that is not putting so much emphasis upon the attempts to control the supply of drugs into the market.

It is actually interesting to study the history of drug control. The movement for prohibition began in the state of Maine in the United States in the 1830s. It was a great groundswell of Protestant opinion. It gradually moved through a number of the states of the United States. Then came the Civil War, when everybody felt the need for moral renewal because of the great suffering in the United States. After the civil war, there grew the great movement towards the reform of the constitution to adopt prohibition in the case of alcohol.

In the early part of the century, this movement, involving pressure from the United States, took off internationally. It became the impetus for international treaties - the first of the international treaties on narcotic drugs. As you know the United States constitution was amended and then re-amended because it was found that the strategy in relation to alcohol prohibition was not successful. It had set in train many disadvantages and a great enhancement of official power, which was not a very effective way to deal with the problem. The movement in the international community continued unabated. It has done so to this day.

Countries such as Sweden, The Netherlands and now our own country are beginning to look at different strategies: so called harm reduction strategies. There is quite a lot of opposition to this in the United States, led by Senator Jessie Helms. There is opposition in some of the United Nations agencies, notably that in Vienna. I think we will see, within the next twenty years, a new enlightenment about our strategies in relation to drugs. Not to the point of removing altogether the controls

education and a public health strategies instead of the present emphasis on law and order, prohibition.

Human rights in cyberspace

Other issues that seem likely to me to be raised in the human rights field are often connected with technology. The great engine of our time is technology - science and technology. I have been involved in a number of activities that have shown me the significance of technology for human rights in the future. One of them arose out of work I did in the OECD, which was concerned with trans-border data flows. In that context, the OECD developed principles on privacy protection.

In the past, privacy was a matter of your immediate physical environment; people peeping at you through your windows. In the future, people will not peep at you through your window. They will peep at you through the windows of the Internet. Decisions will increasingly be made at forks in your life that will depend not upon an encounter with you as a person, but with your data profile. Your data profile may be gathered from numerous sources collected at different stages of your life. The OECD committee which I chaired, twenty years ago, laid down the fundamental principle of the right of access to your data profile in order that you can see how others can see you, and how others are making decisions about you.

The principles of the OECD committee on privacy (and a later committee on data security) have been adopted by governments, including our own government and by the Parliament. The Federal Privacy Act incorporates the principles that the OECD committee developed. This teaches me that this is not just all talk. You can participate on common issues with international bodies. You can lay down guidelines which are actually helpful to governments of different countries because they are all struggling to find common principles. Without such principles, you will not have any effective rules in interactive technology. International global technology demands international and global solutions. That is where bodies such as the United Nations, the OECD, the Commonwealth Secretariat and others come in.

The problem that has now been presented is that advances in technology have swept past the work of the OECD committee of twenty years ago. In the OECD committee, we laid down one principle that data collected for one purpose should not be able to be used for another purpose without the authority of law or the agreement of the data subject.

Now that was appropriate in the technology of 1978, but nowadays data can be collected, and through the technology which is now available, can be analysed instantaneously and reassembled in order to create profiles which could not have been conceived in the days of the manila folder. Indeed, they could not even be imagined in the days, twenty years ago, when the OECD committee was working. The moral of the story is that in cyberspace the technology sweeps on and it is imperative that we find ways to update the principles because the technology soon makes the principles out of date.

Human rights and the human genome

The most interesting activity in which I am involved at the moment is the Human Genome Project. As a member of the ethics committee of HUGO (which represents the scientists working on the Human Genome project), and as a member of the International Bioethics Committee of UNESCO, I have had responsibilities in advising or participating in the advice that has been given to develop the international principles for the ethics that will guide the Human Genome Project.

The Human Genome Project is the project of scientists in every continent, linked by telecommunications, to map the genome. That is the total body of genes. There are about 80,000 to 100,000 genes in the human species. The scientists had set the year 2003 as the year by which the genome would be mapped. In fact, it is expected that the mapping of the genome will be completed very shortly.

As a result of the mapping of the human genome, we will have an encyclopedia that will tell us all the genes of the human species. It will

Already scientists have found certain markers on the genome which show that this is a person likely to go on to Alzheimer's disease. There are two genes that they consider very likely to be the markers for Alzheimer's. Or that this is a person likely to go on to testicular cancer, to breast cancer, to Huntington's disease. Many legal issues will be presented. But the fundamental issue, from the point of human rights, is what we do with this data. Can we be sure that humanity will have the wisdom to accept that diversity is the protector of our freedoms? That it is diversity in the past which has been the guardian of the gene pool which has ensured that, in times of plague, humanity has survived? May there be a temptation for parents in search of the 'perfect child' to say, 'Well we don't want the foetus with Alzheimer's. We don't want a foetus with Huntington's disease?'

Take Huntington's. Huntington's is a condition that does not manifest itself normally until about the age of 35. Then in a space of about ten years, there is a gradual and finally a rapid deterioration to death. Now, do we take in relation to the marker for Huntington's the same course that we have as a society, accepted in relation to Down Syndrome? Do we say, 'Try again? Huntington's is a very great burden on the individual and on their family. Better to start again and see if you can get a non-Huntington's conception? If your family is prone to Huntington's and it is a genetic condition then ought we eliminate everybody with Huntington's?'

There are Huntington's Associations. I have been to their conferences. Their members will tell you: 'We have a completely full life. We have this disease. It is a great burden when it strikes. But we are human beings too. We are part of the diversity of humanity. Don't eliminate us!'

So as we come to know the genome and as we are presented with the Rosetta stone, and as we look at people with Huntington's, Alzheimer's, or any of the other four thousand major genetic diseases that afflict humanity, we will find these markers. The Rosetta stone will be provided. We will know that this person is likely to go on to this or that condition. The issue will be, what do we do with this data? What will humanity do with this? In one hundred, two hundred, three hundred years' time, when the technology has advanced, we will

evolution? It is a fundamental question of human rights. Who will be human beings in the future? Certainly, it is a very puzzling dilemma. I keep reminding myself and others that the genome is not alien to us. It is something that was always there. It is by our intelligence that we have found it. Therefore, we should not be frightened of it. But we have to be sure that the ethical human rights principles that we apply to the knowledge which is developed are principles which are respectful of the dignity of humanity.

Human rights and sexuality

That brings me to the matter of sexuality. No other Justice of the High Court of Australia would ever have addressed this matter, certainly in my days at law school. This was the subject that 'dared not speak its name'. If you were homosexual, you were programmed from your earliest days, from your puberty, to be ashamed of yourself. This is ridiculous. It is irrational. It has to stop.

In Australia, an interesting development occurred in the Toonen case³. Most lawyers will know about this. Mr Toonen and his partner Rodney Croome were gay activists in Tasmania. By the 1980s Tasmania was the only state of Australia that had criminal laws which still punished consensual adult homosexual conduct.

One day Rodney Croome, whom I know, rang me and said, 'you know that Australia has just signed the First Optional Protocol to the International Covenant on Civil and Political Rights⁴ which gives its citizens the right to go to the United Nations Human Rights Committee and complain about Australia's failure to comply with the International Covenant?' Yes. 'You know that we can therefore go and complain?' Yes. 'Do you think we should?' No. These were famous last words on my part. I told him all the reasons why he should not go. 'You are not really being prosecuted. You are not being brought before the courts. There is no real live issue. This is all theoretical or moot. Tasmania is not enforcing the law. You have therefore not been in the

³ *Toonen v. Australia*, U.N. Human Rights Committee, Communication No. 488/1992, U.N. Doc CCPR/C/50/D/488/1992 (1994).

⁴ n. 2

situation where you have been required to exhaust all domestic remedies.

It is a usual principle of international courts, tribunals and bodies that, before they become involved in a complaint against a country, respecting the country, they ask, 'have you exhausted all the domestic remedies? If you have not even been prosecuted how can you be heard?' Rodney Croome said, 'thank you very much. We will go to Geneva anyway. Thank you for your help!'

As everybody knows, Rodney Croome went to Geneva. He made the complaint against Australia in respect of Tasmania. The Human Rights Committee of the United Nations upheld the complaint. It held that Australia was in breach of its obligations under the International Covenant on Civil and Political Rights.⁵ This was because that covenant contains a provision requiring respect for individual privacy. The committee reasoned that, if you invade the privacy of the bedrooms of adults, then the state is not according to them the privacy which international human rights law promises. So, Australia was found in breach. The result of that was that pretty quickly, (being a good international citizen), the Parliament of Australia passed an Act⁶ which was designed to uphold the principle that throughout the nation all persons would have no invasion of their privacy in respect of consensual adult sexual conduct. That was passed by the Federal Parliament. The question then arose as to whether it had the effect of overriding the laws in Tasmania.

Mr Croome and Mr Toonen then began a case in the High Court of Australia⁷. I had just been appointed to the High Court of Australia. The result of that case was to challenge the legislation of the State of Tasmania. When the case came on before the Court, I disqualified myself. Not only did I know Rodney Croome and Nicholas Toonen. I had given a donation to their cause at an earlier stage. A previous donation that I had given was to the Movement for the Ordination of Women in the Anglican church. After the latter, a donation case came before the Court of Appeal of which I was then a member. The moral

⁵ n. 2

⁶ *Human Rights (Sexual Conduct) Act 1994* (Cth)

⁷ *Rodney Croome & anor v Tasmania* (1997) 191 CLR 119

of this story is never give a donation to anybody! Nevertheless, the High Court upheld the contention that Mr Croome and that Mr Toonen had standing to prosecute their case. The case was set to be heard in the High Court. Then the Tasmanian Parliament capitulated. The laws were changed. Tasmania now has a completely gender neutral and sexuality neutral law on the statute books. The lesson is to be courageous in reform of the law. In human rights, be courageous. Take courageous and principled steps. Do not be off-put by all the problems. There are always problems. My friends pressed on. They proved me wrong. They were right.

The other lesson is, international law and international principles have teeth. They can sometimes help to change things, at least in a country like Australia. So, the law in that respect was changed. Please do not think that we can pack up the books and leave issues of sexuality behind and that everything in the garden is rosy and that there is no prejudice. You would be surprised if I were to read to you the letters of hate that I have received in the last two years. Mostly, I have to say the letters of hate are from people who pretend to be religious people. It is, I think, a matter of the greatest sadness that there is so much ignorance about. I think it is a matter of the greatest concern that often the source of the ignorance is religious people. To a person like me who still counts himself as a spiritual person, this is a matter of real distress because that ought not to be so. It is irrational. It has to stop.

I am to deliver a lecture for Monash University analysing all the data relating to causes of homosexuality. Though there are differences of view, overwhelmingly the consensus is that the causes are genetic or related to very early childhood experiences. If that is so, then it is a wickedness and it is irrational to punish or disadvantage people for something they do not choose and cannot change.

Standing up for basic rights

When I was a boy, my brother attended the North Strathfield Public School in Sydney, as I did. He is left-handed. When he was in primary school teachers tried to get him to change to be right-handed. He was blotting his copybook, literally. In those days there was an ink well; you dipped your pen in and you wrote. Because he was left-handed, he was making blots. The teachers said, 'this is departmental paper

and you can't do that, you've got to write with your right hand.' They tried to make him write with his right hand. My mother went up to the school with a rolling pin. She told them they had to stop. We need more mothers with rolling pins. We need more citizens who will stand up against irrationality and injustice! The game of shame has to stop. We, as citizens, have to stop it. The journey of human rights is a journey of enlightenment. But it is also a journey filled with action. Things on which we once were silent we are no longer silent about. Things on which we are silent today we will look back on and say: why did we not act?