

**THE HON T F BATHURST**  
**CHIEF JUSTICE OF NEW SOUTH WALES**  
**2014 SYDNEY HUMAN RIGHTS DINNER**  
**VOTE OF THANKS TO HINA JILANI**  
**GREAT HALL, SYDNEY UNIVERSITY**  
**FRIDAY 20 JUNE 2014**

1. Distinguished guests, ladies and gentlemen. I will be extremely brief as I'm sure you have little interest in hearing from me after that compelling address.
  
2. It is a great pleasure to have been invited to thank Hina Jilani on behalf of everyone present for her words this evening. We are all very familiar with Hina's work as a lawyer, human rights activist and leader of the women's movement in Pakistan. Her address tonight has given us a personal insight into the challenges faced by many who struggle each day to protect human rights. Can I take this opportunity to acknowledge Hina's remarkable work thus far, and to recognise her many endeavours that are no doubt yet to come.
  
3. Hina's words reminded me of former Chief Justice Gleeson's Boyer Lectures, held more than a decade ago. Early in the first lecture he emphasised that Australians are accustomed to living in a society that is governed by the principles bound up in the rule of law. Because of this many Australians fail to make a connection between violence and human rights abuses in societies

where the rule of law is either absent or fragile, and the much less obvious encroachments on the rule of law that can at times occur in our own country.<sup>1</sup>

4. I frequently have the privilege of speaking to newly admitted lawyers of the Supreme Court. At each admission ceremony I make an effort to emphasise the obligation placed on lawyers to preserve the tenets of the rule of law. For lawyers in Australia that is obviously a very different burden to practitioners working to defend human rights in other places around the world. However, the rule of law still remains susceptible to harm here as it does elsewhere.
  
5. We are each obliged to promote the ideals encapsulated in the rule of law. While at times it is criticised as an elusive concept, it is certainly not an empty one. In part it demands a commitment to justice, equal application of the law to government and citizens, strict judicial independence, and the ability to access the courts. The duty of those who practice law is captured simply by the UN Basic Principles on the Role of Lawyers; they include that practitioners must 'seek to uphold human rights and fundamental freedoms... and shall at all times act freely and diligently in accordance with the law'.<sup>2</sup> The dangers of discharging that duty vary greatly between countries, but the duty is common.
  
6. Dwight Eisenhower once reportedly said that, 'The clearest way to show what the rule of law means to us in everyday life is to recall what has happened

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<sup>1</sup> The Hon M Gleeson AC, *The Rule of Law and the Constitution* (ABC Books, 2000) at 5.

<sup>2</sup> United Nations, *Basic Principles on the Role of Lawyers*, 7 September 1990 available at <http://www.ohchr.org/EN/ProfessionalInterest/Pages/RoleOfLawyers.aspx>. Adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, Cuba.

where there is no rule of law.’<sup>3</sup> I again thank Hina for the insight she has given us into some the work being done at present to defend human rights, the circumstances in which that work is taking place, and the ever-present threat that exists for Hina and many of her colleagues. I’m sure that it will encourage many of you to assist where possible. Hina’s words should also remind us of the fragile nature of the rule of law and the need to preserve and promote the principles that it encapsulates in our own circumstances.

7. I want to conclude by confessing that earlier today I listened to an interview with Hina on ABC Radio’s *The World Today*. Hina, as she has tonight, spoke of the challenges that she and many of her colleagues face in Pakistan. What stood out for me was her comment early in the interview that ‘human rights defenders can never afford to despair of anything, so we have to find a way to hope always that things will improve.’<sup>4</sup> Both her work and her attitude are truly remarkable. Can you join me in once again thanking Hina Jilani.

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<sup>3</sup> Quoted in “The Nation: May Day, USA”, *Time Magazine* (5 May 1958).

<sup>4</sup> Available at <http://www.abc.net.au/worldtoday/content/2014/s4024643.htm>.