

The 5th IWG World Conference on Women and Sport, 20-23 May 2010, Sydney

Closing Ceremony Address

The Hon. Michael Kirby AC CMG, former Justice of the High Court of Australia

TO OUR FIRST PEOPLE

It is wonderful to welcome you on this warm and sunny day to this beautiful hot dry land. To have you here in our midst. It is a great pleasure for all of us to have our visitors from overseas. So I welcome you and I hope that you will have very happy memories of Australia. I begin with acknowledging the indigenous custodians of the land where we meet, respecting them and their ancestors. Respecting those who are in our audience, for their long guardianship of this land. Respecting them because of the inequalities and injustices that they have suffered over the years which we are now in the process of repairing.

One of the most interesting things I have done in my life was to serve as the Chancellor of Macquarie University. It is a university in Sydney not far from here. We put a lot of emphasis in the university on sport and on women's sport. But I am especially proud that I was the Chancellor at the university when we appointed the first woman Vice Chancellor in Australia. There have been several since. But Di Yerbury was the first women to be the leader of an Australian university. She showed that nothing is beyond the capacity and skill of women in today's world.

One of the people that I gave an honorary degree to, during my service as Chancellor was Kath Walker, the noted Australian poet Oodgeroo of the Noonuccal. She was an Aboriginal Australian. She wrote the most beautiful poetry. One poem has the most marvellous message for this conference. It is an uplifting poem. If only there is somebody in the audience who could put it to music it would make a very good national anthem for Australia. A whole lot better than the one we have got, which talks of us being "girt by sea". So listen to our Song of Hope:

Look up, my people
The dawn is breaking
The world is waking
To a new bright day.
When none defame us
Nor colour shame us
nor sneer dismay.

To our father's fathers
The pain, the sorrow
To our children's children
The glad tomorrow.

THE MOVEMENT FOR GLOBAL HUMAN RIGHTS

Kath Walker a marvellous spirit of the Australian Aboriginal community. She was an honoured poet of this country.

Now, I am so old that I have been around virtually in the whole post war history of the development of international human rights. I remember clearly, when I was a little boy in the North Strathfield Public School, which is just down the road from here, long before we had this mighty stadium and facilities here (I think this was an abattoir). Now it is a wonderful few facility. But just down the road when I was in Class 4A and I received a copy of a little document. It was a document that was printed on airmail paper. We are talking about 1949. In the period after the War it was very rare in Australia to see either shiny paper or airmail paper. They were restricted by the war austerities. Yet on the little bit of paper I remember it was a very odd shape. It wasn't square which is what my ordered brain expected everything to be. It was oblong. So the first lesson is down the stereotypes. You may have a square or oblong document, just as you please. Well, this little oblong document, on light airmail paper, had been posted to Sydney Australia and all around the world from Lake Success just out of New York. It was the *Universal Declaration of Human Rights*. The universal declaration was a statement of principles which had been adopted by the United Nations in a committee chaired by Eleanor Roosevelt. The second lesson is: if you want to get something done and done well you have to have a woman chair. That is a lesson of the *Universal Declaration of Human Rights*.

In the *Universal Declaration*, as you know, in article 24 there is a commitment to leisure and recreation in life as an important attribute of our human rights. Also a commitment to a full education, and the end of poverty. These rights are essential to a full experience in life. So this was the beginning of the journey which the international community began in December 1948 with the *Universal Declaration of Human Rights*. Sitting in the chair, as President of the General Assembly when the *Universal Declaration of Human Rights* was adopted, was an Australian, Dr H. V. Evatt. In the 1930s he had been a judge of the highest court in Australia, which I was later to become. He went also to public schools in this country, indeed he attended my high school, Fort Street High School, which is on the main road on the way to the city. So I met him and I knew him. He was a man with a searing intellect. And he was the President of the Assembly when it brought the *Universal Declaration* of Eleanor Roosevelt into operation in the world community.

Later as my career developed in the 1980s, I got to know a marvellous Canadian. His name was John Humphrey. He was a Professor of Law at McGill University in Montreal, Quebec, Canada. John Humphrey had been the head of the secretariat which had worked with Eleanor Roosevelt in preparing the *Universal Declaration of Human Rights*. An interesting insight for me, as a young, well youngish lawyer was to sit down with John Humphrey and talk to him about the drafting of the *Universal Declaration of Human Rights*. One tends to think these things arise, like this, completely reformed and beautiful and finished. Well, they

don't. Somebody has to do the hard work. Somebody has to do the hard toil. And it was John Humphrey with his team of workers, working under Eleanor Roosevelt and René Cassin from France, that got together the *Universal Declaration*. John Humphrey told me that he would be on the bus going from his home to the then headquarters of the United Nations at Lake Success. He would have a thought. So he would reach for a piece of paper or maybe his bus ticket. He would write on the back of it his idea. Perhaps that note later became article 24. That is how it all happened. That is how it all began. And, as we all know, that was the beginning not the end of the journey. It was a declaration. It wasn't a treaty. It wasn't a legal commitment. Nevertheless it was a statement and a proclamation of the things that were important in our world to bind us all together as human beings.

Subsequently, further steps were taken along the journey towards developing other statements of human rights such as CEDAW, the *Convention against all forms of Discrimination Against Women*, and the *Convention against all Forms of Racism*, and the *Convention on the Rights of People with Disabilities*. It is an ongoing journey. We haven't reached the end of the journey. But we have made tremendous progress if you think of it in terms of the last sixty or seventy years. The foundation of the ultimate principles of these treaties was in the Charter of the United Nations. There it was stated that the new world order, after the devastation and the horrors of the Second World War would be built on three great principles: International peace and security (without which we would just blast our species and the world and all its beauty out of existence). Economic advancement and an end to colonialism and oppression. And universal human rights. They are the three principles of the United Nations. Each one of them is interdependent. Each one of them sustains the others. You can't have peace and security unless you respect people's human rights. You can't respect human rights unless you solve the problems of poverty and inequality in the world. So all of these values are interrelated. You and I are part of the steps which are trying to bring these grand ideas into operation.

ENDING STEREOTYPES IN LIFE AND IN SPORT

Now, if you think of your area of special focus you can see, in the developments that have occurred over the last twenty years, in the successive meetings that have been held under your banner, in the successive endeavours 'to Play, to Think and to Change', you can see the issues emerging which in the field of sport are truly important. We need further action. Wrongs aren't settled and aren't fixed up. For example you can see the issues which are securing more role models for women in sport: finishing stereotypes. I went yesterday to speak to a TED Conference. I don't know how many of you have heard of TED. TED stands for technology entertainment and design. It is a very American idea. So you have got to have these very intense young people who get together and they talk. But speakers are only allowed to talk for fifteen minutes. Of course for a lawyer, that is an extremely difficult thing to only speak for fifteen minutes. I turned up dressed, as I have always dressed, in a shirt and tie. They told me you are not supposed to do that. They said I was breaching all the

rules of TED. They reprimanded me at the end of my speech. So I said “I will bloody well turn up in whatever dress I like.” We must all end stereotypes. Even for elderly tie wearing gentlemen!

Anyway this is one of the challenges which has to be faced in the area of women in sport. Stereotypes. Clothing a very small thing you might think but very important. Clothing for Muslim women so that they can participate fully and without feeling in their community that they are letting down the community. Respect for the different traditions and cultures of our different countries, and for different religious norms. Respecting people and finding a space for everyone in women and sport.

Harassment: I was really surprised to be reading the documentation that goes behind the actual “Think” part of the work of your organisation, really surprised, to see how many report in sport women and men, but particularly women, face the occasions of harassment. Of teasing, of down putting, and of sexual abuse. Let's call a spade a spade. I mean these are real problems. It is no good sweeping them under the carpet. They have to be considered and dealt with.

Prizes: the discrimination in the prize level that is provided for women and men's sport, huge discrimination when you actually look at the prizes. Some are getting better. In Wimbledon in 2007 they got to equality in prize money for the finalist male and female. But in most sports you get huge differentials for example in the United States basketball field it is about 2% of the prize money which is given to men is given to women. So it is a huge differential.

Latrines: just a practical matter in Africa of ensuring that women can go to and participate in sport and have appropriate lavatories. That excuse is not only confined to sport. The excuse that was always given in England to not appointing more women judges was that they didn't have the lavatories for them. That therefore you couldn't have women judges, clever though they might be, because you didn't have toilets for them to go to. Well I have known a few women Judges like Justice Mary Gaudron (my colleague in the High Court of Australia) who wouldn't have been put off by that.

Media coverage: the discriminating media coverage and the fact that the fascination of boys with toys in the media, and their fascination with male sport doesn't always flow over into the coverage of female sport. There are, of course, notable exceptions. You know them. But they do tend to get singled out and replayed all the time. It is not something which is a norm yet. Changing the culture will not be done only in this room. It will have to be done in male sporting facilities.

And one of the points that I really was struck by was the notion that male sporting legends, (legends in their own lunch time sometimes) these legends are often guilty of gross personal confronting and sexual behaviour. One of the observations made on that is that they think

that they are the celebrities and the 'modern princes' who can do whatever they want. This attitude, of course, is fed to them by male journalists covering male sports and putting it to the male media. Well that needs to change. Leadership, as we heard in the last panel, and good role models, and strong people such as Mary Gaudron used to always say to me in the High Court of Australia, it is not all found on the y chromosome. It is found in all walks of life, and in male and female participants.

TACKLING HOMOPHOBIA IN LIFE AND IN SPORT

During the last week in Australia you may have seen some indications in the media that, in our community more generally, we need to address these issues. Not only in Australia but in the world. I went last Sunday, this day last week, to Hong Kong. I was there for a one day conference. I had to go up the back of the plane. In the old days, when I was a Justice of High Court of Australia, I only travelled up the front. But now I am down the back of the plane. (My partner says that is where I belong!). And so I went to Hong Kong for this conference. It was a conference for World Homophobia Day. Last Monday was indeed World Anti-Homophobia Day. The reason for it was because that day, the 17th of May, was the day in 1972 that the World Health Assembly (which is the governing body of the World Health Organisation), got rid of homosexuality as a madness. Previously they had it in the list of mental illness. Well they voted to get rid of it. So it was removed from that list. So every year after then we have noted that change with World Anti-Homophobia Day.

There were two marvellous heroes of human rights in Hong Kong. I don't know if they were particularly sporting people. They didn't look to be sporting people. But they were heroes. One of them was Justice Ajif Shah, until recently he was the Chief Justice of the Madras High Court and of the Delhi High Court. He was also the author of the recent decision in the Delhi Court that ruled that the old law of 150 years, inherited in India from the British, which criminalised homosexual conduct, was constitutionally invalid. It offended the basic principle of the equal dignity of all Indians in the privacy of their homes. So the law was struck down. The decision is now on appeal to the Supreme Court of India. However, the appeal was not brought by the Government of India, but it has been brought by religious groups. Sadly, we often find that religious groups are at the source of deep feelings and discrimination, and occasionally feelings of patriarchy. Whatever that may be, Justice Shah is a liberator. He has liberated millions of people in India from the burden of that old law.

The other hero present was Dame Carol Kidu. She is the widow of the former Chief Justice of Papua New Guinea. She is trying to get a similar reform adopted in Papua New Guinea which also inherited from our colonial period (Australia was the colonial power there), the criminal law from the state of Queensland which has since been reformed in Queensland. But it hasn't been reformed in Papua New Guinea. In Papua New Guinea, Dame Carol is the only woman in the Papua New Guinea Parliament. So this is the third lesson. If you want courage, if you want somebody to stand up, if you want somebody to actually try to do something and speak up for freedom and equality for everybody you have generally got to

go and ask a woman. Dame Carol Kidu is doing this. But she faces the missionaries and the people who have been missionary educated. They don't want to change the law. Yet Papua New Guinea has a major epidemic of HIV AIDS. And until you can remove these barriers of law you chain people. You put them outside the messages that are essential for their self protection and for the protection of others.

So this was my experience Monday last week. I went to Hong Kong to see this conference and see these wonderful people who are world leaders. They are continuing the effort of Eleanor Roosevelt and John Humphrey and all the other people who contributed in specialised areas and people who worked on the general principals of fundamental human rights.

Then I came back to Australia and I have to confess to you that I felt a bit discouraged by events of the last week. One of the events, I am sure you noticed it. It was on the front page of all the papers. A media organisation, Channel 7 in Sydney, put its snoops and spies to follow a Minister to a gay sauna. It revealed that, though he was married, he was going to a gay sauna. It was a pathetic and disgraceful act. These media sleuths should be hanging their heads in shame, invading his space, invading his family. His wife is suffering from cancer. He has two sons. Anything to humiliate and destroy. Well it is not acceptable. And our community is increasingly telling the homophobes that this is not acceptable. That sort of discrimination and discriminatory attitudes, and stereotypical attitudes that you see in women's sports are seen in the attitudes of some of the media to sexuality. It has got to change.

Then last week you may have noticed in the sports' pages of the papers the comments by an Australian footballer named Jason Ackermanis. Now, Jason Ackermanis is a footy player. This means being translated from the vernacular, he plays Australian Rules Football. Most people of my age up here in Sydney don't know anything about that code because it didn't really get played here until recently. But Jason Ackermanis was trying to make his contribution to endeavours of the Australian Football League to decrease homophobia in sport. But his contribution was to say 'Well, it is alright to have gay footballers but they have got to stay in the closet'. They must never reveal their sexuality. They must never reveal who they really are. They can't share that with the people that they are playing and changing with. Especially they can't do it if they are changing with them because in the change rooms Jason was terrified that somebody might touch him on the backside or he might playfully touch somebody on the backside. Then some frenzy of excitement might hit him. Well give us a break. We have to change these infantile attitudes and fears.

And I say to those who are from Asia where I had my meeting last week and those who are from Africa, and those who are from the Arab Lands, we must finish stereotypes for good in your generation. We must finish them whether it is stereotypes of women, or whether it is stereotypes of Islamic people, or stereotypes of people of colour. We had lots of

stereotypes about Asians in the age of White Australia. We must finish stereotypes in respect of people with disabilities. We must finish them in respect to gays. We must finish them on any irrelevant ground. And we must say to Channel 7, and to the Jason Ackermanis's of this world, get real. We have had this science for sixty years now. It is time that we all grew up. I hope that your conference and your endeavours will do that. We have all got to be a bit kinder to each other. Not so nasty, going around discriminating against people for basic features of their identity.

SONG OF HOPE FOR THE FUTURE

So I was very interested to put this to the panel and to hear their responses. Trying to dig into their mind why they are engaged in sport. What is it that has brought them into this audience and these activities. And I think I understood what they were saying to be that there is something very individual, personal, and yet communal that is involved in participating in sport. It makes people feel good about themselves. It makes people feel good about their body, about their person. They may not be the most beautiful person. But they feel beautiful themselves. It makes them work and associate with others. It speaks a universal language, just like Eleanor Roosevelt's little document on airmail paper that I received back in 1949.

And so I am very proud to be with you this morning. I am very proud to be here at this conference to take part in this closing. I am very proud to be in the room with people who are committed to equality, to competitiveness, to the human spirit. To digging into ourselves for what is essence of our life. That is not being nasty to each other. It is being good and kind and outreaching. This is what I think sport teaches us.

So back to the poem of Kath Walker. This time all of the stanzas. It is a song of hope for sport. It is a song of hope for humanity in all of its wonderful variety:

Look up, my people
The dawn is breaking
The world is waking
To a new bright day.
When none defame us
Nor colour shame us
nor sneer dismay.

Now brood no more
On the years behind you
The hope assigned you
Shall the past replace,
When juster justice
Grown wise and stronger
Points the bone no longer
At a darker race.

So long we waited
Bound and frustrated,
Till hate be hated
And caste deposed.
Now light shall guide us
And all doors open
That long were closed.

See plain the promise
Dark freedom-lover!
Night's nearly over
And though long the climb
New rights will greet us
New mateship meet us
And joy complete us
In our new Dream time.

To our father's fathers
The pain, the sorrow
To our children's children
The glad tomorrow.