

# JUSTICE Journal

Essential reading for everyone interested in human rights and law reform

## Contents of Volume 4 Number 2, published December 2007

### Editorial

- ***Justice, JUSTICE and judgment***  
Roger Smith

### Papers

- ***Are judges now out of their depth?***  
Professor Conor Gearty  
In an updated version of his JUSTICE Tom Sargent memorial annual lecture, given on 17 October 2007, Professor Gearty argues that, although the judges are not out of their depth, they must be on constant guard against becoming so. He also explains why now is a good time to clarify the right role of the judiciary in Britain's system of government.
- ***The place of equality in a bill of rights***  
Colm O'Cinneide  
This article discusses equality clauses in bills of rights. It analyses the specific examples of the European Convention on Human Rights and the jurisprudence of the European Court of Human Rights, the Human Rights Act 1998 and subsequent UK jurisprudence, contrasting these with the situation in the United States, Canada and South Africa.
- ***Transforming the judiciary: the politics of the judiciary in a democratic South Africa***  
Geoff Budlender  
This article analyses the role of the judiciary in South Africa following the introduction of the Constitution of the Republic of South Africa 1996.

### Articles

- ***Rights and responsibilities***  
Eric Metcalfe  
This article examines the proposal to include reference to responsibilities in a forthcoming British bill of rights.
- ***Adjudicating positive obligations under Article 3 in relation to asylum seekers: 'mission creep' of the European Convention on Human Rights***  
Emma Douglas  
This article considers *Limbuela v Secretary of State for the Home Department*, addressing whether the case marks a shift towards judicial decision-making in the welfare sphere or whether the greater tension lies with the state's discriminatory allocation of resources between citizens and non-citizens.
- ***Human rights protection in Australia: momentary glimmers of hope in Victoria and the Australian Capital Territory***  
Liz Curran  
Victoria and the Australian Capital Territory, within an Australian federal system of government, have recently passed legislation to improve human rights protection. Both enactments are partly based on the UK's human rights legislation, and this article looks at the processes that led to their introduction.

### Book reviews

- ***Lawyers in conflict: Australian lawyers and legal aid***  
Mary Ann Noone and Stephen A Tomsen
- ***Equality Law***  
Karon Monaghan
- ***Freedom of religion, minorities and the law***  
Samantha Knight



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