



SUBMISSION ON THE DEVELOPMENT OF A NATIONAL ANTI-RACISM STRATEGY FOR AUSTRALIA

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Prepared by David Shoebridge MLC in consultation with the NSW Greens Human Rights Working Group on behalf of The Greens NSW

National Anti-Racism Secretariat
Race Discrimination Team
Australian Human Rights Commission
GPO Box 5218
Sydney NSW 2001

The Greens support the development of a national anti-racism strategy for Australia. Indeed, we believe that Australia is obliged to undertake this task in order to meet our international human rights commitments.

The Universal Declaration of Human Rights states that the inherent dignity and the equal and inalienable rights of all members of the human family provide the foundation of freedom, justice and peace in the world.

The first two articles of the Universal Declaration of Human Rights deserve special attention.

Article 1

All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

Article 2

Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.

The aim of any anti-racism strategy must be to make these principles a reality in Australia. This a strategy, if it to be meaningful, must contain a goal. To this end, The Greens NSW strongly support this national strategy adopting as a goal the promotion and achievement of a Bill (or Bills) of Rights to protect all Australians from racial prejudice and discrimination.

Objective 1: Create awareness of racism and how it affects individuals and the broader community

- *What can we learn from how Australia has dealt with racism in the past?*
- *What achievements should we build on? What mistakes should we learn from?*
- *What information would be useful to include in a campaign to prevent and reduce racism?*
- *How could we better acknowledge the contributions to Australia of Aboriginal and Torres Strait Islander peoples and culturally and linguistically diverse communities?*

Observations

Our past is responsible for much of the racism of the present. The roots of Australia's nagging racism, it may be argued, can be traced to its racist past.

- Whilst located almost in Asia, Australia developed as a colonial outpost of Britain. Its disparate states federated in 1901 with a constitution that entrenched racism against races apart from Caucasians and did not recognise Indigenous Australians.
- The White Australia Policy, instituted for the first 72 years of the twentieth century, promulgated an attitude of racial superiority.
- The 1967 Referendum changed the status of Aboriginal people in the Constitution but the practice of removing mixed race children from indigenous mothers continued into the 1970s.
- The issue of deaths in police custody, especially Indigenous deaths, became an international embarrassment in the 1980s, and has been slow to be addressed.
- While the 1997 Human Rights and Equal Opportunities Commission report did much to inform the wider public of the practices and injustices applied to the Stolen Generation, but beyond a welcome apology, the process of Reconciliation would appear to be stalled.
- Mandatory sentencing in the 1990s impacted on Indigenous populations more significantly than non-Indigenous groups.
- Progress made in the recognition of Native Title in the 1990s was countered by the election of Pauline Hanson to the federal parliament; leaseholders' fear of losing their holdings; and the effective suspension of the Racial Discrimination Act with the enactment of legislation to reverse the effects of the Wik case.
- The introduction of mandatory indefinite detention for unauthorised immigration arrivals was introduced in 1992 with widespread public support and continues to be a corrosive and politicised issue. Australia's response to unauthorised arrivals

breaches human rights instruments, namely the International Convention on the Rights of the Child, the International Convention on Civil and Political Rights, the Convention Against Torture and the Refugee Convention. It undoubtedly has a core racist element.

- The 2005 deliberations of the UN Human Rights Committee called Australia to account on many issues: Native Title; the Stolen Generation; Reconciliation; constitutional protection from racial discrimination; mandatory sentencing; the over-representation of Aboriginal people in prisons; the impact of temporary protection visas; the plight of stateless long-term immigration detainees; the coverage of the issue of asylum seekers in the media; the shortcomings of the Racial Discrimination Act; the impact of counter-terrorism legislation on Arab and Muslim Australians.
- The 2007 Northern Territory Intervention again came with the suspension of the Racial Discrimination Act to enact policies that would be proscribed under it. The gap between Indigenous and mainstream health outcomes and the disproportionately high levels of Indigenous incarceration remain unresolved.

Observations

As this abridged and necessarily incomplete review of post-Federation history shows, Australia has yet to overcome the burden of its racist past. Balanced against this history is the simple fact that 21st century Australia is a thriving multi-cultural society. The connections, movements and personal exchanges between people from cultures and places around the globe have produced a modern Australian society that is more open to difference than at any time in its past.

However, the legal structures that govern our relations have failed to keep pace with the practical developments in our multicultural society. Legislative protection for people of different races, creeds, cultures, religions and beliefs have hardly altered since the mid 1970s. Most notably, there has been an abject failure at a federal level to develop a comprehensive Bill of Rights. With tentative steps now continuing in various state jurisdictions to implement Bills of Rights (notably the ACT and Victoria), this is an important time to reinvigorate the push for a national Bill of Rights.

Recommendations

- 1) Develop a balanced history curriculum to enable school children to critically evaluate the origins of existing social attitudes to race.
- 2) Incorporate Aboriginal and Torres Strait Islander studies and the learning of Indigenous languages more widely into curriculums.
- 3) Foster a wider understanding of human rights principles and the obligations Australia has accepted through our ratification of international instruments.
- 4) Implement a Bill (or Bills) of Rights Act for Australia and for each state and territory.

Objective 2: Identify, promote and build on good practice initiatives to prevent and reduce racism

- *What are the priority areas in which we should be addressing racism (for example: employment, education, sport, the media, cyber-racism?)*
- *What measures should governments at all levels take to address racism?*
- *What role can business, the arts, sporting organisations, community groups, service organisations and the media play in addressing racism?*
- *How can we involve young people in addressing racism?*
- *Can you give examples of strategies that you have seen used or been part of that have been successful in preventing or reducing racism? Why were they effective?*
- *What tools or resources do we have at the community level which could be better utilised in the fight against racism?*
- *How could these experiences be shared to help promote good practice? (For example: a best practice website, clearing house, seeding funding for pilot programs, changing criteria for Government grants programs?)*

Observations

The above response to Objective 1 can be read to address many of these issues. In particular, we would commend the change in government culture that can be seen since the successful adoption of Bills of Rights in the ACT and Victoria.

Much of the positive impact from these state and territory Bills of Rights is not seen in high-profile court cases, but in altered pro-rights thinking being a part of day-to-day government (and legislative) decision-making.

Recommendations

- 5) Prevent any further suspensions of the Racial Discrimination Act.
- 6) Implement a Commonwealth Legislative Bill of Rights as a first and important step, modeled on the Victorian and ACT Acts, which would produce a rights-conscious federal bureaucracy and legislature.

Objective 3: Empower communities and individuals to take action to prevent and reduce racism and seek redress when it occurs

- *What strategies or approaches can be used to help individuals and communities who experience racism to speak up or take action? If you have experienced racism, what would have helped you to speak up or take action?*
- *What strategies or approaches can be used to help bystanders address racism where and when it occurs?*

Observations

- Many issues such as the high number of indigenous youth in juvenile detention centres are glaring symptoms of the more intractable problems of alienation, family breakdown and disadvantage, much of which stem from racial and cultural divides that persist in Australia.
- Some communities are reportedly fearful of the police and believe themselves to be subject to negative racial attitudes from their own government. This fear needs to be dispelled before any meaningful engagement or trust can be developed. There would be many cases of perceived racial discrimination that go unreported because of this lack of trust in authority figures.
- The complexities and inadequacies of existing protections in the Racial Discrimination Act are such that few ordinary people can access it to deliver a realistic remedy to racial discrimination. The recommendation detailed above would go a significant way to addressing this objective.

Recommendations

- 7) Any legislative protection must be matched by education and resources to allow individuals and communities to gain access to them. To this end, a focused education campaign detailing the existing rights and remedies available to combat racism is essential.
- 8) Coupled with education must be increased resources to those community organizations that already provide assistance in combating racial prejudice. In particular, community legal centres are in genuine need of additional resources to meet existing and future caseloads.
- 9) Finally, it is imperative that the states and territories each enact a Bill of Rights appropriate to their jurisdictions, and in harmony with a federal Bill of Rights.

David Shoebridge
Greens NSW MLC
Human Rights spokesperson