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UNITED NATIONS SPOTLIGHTS RACISM IN AUSTRALIA

This Tuesday 10 August 2010 the Australian Government will attend a hearing at the United Nations in Geneva to explain some of its most controversial policies to an expert body on racism. The UN Committee on Racial Discrimination has asked Australia to provide it with information on how Australia is performing its legal obligations to respect, protect and promote the human right to equality and freedom from racial discrimination.

“This hearing is one place where the Australian Government is held accountable for laws and policies that have a negative effect on people of particular races,” says Emily Howie, Director Advocacy and Strategic Litigation at the Human Rights Law Resource Centre. “The UN Committee has already indicated to Australia that it will give priority to discussing particular issues, including the Northern Territory Intervention, the treatment of asylum seekers and refugees and the impact of counter-terror laws on Muslim communities”.

“The hearing highlights the inadequacy of Australia’s political and legal systems to properly protect the human rights of *all* people in Australia, particularly groups identified by their race or national or ethnic identity”, says Louise Edwards, Policy and Projects Officer, National Association of Community Legal Centres. “In a democracy, we like to think that the Government is held accountable for its policies every three years. Well that sort of accountability is of little comfort when you consider that both sides of politics have supported, and promise to continue, some of the most damaging and racist policies of recent times.”

A delegation of representatives from non-government organisations will attend the hearing, including Aboriginal elders from the Northern Territory whose communities are directly affected by the Intervention. Rev Dr Djiniyini Gondarra OAM, a member of the Uniting Church from Arnhem Land, and Rosalie Kunoth Monks, a former CLP candidate from Daly River (on the way to Wadeye), and former star in the film Jeddah, have flown to Geneva to tell the UN’s expert racism committee the stories of their communities. Their delegation is supported by a coalition of ‘concerned Australians’ with a broad-based community support.

“It should be a source of national shame that Aboriginal people need to fly to Geneva and petition the United Nations in order to seek justice and be free from racist laws at home. Aboriginal people should at least be reassured that their human rights are going to be supported by the international community,” says Les Malezer, Chairperson of the Foundation for Aboriginal and Islander Research Action.

After the hearing, the Committee will issue a report card on the state of racism in Australia and provide recommendations to the Australian Government for improving its laws and policies.

Graeme Innes, the Race Discrimination Commissioner, is in Geneva and will also attend the hearing.

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See attached Annexure – Short Brief on Australia’s review by the CERD Committee

Annexure – Short Brief on Australia’s Review by the CERD Committee

The United Nations Committee on the Elimination of Racial Discrimination (the **CERD Committee**) is a body of eighteen independent human rights experts. One of the Committee’s function is to monitor race discrimination in the countries who are a party to the UN Convention on the Elimination of Racial Discrimination (**CERD**). As a party to that treaty, Australia is reviewed by the CERD Committee periodically. Australia was last reviewed by the CERD Committee in 2005.

The CERD Committee has flagged a number of key themes of race discrimination in Australia for discussion, including:

Northern Territory Intervention (NTI): The NTI is of interest to the CERD Committee given the suspension of the primary form of legal protection from racist

Government action, the Racial Discrimination Act, and the discriminatory impact of the raft of measures taken under the intervention. Not only are the measures taken by the Government stigmatising of Aboriginal people, they are a violation of fundamental human rights. For example, quarantining of welfare payments for Aboriginal people is discrimination on the basis of race in the enjoyment of the right to social security.

The CERD Committee has now asked the Australian Government to explain the recent amendments to the Northern Territory Intervention. The amendments have been criticised by the Australian Human Rights Commission, NGOs and affected Aboriginal communities as failing to restore rights and dignity to communities under the NTI.

Asylum seekers: Australia’s laws and policies in relation the mandatory detention of asylum seekers has been raised as an issue by CERD Committee, given their discriminatory application to the mainly Afghani, Sri Lankan and Chinese asylum seekers without a valid visa who arrive in Australia or excised territories by boat, most of whom are detained on Christmas Island. The Committee also seeks information from the Government about the singling out of Sri Lankans and Afghanis in the recent suspension of asylum claims, the ‘asylum freeze’ and their detention in the re-opened Curtin Detention Centre.

The last time Australia was reviewed by the CERD Committee, the Committee recommended that Australia review its policy of mandatory detention policy, including the continued use off shore detention. It is expected that the CERD Committee will again raise this issue and the developments since 2005 as a concern with the Australian Government.

Violence and vilification against minorities: The CERD Committee has asked Australia to provide evidence of measures taken to counter and prevent harassment, racist stereotypes and vilification of minority communities – especially African Australians, Indian people, Arab and Muslim Australians and international students. This is of interest to the CERD Committee in light of the weak legal framework in Australia for protection against racial vilification and negative portrayals of African, Arab and Muslim communities by the media (which has led to vilification) and the increased hostility and targeted violence against international students, particularly Indian students.