



Australian
Human Rights
Commission

Response to OHCHR

Questionnaire on the Decade

for People of African Descent

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ABN 47 996 232 602
Level 3, 175 Pitt Street, Sydney NSW 2000
GPO Box 5218, Sydney NSW 2001
General enquiries 1300 369 711
Complaints info line 1300 656 419
TTY 1800 620 241

Australian Human Rights Commission
www.humanrights.gov.au

1 Introduction

1. The Australian Human Rights Commission provides this response to the questionnaire circulated in February 2012 by the UN OHCHR Working Group of Experts on People of African Descent (WGPAD). The Commission thanks the Working Group for the opportunity to contribute to the development of the draft Programme of Action for the Decade for People of African Descent. It recognises the substantial benefit of having had 2011 declared as the International Year for People of African Descent – in drawing attention to ongoing racism, discrimination and xenophobia against people of African descent, including in Australia.
2. The United Nations' declaration of 2011 as the International Year for People of African Descent aimed at embarking on and strengthening national and regional actions as well as international cooperation for the benefit of people of African descent in relation to their full enjoyment of economic, cultural, social, civil and political rights. We support the Working Group's efforts to build on this success through the proposed draft Programme of Action for the Decade for People of African Descent.

2 Questionnaire responses

2.1 Question 1: Themes

3. The Commission supports the inclusion of the elements of 'Recognition, Justice and Development' as the themes for the Decade for People of African Descent. These three concepts encapsulate many of the ongoing issues facing people of African descent. They reference the historic injustice of slavery, and its ongoing legacy in contributing to the racism, discrimination and xenophobia that continues to be faced by millions of people around the world.

2.2 Question 2: Priority areas

4. In 2010, the Australian Human Rights Commission published the results of a national consultation with African communities regarding their experience in Australia – with reference to human rights and social inclusion issues.¹ This project identified five key areas in which African Australians experienced widespread discrimination: **training and employment**, **education**, **health**, **housing**, and the **justice system**. Community members told the Commission that discrimination was the key factor that undermined their rights as equal citizens in Australia.² The Commission encourages the Working Group to give

¹ Australian Human Rights Commission, *In our own words: African Australians – A review of human rights and social justice issues*, (2010). See <http://humanrights.gov.au/africanaus/review/index.html>.

² There is a long history of migration between Africa and Australia – however in recent years, it has accelerated. In 2006, a total of 248,699 people born in Africa were living in Australia. This figure

thought to the issue of discrimination in these areas when developing its priority areas for the Decade of People of African Descent.

5. For migrant and refugee job seekers finding paid **employment** is vital to their successful settlement and integration into the Australian community. Meaningful employment also ensures that they can be part of the social and economic life of the communities in which they settle. African Australians who took part in the consultations brought with them considerable professional and vocational skills, qualifications and experience. They also said they were eager to make a positive contribution to their new home.
6. However, many said they faced significant barriers when they seek suitable work and training, including: lack of information about relevant vocational education and training programs; employment support services that can be confusing and difficult to access; difficulties having overseas training, qualifications and experience recognised; experiences of discrimination when applying for jobs, during interviews or in the workplace; and lack of knowledge or experience of Australian workplaces and employment conditions.
7. African Australians who took part in the consultations stressed how important **education** was in ensuring good outcomes in other parts of their life, such as health and well-being and employment. Access to education was seen as an essential component in their successful settlement into Australia. However, consultations with community members, service providers and stakeholders indicated that African Australians often encounter negative experiences when attending schools, universities and other educational institutions. There was a common view expressed that schools and education institutions generally lack the cultural competency and the flexibility to properly meet the needs of African Australian students. Experiences of discrimination and racism, within and beyond the school environment, were regularly highlighted during the consultations.
8. Good **health** and a sense of well-being lie at the heart of social inclusion. Healthy individuals and communities are better able to contribute to, and benefit from, Australia's social and economic life. African Australians who took part in the consultations highlighted a number of factors that undermined their physical and mental health, as well as their capacity to get the support they needed. These were largely associated with the settlement process and included: feelings of 'culture shock'; language barriers; changes in food and diet; social isolation and absence of family networks; and lack of culturally appropriate health services. The impact of discrimination and racism was another area of major concern.
9. New migrants and refugee communities are among the most disadvantaged groups when it comes to finding **housing** to meet their basic needs. They face further challenges trying to secure affordable housing, especially in the private

represents 5.6% of Australia's overseas-born population and around one per cent of the country's total population. Since then, around 50,000 more migrants born in Africa have arrived in Australia.

rental market, given Australia's current chronic shortage of properties. The difficulties confronted by newly-arrived African Australians are further compounded by the discrimination that many say they face when seeking to rent a house or apartment.

10. Engaging with the **justice system** and relationships with law enforcement agencies also emerged as areas of significant concern for African Australians. Of particular concern was the relationship between young African Australians and the police, with many young people saying they felt they were being 'over policed'. Community members who took part in consultations said they found the Australian legal system complex, confusing and overwhelming. They also identified a number of specific areas of concern, including: lack of awareness of the law, which can inadvertently result in contact with the police and courts; language barriers with police and courts; limited awareness of family and domestic violence laws, particularly among newly-arrived communities; concerns around the child protection system and interventions by child protection agencies; underreporting as victims of crime, often due to a lack of confidence in the system; and difficulties accessing affordable legal assistance, leading to situations where people self-represent.
11. The Commission also encourages the Working Group to consider building the capacity of **National Human Rights Institutions** (NHRIs) – to work effectively in cooperation with African communities – as a key priority area for the Decade. As a bridge between government and civil society, and between the international human rights system and the domestic context, NHRIs are uniquely placed to contribute to promoting and protecting the rights of people of African descent in their respective countries.

2.3 Question 3: Past national measures

12. The Commission has conducted a number of national activities in recent years towards improving the enjoyment of rights of people of African descent and in combating racism, discrimination, xenophobia and related intolerance. These include:
 - The release of a **Discussion Paper** in March 2009 – translated into 10 community languages – which called for submissions from African Australians, other stakeholders including government, non-government and community organisations, service providers, academics and the public.
 - **Consultations** with over 2,500 African Australians through 50 community meetings held around the country.
 - Representatives from over 150 government and non-government stakeholders and service providers also participated in the consultations. In addition, the Commission received over 100 submissions (written and oral).
 - The release of the *In our own words* **Report** (cited above), based on the consultations, and the wide circulation of the Report among government, non-government, and African Australian communities, and mapping the activities of key stakeholders in regard to the Report findings.
 - Promoting systemic **advocacy** by African Australian communities around the main issues in the Report.

- Two **roundtable discussions** in 2011 building on the outcomes of the report and bringing together approximately 80 targeted participants from a diverse range of backgrounds in two Australian cities. The purpose was to progress the recommendations in the Report to develop concrete strategies to improve the human rights outcomes of African Australians.

2.4 Question 4: Planned national measures

13. The Commission plans to build on the *In our own words* report through a number of national activities that could be incorporated under the framework of the proposed International Decade for People of African Descent. The Commission's consultations revealed that racism, xenophobia and discrimination against people of African descent still exists in Australia and the need to be vigilant in exposing this and changing practices and procedures. Activities will include:
 - Maintaining momentum raised by the report by **working collaboratively** with targeted key government, non-government and African Australian representatives in seeking solutions to the Report issues
 - The Commission will also work together with key stakeholders to support efforts towards a unified platform for **stronger representation** of African Australian communities.
 - Working through the new **National Anti-Racism Strategy** to advance the promotion and protection of the human rights of African Australian communities. The Australian Government's National Anti-Racism Partnership, led by the National Race Discrimination Commissioner, launched a discussion paper, website and online survey in March 2012 to further the development of the strategy. The Commission will be holding public consultations and accepting submissions in the coming months. The National Anti-Racism Partnership and Strategy aims to promote a clear understanding in the Australian community of what racism is, and how it can be prevented and reduced.