

Racism and civil society: A national summit on racism

Introduction

In preparation for the World Conference Against Racism, the Human Rights and Equal Opportunity Commission, with funding assistance from the UN High Commissioner for Human Rights, organised *Racism and civil society: A national summit on racism* which brought together a broad range of civil society, including Indigenous community and peak NGO leaders, academics, legal practitioners, human rights activists and representatives from business, religion, arts, sports and media.

Over two days the summit, both through the presentations of the panellists and most importantly animated, enthusiastic and at times challenging working groups, explored racism in Australia and examined our successes and failures in trying to combat it.

The attached report of the Summit is an attempt to bring together the ideas, experiences, analysis and strategies for future action, which the delegates covered over the two days. We have structured the report around the program of the Summit which in itself was based on the five themes of the World Conference Against Racism (WCAR) and the questions under each theme in the HREOC discussion paper "Combating racism in Australia".

Session one: Sources, causes and victims of racism

Panellists

Emeritus Professor Laksiri Jayasuriya, 'Understanding Australian racism: A prelude to combating racism' (paper available from the HREOC website)

Professor Jayasuriya is Hon. Senior Research Fellow, University of Western Australia, Perth. Professor Jayasuriya worked at the University of Western Australia for over 25 years where he held the Foundation Chair of Social Work and Social Administration until his retirement in 1992.

Professor Jayasuriya argued that in order to address racism, we must understand its nature and character in Australia. He outlined a distinction between two forms of racism: the 'old racism' of discrimination on the basis of inferiority and the 'new racism' based on a logic of differentiation or exclusion on the basis of differences (such as national origin or descent, myths and symbolic identity as a 'people' or nation). In Australia the two logics co-exist but have recently been expressed in terms of culture, nation and ethnicity.

Dr Kevin Dunn, University of NSW, 'The geographies of racism'

Dr Dunn is a lecturer in geography at the University of NSW. He recently published (with Amy McDonald) an analysis of the geographical patterns of racism in New South Wales.

Dr Dunn presented recent research into the geographic spread of intolerant attitudes throughout New South Wales. The research found that racist attitudes were expressed in each region in highly specific ways and did not conform to an often-assumed rural-urban divide. Anti-Asian attitudes, for example, were strong in some rural centres but were also strong in the outer urban districts in the state capital Sydney. The research pointed to the need for the development of anti-racism initiatives that are responsive to the local nature (and potentially the local causes) of racism.

Irene Forestenko, Senior Deputy Chair, Federation of Ethnic Communities Councils Australia (FECCA)

Ms Forestenko is an active member of the Ukrainian community in Canberra, having migrated to Australia in 1949 after fleeing Ukraine in 1944. She has been Vice President of the Ethnic Communities' Council of the ACT, and an executive member of the Teacher's Education Union and the Pakistani Australian Friendship Association of the ACT.

Ms Forestenko outlined a range of current concerns held by FECCA, Australia's peak organisation representing ethnic communities. These included matters relating to the recognition of migrant qualifications obtained overseas, the mandatory detention of asylum seekers and reconciliation with Indigenous peoples.

Workshops

Theme one: Sources, causes, forms and contemporary manifestations of racism, racial discrimination, xenophobia and related intolerance

Question 1 - To what extent do racism, racial discrimination, xenophobia and related intolerance exist in Australian society? In what ways do people experience racism? Can you give examples of racism?

The four workshop groups were in agreement that racism, racial discrimination, xenophobia and related intolerance are widespread and entrenched in contemporary Australian society.

The workshops variously stated that:

- There is considerable evidence of racism in the workplace, schools, the media (including ethnic media); sport; employment; accommodation; the provision of goods and services; policing and the criminal justice process.

- There is insufficient research about racism, which makes it difficult to measure fully the extent of racism, or to understand its compounding effects and systemic nature; and
- Formal processes for making complaints about discrimination (such as to HREOC, state or territory anti-discrimination boards or equal opportunity commissions, and ombudsmans) are not representative of the level of racism in society, and merely constitute the tip of the iceberg. It was considered that this was especially the case given that certain groups, who are generally more likely to be the subject of discrimination, are less likely to lodge formal complaints for a variety of reasons (including lack of knowledge about their rights or mistrust of mainstream legal processes).

Racism was seen as existing in many forms, with new variants emerging all the time. Each group described the experience of racism as being deeply personal, having a devastating effect on the self-esteem, identity and human dignity of those who suffer it. The groups saw it as important to acknowledge the depth of hurt and pain that racism causes for those who suffer it, but also stressed that racism should not be viewed as solely existing at a personal/ individual level. Racism was seen as being institutional in nature, and about power and privilege (this is discussed further under question 2 below); and as affecting the ability of people who suffer it from participating in Australian society on an equal footing.

The following examples of racism were discussed in the workshop groups:

- A lack of tolerance for cultural difference and diversity by the mainstream society. It was noted that there is markedly greater antagonism towards groups who are more visibly different (for example, muslims) but it was also noted, paradoxically, that racism can manifest against particular ethnic or racial groups through frustration and lack of understanding of the cultural distinctiveness of a particular group where the cultural characteristics of the group are not as obvious or visible to others;
- Hansonism and the far right. Concern was expressed at the lack of a strong government voice speaking out against racism and hate speech, under the pretext of allowing 'freedom of speech'. One group stated that 'free speech is often used to validate the expression of racist opinions'.
- A more subtle form of racism which was identified as being prominent in political debate in Australia is the appropriation of human rights language to express fundamentally racist views and to de-legitimise anti-racism initiatives. An example of this was the way that, during the debates on the native title amendments and reconciliation, the term 'equality' has been presented as requiring identical treatment in all circumstances.
- Concern was also expressed at the tendency in political debate to label those who speak out against racism as 'politically correct' and to seek to discredit individuals and organizations who are critical of Australia's race performance, particularly when overseas, as 'un-Australian'.

- Forms of denialism were also discussed, particularly in relation to the connection between the contemporary experiences of Indigenous people and our colonial past, and the attempts to discredit the findings of the *Bringing them home* report and the experiences of Indigenous children forcibly removed from their families.

In addition to identifying racism as existing in the workplace, schools, the media (including ethnic media); sport; employment; accommodation; the provision of goods and services; policing and the criminal justice process; the workshops also identified as examples of racism the 'criminalisation' and stigmatization of asylum seekers and refugees; and the impact of mandatory detention laws in the Northern Territory and Western Australia, particularly on Indigenous people. Concern was also expressed that there exists structural or systemic discrimination in the labour market and in areas of government policy, with government funding and policy decisions relating to access to services occasionally having a racially disparate impact.

Question 2 - What are some of the sources, causes and factors that contribute to racism in Australia?

It was recognised that the causes of racism in Australia are complex, inter-related and change over time, and that there is no single overriding causal factor that can explain all forms of racism in Australian society. The causes of racism will also vary according to factors such as local or regional circumstances and prevailing economic conditions. There are also multiple forms of racism – ranging from explicit ideologies of racial superiority through to more covert or indirect forms of racism, and structural inequalities (which are reflected economically in the labour market in particular).

At a structural level, racism is tied to the distribution of power and privilege in Australian society, and is about its maintenance in social, cultural, political and economic spheres. Because of this, the suggestion that racism is irrational was rejected – it is used to rationalise power differentials in societies across the world (and historically was a main justification for slavery and colonialism). This power dimension has resulted in racially privileged groups in society, and for them racism is reflected in a fear of 'what we will have to give up'.

Some concerns were expressed about the language of government policy which focuses on 'harmony' and 'tolerance'. These terms were seen by some to be hierarchical and patronising, implying that the acceptance of minority groups and cultural difference is dependant upon the beneficence of the dominant group in society, rather than as a matter of right.

The workshops did, however, express some concern about a blanket statement that all racism results from an imbalance of power. Participants pointed to instances of fear and intolerance by those marginalised within society and challenged the notion that economic or class privilege provides some immunity against racism.

While racism is structural in nature, the workshops also discussed the importance in addressing individual expressions of racism, which they saw as being learnt through family, media and an education system weighted towards 'traditional' English values and history.

There was general consensus among the four workshop groups that the following are among the key sources, causes and factors that contribute to racism in Australia:

- *The fear of cultural difference and the construction of a national identity.* One group described racism as 'an inappropriate response to difference'. The appropriate recognition of cultural difference within a cohesive and inclusive national identity was seen as a key issue in facing racism in Australian society. The attempts by some in our society to perpetuate models of Australian identity that implicitly exclude or marginalise diversity was seen as a powerful vehicle for modern racist ideology. The workshops stated that much fear of difference was linked to population increases and the impact of economic labour market change brought on by globalisation. These issues were later explored in greater detail in Workshop 4.

The increasing diversity and complexity of Australia's multiracial society also means that no one group has a monopoly on racial intolerance or xenophobia. Concern was expressed in the workshop groups about the existence of a 'hierarchy of racism'. The workshops were unequivocal that racism be dealt with as a universal phenomenon and must be eliminated in all of its forms.

- *The legacy of colonialism and our European past.* The workshops considered that racism in Australia is closely linked to the values of the dominant group in Australian society, the white European majority. Historical factors relating to the circumstances of white settlement, helped create a fear by the white population of being overwhelmed. A perceived need to defend "our" culture and "our" majority encourage fear and prejudice, often fed by ignorance.

The workshops also saw a clear connection between the history of settlement in Australia and the disadvantaged situation of Indigenous peoples, as reflected in dispossession from land, poor standards of health, educational attainment, wealth and employment status.

Question 3 – Is there anything we can learn from past experiences of racism in Australia? If so, what lessons can we draw from our past as we evolve as a diverse society? What are the achievements we need to build on? What are the mistakes we need to learn from?

There was recognition that there are both positive and negative aspects to our history. We should be frank about this, particularly in acknowledging the impact of racism on Indigenous communities, in order to move forward with a cohesive and inclusive national identity. Concern was expressed that to date we have on

occasions not recognized the harm inflicted on Indigenous communities in the past, and so not begun to heal the wounds.

All groups recognized as a positive the multi-racial nature of Australian society. Participants were supportive of the policy of multiculturalism, but also noted that no one group has a monopoly on racial intolerance and that as a multiracial society we continue to struggle to overcome all manifestations of racism.

There was discussion about the separation of Indigenous policy and multiculturalism. While acknowledging differences between issues for migrants and Indigenous peoples, the view was expressed that there is a need to ensure greater coordination of Indigenous and migrant advocacy to effectively address racism affecting both areas.

Concern was expressed that government policy has to date tended to treat racial discrimination, and efforts to combat it, within a short term, ad-hoc framework. Some groups went so far as to suggest that 'we don't learn from the past because we fail to evaluate programs to address racism' and that campaigns and efforts to date have been under-funded, lack intergovernmental and interagency coordination, developed without consultation with communities and unsophisticated. This was contrasted with campaigns dealing with road safety, anti-smoking and skin cancer.

Participants argued that anti-racism campaigns need to be given higher priority, and better coordinated through whole of government and inter-governmental efforts.

Theme 2: Victims of racism, racial discrimination, xenophobia and related intolerance

Question 4 - Who are the victims of racism in Australia? How does racism affect individuals, communities and Australian society in general?

The workshop groups expressed reservations about the use of the term 'victim' on the basis that it is disempowering, and represents people who experience racism as passive. This does not acknowledge the significant resistance and struggle against racism by those who suffer it.

Concern was expressed that to view Australian society in terms of the privileged 'us' versus disempowered 'them' would perpetuate a racialised and non-inclusive model of Australian identity, which had been identified as one of the root causes of exclusion and xenophobia in Australia.

Delegates urged people not to see social injustices and racism as being inflicted on others but instead to see them as being inflicted against 'ourselves' - to see it otherwise risks implicitly affirming models of exclusion. At a fundamental level racism makes victims of everyone, diminishing quality of life and taking away the humanity of both subject and perpetrator.

The workshop groups were also concerned that identifying a particular racial or ethnic group as being 'victims' can stereotype people from that background. It is necessary to recognise the very different experiences of racism that people of particular groups face.

While considering that a focus on victims is problematic, the groups identified as a tension with this concern the importance of explicitly identifying those who suffer racism in order to ensure that their experiences and struggle are recognised and made visible, and are not permitted to continue unacknowledged.

Bearing these concerns in mind, the workshop groups identified Aborigines and Torres Strait Islanders, refugees and asylum seekers, migrants (particularly those who are seen as 'visibly different', such as Muslims, Turkish and Lebanese people) and people of Jewish background as the main victims of racism in Australia.

The workshop groups also recognised that where racism impacts on an individual, it has a follow on impact upon the family of the affected person and their community.

The groups also acknowledged that throughout our history there have been people who have resisted racism and spoken out about it, and who have also suffered as a result.

The groups stressed the importance of acknowledging the distinct experiences and forms of racism suffered by migrants and Indigenous peoples. Policy responses to these must not be generic. It is important that the very different experiences not be ignored or masked, and that government policies are specifically designed to address the needs of each group in a strategic manner.

Question 5 – Are there additional issues for victims of racism who are also disadvantaged because they are women, youth, gay or lesbian, disabled, members of a religious minority or on some other basis? Do they experience racism as a separate issue or does it compound with and change their experience of being disadvantaged?

There was recognition that racism manifests differently for some people based on some other characteristic that they possess.

In discussions about identity and victims of racial discrimination, the workshops agreed on the importance of the intersectionality of areas of disadvantage, such as race and gender or disability. It is rare for the discrimination to be based solely on one ground and for the victim these different layers of discrimination compound the experience.

The workshops particularly noted the compounding of disadvantage when people with disabilities from a non-English speaking backgrounds (NESB) access government services; as well as the tendency for racially disadvantaged women, particularly Asian women, to be sexualised.

Session two – Measures of prevention, education and protection

Theme 3: Measures of prevention, education and protection measures aimed at eradicating racism, racial discrimination, xenophobia and related intolerance

Panellists

Mrs Bev Baker, NSW Parents and Citizens Association

Mrs Baker is the President of the NSW Federation of Parents & Citizens' Associations.

Ms Baker expressed concerns at the application of market principles, under the guise of choice, to the school system. This was a barrier to effectively instituting anti-racism values and curricula across the whole school system. She maintained that the “choice” policy could potentially allow a proliferation of private schools which were based on a range of values, while the government was withdrawing from setting value standards and allowing the standards to be set by the market forces of supply and demand.

Reg Hamilton, Australian Chamber of Commerce and Industry

Mr Hamilton is the Manager, Labour Relations of the ACCI.

Mr Hamilton said that opposition to racial discrimination is one of the most important and generally accepted 'community norms' in Australia, although breaches of the various prohibitions on this discrimination do occur in the same way that other criminal and civil laws are breached. There is a positive as well as a negative story to tell about Australia, for example our laws and enforcement compare well with those in some other countries. From an employer's perspective the debate in ACCI has always been between self regulation and prescriptive legislation, always within the accepted principle of opposition to racial discrimination. He provided examples of a number of positive joint initiatives with HREOC and the ACTU and federal Government aimed at educating employers and their agents in instituting anti-discrimination practices within the workplace.

Associate Lecturer Lawrence McNamara, Department of Law and Justice, Macquarie University

Mr McNamara has worked and taught in the law schools of the University of Western Sydney, the University of Sydney and at the University of Technology, Sydney. He has extensively researched the role of racial vilification codes in the Australian Football League (AFL).

Mr McNamara maintained that racist abuse on the sporting field was of special relevance. It not only concerned issues of participation but also spoke to broader

attempts to combat racism and racial hatred in the wider community when sport becomes a forum for debate and even, at times, a model for change and progress.

He noted how the Australian Football League (AFL) has a progressive system for the making and resolution of complaints, at least in so far as on-field racist abuse is concerned. The AFL has both a symbolic function in conveying to the community messages that racist abuse is unacceptable, as well as using formal prohibitions on hate speech to combat racist abuse on a day-to-day level.

Jack Waterford, Editor, Canberra Times

Jack Waterford has been a journalist for 28 years, having written primarily about law, politics and public administration, the three arms of government. He was appointed Editor of the Canberra Times in 1995.

Mr Waterford maintained that the Australian media per se was not racist. This was not to say that at times specific issues and incidents have been reported in racist manner. There was need to be careful about labelling news items as racist just because they may contain criticisms of individuals or groups who are Indigenous or of non-English speaking background. He reflected on his personal experience as a journalist and that in the past there was a level of self-censorship in dealing with certain issues regarding Indigenous communities. This self-censorship may have had the negative effect of stifling open discussion thus creating an environment where the broader community was not aware of the complexity and diversity within Indigenous communities.

Workshops

Question 6 - What are the most important measures that the Government and/or other sectors of society can take to combat racism in Australia? Eg, programs/activities in schools, public education campaigns, employment and workplace strategies with the business sector, etc?

Many delegates expressed the view that opposition to racial discrimination is one of the most important and generally accepted 'community norms' in Australia. However, there was a need for programs to combat the manifestations of racism that still existed and to reinforce the widely shared values of opposition to racial discrimination in all its forms.

There was agreement that education programs are remedial and are the long-term answer to combating racism. Programmatic responses need to be developed which have public education components which cover people's rights, the aim of developing a common set of human rights values and address the issue of equality within a framework of diversity. The programs require cross party support and need to be: developed in consultation with communities; appropriately resourced; multi faceted; long term; reviewed; monitored; and effectively evaluated. It is also important that civil society and its agencies need to be resourced and strengthened so that they can be directly involved in community education campaigns.

The school system was seen as the starting point for developing and reinforcing anti-racist values within society. Delegates maintained that the priority for the school system was structural and institutional change. The school system is itself a product of specific cultural models and it was necessary to move to a system which was informed by the diverse learning and teaching cultures which exist within Australia's communities.

In line with this approach it is necessary for schools to incorporate culturally relevant curriculum and assessment methods for all student. If the school system was based on a range of cultural models and approaches then all students would develop a greater awareness, and acceptance, that diversity is a positive aspect of our society and that no cultural model has a position of dominance.

Specific Indigenous and ethnic schooling have an important role to play. The issues of cultural maintenance and reclamation are a key to ensuring that communities are able to interact as equals within society which is fundamental to developing a society that protects against racism.

With specific reference to developing school curriculum delegates agreed that we have to constantly ask: "Whose viewpoint is being promoted in the education system?" It is necessary to include histories of Indigenous and diverse ethnic communities in the education system from the perspective of these communities. The ongoing debate about 'correct' perspectives of history needs to be carried out with respect and presentation of the varying points of view.

The workshops were of the view that there was also a role for the development of specific anti-racism courses within the school curricula. However, before these could be developed it was important to have a clearer understanding of the dynamics of racism. In the past anti-racism programs have actually been counter productive in that they were not based on a detailed understanding of the issues nor of the intended target group. It is important that anti-racism courses within the school system are developed in consultation with students and the broader school community.

Workplace based anti-racism education programs were identified as an important element of any coordinated measures to combat racism. The workshops agreed that education and training are life long experiences and anti-racism programs cannot be limited to the formal school system. As in other areas workplace based programs require a bipartisan approach and commitment from employers and employees and their representative organizations. In this context it necessary to reaffirm the basic value that every individual has the right to work in a non-discriminatory environment, and as is the case under occupational health and safety laws, there is a shared responsibility between employers and employees to achieve this. The delegates noted that there was strong argument to be put that removing racism from workplaces makes good economic sense. Delegates also noted under the *Racial Discrimination Act* employers have vicarious liability for acts of racial discrimination committed by their employees and must ensure that they have taken all reasonable steps to prevent racial discrimination occurring in their workplaces. These points should be emphasised in attempts to convince employers and

governments to provide the necessary resources for the implementation of effective programs.

In the area of employment the workshops reconfirmed the views expressed in session one that structural discrimination still exist in the labour market. In fact access to employment is seen as significant element in addressing racism.

To address the labour marker issues some specific programs and measures need to be implemented. These programs need to be specifically targeted to address systemic unemployment and career immobility amongst specific communities, such as, newly arrived groups.

Some areas where specific measures could be developed, include:

- Improving, and reducing the time lags for, the recognition of overseas qualifications and experience
- Providing workplace based training to assist in the adaptation of overseas experience and qualifications to local conditions
- Mentoring programs with local professionals
- Increased access to English language training
- Targeted employment initiatives for groups with higher than average unemployment rates

In addition to direct employment related programs, measures are required to breakdown structural barriers and practices which exclude certain groups and individuals from decision making positions.

It was agreed that most of Australia's private and public institutions at the decision making levels are still in the main mono-cultural. Some of the workshops maintained that if diversity is not reflected at these levels of society it is the result of systemic barriers which must be removed. A range of measures were proposed, including:

- Economic or affirmative action programs aimed at increasing the number of Indigenous peoples and people from a broader range of cultural and linguistic backgrounds in senior management and decision making positions. This should cover the private and public sector with a particular focus on the justice and health systems. (The case of the Labour Party setting itself a 35% target for women candidates in winnable seats of parliament was cited as an example).
- Ethics courses for senior executives which include accountability for performance re race relations and programs
- Skills training for directors so that they can identify and address issues relating to structural barriers
- Providing entrepreneurial and public confidence skills training for people from target communities
- Providing mentoring programs with senior executives for people from the target communities

Public education campaigns were seen as key measures in combating racism within society. However, once again a series of issues were raised based on past experiences:

- The campaigns should focus on defining and promoting shared “values” inherent in the anti-racism message
- It is necessary to take the party politics out of the anti-racism strategies and develop programs, which are endorsed and agreed to by the major political forces. This collaborative approach has worked in regard to campaigns such as anti smoking, anti littering, compulsory seatbelts, and so on. These campaigns have been able to forge a sense of shared values and acceptable norms of conduct by the majority of society and this what we should be aiming to achieve through anti-racism programs.
- The campaigns also need to address both the explicit and subtle manifestations of racism.
- There is a need to change the language and not use descriptors such as ‘minorities’ or ‘victims’. It is necessary to promote cultural and language sensitivity in policy and program formulation and this should be achieved through broad consultation with the specific groups.

The arts and cultural sector were identified as a specific sector where measures needed to be undertaken. They have a key role in expressing, reflecting and defining images of a national identity or identities. Therefore it is crucial that measures are introduced with the arts and cultural sector to ensure that all aspects of the sector from administration to creation reflect the cultural diversity of Australia.

Underlying all the above proposals was an agreement that all the measures need to be carefully articulated and presented. No program, whether formal education, health or labour market, will prevent racism if it is imposed and authoritarian. The language of any process must engage not impose and be appealing not threatening and concentrate on mutual benefit. We should not deny difference, but identify commonality.

Question 7 – Can you give some examples of effective programs to challenge racism (eg, in the media, education, law, business, arts, sport or other areas)?

The delegates identified a range of existing and past programs which had varying levels of effectiveness. It is important that past experiences serve us to develop improved programs in the future. The delegates also raised examples of effective campaigns and measures which dealt with other social issues in so far as these could serve as useful models for future anti-racism programs.

In the area of public education campaigns a number of examples were canvassed:

- The “Fair Wear” campaigns aimed at highlighting the exploitative employment practices in the footwear and clothing sector. The campaign aimed at bringing consumer and employee pressure to bear on companies to

alter their practices. The “Fair Wear” approach was considered an interesting model because it combined a mix of different strategies. It had public education elements, consumer awareness strategies to pressure manufacturers, was developed in consultation with the outworkers (who are mainly from non-English speaking backgrounds) and focussed on building support for acceptable community standards in terms of payment and employment conditions.

- The “Racism Sux” campaign was considered effective because it had a clear target audience – youth. The message was clear that racial motivated acts and abuse were not “cool” (acceptable). It involved young people in developing and delivering the program and also used effective role models such as sportspeople and performers. However, it suffered from being a “one-off” campaign.
- The “Living in Harmony” campaign was less clear in its message and target audience. It suffered from not being developed in direct consultation with communities.

In discussing public education campaigns the groups came up with suggestions of possible future programs. One proposal was the development of regular initiatives which profile individuals that uncover and fight racism and those that report on it i.e. anti-racism media award, community awards, etc.

In the area of sport a number of delegates mentioned the AFL (Australian Football League) Traineeships and support systems.

A number of delegates mentioned health programs attached to schools that provide practical health advice, access to medical services and food. These were considered to be of importance, even though with varied success, in addressing the poor health standards among our Indigenous communities which were the result of past and current racism.

In the tertiary education sector it was recognised that there has been an increase in the number of specific courses for Indigenous people as well as an increase in designated positions for Indigenous students. These have had a positive impact on improving access to professional training, which in the past had been denied. However, the specific programs of tertiary institutions for Indigenous students have concentrated on the welfare courses/issues and these need to be expanded to include business, entrepreneurial and professional courses.

The groups noted that university courses on racism and cultural diversity generally are insufficient and are not offered in all universities. These type of courses need to be expanded and incorporated into the curricula along the model of compulsory awareness programs in NSW for professionals such as lawyers and mental health workers.

Delegates discussed a range of community programs and activities, which are conducted by non-government organisations. These programs were seen as effective because they were targeted and often involved a very high level of personal contact and commitment. Some the programs that were mentioned included:

- The WA Deaths in Custody Watch Committee which operated a range of programs aimed at: the family and friends of victims; those at risk; and, raising awareness amongst the general community.
- Good Neighbour programs which aimed at encouraging contact and dialogue between members of different communities with a support focus.
- Anne Frank program.
- Uniting Church Covenanting program.

The workshops also discussed other forms of programs and initiatives in relation to the ensuring government agencies and private companies are more responsible in terms of addressing racism.

There was a common view that industry codes of conduct can be developed, and certificates of accreditation can be issued to give complying companies a marketing edge. Communities and individuals can participate with their custom and patronage of such companies. These would need to be developed in a collaborative fashion between the relevant industry bodies and agencies such as HREOC.

The example of industry self-regulation bodies such as Press Councils and the Australian Standards Association were discussed as positive models where industry takes the initiative on addressing issues. However, they were also seen as limited and there was the need consider introducing legislative measures to strengthen the capacity to enforce decisions. In relation to its role in addressing racism and intolerance in the community it was suggested that the Press Council should invite non-members to participate in hearings as well as a separate need for an ongoing race-media forum.

The delegates identified the media and the police sectors as being priority areas for specific anti-racism training and education programs. These programs would have to go beyond cross-cultural training courses for staff members and would have to include the development of stronger and enforceable anti-racist codes of conduct.

The delegates took the opportunity to make some observations about how to improve future programs, these included:

- Programs should be locally developed in consultation with the local people effected to encourage an appropriate response to local concerns and generate local ownership.
- That programs, be they either public education campaigns or specific training courses, require clear objectives in terms of if they are aimed at achieving attitudinal or behavioural change. This was seen as important because it was maintained that in the past the lack of clarity has actually lead to programs having a detrimental effect.

An example of a diverse approach to program development and management was raised in regard to assessing fundamental social indicators such as life expectancy statistics. In the case of Indigenous Australians they have life expectancy rates, which are at the level of developing nations while the general population enjoys

rates, which are amongst the highest in the developed world. Past initiatives and programs to address this to a large extent have been unsuccessful. The New Zealand experience in addressing a similar situation has been more successful and this was seen as being the result of a fundamental policy difference. New Zealand's attempt to increase life expectancy was to have Indigenous controlled education and health programs and self-determination. Delegates maintained that this approach should be explored for Indigenous Australians and also for diverse ethnic groups in Australia in addressing the negative social outcomes of institutional racism.

Question 8 – How can the internet be used as a more effective tool against racism?

Delegates acknowledged from the outset that not everyone has access to the Internet and that the rate of access and utilisation varies across different communities and sections within communities.

However, it was recognised that the internet can be a powerful tool to address racism, and should be used creatively for this purpose, and for monitoring manifestations of racism.

Examples of creative use included:

- The Big Brother/Little Brother project.
- The twining of school communities, such as urban school students with remote Aboriginal school students
- A range of projects involving people with disabilities. The internet has become a major means for people with disabilities to access and disseminate information and conduct campaigns.
- “Meta tagging” is a way of providing an alternative voice when people are searching and accessing racist sites.
- Internet based projects which develop virtual communities where issues and ideas can be exchanged between groups at a local, national and international level.

On the other hand the Internet was identified as a new and internationally based mechanism for promoting and disseminating racist activity and propaganda. Delegates noted that there are over 2,500 racist sites on the Internet.

It was raised that in the majority of cases these racist and hate sites are only accessed if they are deliberately searched for, however this did not diminish the threat that they posed. Other delegates pointed out how racist and hate sites tag themselves on search engines so that they can be captured in “innocent” searches.

To address the race and hate sites a number of suggestions were proposed:

- Organisations should bar racist sites from being accessible from their networks, this has been done by the Black Deaths in Custody Watch Committee.

- There should be official monitoring of racist and hate group sites on the internet. Then governments and appropriate authorities should be informed so that appropriate action can be taken.
- Internet Service Providers need to be approached with the aim of developing protocols which would have them not house racist or hate sites. If self-regulation is not successful then government legislation should be considered.
- Manufacturers of Internet search filters be approached to develop filters that exclude access to racist and hate sites as they have done for pornographic sites. This is particularly important for public access internet points such as libraries, schools as well as for carers of children who have internet access from their homes.
- There is a need for international agreements and arrangements at the government and NGO level to deal with racist sites as they would with any other form of racist activity or propaganda.

Question 9 – How well do you think we acknowledge and celebrate the contributions of minority groups and Indigenous peoples to our society?

The overall response of the delegates to this question was that Australia does not sufficiently acknowledge and celebrate the contributions of minority groups and Indigenous peoples.

The workshops identified the arts as a field that has provided a vehicle for the acknowledgement, celebration and critical debate of the role and contribution of Indigenous peoples and minority groups to Australian society.

The view was expressed that there was still a need for the whole arts community to recognise that all our stories need to be told and presented. For example, the success of issue raising shows such as *Box the Pony*, *The Cherry Pickers* or books such *Benang* by Kim Scott demonstrate the key role the arts can play. We need to enter into dialogue with producers of television shows – particularly serials – to seek incorporation of anti-racism issues, and a greater reflection of our cultural diversity, in their story lines and characters.

Delegates expressed some concern at the use of the term “celebration” of ethnic and Indigenous cultures as running the risk of setting up a sense of divide and power where the “mainstream” celebrate the “others”. Conversely some times the event of a “celebration” provides the opportunity for initial insights, links and contacts to be made which otherwise would not occur.

“Celebrations” are often moments of which are used to define a national identity. Therefore, it is essential that there are national celebrations of Indigenous peoples and people of diverse cultural and linguistic backgrounds which highlight their history, cultures and contribution to Australian society and which also explore the negative effects of colonialism and policies such as, White Australia, assimilation and so on.

As was noted in previous workshops there was inadequate and inappropriate acknowledgement of our history and particularly in relation to the connection between the contemporary experiences of Indigenous peoples and our colonial past. This needs to be addressed if we wish to effectively “celebrate” the contribution of all members of society.

Session three – Effective remedies, recourse, redress, compensatory and other measures

Theme 4: Provision of effective remedies, recourses, redress, [compensatory]¹ and other measures at the national, regional and international levels

Panellists

Dr Mick Dodson, Chair, Australian Institute of Aboriginal and Torres Strait Islander Studies

Dr Dodson is the Chairperson of The Australian Institute of Aboriginal and Torres Strait Islander Studies. He was Australia's first Aboriginal and Torres Strait Islander Social Justice Commissioner.

Dr Dodson provided a detailed overview of the outcomes of the conference held in February which included Indigenous peoples from Australia, New Zealand, Canada and Hawaii in preparation for the WCAR. In particular he focussed on the need for significant legal measures, which acknowledge and seek redress for the effects of colonisation. There is also the need to develop specific measures that cover the legal and education areas. These need to be culturally appropriate to Indigenous peoples and involve them directly in controlling the development, planning and implementation phases.

Mr Jeremy Jones, Executive Council of Australian Jewry

Mr Jones is the National Vice-President, Executive Council of Australian Jewry. He has been active for many years in the areas of racism and anti-Semitism as well as having brought a number of cases against individuals under the Racial Discrimination Act.

Mr Jones pointed to the fact that Australia was fortunate to the extent that it had a strong and independent non-government sector which made it possible to effect change at the social and political level. Australians have a role to contribute to a range of issues that transcend national boundaries and require international responses such as the proliferation of racist hate material on the Internet and the transnational cooperation of neo-Nazi groups and movements. Mr Jones acknowledged the importance in Australia of Racial Hatred Act 1995 both in terms of providing legal recourse for individuals and demonstrating the government's resolve to actively tackle racism. However, the complexity and the slowness of progressing cases under the Act were still areas of concern.

Mr Chris Sidoti, Human Rights Council of Australia

Mr Sidoti was Australian Human Rights Commissioner from August 1995 to August 2000 and prior to that he worked with the Catholic Commission for Justice

¹ Note: The word compensatory is in brackets as there is no consensus among governments to include it under this theme at this stage.

and Peace and the Australian Law Reform Commission. He is presently National Spokesman for the Human Rights Council of Australia.

Mr Sidoti provided a wide ranging of summary of Australia's legal responses to racism and human rights. While noting the progress that had been achieved there was a need to redress some of the existing shortcomings in the legal framework. A major issue to address is that of accessibility to legal recourse for it is one thing to have a strong legal framework but it will only be effective if people are able to access it and use it as means of recourse. Mr Sidoti also canvassed the need for the governments of Australia to actually enact and implement a raft of legislation, which ensures that we effectively comply with our commitments as a signatory to international treaties and protocols.

Workshops

Question 10 – How adequate are the laws dealing with racism and racial discrimination in Australia? Can you give examples?

There was a consensus amongst all the delegates that the existing laws dealing with racism and racial discrimination were inadequate and some major improvements and new measures need to be introduced. This inadequacy was also reflected in the implementation and access to the laws. The reasons, which informed these views, are canvassed more fully in the responses to questions 11 and 12.

Question 11- Could these laws be improved? What should the aim of laws dealing with racism and racial discrimination be? - Prevention, punishment, public education?

The workshops were of the view that prior to considering specific racial discrimination and racism laws it was necessary to review the legal system generally. It was proposed that the Australian Law Reform Commission should undertake a review of all Australian laws to see if they have racist or racially discriminatory elements or outcomes. The groups maintained that there was no point in introducing specific discrimination laws if they could be undermined or contested, by existing laws or legislation.

There was general agreement that racism and racial discrimination laws should pursue protection, prevention, and provisions of security for citizens, to ensure racial equality and respect and justice. That the minimum standard from which to start is that Australia complies with, and meets, its international obligations. It was recognised that to achieve this there is a need for a clear political will across all political forces to develop, implement and resource a comprehensive legal process to combat racism.

The delegates canvassed a number of legislative and legal proposals which included:

- The development of some form of rights model; this could be a constitutional response such as a Bill of Rights or a set of Statutory Equality Provisions or National Charter of Rights. This would provide some sense of national standards and redress. Everyone was aware of the difficulties with

these various approaches such as constitutional reform processes in Australia and the balance between federal and state rights.

- The need, with particular reference to Indigenous peoples, to pursue other cultural models for the framing of laws and associated sanctions. It is necessary to develop a more pluralistic approach to the framing, administration and delivering of our laws. In fact we need to review our legal framework to eliminate the inherent systemic racism within it. This inherent racism has been identified by the Royal Commission into Aboriginal Deaths in Custody, the reports of the Aboriginal and Torres Strait Islander Social Justice Commissioner and the UN Committees, which have examined mandatory sentencing legislation in the Northern Territory and Western Australia.
- The HREOC Legislation should be amended to allow HREOC to undertake self-initiated complaints.
- Racial discrimination need to be amended and new ones developed to address issues of inter-sectionality of factors such as gender, religion, age, etc.
- The forms of punishment for racism and racial discrimination need to be reviewed. The options for disincentives could include, increased financial awards by courts/tribunals, deregistration of companies, making directors individual responsibility include anti-discrimination compliance, compulsory conferencing, community service for individuals, etc. Criminal sanctions should be extended to cover racism and race discrimination.
- Reparations avenues should be open to people who have been the subjects of acts of racism. These avenues could be based on the “victims of crime” style compensation system introduced under legislation in various jurisdictions.
- Australia should enact Genocide Laws in accordance with International best practice in human rights.
- Australia should contribute positively to the finalisation of the Draft Declaration on Indigenous Rights and implement ISESCR into domestic law.

The workshops also focused on the need for improving monitoring and compliance mechanisms. It was proposed that a specific body on race relations should be established to review new/proposed legislation to ensure compliance with international agreements prior to their introduction/enactment.

At the same time general concerns were raised in regard to the viability and independence from government of human rights bodies such as HREOC and also peak activist NGOs which are often dependent on government funding or support. The independence of National Human Rights Institutions has to be guaranteed so that it can operate without fear or favour of the government of the day.

Accessibility was another focal point of the workshops. The agreed view was that no matter how comprehensive the laws maybe in term of their legal coverage they were of little significance and use if those who sought recourse were unable to access them. This was a matter of immediate importance in light of the recent reductions in financial support for Legal Aid support for civil cases and reductions to Aboriginal and Torres Strait Islander legal services.

The role and functioning of specific agencies and bodies such as the Human Rights and Equal Opportunity Commission, ATSIC and State-based agencies to deal with anti-racist legislation also impacted upon accessibility. In the majority of cases these agencies have had their funding reduced and this together with legislative changes have resulted in these agencies not being able to be proactive in following up compliance and monitoring of the laws. To ensure effective accessibility it was proposed that HREOC and similar agencies should have their funding and independence increased.

The delegates stressed another access issue was that potential complainants often require community and culturally specific support mechanisms.

It was raised that many people who are subjected to individual or systemic racism are from vulnerable positions within society and may require further protection mechanisms to deal with their perceptions, or the reality, that if they make complaints about racism they will be victimised. For example, a number of refugees on Temporary Protection Visas have expressed concerns that they are not confident that the anti-victimisation protections provided under their visa will stop them being victimised if they lodge complaints regarding race-related mistreatment.

Another area of accessibility that needs to be reviewed and improved is the existing complaint mechanisms for race-related complaints. In particular for regional, Indigenous and refugee groups the existing long time to resolve issues and the extensive paper work are disincentives for complaints to be seen through or initiated.

Question 12 - What other measures could be adopted to ensure effective remedies for victims of racism?

There is a need for more outreach by HREOC and other agencies in partnership with community based organizations. One strategy is for state Equal Opportunity Commissions (EOCs) to train community-based workers in relation to their own legislation.

There is need to create a space for people to tell their stories and expose experiences in a non-threatening environment. The South African Truth and reconciliation Commission was seen as a model, which could be adapted.

A National Race Relations Foundation should be established to undertake independent research, fund community based human rights and anti-racism education programs.

Session four: Strategies to achieve full and effective equality, including international cooperation

Theme 5: Strategies to achieve full and effective equality, including international cooperation and enhancement of UN international mechanisms in combating racism, racial discrimination, xenophobia and related intolerance, and follow-up

Panellists

Professor Marcia Langton, Melbourne University

Professor Langton holds the Chair of Indigenous Studies at the University of Melbourne. She is also an elected part time Councillor and Deputy Chairperson of the Australian Institute of Aboriginal and Torres Strait Islander Studies.

Professor Langton discussed the issue of racism in Australia with a particular focus on Indigenous issues. She pointed to the fact that the Australian constitution still had racist clauses in it and these needed to be removed before we could move forward on a range of institutional strategies to address racism. Professor Langton discussed how race is a social construct and that what we need to focus on is our similarities and not our differences. She also canvassed the need for educational opportunities for young Indigenous Australians that did not consign them to the status quo but rather afforded them the possibility to break down existing barriers to power. Professor Langton also discussed the issue of asylum seekers and how their treatment by Australia was tantamount to a denial of their human rights. She maintained that for Australia to play an effective role in developing international co-operation and strategies it was important that we addressed the national issues of racism.

Ms Eileen Pittaway, Centre for Refugee Research, University of NSW

Ms Pittaway is the Director of the Centre for Refugee Research at the University of NSW and teaches in the Social Work Department at UNSW. She has been a board and committee member of the Asian Women's Human Rights Council and the Australian National Committee on Refugee Women Co-operative (ANCORW).

Ms Pittaway discussed how it was important that NGOs were active participants in the WCAR if Durban was to lead to practical and effective strategies. She outlined the work she has undertaken in providing NGOs with lobbying training for the WCAR, including at the recent NGO networking meeting in Kathmandu. Ms Pittaway maintained that the expectations about the WCAR should be limited and that we have to understand the reality of such international summits. She underlined the importance of understanding a complex preparatory process for effective lobbying by NGOs and other organisations seeking to influence the process and strengthen the outcomes of the World Conference.

Professor David Kinley, Castan Centre, Monash University

Professor Kinley, Monash University, is the Director of the Castan Centre for Human Rights Law. He has previously worked for the Australian Law Reform Commission and HREOC. He is the author of “Human rights explained – a guide to Human Rights in Australia in a global context”.

Professor Kinley explored the issues surrounding concepts such as cultural relativism as they relate to human rights issues. He maintains that it is crucial that arguments for the recognition of universal values of human rights come from within a culture, and be located in the values and traditions of that culture, this is much more powerful and it is not seen as a value set 'imposed' from without. Professor Kinley also argued that it is important that the human rights debate, at the national and international level, is not lost in the definitional arguments of “legal experts”. The development of agreed definitions and practical strategies needs to involve people who are directly affected and community based organizations that are active on these issues.

Mr Jason Yat-Sen Li

Mr Yat-Sen Li is the Australian born son of Asian migrants. After completing a law degree in 1995 he went to Europe to be a Judge's Associate at the UN Balkans War Crimes Tribunal in The Hague. He has been active in the struggle against racism in Australia and the Republic debate.

Mr Yat-Sen Li gave his perspective on the varieties of racism in Australia and the challenges for multiculturalism in Australia. He drew on his personal experiences of racism to argue that multiculturalism needs to evolve in order to adapt to changing conditions in Australian society. Jason Yat-Sen Li maintained that the issue of what is meant by national identity needs to be revisited because the commonly held image both locally and internationally no longer reflects Australia's present reality and is even less relevant to our future.

Workshops

Question 13 – Does globalisation impact on people's experience of racism in Australia? What safeguards should be put in place to protect individuals and communities where globalisation contributes to racism, racial discrimination, xenophobia or related intolerance?

The delegates were in agreement that globalisation has many layers of meaning, from the economic and the political to new media and the strengthening of international mechanisms for protection against racism.

As noted under *Theme 1* the economic changes brought on by globalisation are contributing to fear and insecurity in many communities. This can lead people back to old values of nationalism and isolationism. The tendency under globalisation

towards greater economic stratification on the national and international scale can cause greater tribalism, separation and racism.

A number of groups raised the difficulty in bringing up issues in the current debate where it is argued that globalisation and the notion that it is 'in everyone's interests'. It is necessary to create space for alternative perspectives including the impact on Indigenous peoples and the impact of displacement.

Globalisation has a particular effect on members of minorities and unskilled labour in the labour market. When jobs are moved offshore – leaving people out of work – there is a disproportionate impact on unskilled and semiskilled jobs, where non-English speaking background workers are clustered.

While economic conditions are not the only or inevitable causes of racism, it was noted that we need to provide everyone with economic security in order to reduce the incidence of racism. The delegates were of the view that this security was not being achieved under globalisation.

Structurally, globalisation has placed corporate interests ahead of those of local communities; one workshop cited mining interests over-riding the interests of local cultural communities and economies. Globalisation has also been said to have increased corporate power at the expense of the nation state. Governments are restricted within their borders but in a global environment corporations range across many nation states.

The workshops were agreed though that while nation states are restricted, they are vital to the protection against structural and other forms of racism. They do set laws within their borders and they do influence the distribution of profits within those borders. Within a weak international legal system, the only strong and effective laws are currently at the national level.

The positive aspects of globalisation were also noted and these referred particularly to the advances in global communications. The enhanced flow of information and created the potential to form strong alliances between similar groups in different countries, for example the work of Indigenous peoples in the development of the UN Draft Declaration on the Rights Indigenous Peoples. It was also acknowledged that the information flow and concentration of media on an international scale created the potential for entrenching stereotypes and entrenching racist views.

Question 14- What can Australia contribute to international efforts to combat racism, racial discrimination, xenophobia and related intolerance?

Some workshops discussed mechanisms that Australia could implement, such as a code of conduct for Australian companies governing their activities overseas (like the Sullivan Code governing US companies working in South Africa during the apartheid era).

With the increased movement of people and ideas, it was noted that the risk of homogenisation can have the same effect on Indigenous peoples as earlier

assimilation and invasions. Discrimination on the basis of nationality or citizenship may also have the same effect on many people as discrimination on the basis of race or ethnicity.

There are a number of areas of the international system that need to be strengthened in order to strengthen the struggle against racism. The first is the accountability mechanisms applying to transnational corporations. The Global Compact was seen as a potential safeguard, but implementation, monitoring and enforcement mechanisms are lacking. There should also be mechanisms through the World Bank and IMF, for corporations to be bound by the principles of CERD and CEDAW in particular.

Because individual citizens have no standing before international bodies, and parties to treaties are the States themselves, participants agreed that the powers of national human rights institutions (NHRIs) and NGOs within UN fora should be strengthened. There also needs to be attention given to the strengthening of the international human rights treaty system, including ratification of CERD, signing the statute for the ICC and ratification of major human rights instruments. One workshop proposed the establishment of a mechanism by which membership of international human rights bodies is dependent on ratification of treaties, although it was recognised that it may be better to have violating governments in, and accountable to, those bodies rather than beyond the group.

There was consensus that Australia can and should take a stronger role in the international struggle against racism. Most importantly Australia should renew its support for the UN human rights system, specifically the functions of the Committee on the Elimination of Racial Discrimination. Australia has been embarrassed by its withdrawal from active participation in the treaty committee system.

It was noted that Australia has in the past done a great deal in the area of human rights and anti racism and it should use this cultural capital to encourage international debates without being seen as neo-colonial or hectoring. Australia's aid policies should work in consultation with grassroots NGOs and communities to target the emancipation of racial minorities. There is also much more Australia can do to support NGOs in the Asia Pacific region in raising and addressing issues of racial discrimination.