**Australia’s Appearance before the Committee on the Elimination**

**of Racial Discrimination**

**Opening Statement**

**Geneva, 27 November 2017
Delivered by Dr Lachlan Strahan, First Assistant Secretary, Multilateral Policy Division, Department of Foreign Affairs and Trade**

I would like to pay my respects to indigenous people here today, especially my Aboriginal and Torres Strait Islander compatriots. I recognise the strengths, achievements, knowledge and resilience of Australia’s Indigenous peoples which have contributed so much to our nation. If we were meeting in Canberra, I would say in Ngunnawal language:

Yungu gala-nyin nalawiri, duna-yi, Ngunnawal dawa. Wanggarra-lin-gin marun bulan bu-gara-bun.

Madam Chair, Committee Members, representatives of the Australian Human Rights Commission and civil society, thank you for participating in this process. We’re pleased to appear before this Committee to consider how we are tackling racism and protecting human rights in Australia. We welcome this opportunity to discuss what are some of the most complex issues for any state.

Australia has a long record of engaging closely with UN Human Rights Treaty Bodies. These bodies play a vital role helping states to implement the human rights obligations they have adopted on behalf of their citizens. All states should reflect on their efforts to promote human rights, ensuring they are responding appropriately, including as circumstances change and new issues arise.

Treaty reporting is resource intensive, particularly when states take these processes seriously, as we do. Between 2015 and 2018, Australia will submit reports and attend appearances under the seven human rights treaties to which we are party. We’re pleased to engage because we believe no state has all the answers when it comes to human rights, and all states benefit from peer review and expert advice.

We accepted 150 of the 290 recommendations we received during our second Universal Periodic Review in November 2015 and will soon launch a website tracking progress against these. We’re on track to accept a further 32 recommendations. We will next appear before the UPR in 2020. The Concluding Observations from our last CERD appearance influenced policy development which has since seen concrete outcomes concerning multiculturalism, racism and education, all of which are noted in this statement.

Our campaign for membership of the Human Rights Council was underpinned by a commitment to international accountability, scrutiny and transparency. The Council, the treaty bodies and states can do more together to improve human rights globally. We look forward to working with the treaty bodies during our HRC term 2018-2020. Council membership is much more than saying the right things in Geneva. It means advancing human rights at home.

The modern Australian story is one of successful multiculturalism, social cohesion and combatting racism. Australia is built on mass migration, with eight million migrants settling in the country since WWII. Today, nearly half of our population of 24 million was born overseas or had at least one parent born overseas, in at least 200 different countries. Over 300 languages are spoken in our homes and we follow more than 100 religions. Aboriginal and Torres Strait Islander peoples represent 2.8 % of the population; their cultures and traditions are widely shared and embraced.

Australia is a diverse nation with strong public institutions where civil or social unrest is rare. We have a high rate of inter-marriage, meaning many Australians have an inter-cultural background. Many migrants have prospered. The current unemployment rate for migrants is lower than that for native-born Australians. With xenophobia rising in some quarters, it is telling that Australia continues to accept a large number of migrants on a non-discriminatory basis– 190,000 every year since 2012. Indian and Chinese people are now the two largest groups of migrants.

The Scanlon Foundation’s social cohesion survey, which polls 16,000 people every year, reveals that around 85 % of Australians support multiculturalism and are happy with the current high level of immigration or want even more. According to the Pew Research Centre, a majority of the population believes an increasing number of people of different races, ethnic groups and nationalities makes Australia a better place.

Our cultural diversity is one of our greatest assets; the Government encourages all Australians to be proud of our strong and successful multicultural society.

Australia says no to racism. We reject outright: racist behaviours and actions; racial vilification and hate speech; and structural barriers that entrench racism. In August 2017, the Prime Minister, Malcolm Turnbull, responded unequivocally to an anti-Semitic incident in Sydney:

Racism has no place in Australia. We must have zero tolerance for racism, zero tolerance for racist abuse. And directing that kind of language at children is especially appalling. The police and the courts will deal with the offenders in this case, but all of us should pause and reflect on our obligation, whatever our calling, to be always vigilant in opposing racism and racist language.

We all have a vital vested interest in a harmonious multicultural nation where we respect our fellow citizens in their diversity. For unless we respect others, how can we expect respect in return?

Australian multiculturalism has proved to be resilient, but we have of course not eliminated racism. Our Race Discrimination Commissioner, Tim Soutphommasane, who’s here today, recently said:

it is true that we are one of the multicultural success stories of the world. According to the evidence, we are also one of the most racially tolerant countries in the world. Yet racism does still exist, and continues to be a blight on the lives of many.

The Government is committed to understanding the scope of this problem, providing $1 million to research under the Challenging Racism Project, which found 20 % of Australians have experienced ‘race hate talk’ and about 5 % have been attacked because of their race.

Certain groups experience racism more keenly, including Indigenous Australians and people of African origin. Islamophobia is also a problem. In July 2017 one study found attacks against Muslims were rising, with women the most likely targets. Such prejudice is unacceptable.

So what’s being done?

All Australian jurisdictions have legislative prohibitions against racial discrimination. Federally, the Racial Discrimination Act, which implements the Convention on the Elimination of All Forms of Racial Discrimination in Australia, prohibits both direct and indirect discrimination. Individuals can make a complaint to the Australian Human Rights Commission alleging racial discrimination. If conciliation fails, they can seek a determination by the federal courts. Three states have introduced sentencing laws which allow judges to take into account whether a crime was motivated by hatred or prejudice. These mechanisms are vital in tackling discrimination and prejudice. Three far-right activists were recently convicted under Victoria’s Racial and Religious Tolerance Act for vilifying Islam.

The internet and social media can fuel hatred and violence in the name of race or religion. We have introduced civil and criminal penalties for conduct that constitutes on-line hate speech and cyber-racism. The Government has asked the major social media sites to take sufficient steps to prohibit harmful material and to establish complaints schemes.

Equally, we know social media can promote inclusion and acceptance. In response to a wave of fear and mistrust, sparked by a terrorist event in Sydney in December 2014, we saw a spike in hate messages against Australia’s Muslim community on social media. However, a spontaneous twitter campaign emerged with the hashtag ‘I’ll Ride with You’ that allowed Australians to pledge their support for Muslims. Within hours this hashtag had been used in over 120,000 tweets.

Since our last appearance before this Committee in 2010, Australia has launched a National Anti-Racism Strategy. A Partnership between the Government, the Australian Human Rights Commission and non-government organisations, the Strategy’s key objectives are to:

* create awareness of racism and how it affects us all
* prevent and reduce racism, and
* empower communities and individuals to take action and seek redress.

Under this Strategy, the Commission leads the *Racism. It Stops With Me!* campaign, which uses public awareness, education, and youth engagement to prevent and reduce racism. The Campaign recently released two new videos, which were shared via Facebook, television and other platforms, encouraging all Australians to take a stand against casual acts of racism that occur in every-day circumstances. The campaign has 360 partners.

It is vital all parts of Australian society play their part in the fight against racism. Sport brings people together across racial, religious and cultural lines yet some Australians have experienced racism at sporting events. Major sporting bodies and players have taken strong stances against racism.

We reaffirmed our longstanding commitment to multiculturalism in March 2017 releasing *Multicultural Australia: United, Strong and Successful*. This statement underscores our diversity, our unique national identity and the importance of being an integrated and united people. It recognises that our ’immigration nation’ is not defined by race, religion or culture, but by our shared values of freedom, democracy, the rule of law, tolerance and equal opportunity. It confirms that we enable new arrivals to participate and integrate into our society and economy. It attests that community safety is best reinforced by focusing on what unites us and addressing our differences through mutual respect.

It’s vital our public institutions embody our diversity and are equipped to understand our multicultural society. The Victoria Police has, for instance, 5,825 employees who were born overseas in 107 countries, including 133 staff from 17 African countries. It is actively recruiting more sworn officers from African and South East Asian backgrounds and has a range of training programs which underscore the need to avoid stereotyping and bias.

Implementing multiculturalism isn’t just government business. The Australian Multicultural Council, a ministerially-appointed body that advises the Government, helped develop the multicultural statement. The Government engages community leaders and other stakeholders through Multicultural Community Liaison Officers, and funds the Federation of Ethnic Communities’ Council of Australia. Engaging at both the advisory and grass roots levels ensures that multicultural policy is well-informed and robust.

Madam Chair, Indigenous Australians are often subjected to blatant racism. Socio-economic conditions for many Indigenous Australians continue to fall behind those for other Australians. An unacceptable gap persists even though there are increasing examples of success.

Some discrepancies are stark, revealing inter-generational disadvantage. Indigenous suicide rates are double those for non-Indigenous Australians. Although they only constitute 3 % of the population, Indigenous Australians account for 27 % of the adult prison population.

In recognition of such perturbing evidence of discrimination, inequality and disadvantage, the federal, state and territory governments are committed to working with Indigenous Australians to address disadvantage and achieve lasting change. Our ‘Closing the Gap’ framework has driven an unprecedented effort to improve Indigenous outcomes in education, health and employment.

The 2017 ‘Closing the Gap’ report highlighted some successes, with the number of Indigenous Australians staying at school until Year 12 rising from 45.4 % in 2011 to 61.5 % in 2016. But progress has stalled in other areas. The Government is working to refresh ‘Closing the Gap’ to build a new period of federal, state, and territory cooperation with Indigenous Australians. It is looking forward to receiving a report from the Australian Law Reform Commission in December which will make recommendations about addressing incarceration rates. We are investing in local activities to address the drivers of offending, victimisation and incarceration for Indigenous Australians, including access to alcohol and drug services, supporting parents and creating more educational and employment opportunities.

Established following shocking revelations, the Royal Commission into the Protection and Detention of Children in the Northern Territory recently presented its report. The Government will consider the Commission’s recommendations in consultation with the Northern Territory Government. Putting in place a robust and independent monitoring mechanism for detention centres is vital. The Government is in the process of ratifying the Optional Protocol to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment by December 2017.

Indigenous organisations play a valuable role in providing culturally safe and supportive services for Indigenous Australians. Just over half of all funding under the Government’s Indigenous Advancement Strategy is allocated to Indigenous organisations, a significant increase from around 30 % prior to the Strategy. Funding is higher in target areas, 80 % for safety and wellbeing and 92 % for culture and capability.

Madam Chair, the Government is committed to changing the Constitution to recognise Aboriginal and Torres Strait Islander peoples. Such recognition would acknowledge our shared history and reaffirm the value we place on our country’s Indigenous heritage. Recognising Indigenous Australians in our Constitution would address historical exclusion, prejudice and violence.

To progress these changes, the Prime Minister and the Leader of the Opposition appointed the Referendum Council, comprised of eminent Indigenous and non-Indigenous members. The Council conducted comprehensive consultations to ensure the views of all Australians informed its Final Report. Importantly, it undertook extensive dialogues with Indigenous Australians which led to the adoption of the Uluru Statement from the Heart, which outlines their aspirations for reform.

On 30 June 2017, the Referendum Council delivered its Final Report that recommended:

* enshrining a First Nations Voice to the Commonwealth Parliament in the Australian Constitution and
* that an extra-constitutional Declaration of Recognition be enacted by legislation passed by all Australian parliaments as a symbolic statement of recognition to unify Australians.

The Australian Constitution cannot be changed by the Parliament. It can only be changed by the Australian people through a referendum supported by a majority of people in a majority of states. History indicates that changing the Constitution is difficult, with only eight of 44 referendums succeeding since Federation in 1901.

The Government thoroughly considered the Referendum Council’s recommendations. While it remains committed to constitutional change and ensuring that Indigenous people are involved in decision-making over their own affairs, the Government does not support a constitutional amendment to enshrine an Indigenous representative body. It does not believe this proposal is capable of winning the necessary support at a referendum. A failed referendum would be a huge setback in Australia’s reconciliation journey.

The Government has decided to establish a cross-party Parliamentary Committee to work towards finding a proposal that recognises Indigenous Australians and is capable of succeeding at a referendum. The terms of reference for this Committee are not yet finalised and must be agreed by both sides of the Parliament. The Government has asked the Committee to consider the recommendations of both the Referendum Council and past inquiries. It is confident the Committee can build on this work to develop constitutional amendments that will unite our nation and respect the Constitution’s values.

Madam Chair, the Government recognises that racial discrimination can lead to poor physical and mental health. It is determined to address the pernicious effects of racial discrimination by ensuring programs and services are accessible to all eligible Australians, delivering equitable outcomes regardless of cultural and linguistic backgrounds.

‘Closing the Gap’ has two health targets – to close the gap in life expectancy within a generation and to halve the gap in child mortality by 2018. While these targets are not on track, significant inroads are being made in partnership with the Aboriginal Community Controlled Health Sector. It’s vital to address the social and cultural determinants of health. This approach will inform the next iteration of the implementation plan for the *National Aboriginal and Torres Strait Islander Health Plan 2013-2023*, due to be released in 2018.

We must address barriers in the mainstream health system which impede good outcomes for Indigenous Australians and ensure that they can access culturally appropriate and safe health care. The National Cultural Respect Framework for Aboriginal and Torres Strait Islander Health 2016-2026 commits governments, at all levels, to embed cultural respect in the health system. It provides a strong foundation to guide a nationally consistent approach for culturally responsive health care design and delivery, cultivating shared responsibilities through sustainable actions.

Addressing the needs of older people from diverse backgrounds is important. The Department of Health is working with interested parties to co-design an Aged Care Diversity Frameworkto ensure that aged care services meet the diverse characteristics and life experiences of older people. Action plans will address the challenges faced by Indigenous Australians, culturally and linguistically diverse communities and LGBTI people.

All Australians should be able to access our world-class education system on an equitable basis. The Australian Curriculum sets consistent national standards to improve learning outcomes for all young Australians. This Curriculum is guided by the Melbourne Declaration on Educational Goals for Young Australians, which recognises that education helps build a cohesive and culturally diverse society. Goal 2 of the Declaration outlines the Government’s commitment to ensuring all young Australians:

* appreciate Australia’s social, cultural, linguistic and religious diversity and its history
* understand and acknowledge the value of Indigenous cultures
* possess the knowledge, skills and understanding to contribute to, and benefit from, reconciliation between Indigenous and non-Indigenous Australians, and
* relate to and communicate across cultures.

In May 2017, the Government announced an additional $138 million for an Indigenous education package. The package invests in scholarships, mentoring and support services for secondary students and will assist Indigenous Australians to study and secure jobs in science, technology, engineering and mathematics.

Understanding Aboriginal and Torres Strait Islander histories and cultures is a cross-cutting priority embedded in the Australian Curriculum. The Government has engaged the University of Melbourne, under the lead of prominent Indigenous historian Professor Marcia Langton, to consider how this cross-curriculum priority can be strengthened.

The Government is supporting Indigenous and culturally and linguistically diverse Australians to enter the workforce, and combatting discriminatory behaviour during recruitment and in the workplace. Our law prohibits racially motivated discrimination by employers.

As part of Closing the Gap, the Government is investing $55.7 million to work with Indigenous Australians to accelerate progress towards achieving parity in employment outcomes between Indigenous and non-Indigenous Australians.

Committee members, Australia has a long history of welcoming people fleeing persecution; 865,000 refugees have made a new home in Australia since WWII. We have consistently ranked as one of the top three providers of resettlement places for refugees. On top of taking an additional 12,000 refugees from Syria and Iraq in 2016-17, we will resettle nearly 19,000 people under our humanitarian program in 2018-19.

While we acknowledge not all commentators support Australia’s approach to border security, we have learnt that softening these policies leads to exploitation of vulnerable people and deaths at sea. With respect to the closure of the Manus Island Regional Processing Centre, PNG has completed processing the former residents, who have clear pathways ahead of them. It has provided accommodation options for both refugees and failed asylum seekers, where they can access services and support, including medical care. Our border protection policies—including not resettling people who come to Australia illegally by boat—have secured our borders and broken the people smuggling business model. Addressing irregular migration has been essential in maintaining the public confidence needed to administer one of the world’s most generous humanitarian programs.

Our high quality settlement support services underscore Australia’s commitment to enabling migrants and new arrivals to participate fully in their new home. Adjustment can be daunting. The Government funds the early acquisition of English language skills, active participation in the workforce and access to education, forging a more cohesive society. From 2017-2021, we will invest $1 billion in settlement services, not including health and welfare.

Refugees face challenges in finding employment. The Government has committed $5.2 million to a new Career Pathways Pilot to help refugees to find employment relevant to their professional or vocational experience.

The Government has made it clear that exploiting migrant workers will not be tolerated through its policy to Protect Vulnerable Workers. Legislation passed in September sets higher penalties for ‘serious contraventions’ of workplace laws and strengthens the evidence-gathering powers of the Fair Work Ombudsman to ensure that exploitation is properly investigated. A Migrant Workers Taskforce will drive a whole-of-government approach to addressing exploitation; $20 million in additional funding will increase the Fair Work Ombudsman’s engagement with vulnerable communities and help migrant workers better understand and act on their workplace rights.

Migrant women face unique challenges. The Government supports six National Women’s Alliances, which allow the voices of as many women as possible to be heard, especially those who have found it difficult to engage in advocacy and decision-making. This now includes the Harmony Alliance. Launched in October, the Harmony Alliance empowers migrant women to influence the systems that affect their safety, health, wellbeing and economic empowerment. It provides a new avenue for migrant and refugee women to present their views and policy solutions.

We are deeply concerned by high rates of family and domestic violence in Indigenous and culturally and linguistically diverse communities. In 2011, the federal, state and territory governments released a 12-year National Plan to Reduce Violence against Women and their Children. This Plan establishes an ambitious framework: to support women and children who have experienced (or who are at risk of experiencing) violence more effectively; to hold perpetrators to account; and to prevent violence from occurring in the first place.

The Plan has targets for Indigenous women, women with disability, and culturally and linguistically diverse women. In 2016-17, the Government committed a further $100 million for initiatives under the Plan.

Madam Chair, Australia is a federation, composed of six states and two territories. While the Federal Government is the State Party to this Convention, state and territory governments share responsibility for implementing our obligations. We consulted the states and territories in preparing our report and for this appearance. We will endeavour to address all issues raised here, regardless of the level of government.

As delegation head, I will draw on the expertise of my colleagues from across the Federal Government. The breadth of our delegation demonstrates our commitment.

Can I again thank the Australian Human Rights Commission and civil society for participating in this process. We have engaged civil society throughout our preparations for today’s appearance.

Chair and Committee members, we are committed to fighting racism in Australia. In Australia we believe everyone deserves a fair go. Racism is anathema to that. We look forward to sharing our experiences with you and drawing on your expertise. We will engage with you in good faith and address your questions to the best our abilities.