



**Australian
Human Rights
Commission**

Race Discrimination Commissioner
Chin Tan

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Committee Secretariat
Foreign Affairs, Defence and Trade Committee
Department of the Senate
PO Box 6100
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Canberra ACT 2600

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Dear Committee Members

Australian Human Rights Commission submission to the Inquiry on issues facing diaspora communities in Australia

Please find attached a brief response to the Inquiry on issues facing diaspora communities in Australia. This submission will provide a brief response and high-level recommendations to the Committee on Terms of Reference b, c and d.

I also bring to the Committee's attention the Commission's discussion paper [Freedom of religion in Australia: a focus on serious harms](#) and the Commission's report [Respect@Work: National Inquiry into Sexual Harassment in the Workplace](#).

Yours sincerely

Chin Tan
Race Discrimination Commissioner

Inquiry on issues facing diaspora communities in Australia

Submission of the Australian Human Rights Commission

Introduction

Conflicts with foreign countries have an inevitable impact on the internal social order in Australia which challenges our social cohesion and inclusion of vulnerable diaspora.

Australia's defence of its national security and national interest does not depend only on military and cyber defence but also on our capacity to protect our social order, peace and unity. Our social cohesion, harmony and inclusion are vital components in Australia's defence of its national security and national interests.

Australia is acknowledged as a successful multicultural society and our cultural diversity is one of our social strengths. We pride ourselves on being a safe and welcoming place. This also means that, in times of challenges to our national security, it is crucial we commit attention and efforts to protecting our unity and promoting better understanding of the value of diaspora communities and our cultural diversity.

Threats to our community harmony and social cohesion cause disunity and come from xenophobia, racial discrimination and racism. A national anti-racism strategy is necessary to protect the unity, safety and security of our society and to ensure our citizens and diaspora communities are protected from racial discrimination and race hate.

A national anti-racism strategy is not only critical in maintaining social order and peace but also ensures our social cohesion is not subject to external interference or becomes a subject of external propaganda and manipulation against our national interest. Protecting our unity and security in combating racial discrimination and race hate is a complex process that requires sustained grass root engagement and partnership with communities – underpinned by clear and targeted strategies, policies, programs and practices geared towards educating, supporting and protecting communities, particularly during times and in circumstances when they are vulnerable.

Australia's national interests and national security are best served by ensuring we have the commitment and capacity for taking responsive, decisive and

effective actions to address issues of racism seriously in keeping with our values as a fair, equal, free, open and democratic society.

Definition

The role of diaspora communities in modern Australia has long been recognised, even as early as the 1800s the Afghan diaspora established trading routes across the interior of our country and the Chinese diaspora contributed significantly during the goldrush. European migrants fleeing the World Wars supplied necessary manpower for the expansion of modern Australia through large scale developments such as the Snowy Mountains Hydroelectric Scheme and mass transport infrastructure. More recent diaspora groups are heavily reflected in the number of small businesses in Australia.

The term 'diaspora' once described those who had fled their home country due to fear of persecution or because of war or conflict. While diaspora communities continue to occur for these reasons, globalisation has contributed to the emergence of modern-day diasporas made up of migrants who have moved to access opportunity rather than because they are displaced.

The 2016 Census identified that 49% of the Australian population were born overseas or have a parent born overseas. The broadness of the Committee's proposed definition means that a large proportion of Australian citizens could be considered 'diaspora' communities in Australia.

Recommendation

The Australian Human Rights Commission recommends clearly defining 'diaspora' to ensure tailored policy development and appropriate analysis of issues affecting diaspora groups in Australia.

Terms of Reference

The Australian Human Rights Commission (Commission) makes comments and recommendations about the following terms of reference:

ToR b) safety concerns among diaspora communities, and means for strengthening the protection and resilience of vulnerable groups

The Commission is aware of multiple safety concerns impacting diaspora communities in Australia, including the fear of threats and acts of violence based

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on race and religious hate. The Commission has been consistently advocating for the strengthening of race and religious hate protections for vulnerable groups.

Findings from the Commission's soon to be released *Sharing the Stories of Australian Muslims Project* survey found that, following the Christchurch Mosque shootings on March 15th 2019, 79% of Australian Muslims said that this act of terror made them afraid for their community. These findings are consistent with findings reported by the Islamophobia Register's *Islamophobia in Australia Report 2019*, which found that the most severe level of hate, *wanting to kill and/or harm Muslims*, was the most dominant rhetoric, consisting of one-quarter of the entire online cases and that the intensity of hate rhetoric was also present in physical cases, with 11% of the 202 offline cases including death threats.¹

Concerns about the safety of vulnerable groups in our community have also been echoed in the Australian Security Intelligence Organisation's recent *Annual Threat Assessment Address*, which found that far right violence represents a serious, increasing and evolving threat to security.²

Recommendation

The Australian Human Rights Commission recommends further research be undertaken to develop nationally consistent legislative protections against race and religious hate. It is further recommended that the definitions from this work be used to develop either a centralised, or a nationally consistent, reporting framework for race and religious hate incidents.

Vulnerable communities have advised the Commission that political and media narratives about their communities is a key concern and threatens the safety of diaspora communities. The Commission's *Sharing the Stories of Australian Muslims Project* found that three in five (62%) respondents did not believe that public figures, such as politicians, consider the interests and needs of Muslims in Australia. These findings are consistent with the findings of research by All Together Now³ and recommendations made by the Federation of Ethnic Communities Councils of Australia Inc.⁴

Recommendation

The Australian Human Rights Commission recommends that the Australian Government develop Special Standards for Reporting on Multicultural Communities, like the Special Standards of Reporting on Domestic Violence.

The Online Hate Prevention Institute's 2019 report, *Hate and Violent Extremism from an Online Subculture*, analyses the increasing role of online subculture in real life terrorist incidents⁵. Their findings are supported by the complaint data collected by the Commission and the Office of the e-Safety Commission and the survey data and research undertaken by the Asian Australian Alliance,⁶ the Islamophobia Register⁷ and the Executive Council of Australian Jewry.⁸

Recommendation

The Australian Human Rights Commission recommends the Australian Government consider strengthening legislative protections against online race and religious hate and fund programs to counter the online organisation of far-right extremism.

ToR c) barriers to the full participation of diaspora communities in Australia's democratic and social institutions, and mechanisms for addressing these barriers

The *Racial Discrimination Act 1975* (Cth) makes it unlawful to treat a person unfairly because of race, colour, descent, national or ethnic origin or immigrant status. It covers areas of public life including employment, education, accommodation, accessing services and behaviour in public spaces.

The Sharing the Stories of Australian Muslims survey found that over three in four (78%) Australian Muslims have experienced unfavourable treatment based on their religion, race or ethnicity. The survey also revealed that although most respondents had a strong sense of belonging in this country, the lived experience for one in twenty (6%) Australian Muslims was one of isolation and exclusion. Not only did they not feel Australian, but they did not feel Australia was a welcoming society or that they were part of this society. They also felt less empowered to speak up, or take action, when they, or someone they know, experienced unfavourable treatment.

While the 2016 Census identified that 49% of the population were born overseas or have a parent born overseas, the Commission's *Leading for Change* report⁹ estimated that of those who occupy the most senior posts in Australia only 4.7%

have a non-European background and 0.4% have an Indigenous background. Put another way, about 95% of senior leaders in Australia have an Anglo-Celtic or European background. Although those who have non-European and Indigenous backgrounds make up an estimated 24% of the Australian population, such backgrounds account for only 5% of senior leaders.

Diverse leadership in Australia could enable new and different ways of thinking, enhance our productive capacity and help attract and retain a broader talent pool. More culturally diverse leadership demonstrates to culturally and linguistically diverse communities that they are recognised, valued, represented and belong in Australian society. It also promotes our social cohesion, harmony and inclusion.

In 2018, the Senate Select Committee on the Future of Work and Workers found that people from culturally and linguistically diverse backgrounds were particularly vulnerable to exploitation in the informal economy, and likely to be overrepresented in insecure employment arrangements—particularly, if they were women, refugees, or very young or older migrants.¹⁰ Migrant women have historically been employed in lower-paid and lower-status occupations relative to Australian-born women.¹¹

WEstjustice's 2016 *Not Just Work* report identified a range of significant barriers to entering the labour market for people who have recently arrived in Australia.¹² In consultations for its National Sexual Harassment Inquiry, the Commission heard that reduced opportunities to enter the labour market could impact on a worker's willingness to speak out on sexual harassment:

[For migrant workers], workplace rights are kind of a secondary issue to being secure in the country, which often means having permanent residency, and they won't do anything to jeopardise that, which means they put up with all the awful things that we know.¹³

The Commission heard that particularly for migrants, refugees or other workers on temporary visas (discussed further below) insecure employment was a barrier to reporting. The Australian Women Against Violence Alliance noted that for women on temporary visas:

[M]igration status places women in an unequal position where more often women will prioritise financial need over personal safety [and] thus not report their experiences. The situation is similar for women engaged in domestic work.¹⁴

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Jesuit Refugee Service also raised economic insecurity as a key vulnerability factor for women asylum-seekers:

Asylum-seeking and refugee workers who have managed to secure employment are far less likely to report or speak out against workplace sexual harassment for fear of losing their only form of income.¹⁵

Barriers to full participation of diaspora communities in public life are often systemic and institutional and require support across sectors to achieve broad cultural shifts among mainstream Australia.

Recommendations

The Australian Human Rights Commission recommends the Australian Government fund a National Anti-Racism Strategy, with initiatives focused on building community resilience and promoting the historical and ongoing value diaspora communities bring to Australia.

The Commission recommends the federal, state and territory governments adequately fund departments and statutory bodies such as the Work Safe Commission, Office of the e-Safety Commissioner and the Commonwealth Ombudsman's Office to undertake projects to address institutional barriers for diaspora communities.

The Commission recommends that the Australian Government consider the introduction of cultural diversity leadership initiatives and targets to improve the representation of diverse leadership in Australia.

The Commission further recommends the Committee consider recommendations from the Commission's Findings of the National Inquiry into Sexual Harassment as they relate to migrant women.

ToR d) opportunities to strengthen communication and partnerships between government and diaspora communities in Australia

The current COVID-19 pandemic has identified areas where improvement is needed to strengthen communication and partnership between government and diaspora communities. The Commission supports the work of the Federation of Ethnic Community Councils Association and Settlement Services International for the Australian Government to work with diaspora communities to build partnerships and strengthen communication pathways. The Commission further

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notes that these key stakeholders need to be invited into the policy development process as early as possible.

Recommendations

The Australian Human Rights Commission recommends the Australian Government adequately fund a National Anti-Racism Strategy and associated action items that prioritise community owned and led social cohesion initiatives.

The Commission recommends the Australian Government provide adequate funding for community involvement in service design and culturally appropriate service delivery.

The Commission recommends federal, state and territory governments allocate funding across all government departments for accessible translated and interpreted communications of essential information.

¹ Derya Iner, *Islamophobia in Australia II (2016-2017)* (November 2019) 9, 11.

https://cdn.csu.edu.au/_data/assets/pdf_file/0008/3338081/Islamophobia-Report-2019-Low-RES24-November.pdf

² Director-General of Security, Australian Security Intelligence Organisation, *ASIO Annual Threat Assessment Address*, (24 February 2020) <https://www.asio.gov.au/director-generals-annual-threat-assessment.html>

³ All Together Now, University of Technology Sydney. *Social Commentary and Racism in 2019*. (November 2019) <https://alltogethernow.org.au/wp-content/uploads/2019/11/Social-Commentary-and-Racism-2019-1.pdf>

⁴ Federation of Ethnic Community Councils Associated. *Consultation Report January-June 2019* (2019) <http://fecca.org.au/wp-content/uploads/2020/02/FECCA-Consultation-Report-2019.pdf>

⁵ Online Hate Prevention Institute. *Hate and Violent Extremism from an Online Subculture* (2019) ii. <http://ohpi.org.au/halle/Hate%20and%20Violent%20Extremism%20from%20an%20Online%20Sub-Culture.pdf>

⁶ Asian Australian Alliance. Diversity Arts, Democracy in Colour, Per Capita. *I am not a Virus: Preliminary Findings of COVID-19 Coronavirus Racism Incident Report* (July 2020) <http://diversityarts.org.au/not-virus-preliminary-findings-covid-19-racism-survey/>

⁷ Islamophobia Register <https://www.islamophobia.com.au/resources/>

⁸ Executive Council of Australian Jewry. *Report on Antisemitism in Australia* (November 2019) <https://www.ecaj.org.au/wordpress/wp-content/uploads/2019/11/ECAJ-Antisemitism-Report-2019.pdf>

⁹ Australian Human Rights Commission. *Leading for Change Report: A blueprint for cultural diversity and inclusive leadership revisited* (April 2018) https://humanrights.gov.au/sites/default/files/document/publication/Leading%20for%20Change_Blueprint2018_FINAL_Web.pdf

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¹⁰ Senate Select Committee on the Future of Work and Workers, Parliament of Australia, *Hope is Not a Strategy: Our Shared Responsibility for the Future of Work and Workers* (September 2018) 24 [2.86].

¹¹ Jawad Syed and Peter Murray, 'Combating the English Language Deficit: The Labour Market Experiences of Migrant Women in Australia' (2009) 19(4) *Human Resource Management Journal* 413, 416.

¹² Catherine Hemingway, *Not Just Work: Ending the Exploitation of Refugee and Migrant Workers* (Final Report, Employment Law Project, WEstjustice, November 2016) 52–4.

¹³ Consultation with policy stakeholders (temporary visa holders), Sydney (Ashfield).

¹⁴ Australian Women Against Violence, Submission 275, *Sexual Harassment Inquiry*, 7.

¹⁵ Jesuit Refugee Service, Submission 396, *Sexual Harassment Inquiry*, 4.