

CORE

Committee on Racial Equality

Submission to Joint Parliamentary Committee on Human Rights concerning Review of Stronger Futures Legislation

September 2014

The Committee on Racial Equality (CORE) is a Canberra-based group of citizens committed to supporting racial justice in Australia. Formed in 2007, its particular focus has been the Northern Territory Intervention and its impact on Aboriginal communities. We therefore welcome the opportunity to comment on the Stronger Futures legislation from a human rights perspective.

Having listened to the voices of Aboriginal people in the Northern Territory in recent years, we have formed the view that the policies surrounding the Intervention and Stronger Futures have led to greater pressure on communities to meet official expectations as to their lifestyles and behaviour, with inadequate attention to their expressed wishes and needs. Australia still has a long way to go to ‘come right way’ with Aboriginal Australians.

The United Nations Declaration on the Rights of Indigenous Peoples, to which Australia has committed itself, has a series of Articles that affirm Indigenous peoples’ rights:

- * All human rights and freedoms under the Universal Declaration of Human Rights and international human rights law.
- * Freedom from discrimination based on their identity.
- * Self-determination as regards political, economic, social and cultural development.
- * Not to be forcibly removed from their lands.
- * Maintain languages, oral traditions, and names.
- * Access to all levels of education.
- * Appoint their own representatives to negotiate matters affecting them.
- * Maintain spiritual relationship with land, water and other resources.

The UN Special Rapporteur on Indigenous Peoples, James Anaya, commented after a visit in 2009 that “the Northern Territory Emergency Response...limits the capacity of indigenous individuals and communities to control and participate in decisions affecting their own lives, doing so in a way that discriminates on the basis of race, thereby raising serious human rights concerns”. He highlighted the need for greater attention to advancing self-determination, self-governance, and indigenous participation in the design and implementation of programs.

We have been aware of negative feedback from many Aboriginal communities in recent years following the Northern Territory Intervention and Stronger Futures policies, and wish to emphasise the following points that have emerged:

- * There is strong support for the retention and/or restoration of bilingual education and more relevant curriculum content that recognises Aboriginal culture.
- * More Aboriginal teachers and long-term appointments are vital to the success of schools in remote communities.
- * There is an ongoing need for better transport to support children getting to school.
- * Aboriginal initiatives to reduce violence and increase security need support rather than replacement with top-down programs.
- * Provision of adequate housing and associated services is essential, without conditions imposed such as change of land ownership and control.
- * Incentives are better than punishment in working towards agreed goals.

Current trends in policies and practices are causing conditions in communities to deteriorate and are leading to despair. They are seen by many First Nations people as a way for land ownership to be removed from Aboriginal communities, and for demeaning requirements to be placed on them through income management and school attendance rules. Aboriginal-controlled approaches to problems like alcoholism, suicide, employment creation, and ensuring the safety of children, have been replaced by government-controlled programs that undermine self-determination. Bi-lingual education has been discouraged, outstations defunded, and children are being taken away from 'dysfunctional' families.

Jack Waterford (The Canberra Times, 2 March 2014) reminded readers that many Aboriginal children suffered in the now-revealed trauma of mistreatment of children by government and church institutions. He also drew attention to the increasing rate of removal of Aboriginal children because of 'neglect', and the increasing incarceration rates of Aboriginal women and men (up 60% and 40% respectively since 2010). These facts are further evidence of the failure of government policies and of our complicity as a community in the human rights abuses that have resulted.

It is our conclusion that the Stronger Futures legislation and its implementation do not measure up to the intentions of the Declaration on the Rights of Indigenous Peoples. In addition, we are convinced that the steps taken by governments to date in the area of native title, land rights, 'closing the gap', education and health programs, and welfare payments, have failed to resolve the unfinished business of creating the right relationship for the ongoing shared stewardship of this country.

We ask the Joint Committee to make clear to the Government that the Stronger Futures legislation has failed to meet the standards of the international human rights principles to which Australia is committed.

Signed by the following members of CORE on 25 September 2014:

Gedda Fortey (convenor of CORE and contact person)

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