

**Senate References Committee – Foreign Affairs, Defence and Trade
Inquiry into issues facing diaspora communities in Australia**

Response from the Australian Human Rights Commission
following public hearing on 2 November 2020

Senator Kitching asked the following question on 2 November 2020:

Senator Kitching: What is your view on the International Holocaust Remembrance Alliance definition of antisemitism? And should Australia adopt that?

The response to the Honourable Senator's questions is as follows:

The Australian Human Rights Commission and Victorian Equal Opportunity and Human Rights Commission recently released an issues paper, *Freedom of Religion in Australia: a focus on serious harms*. This paper includes the working definition of 'antisemitism' used by the International Holocaust Remembrance Alliance and adopted by the Executive Council of Australian Jewry. Australia's Online Hate Prevention Institute also uses the IHRA working definition.

The use of this definition in Australia is linked to data collection and research.

Senator Abetz asked the following question on 2 November 2020:

Senator Abetz: Did you get involved at all in the University of Queensland case of the young man who, I think, has been expelled or removed from the university, where he was promoting pro-democracy values at a rally at the university?

The response to the Honourable Senator's questions is as follows:

The Commission was not involved in this case.

Under section 11(1)(f) of the *Australian Human Rights Commission Act 1986* (Cth), the Commission has the function to inquire into and seek to resolve complaints alleging a breach of human rights.

The Commission's complaint handling function with respect of alleged human rights breaches under this piece of legislation is however confined to acts or practices of the Commonwealth.

A national anti-racism framework

1. The Commission, under the leadership of the Race Discrimination Commissioner, proposes that a national anti-racism framework be developed setting out actions on anti-racism to be undertaken by government, the Commission, NGOs, business, educators, health professionals, police, other justice authorities, civil society, and the community. The framework will initially respond to the serious issues arising during the COVID-19 pandemic and focus actions during the recovery phase in the coming years.
2. A national anti-racism framework provides a platform for eliminating racism and promoting inclusion in Australia and will:
 - Affirm Australia's commitment to racial equality, fairness, and justice
 - Identify the different, complementary measures that form part of a comprehensive response to racism and its prevention
 - Set measurable targets
 - Include the capacity for partnerships across society to address racism, acknowledging that action is required from all members of the Australian community.
 - Establish accountability mechanisms to measure progress over time in reducing the occurrence and incidence of racism.
3. A national framework will coordinate efforts currently underway and seek to fill identified gaps through:
 - Complementing national policy frameworks on multiculturalism, reconciliation, and social inclusion
 - Identifying opportunities to address racism through the operation of existing national frameworks
 - Identifying responsibilities within and across government
 - Linking key educational frameworks to ensure broad community understanding of anti-racism and cultural diversity
 - Building cultural competency in key public institutions.
 - Promoting community understanding of racism and acceptance of anti-racism initiatives.
4. A national framework will have the benefit of:
 - Addressing and responding to the root causes of racism
 - Empowering bystanders to support victims of racism, and supporting allyship
 - Empowering victims to seek redress and providing them with support

- Building community cohesion and resilience, as a counterpoint to racism
- Promoting social cohesion and inclusion
- Ensuring appropriate legal protections against racial discrimination and hate.

Why we need a National Anti-Racism Framework

5. **Racism remains an issue in Australia and there is growing community concern about it** – as demonstrated most recently by anti-Asian sentiment during the COVID-19 pandemic; anti-Muslim sentiment, exacerbated by the Christchurch mosque attack in New Zealand in 2019; ASIO concern about the growth in extremism in Australia; public concern about the treatment of Aboriginal and Torres Strait Islander peoples (for example, through Black Lives Matter); acknowledged structural and institutional racism that act as barriers to opportunities and the advancement and contributions of all Australians; and ongoing concerns about racism in sport.
6. **There is a lack of clarity on a national approach to addressing racism**– no clearly accessible view on what is being done, and what needs to be done further, to address racism; to understand different dimensions and contributory factors; to identify the different levers and roles of different actors in society (and across government) to take action to prevent racism and to respond to it effectively where it occurs; no stated linkages to approach to dealing with racism at the state and territory level.
7. **The existing anti-racism and racial equality measures that are in place are not widely acknowledged** - there is limited visibility and understanding of those anti-racism and racial equality measures that exist and their impact across Australia; opportunities for partnerships and collaborations are missed; data and evidence including around the evaluation of effective measures is not uniformly collated and shared; limited resources are not maximised.
8. **There is a need to ensure that measures to address racism complement measures to build social cohesion and inclusion** – the clear linkage between experiences of discrimination and racism, and social exclusion is not understood nor clearly reflected in relevant policy and program development. Measures to address racism will be more effective when accompanied by measures to promote social cohesion, and vice versa.
9. **There are significant gaps in data collection to inform, guide and deliver effective anti-racism and racial equality initiatives** – robust, nationally consistent data about racism and racial inequality is not available in Australia; lack of this evidence base affects confidence about anti-racism initiatives; adequate resourcing is not assured; and priority areas are difficult to identify.

10. **It is in the national interest and economic interest to counter racism and achieve racial equality.** Australia's defence of its national security and national interest does not depend only on military and cyber defence but also on its capacity to protect its social order, peace, and unity. Increased global tensions, in particular, risks increasing social tensions within Australia. There are significant economic consequences to Australia not tackling racism and racial inequality, potentially impacting significant sectors such as the tertiary education sector; and increasing evidence from research about the costs of racism and the economic benefits of more equitable participation in all aspects of public life.

How could a National Anti-Racism Framework operate?

11. National frameworks exist across many issues as a way of guiding action by government/s, business and community partners on complex issues of significant concern. They assist in defining challenges, creating awareness and ensuring public commitment to addressing them.
12. A national framework should build on shared values of equality, freedom, fairness and a 'fair go'. It should recognise and acknowledge Australia's:
 - ancient Indigenous heritage and the unique place of Aboriginal and Torres Strait Islander peoples in Australia.
 - British heritage
 - Diverse multicultural heritage, with waves of migrants from across the world
 - geo-political location in the Asia-Pacific region in the 'Asian century'.
13. The national framework should be designed to recognise and address intersectional experiences of racism, recognising the consequences of two or more forms of discrimination interacting.
14. It should be informed by Australia's human rights obligations. Under the International Convention the Elimination of All Forms of Racial Discrimination this includes undertaking measures such as the following:
 - Art 2.1 (a): Governments take measures to ensure that no public authority or institution engages in racial discrimination
 - Art 2.1(c): regular review of governmental policies that create or perpetuate racial discrimination (such as UK racial audit process)
 - Art 2.1(d): effective legal prohibitions of racial discrimination
 - Art 2.1(e): strengthening of multiculturalism
 - Art 2.2: Adoption of positive or special measures to address inequalities experienced on the basis of race
 - Art 4: protection against dissemination of racial propaganda and race hate
 - Art 5: guarantees of equality before the law on the basis of race in relation to civil and political and economic, social and cultural rights

- Art 6: guarantee of effective protection and remedies
- Art 7: measures to combat prejudices (through teaching, education, culture and information) and to promote understanding, tolerance and friendship.

What might a National Framework look like?

15. Guidance in developing the framework should be taken from other national frameworks (e.g. [National Plan to reduce violence against women and their children](#); [National framework for protecting Australia's children](#)). These identify a range of core elements for inclusion in any framework and include established approaches for community and government engagement.
16. There are existing materials that can be drawn from in considering the scope of a framework. This includes work of previous race discrimination commissioners, state and territory initiatives, and international anti-racism initiatives. For example, Canada's Anti-Racism Strategy 2019-22 provides useful guidance of measures that might be included in a framework, as does the UK's racial disparity audit process (run by The Treasury).
17. Some actions that might be included in a framework include the following: a national data framework; benchmarks and targets to guide actions, with monitoring and evaluation to assess progress over time; research on the growth of extremism and its drivers; enhanced public education activities and anti-racism campaign; engagement strategy for the corporate and community sectors; research on best practice responses to racism and support for bystanders; engagement with affected communities in research and policy development; and targeted outreach to vulnerable communities, including in language.