

# Report of the National Inquiry into Racist Violence

Race Discrimination Commissioner, Human Rights and Equal Opportunity Commission  
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## ***Preface***

The National Inquiry into Racist Violence was initiated by the Human Rights and Equal Opportunity Commission following representations to it about an apparent increase in the incidence of racially motivated violence in Australia.

In any society, racist violence is the most serious expression of racism. The Inquiry's investigation of racist violence has therefore necessarily involved an examination of racism in our community. We hope that this Report can make a significant contribution to understanding and addressing racism in Australia.

The Inquiry recognised from the outset that racist violence against Aboriginal Australians was a long standing problem which was likely to differ significantly in extent and effect to that directed against people of non-English speaking background. This was confirmed by the evidence given to the Inquiry. The seriousness of this evidence is reflected in the conclusions and recommendations of this Report.

The evidence presented to the Inquiry indicates that multiculturalism is working well in Australia. In spite of our racial, ethnic and cultural diversity, our society's experience of racist violence, intimidation and harassment is

nowhere near the level experienced in many other countries. Nonetheless, the level of racist violence and harassment presented in evidence to the Inquiry, particularly against Aboriginal and Torres Strait Islander people, should be a matter of concern to all Australians. It could increase in intensity and extent unless addressed firmly now.

## ***Findings***

1. Racist violence, intimidation and harassment against Aboriginal and Torres Strait Islander people are social problems resulting from racism in our society, rather than isolated acts of maladjusted individuals.
2. The fact that Aboriginal and Torres Strait Islander people are faced with racism in almost every aspect of their daily lives, is the underlying reason for the high levels of racist violence against Aborigines and Torres Strait Islanders reported to this Inquiry.
3. Racist violence is an endemic problem for Aboriginal and Torres Strait Islander people in all Australian States and Territories.
4. Racist attitudes and practices (conscious and unconscious) pervade our institutions, both public and private.
5. Aboriginal-police relations have reached a critical point due to the widespread involvement of police in acts of racist violence, intimidation and harassment.
6. The crisis in Aboriginal-police relations is illustrated by the so-called Redfern raid, which constituted a significant act of racist violence against the Aboriginal community.
7. Racist violence on the basis of ethnic identity in Australia is nowhere near the level

that it is in many other countries. Nonetheless it exists at a level that causes concern and it could increase in intensity and extent unless addressed firmly now.

8. The existence of a threatening environment is the most prevalent form of racist violence confronting people of non-English speaking background.

9. People of non-English speaking background are subjected to racist intimidation and harassment because they are visibly different. For recent arrivals, unfamiliarity with the English language can exacerbate the situation.

10. The perpetrators of racist violence against people of non-English speaking background are generally young, male Anglo-Australians. There have, however, been some notable exceptions.

11. In public places racist violence usually takes the form of unprovoked, 'one-off' incidents by strangers.

12. Neighbourhood incidents are more likely to be sustained campaigns by perpetrators known to the victim.

13. Social, economic and international crises produce a climate which is conducive to the most extreme form of racism - racist violence.

14. On the whole, public authorities do not respond effectively to reports of racist violence.

15. The activities of extremist groups, which have become more violent in recent years, constitute a small but significant part of the problem of racist violence in Australia.

16. The activities of extremist groups, some of which have resulted in prosecutions, show a close connection between racist propaganda and racist violence.

17. In assessing the extent of organised racist violence, it is important to acknowledge the role of long standing racist organisations which do

not perpetrate violence themselves, but nevertheless provide the impetus for others. These organisations essentially incite and maintain prejudice.

18. Anglo-Australians who are supporters or members of anti-racist organisations are subjected to racist violence because of their political beliefs and advocacy of human rights.

## **Recommendations**

1. That the Federal Government accept ultimate responsibility for ensuring, through national leadership and legislative action, that no person in Australia is subject to violence, intimidation or harassment on the basis of race.

2. That the Federal Government continue to pursue strategies to ensure the welfare and rights of all Aboriginal and Torres Strait Islander communities.

3. That any qualification on Australia's obligations under Article 4(a) of the Convention on the Elimination of All Forms of Racial Discrimination be removed.

4. That the Federal Parliament enact in the Federal *Crimes Act* 1914 a new criminal offence of racist violence and intimidation.

5. That the Federal *Crimes Act* be amended to create a clearly identified offence of incitement to racist violence and racial hatred which is likely to lead to violence.

6. That the Federal *Racial Discrimination Act* 1975 be amended to prohibit racist harassment.

7. That the Federal *Racial Discrimination Act* be amended to prohibit incitement of racial hostility, with civil remedies similar to those already provided for racial discrimination.

8. That Federal and State *Crimes Acts* be amended to enable courts to impose higher penalties where there is a racist motivation or element in the commission of an offence.

9. That the prohibition of racial discrimination in the enjoyment or exercise of human rights and fundamental freedoms in section 9 of the *Racial Discrimination Act* be extended to cover discrimination against those who have advocated against racism and supported anti-racist causes; and that the new provisions for remedies for incitement of racial hostility and harassment also provide coverage for such advocates.
10. That the Federal *Racial Discrimination Act* be amended to provide that discrimination against or harassment of a person on account of that person's religious belief be prohibited where the religious belief is commonly associated with persons of a particular race or races or of a particular ethnic group or groups and is used as a surrogate for discrimination or harassment on the basis of race or ethnicity.
11. That, following amendment of the *Racial Discrimination Act* with respect to incitement of racial hostility and racist harassment, the Race Discrimination Commissioner be given the power to refer to the Director of Public Prosecutions potential criminal cases identified in the handling of complaints.
12. That the Australian Law Reform Commission's recommendation concerning statutory entitlement to interpreters be implemented with the further provision of a discretionary entitlement to an interpreter for a party who does not give evidence but is unable to understand court proceedings.
13. That a national registration system for interpreters be established, to include specialist registration of legal interpreters, who would be required to meet strict standards in language skills and adequate knowledge of the judicial system, legal terminology and the role and ethical responsibilities of interpreters.
14. That barriers to more representative jury selection be removed and information and education be provided to enable all members of the community to handle jury duty.
15. That objection to a potential juror on the ground of ethnic or racial background be prohibited.
16. That uniform national procedures for the collection of statistics on racist violence, intimidation and harassment be developed, and that the incidence of racially-based crime in Australia be reported upon annually by an appropriate Federal agency.
17. That Federal and State police record incidents and allegations of racist violence, intimidation and harassment on a uniform basis, and that such statistics be collected, collated and analysed nationally by the appropriate Federal agency.
18. That Migrant Resource Centres, Aboriginal Legal Centres and community legal services accept complaints of racist violence, intimidation and harassment for referral to the police.
19. That the charters and roles of anti-discrimination bodies be extended to facilitate reporting to the police of incidents of racist violence, intimidation and harassment.
20. That authorities with the statutory role of investigating complaints against police officers (Ombudsman's Offices etc.) establish (where they have not already done so) designated Aboriginal and Islander investigatory positions with the sole function of following up complaints from Aboriginal and Islander people and designated Aboriginal and Islander education and information officers with the function of providing accessible information to Aboriginal communities in relation to police complaints mechanisms.
21. That police and other intelligence agencies accord a high priority to the investigation of racially motivated offences and racist groups and assist in ensuring the successful prosecution of such offences.
22. That statutory codes of practice be developed for police in relation to Aborigines

and Torres Strait Islanders and people of non-English speaking background to ensure better protection of the rights of these people and clearer accountability of police.

23. That police operations reflect the principles of equity and equality towards people of Aboriginal and non-English speaking backgrounds and ensure that particular communities are not targeted for extraordinary policing measures.

24. That racist violence, intimidation and harassment by members of the police forces be considered a serious breach of duty and attract severe penalties including dismissal from the force.

25. That State and Federal police forces promote the establishment of community justice mechanisms in areas where such schemes would be appropriate.

26. That police training include appropriate education in cultural issues and community relations and provide for supervised placements in areas with significant numbers of persons of Aboriginal and non-English speaking backgrounds.

27. That the elimination of racist attitudes and practices be accorded an essential place in the recruitment and training of police, and that such attitudes and practices not be condoned in policing operations.

28. That the Federal and State police forces promote the recruitment of persons of Aboriginal and non-English speaking backgrounds, and provide special training programs to ensure that persons of those backgrounds are able to meet recruitment standards and prerequisites.

29. That people of Aboriginal and non-English speaking backgrounds be involved in the development of curricula and materials for police training in cultural issues and community relations, in the presentation of training programs and in the assessment of trainees.

30. That Federal and State police forces require experience and proven ability to work effectively with people of Aboriginal and non-English speaking backgrounds as prerequisites for promotion.

31. That public housing authorities develop and implement anti-racist policies and strategies for all housing estates, and especially those which have significant numbers of persons of Aboriginal, Islander and non-English speaking backgrounds.

32. That anti-racist strategies include the employment of bicultural and community workers, the establishment of structures to resolve disputes between neighbours and deal with racist harassment and violence, and the promotion of good community relations.

33. That managers of public housing authorities and estates be required to ensure that all residents are able to enjoy a neighbourhood free from racist violence, intimidation and harassment.

34. That the private housing industry develop and implement an anti-racist code of practice for its members.

35. That government authorities, especially road traffic authorities, increase security measures to prevent access to or release of personal information without prior notification and without proper cause.

36. That employer and employee organisations cooperate in the development and implementation of anti-racist policies and training programs to eliminate racism from the workplace.

37. That all industrial awards include provisions guaranteeing freedom from racial discrimination and racial harassment as a condition of employment and that such provisions be enforced.

38. That trade unions assist employers to take action to remedy situations of racial

discrimination and racial harassment in the workplace.

39. That government and non-government education authorities work with teachers and teacher unions, and with students, parents and community groups affected by racism to develop anti-racist education policies and formal grievance procedures to deal with allegations of racist violence, intimidation and harassment in schools.

40. That government and non-government school education authorities provide training to assist teachers to deal with issues of cultural difference and racism in the staffroom, classroom and playground.

41. That school principals ensure that allegations of racist violence, intimidation and harassment are taken seriously and resolved through grievance procedures, mediation and counselling.

42. That school curriculum initiatives on multicultural and multiracial issues be supported, evaluated and extended.

43. That education authorities with responsibility for technical, higher and adult education develop anti-racist policies and guidelines in consultation with the management, staff, students and unions involved.

44. That teacher education, social work, health education and other appropriate courses incorporate core units in cross-cultural studies and anti-racist strategies.

45. That government and non-government higher educational institutions and technical colleges establish formal mechanisms to investigate allegations of racist violence, intimidation and harassment of students and staff.

46. That the media strive for more balance in the reporting of race related issues and avoid sensationalist coverage of these issues.

47. That the media avoid the unwarranted introduction of race or ethnicity into a story, and particularly the unnecessary use of ethnic-specific labels in reporting on suspected or convicted criminals.

48. That media organisations establish clear policies or guidelines for the reporting of incidents of racist violence which encourage sensitivity to the potential impact of such reporting.

49. That the media use of the term 'Muslim', as in 'Muslim extremists' or 'Muslim fanatics', be avoided unless it actually refers to people who are most accurately identified by their religion.

50. That ethnic-specific labels be avoided wherever possible, particularly in headlines and that, where such labels are a necessary part of the story, they be as accurate and as specific as possible.

51. That when reporting on Islamic belief or practice, particularly on controversial issues like calls for a *jihad* (holy war), authoritative leaders of representative groups be consulted.

52. That Arab and Muslim organisations take a more active role in informing the media of community issues and concerns and ensuring that media outlets are aware of representative groups and appropriate spokespersons to be consulted when required.

53. That the Human Rights and Equal Opportunity Commission and other anti-discrimination bodies provide regular opportunities for consultation and exchange of views between the media and leaders of Arab and Muslim organisations.

54. That any proposal to modify or abolish the powers and processes of the Australian Broadcasting Tribunal take into account the need to retain an effective avenue for the handling of complaints of racism and racial vilification in the media.

55. That the Press Council develop standards for reporting issues relating to race and ethnicity which are based on those adopted by the Australian Broadcasting Tribunal for the electronic media.
56. That the Ethics Committee of the Australian Journalists Association develop a detailed Code of Practice for journalists reporting issues relating to race and ethnicity and ensure observance of that Code by members of the Association.
57. That the Office of Multicultural Affairs and the Aboriginal Torres Strait Islander Commission establish community-based training programs to ensure that people from Aboriginal and ethnic communities can acquire skills to help them to proceed with complaints about what they perceive to be racist or unfair reporting and to have a greater input into media agendas.
58. That funding be provided to enable community groups representing people of non-English speaking background to monitor and respond effectively to media reporting on race related issues.
59. That media organisations develop and implement policies to encourage the recruitment and advancement of Aboriginal and non-English speaking journalists within the industry.
60. That the training of journalists at tertiary institutions include education in and awareness of cultural and inter-racial issues and that people of Aboriginal and non-English speaking background be involved in the development and teaching of such curricula.
61. That awareness of cultural and inter-racial issues be included in the training of cadet journalists.
62. That, where possible, media organisations allocate journalists to specialised rounds covering Aboriginal and ethnic affairs.
63. That Federal, State and local governments undertake pilot community relations projects in local communities.
64. That local government councils develop community relations strategies, including the establishment of community co-ordinating committees, to promote multiculturalism and positive relations among the communities in their localities, in consultation with Federal and State Governments, key ethnic and Aboriginal groups and non-government organisations.
65. That Federal and State government agencies whose work relates closely to community issues adopt specific community relations policies (including, if appropriate, codes of practice) and ensure that service delivery staff are properly trained.
66. That adequate funding and resources be made available to enhance the skills of youth workers.
67. That the Federal Government provide funding for community relations education programs targeted to specific audiences such as youth.