

# National Inquiry into Racist Violence: Summary

Race Discrimination Commissioner, National Inquiry Into Racist Violence, Sydney, Human Rights and Equal Opportunity Commission, 1991.

## **The Report of the National Inquiry into Racist Violence was released on 18 April 1991**

### **Summary**

As part of its responsibility for ensuring that Australia complies with its international human rights obligations, the Human Rights and Equal Opportunity Commission commenced the National Inquiry into Racist Violence in response to the following concerns:

1. A widespread perception in the Australian community that racist violence was increasing. During 1988 a number of church and community leaders and anti-racist activists were subjected to what appeared to be well organised campaigns to intimidate them and deter them from their activities.
2. Representations from a number of ethnic community groups concerned that racist violence against people on the basis of their ethnic identity seemed to be increasing.
3. The Commission's own experience in dealing with Aborigines and the criminal justice system. We were of course aware of the work being undertaken by the Royal Commission into Aboriginal Deaths in Custody, and liaised closely with that Commission to ensure that our inquiries did not overlap.

Prior to the Inquiry, people had come to us with a wide range of matters which they considered to be racist violence. For the purpose of the Inquiry, racist violence was defined as a specific act of violence, intimidation or harassment carried out against an individual, group or organisation (or their property) on the basis of:

- Race, colour, descent, or national or ethnic origin; and/or
- Support for non-racist policies.

The Inquiry, which commenced in 1989, has been substantial.

We held public hearings throughout Australia, received written submissions from several hundred individuals and organisations and conducted an outreach program to gather evidence on the experiences of Aborigines and people from non-English speaking backgrounds who may have been the victims of racist violence.

With the assistance of the Office of Multicultural Affairs the Inquiry was able to carry out consultations with members of specific ethnic groups in their own languages. As a result of this research, OMA supplied the inquiry with fifty reports on group discussions involving evidence from nearly six hundred people.

Extensive field work was also carried out with Aboriginal communities in far north-western Australia, Murray Bridge and Adelaide in South Australia, the Cairns region of Queensland, Bourke in New South Wales and several towns in the Northern Territory.

To explore specific aspects of racist violence in Australia the Inquiry commissioned a number of specialised research consultancies. Among these were studies of the overseas experience of

racist violence and of organised racist groups in Australia, a sample study of racist violence against migrants, which was undertaken in the Sydney suburbs of Marrickville and Campbelltown, research into Aboriginal/police relations in Redfern with special reference to the Redfern raid, and a study of Aboriginal juveniles in police custody.

The evidence we received ranged from accounts of personal experiences to analytical research studies of more general situations. In contrast to the approach adopted by the Royal Commission into Aboriginal Deaths in Custody, we concentrated on examining the broader issues of racist violence rather than looking intensively at a small number of individual incidents.

In summary, our findings are:

1. Racist violence against Aborigines and Torres Strait Islanders is endemic, nation-wide and very severe.
2. There have been serious incidents of violence, harassment and intimidation against people of non-English speaking background, their property and their places of worship. Although this is a matter of concern to the Inquiry, the extent of racist violence on the basis of ethnic identity is not as severe as that experienced by Aboriginal people.
3. Anti-racist activists have been subjected to violence because of their advocacy of basic human rights. The evidence indicates that this is largely perpetrated by organised extremist groups.

Let me now look at these points in more detail.

The Inquiry found that racist violence is an endemic problem for Aboriginal and Torres Strait Islander people in all Australian States & Territories. Evidence to the Inquiry overwhelmingly demonstrated that racist attitudes and practices (both conscious and unconscious) pervade our institutions.

Aboriginal-police relations have never been good, but they have now reached a critical point due to the widespread involvement of police in acts of racist violence, intimidation and harassment. The Bicentenary drew unparalleled attention to the situation of Aboriginal and Torres Strait Islander people and we now have the Aboriginal and Torres Strait Islander Commission and a process designed to achieve national recognition of and reconciliation with Aboriginal people. However, the issue of Aboriginal-police relations remains unresolved.

Evidence presented to the Inquiry revealed, for example, that the vast majority of Aboriginal and Torres Strait Islander young people in juvenile detention centres in WA, Qld and NSW alleged that they had been subjected to violence by police officers. Of the 171 juveniles who were interviewed, 85 per cent alleged that they had been assaulted by police. Less than 10 per cent had made any formal complaints, either because of fear of retaliation or because they believed that violence was a "normal" part of police procedures and something to be expected.

The Inquiry's field work in fifteen regional centres, reports of incidents submitted by Aboriginal people and our research into the situation of Aboriginal juveniles all highlight allegations against the police.

The crisis in Aboriginal-police relations is most graphically illustrated by the so-called Redfern raid.

For reasons discussed in detail in the report, the Inquiry finds that the Redfern raid constituted a significant act of racist violence against the Aboriginal community.

For people of non-English speaking background, harassment and intimidation are the most common experiences of racist violence. They result in a threatening environment in which many of our fellow Australians are forced to live. This is borne out by a number of studies undertaken for the Inquiry and discussed in the report. The results of questionnaires and

incident reports co-ordinated by Migrant Resource Centres and other ethnic organisations provide a representative sample. Of the 950 complaints submitted by a range of ethnic minorities, 66 per cent reported incidents of verbal abuse and 12 per cent reported physical attacks.

It is clear that racist violence against people from minority cultures is nowhere near the level that it is in many other countries.

Multiculturalism is working well in Australia. However, this is no cause for complacency. We have found being visibly different is often enough to provoke racist harassment, intimidation and, at times, violence.

Let me quote a woman from Central America who described her situation to the inquiry:

Bricks have been thrown through the window twice. They damaged the mailbox and I found my mail in the dirt up the road. Petrol was once spread about and a fire lit on the verandah. Eggs, fruit and onions have been thrown at the house. Some of these things happen in the night so I am not sure but I have seen some teenage boys running away... These boys and an "Australian" neighbour... Call me "blackie" and other abuse.

The Inquiry found that social, economic and international events can produce a climate which is conducive to the most extreme form of racism - racist violence. Events such as the immigration debate and the Gulf War triggered racist attitudes which often manifest themselves in racist intimidation, harassment and, sometimes, overt violence against Australians of non-English speaking background.

Following the outbreak of the Gulf War there were numerous incidents of vandalism and arson attacks on properties owned by Muslim and Jewish Australians.

One of the most serious incidents took place on 24 January, 1991 when the Rooty Hill Islamic Cultural Centre at Mount Druitt (NSW) was attacked with a Molotov Cocktail in the early hours of the morning.

Earlier this the year there were also arson attacks on the Temple Emanuel kindergarten in the Sydney suburb of Chatswood and on synagogues in both Sydney and Melbourne.

The Inquiry found that the perpetrators of racist violence against people from non-English speaking backgrounds are generally young, male, Anglo-Australians. On the other hand, anti-racist activists tend to be targeted by small but organised extremist groups.

Evidence to the Inquiry led us to conclude that, on the whole, our public institutions, such as police and the legal system and housing and educational authorities, are not responding effectively to reports of racist violence.

As a result of these findings the National Inquiry into Racist Violence has made 64 recommendations. In making these recommendations we have sought to learn from the experiences of the various Australian jurisdictions and the United Kingdom, the United States, the European community, Canada and New Zealand. These situations are dealt with in some detail in the report.

The most significant recommendations involve a package of legislative reforms to create a range of new criminal offences and civil remedies.

Our report indicates why current laws are inadequate to deal with the problem and why there is a need for national legislation.

The inquiry recommends that the Federal Crimes Act be amended to create a new criminal offence of racist violence and intimidation.

In addition, there should also be a clearly identified offence of incitement to racist violence and racial hatred which is likely to lead to violence.

We are recommending that these be Federal offences because the Federal Government is responsible for protecting fundamental human rights such as the right to security of person and

property. The establishment of a Federal offence is significant because it will require federal authorities to investigate and, if necessary, prosecute State and Territory police if they are involved in acts of racist violence. It will also enable Federal action if, for any reason, incidents of racist violence are not properly investigated and prosecuted. We are not targeting the police by recommending this course of action, but we are saying that they, like everyone else, will be subject to the law.

We also recommend that new civil remedies be created to address less serious forms of intimidation and harassment, propose amending the Racial Discrimination Act to prohibit racist harassment and outlaw incitement of racial hostility.

The racist harassment provisions will cover conduct which is so abusive, threatening or intimidatory as to constitute harassment on the ground of race, colour, descent or national or ethnic origin.

The proposed new provision in the Racial Discrimination Act concerning incitement of racial hostility will deal with certain forms of racist propaganda. The Inquiry has carefully balanced the right to free speech with the fundamental rights of people from different ethnic or racial backgrounds to live their lives free of harassment or violence.

In recommending the prohibition of incitement of racial hostility, our concern was with conduct with the potential to have a deep and lasting effect on the well-being of individuals or groups who have been targeted because of their race. It needs to be made perfectly clear that the legislation would only outlaw certain public expressions or acts of incitement, not private opinion or legitimate debate.

In addition to the substantive reforms mentioned earlier, the Inquiry has recommended a number of procedural changes to the law:

- under both State and Federal Crimes Acts,

racist motivation should be taken into account in sentencing persons convicted of crimes. Higher penalties may be imposed accordingly.

- The proposed provisions covering incitement of racial hostility and harassment would also protect members and supporters of anti-racist organisations.
- Discrimination on the basis of religion should be prohibited under the Racial Discrimination Act where religious belief is used as surrogate for race or ethnicity.

The Inquiry recommends major reforms in the areas of law enforcement and justice administration.

The Inquiry found that Aboriginal-police relations have reached a serious level due to the widespread involvement of police in acts of racist violence, intimidation and harassment. We regret that we have had to come to this conclusion but the evidence is overwhelming. It is apparent that the climate of racism is so pervasive in our police forces that there is a need for fundamental changes in policing practices.

The Inquiry recommends that racist practices by members of police forces be rigorously investigated and treated as serious breaches of duty attracting severe penalties, including dismissal from the force.

We propose that statutory codes of practice be developed for police, in relation to Aboriginals and Torres Strait Islanders and people of non-English speaking backgrounds, to ensure that particular communities are not targeted for extraordinary policing measures.

Given the extent of Aboriginal complaints against police officers, the Inquiry further recommends that Ombudsman's offices and Police Complaints Tribunals establish designated positions for Aboriginal and Torres Strait Islander people, to investigate complaints and inform their communities of complaint mechanisms.

The Inquiry also calls on Federal and State police forces to promote the recruitment of persons of Aboriginal and non-English speaking backgrounds, and to provide appropriate training to all police officers in cross-cultural issues and community relations.

In formulating its recommendations to deal with racist violence, the Inquiry was struck by the lack of statistical information. We therefore recommend uniform national procedures for the collection of statistics on racist violence, intimidation and harassment, and for publication of the incidence of racially-based crime throughout Australia. In addition, Federal and State police should be required to record all allegations and incidents of racist violence and this data should be collated and analysed by an appropriate Federal agency.

In the judicial area, we recommend that:

- witnesses and parties to legal proceedings who are unable to understand the proceedings should be entitled to specially trained interpreters; and
- to ensure that juries more accurately reflect the ethnic diversity of the community, objections to potential jurors on the basis of ethnic or racial background should be prohibited and appropriate information and education provided to enable all members of the community to act as jurors.

Evidence to the Inquiry about racist violence, intimidation and harassment raised a number of important concerns about the roles and practices of other institutions. Reforms were recommended affecting where people live, work and learn.

The Inquiry found that many people from non-English speaking backgrounds and Aborigines are victims of discrimination and racist violence in their own neighbourhoods. Because of the high incidence of racist violence and harassment in public housing, the Inquiry recommends 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.

The Inquiry also recommends the development and implementation of an anti-racist code of practice for the private housing rental market.

We also suggest measures to deal with racism and racist violence and harassment in the workplace; foremost among these are that all industrial awards include provisions guaranteeing freedom from racial discrimination and racist harassment in the workplace and that such provisions be enforced by industrial tribunals.

We recommend that government and non-government education authorities work with teachers and teacher unions, and with students, parents and community groups to develop anti-racist education policies and formal grievance procedures to deal with allegations of racist violence, intimidation and harassment in primary, secondary and tertiary institutions. These measures must be reinforced by curriculum initiatives on multicultural and multiracial issues.

Action at a community level is also important in addressing cultural and inter-racial issues. As Race Discrimination Commissioner and Chair of this Inquiry I have already been able to put to the Federal Government proposals for initiatives in community relations and I warmly welcome the Community Relations Strategy announced by the Prime Minister last Friday. It incorporates many of the recommendations in this report.

Many people complained to the Inquiry about what they perceived to be racism in media reporting. The media have a right and, indeed, a responsibility to report on race issues. We recognise, however, the concerns of those who gave evidence to us. We are convinced of the importance of codes of practice and recommend their development, where they do not already exist, and their observance by media outlets. We

also recommend 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.

The Inquiry commends initiatives taken by some media organisations to encourage the recruitment and advancement of journalists from Aboriginal and non-English speaking backgrounds and encourages all media organisations to follow this example. We believe that more emphasis also needs to be placed on cross-cultural training and education for cadet journalists.

The Inquiry also recognises the need for anti-discrimination bodies to provide regular opportunities for consultation and exchange of views between media representatives and community spokespeople.

In conclusion, I wish to reiterate that this is a unique report. It represents the most comprehensive exposition of the incidence of racist violence, intimidation and harassment ever undertaken in Australia.