

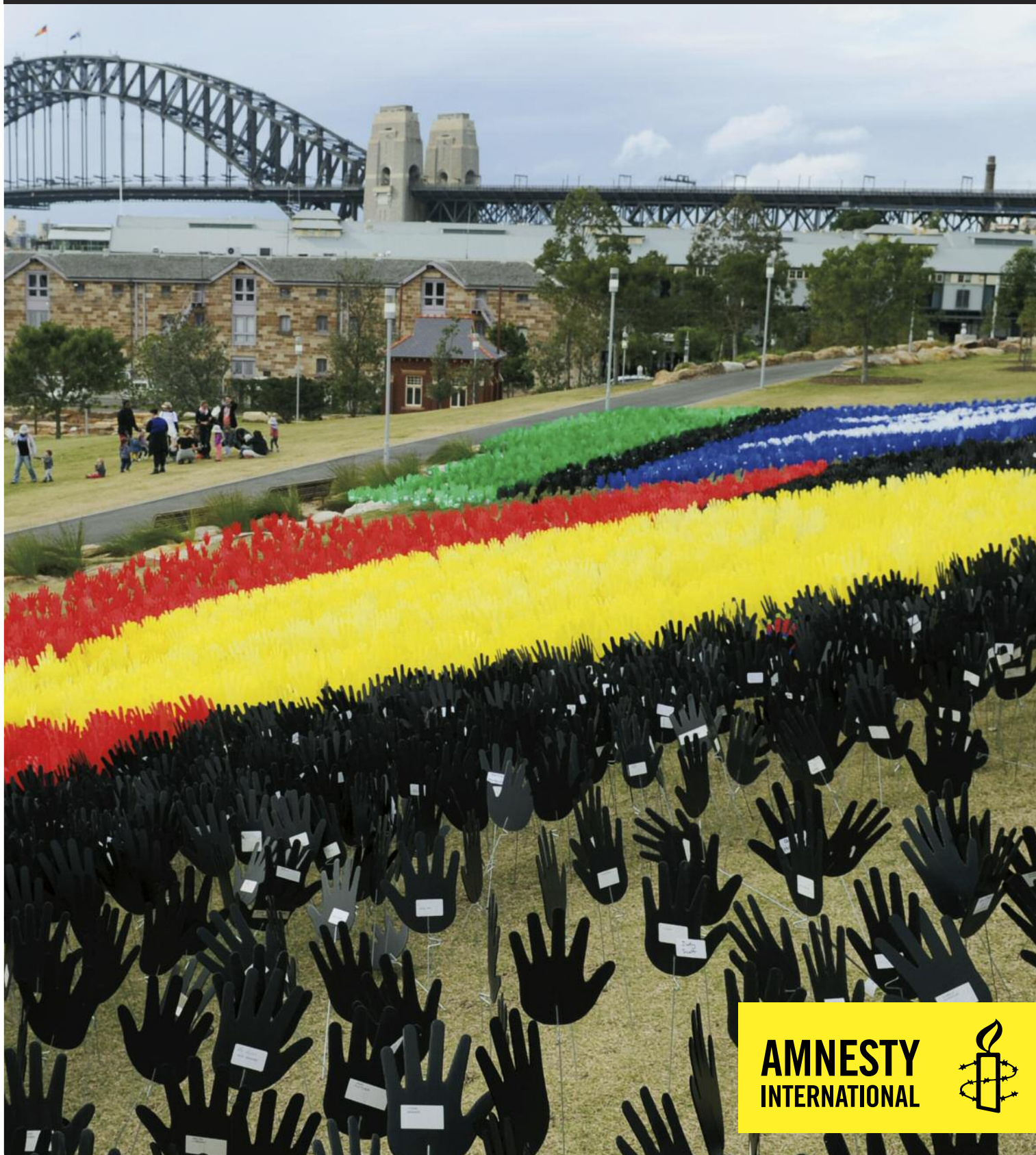
ESSENTIAL KIT
FOR CHANGEMAKERS

TERM 1, 2017

Amnesty International Australia
www.amnesty.org.au

Start Something

THE INDIGENOUS RIGHTS ISSUE



**AMNESTY
INTERNATIONAL**



TERM 1 2017: INDIGENOUS RIGHTS

Inside this kit:

Indigenous people in Australia

The Declaration on the Rights of Indigenous Peoples

Issues facing Indigenous people in Australia today

Coming up in 2017:

TERM 2: Refugee and asylum seeker rights

Read about the people who flee their homes because of war or persecution, what their journeys look like and how Australia reacts to people seeking asylum.

TERM 3: Global youth

The struggle for human rights happens every day, and youth are often at the forefront of leading change. Learn about the ways young people are standing up for their rights across the world.

TERM 4: Write for rights

Learn about the people unfairly imprisoned around the world, Amnesty's roots as a global letter-writing campaign, and how a well-written letter can change a life.

Never miss an issue

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www.amnesty.org.au/account

Find previous school action packs:

www.amnesty.org.au/student-resources

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Cover: A 'Sea of Hands' installation at Barangaroo in Sydney, 3 June 2016. The Sea of Hands represents community support for reconciliation and the rights of Aboriginal and Torres Strait Islander people. © AAP Image/Joel Carrett

Amnesty International is an independent, global movement that campaigns courageously for human rights for everyone. We use our passion and commitment to bring torturers to justice, change oppressive laws and free people imprisoned just for voicing their opinion. We campaign, conduct research and raise money for our work. Our active members, such as school action groups, play a vital role in achieving our aims through writing letters, sending online actions, organising creative awareness-raising activities and fundraising in their communities.

Amnesty International acknowledges the traditional owners of the land on which our offices are situated. We thank the elders past and present for their continued custodianship. This always has been and always will be Aboriginal land.

Note from Naomi

Welcome to the start of another great year of activism with Amnesty International!

We had lots to celebrate in 2016:

- Myanmar student activist Phyo Phyo Aung was released in April as part of a prisoner amnesty in Myanmar. Phyo Phyo Aung had been detained in March 2015 after helping organise peaceful student protests.
- The Australian Government began an inquiry into the abuse of kids in prisons in the Northern Territory (fingers crossed we'll see some good results once the inquiry is finished).
- In the US, Albert Woodfox was released from prison, after more than four decades in solitary confinement.
- Pro-democracy activist Father Nguyen Van Ly was released from prison in Vietnam, months before the end of his sentence.
- In Iran, teenager Alireza Tajiki was saved from hanging after a global outcry against his death sentence.
- The Queensland Government announced plans to introduce a Human Rights Act.
- María Teresa Rivera, jailed in 2011 and sentenced to 40 years in prison for "aggravated homicide" after having a miscarriage, walked free.
- All up in 2016, Amnesty supporters helped free over 650 people unfairly imprisoned!

These successes were all thanks to you and the millions of other Amnesty supporters across the globe. It's amazing what we can achieve when we work together – literally changing lives every day.

In 2017 we're trying something new with the Amnesty school pack. Each term we'll focus on one Amnesty campaign with more background information, case studies and, of course, exciting ways to take action on the human rights issues you care about.

Term 1 is all about Indigenous rights. Amnesty activists have been campaigning hard to get our government to reduce the numbers of young Indigenous people imprisoned in Australia. So naturally it was our pick for term 1!

There is lots to get done in 2017. Whether you're getting involved with Amnesty for the first time or back for another year, thanks for being a part of our schools program – everyday we are closer to a world where human rights are enjoyed by all.

All the best,

Naomi

Youth Coordinator
Amnesty International Australia

PS> Make sure you sign up your school group or teacher to receive an email alert for the next 'Start Something' edition: www.amnesty.org.au/account



Indigenous people in Australia

Indigenous people in Australia may have the longest continuous culture in the world – an unbroken cultural heritage that spans between 50,000 and 65,000 years and is at least 10 times older than Ancient Egyptian culture.

Torres Strait Islander and the Aboriginal people are the Indigenous peoples of Australia, and are two very distinct cultural groups.

Before Europeans came to Australia, there were hundreds of distinct language, tribal or nation groups living on the Australian continent.

Torres Strait Islanders are people that have ancestry from or near the Torres Strait, which is the waterway that separates Australia and Papua New Guinea.

It is estimated that around 750 000 Indigenous people, speaking approximately 700 languages, lived in Australia before the British colonies arrived in 1788.¹ Numbers fell during the following century as a result of disease and dispossession, with some estimates as low as 117,000 people in 1900.

In 2011 approximately 669,900 people, or 3 per cent of the Australian population, identified as Aboriginal and/or Torres Strait Islander.²



Check out Horton's map
of Aboriginal Australia at
www.aiatsis.gov.au/explore/culture

¹ <http://australianmuseum.net.au/indigenous-australia-introduction>
² Australian Bureau of Statistics, 2011



Young Waayni woman Justice King at Mt Isa, June 2016. © Wayne Quilliam.



ACT NOW >>

Research the history of Aboriginal and Torres Strait Islander Peoples, as told by Indigenous voices. Good sources include:

- Australian Institute of Aboriginal and Torres Strait Islander Studies aiatsis.gov.au
- The Australian Museum australianmuseum.net.au/indigenous-australia-introduction
- Creative Spirits www.creativespirits.info
- NAIDOC website www.naidoc.org.au
- Google 'Stan Grant speech on racism'
- Amnesty International Australia's blogs on Indigenous Rights www.amnesty.org.au

BEING RESPECTFUL TO INDIGENOUS PEOPLE IN AUSTRALIA TODAY

Have you seen a 'Welcome to Country'? Do you know how to say an 'Acknowledgement of Country'? Both are done before an activity or event to recognise and show respect for Aboriginal people.

Welcome to Country: a ceremony performed by an Aboriginal person/people who are traditional owners / custodians at the beginning of an event.

If you're having an event, arranging a Welcome to Country shows respect and helps non-Indigenous people recognise Aboriginal culture and history.

Acknowledgement of Country: this can be done by everyone, Indigenous or non-Indigenous, to pay respect to the fact that you are on Aboriginal land. It's respectful to do an Acknowledgement of Country at the start of meetings, speeches or events.

Example:

"I would like to acknowledge the ... People of the ... Nation as the Traditional Owners of the land we are meeting on today. I would also like to pay my respect to the Elders past, present and emerging and acknowledge that this land always was and always will be Aboriginal land."

TIPS TO GET STARTED

If you are planning a 'Welcome to Country' or an 'Acknowledgement of Country' make sure to first consult with the Aboriginal people in the community where the event takes place. This way you can ensure you pay respect to the right people.



Read more at
www.creativespirits.info/aboriginalculture



The Petyarr sisters at the Utopia homelands in the Northern Territory, 2011. © April Pyle



A girl performs a traditional dance at an Amnesty International event launching a report into Indigenous youth incarceration, Perth, 2015. © Richard Wainwright/AI

ACT NOW >>

What other ways could your school recognise Indigenous people, history and culture? Make a list of what your school currently does, and what you could start doing. We've started off with a few suggestions.

Does your school...	Yes/no	Ideas to make it happen
...know the name/s of the Peoples and Nation on whose land your school is built?		Find and contact our local land council to learn more about the traditional owners of the land our school is on. Find a list of land councils at www.creativespirits.info/aboriginalculture/selfdetermination/aboriginal-land-councils
...have some posters of the map of Indigenous languages in classrooms?		Ask a teacher if the school can purchase some posters from www.aiatsis.gov.au
...celebrate a significant time for Aboriginal and Torres Strait Islander people eg NAIDOC Week?		
...raise the Aboriginal and Torres Strait Islander flags alongside the Australian flag?		
...learn about local Indigenous country, culture, songs and dance?		

What are Indigenous rights?

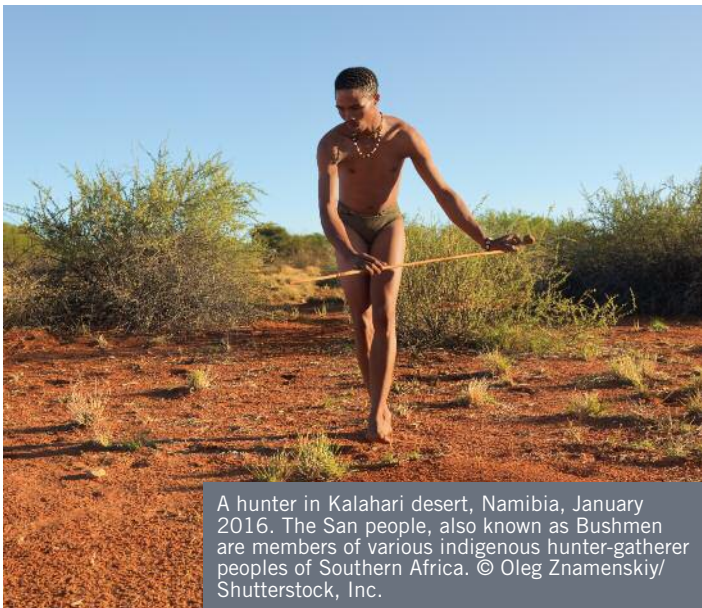
Like everyone, Indigenous people have all of the rights set out in the Universal Declaration of Human Rights. However Indigenous people have specific rights because of their unique position as first peoples of their nations.

Often due to the lingering effects of colonisation and oppression, Indigenous people are vulnerable to discrimination and mistreatment and excluded from effectively participating in processes that affect their rights. This means that today they are more likely to experience poverty, poor health and restrictions on self-determination.

We need to protect Indigenous people's unique rights in order to ensure their culture continues to exist into the future. This includes their rights to speak and teach their native language and customs, to live on the land of their ancestors, and to look after sacred sites.



There are 370 million Indigenous people in the world. These groups are very diverse but there are common issues that affect Indigenous people globally.



A hunter in Kalahari desert, Namibia, January 2016. The San people, also known as Bushmen are members of various indigenous hunter-gatherer peoples of Southern Africa. © Oleg Znamenskiy/Shutterstock, Inc.



Young Inuit throat singers perform on Parliament Hill Ottawa, Canada, October 2016. © Art Babysh/Shutterstock, Inc.



An Indigenous woman rows a wooden boat in the Amazon River Basin, Peru. © Anton_Ivanov/Shutterstock, Inc.



A march for water and land rights, Guatemala City, Guatemala, April 2016. © Al/Anaïs Taracena

A NEW DECLARATION IS FORMED

Over many years the world started to recognise these unique risks for Indigenous people. So in 2007 the United Nations passed the **Declaration on the Rights of Indigenous Peoples**, to help eliminate human rights violations against them. It creates a framework for laws to make sure that issues are addressed by working directly with Indigenous communities.

There are 46 Articles, or rules, in the Declaration, including:

- Indigenous peoples are free and equal to all others and have the right to be free from any kind of discrimination, including discrimination based on their Indigenous origin or identity (Article Two).
- Indigenous people have the right to live in freedom, peace and security. They must be free from genocide and other acts of violence including the removal of their children by force (Article Seven).
- Indigenous peoples have the right to practice and revitalise their cultural traditions and customs (Article Eleven).
- Indigenous peoples shall not be removed from their land by force. Where they agree, they should be provided compensation, and, where possible, have the possibility to return (Article 10).
- Indigenous peoples must not be discriminated against in matters connected with employment (Article 17).
- Governments shall consult properly with Indigenous peoples before adopting laws and policies that may affect them. They must use the principles of free, prior and informed consent – which means giving Indigenous peoples all the facts needed to make decisions (Article 19).
- Indigenous peoples have the right to own, use and control their lands, waters and other resources. Governments shall recognise and protect these lands, waters and resources (Article 26).

This Declaration is unique in that it was the first UN document created for the people, by the people: Indigenous People from all over the world helped to develop it, and it took more than two decades of discussions!



People from the Yakye Axa community, Paraguay, 27 November 2008. © AI



Read the complete declaration at www.amnesty.org.au/DRIP

AUSTRALIA AND THE DECLARATION

Like the Universal Declaration of Human Rights, the Declaration on the Rights of Indigenous Peoples is not legally binding. Instead governments are expected to introduce laws and policies to make sure the obligations in the Declaration are met. That's why it's so important for people to hold our governments and other decision-makers to account in following it.

When the Declaration was adopted in 2007 only four countries voted against it: Canada, New Zealand, the US and Australia. In 2009 the Australian Government made a public statement formally endorsing the declaration. However, even though Australia has now endorsed the Declaration, Aboriginal and Torres Strait Islander people in Australia continue to face very different life outcomes. The ongoing dispossession and racism towards Aboriginal and Torres Strait Islander people contribute to the huge gaps in health, life expectancy and imprisonment rates today.

ACT NOW >>

Read the information about the Declaration on the Rights of Indigenous Peoples, then match up the Article or Articles from the Declaration which are relevant to the following scenarios:

1. A government bans an Indigenous person from speaking their traditional language.
2. A new law is introduced that means someone with an Indigenous background can no longer buy alcohol.
3. A government decides to take children away from Indigenous families so they can be taught a European upbringing.
4. An Indigenous person is paid half the wage of someone of European descent for the same job.
5. A mining company is pressuring an Indigenous group to sign a contract that allows them to build a mine on their lands, however the contract doesn't give many details about the project's size or environmental impact.
6. An Indigenous person is not allowed to vote in an upcoming state election.
7. A group of Indigenous people are told that they can no longer live on their traditional homelands.

Answers:

1. Article 11; 2. Article 2; 3. Articles 7 and 11; 4. Articles 2 and 17; 5. Articles 19 and 26; 6. Article 2; 7. Article 10.

Young and not free:

exploring imprisonment rates for Indigenous kids today

The high rates of imprisonment for Indigenous people has long been an issue in Australia. Here we explore the issue, its roots in the destruction of culture and family connections, and what Australia can do to improve the situation.

WHAT'S HAPPENING?

You may have heard about the high rate of Indigenous people being sent to prison: Indigenous people in Australia are 13 times more likely to be sent to prison than non-Indigenous people.

As high as this is, the imprisonment rates of Indigenous kids – those younger than 18 – is worse again. Aboriginal and Torres Strait Islander young people make up just over 5 per cent of all 10 to 17-year-olds in Australia, but are more than half of those in youth prisons.

There's ample evidence that working with kids to address the causes of offending helps improve their wellbeing and life outcomes much better than sending them to prison. Despite this we hear more and more stories of kids – some as young as 10 years old – being sent to youth prisons.

WHY ARE INDIGENOUS KIDS SO OVER-REPRESENTED IN PRISON?

Well, it's a complex issue with complex causes, but high on the list is the lack of support given to Indigenous people by our governments. Magistrates in regional and rural areas have said that too often, local Indigenous programs are not sufficiently funded to be part of the solution, which makes prison a far more likely option.

Compounding the problem is the failure of governments to address the disadvantage that Aboriginal people still face because of the trauma of colonisation. This includes poverty, drug and alcohol abuse, family breakdowns, mental and physical health issues, and poor life expectancy.

Another piece of the puzzle is discrimination. Research by the Victorian government shows that Indigenous kids are much more likely to be charged by police, than cautioned and referred to a support program.



A candlelight vigil outside Don Dale Youth Detention Centre, Northern Territory, July 2016. © AI



Reducing incarceration rates is going to take commitment, action and coordination from all Australian governments.

Shane Duffy
NATSILS Chairperson

Royal Commission

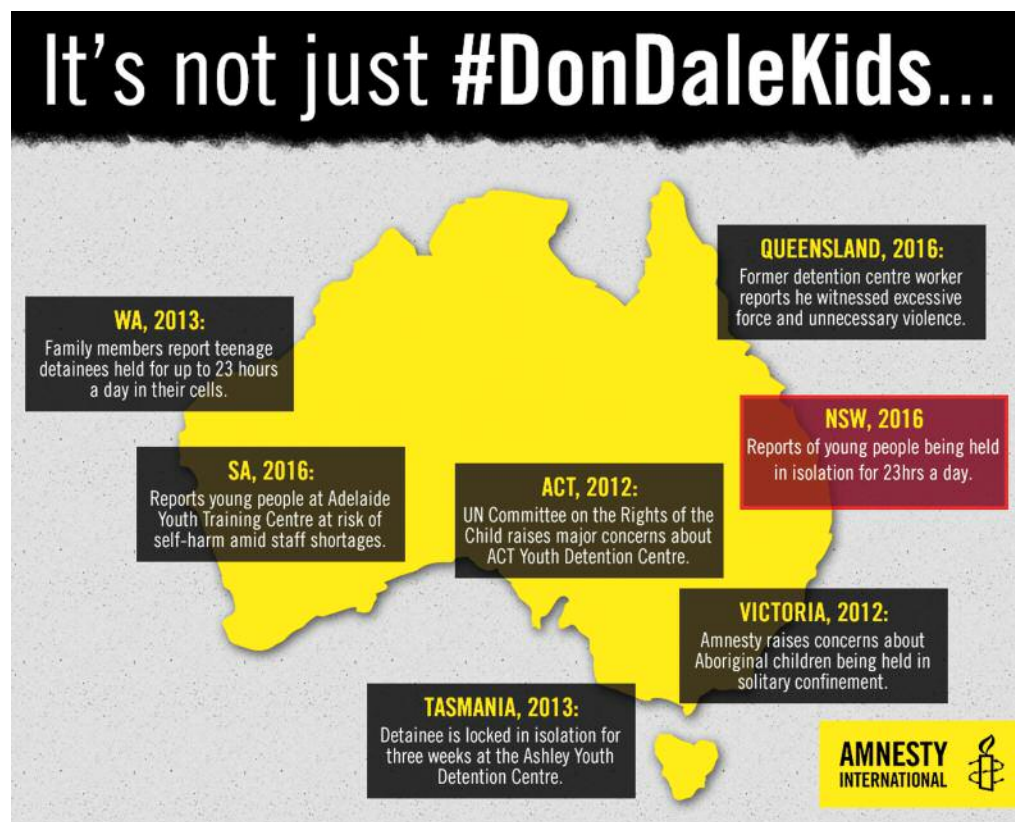
I wanted to use this opportunity to tell the Public and the Commissioners here today, The Problem is not only Youth Justice and Don Dale But Adult Prison and the Justice System itself. One of the biggest problems we face is the fact that we are being further punished whilst in prison being sentenced by the Judge to do our time for our crime is our punishment not the continued mental and physical abuse we continue to cop while were here. on a number of occasions I have witnessed officers abusing and yelling at Aboriginal men in here and ~~downing~~ being put down because they can't speak English properly and that's not fair and needs to stop

As a victim and a young man I feel upset and let down by the system that these bad things were allowed to go on for so long I really want to see things change so it never happens to anyone else again and I believe this Royal Commission will ~~do that~~ make sure of that. Young people need love and some one to talk to not be locked in a cell with nothing for days on end. Trust me.

I would like to thank the commissioners for visiting the old Don Dale centre and getting a real feel for how we were kept back then.

I would like to thank every one all over the world for your kind words of wisdom support. It means a lot.

A letter by Dylan Voller, who was detained at Don Dale Detention centre. Dylan first went to prison at the age of 11. Now 19, Dylan is giving evidence about abuse in youth prisons in the NT, as part of a Royal Commission.
© Private



WHAT IS A ROYAL COMMISSION?

The government sets up Royal Commissions to investigate very serious issues. The government assigns 'commissioners', who then gather all the facts on the issue, talk to witnesses and experts, and then provide advice on how to solve the issue or make sure it doesn't happen again.

The government has started a Royal Commission into the abuse of kids such as Dylan Voller in NT detention centres.

Take Action for
#DonDaleKids



WHY IS PRISON BAD FOR KIDS?

Not all experiences of prison are the same, there has been some grave incidents of kids being mistreated, akin to torture, in youth prisons.

Last July, the news program Four Corners investigated the abuse of kids in the Don Dale Detention Centre in the Northern Territory (NT). It showed kids as young as 10 being locked up alone for long periods of time, being tear gassed and even one child being hooded and strapped to a restraint chair.

Following the program the Prime Minister Malcolm Turnbull announced an investigation into youth detention centres in the NT. However, this incident was not just a once off. Over the past 4 years, similar abuse has happened to kids in youth prisons all across the country.

In the end when you compare getting community support to going to prison ... it's a no brainer which works best.

WHAT ARE THE SOLUTIONS?

Indigenous people have the solutions to turn around Indigenous imprisonment rates – community-led programs that support kids, and if they get in trouble, help them address the reasons why. Now we need our government to support these solutions too.

If the Australian government provides better support to Indigenous-led community solutions, then we'll start to see fewer young Indigenous people being sent to prison.

ACT NOW >>

Tell the Prime Minister and your local member that what happened to the kids in Don Dale Detention Centre and other facilities across the country is not acceptable.

Head to www.aph.gov.au, grab the postal address for the PM and your local member and get writing.

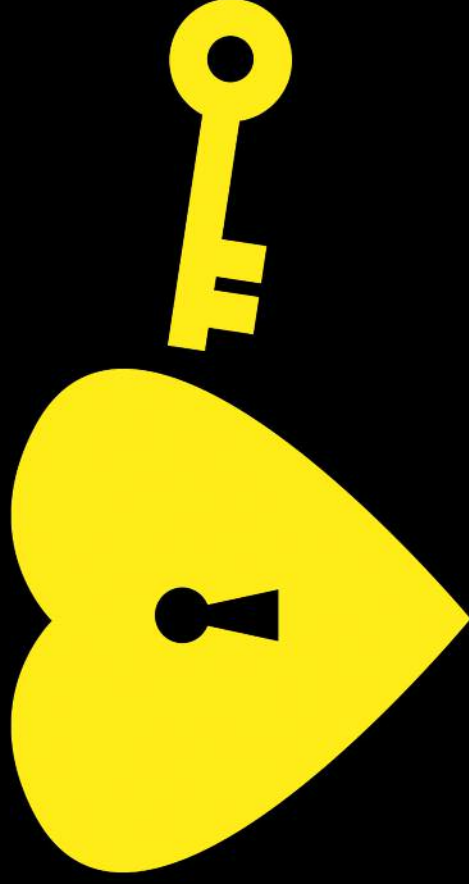
Key letter writing points:

1. Start your letter with:
Dear Prime Minister/your local member's name
2. Feel free to introduce yourself at the beginning of your letter
eg. *I am a student at X High School.*
3. Clearly state what issue you are writing about, eg:
I am horrified by the footage of children in youth detention being abused. The Governments of the Northern Territory, Queensland and other states have failed to protect these children and our national government needs to act to stop this type of abuse from occurring ever again.
4. Include information on what they can do to help the situation. We recommend asking them to ratify the Optional Protocol to the Convention Against Torture, which would mean independent inspectors can check detention centres, eg:
I call on you to immediately ensure that youth detention centres are independently monitored to protect all children from abuse by immediately ratifying the Optional Protocol to the Convention Against Torture (OPCAT).

Got more time?

Print out the #DonDaleKids poster on the next page and take a group photo with it. Send your photo along with your letters.

I stand with
#DonDaleKids



Rethinking the prison system:

justice reinvestment

Justice reinvestment is a new approach to tackling the causes of crime. It redirects money spent on prisons to community-based initiatives which address the underlying causes of crime.

The benefits for young people is especially clear – with smarter investment in community programs, young people are much more likely to enjoy a brighter future.

Watch the video on justice reinvestment at bit.ly/Justice-Reinvest



We need an approach that starts to address the underlying causes of crime.

Mick Gooda
Aboriginal and Torres Strait Islander
Social Justice Commissioner

The Mona Aboriginal Corporation's Cultural Horsemanship Program near Mount Isa, June 2016. Patrick Cooke, Angela Sammon, David Sammon and Rex Ah-One began the program due to a lack of culturally appropriate healing programs. © Wayne Quilliam



CASE STUDY 1

MARANGUKA PROJECT, BOURKE, NEW SOUTH WALES

The country town of Bourke, New South Wales is the first place in Australia to trial justice reinvestment in an effort to keep kids out of detention.

Led by the Bourke Aboriginal community, the Maranguka justice reinvestment trial is now tackling the social issues that get kids into trouble in the first place. For example, the community has now created a driver licensing program, after hearing concerns about road safety and driver licensing, and the difficulty young people had in gaining and maintaining their driver licence.

CASE STUDY 2

RED DUST HEALING, TOWNSVILLE, QUEENSLAND

Red Dust Healing works to deliver cultural healing programs for Indigenous people in prison or at risk of being sent to prison.

Randall Ross is the Juru/Erub and Kanaka man behind Red Dust Healing. "Red Dust gives young people the tools to fix the problems in their own lives... We know that once we address these issues, then we can start to heal our generations."

"We had a huge success with our program in Cleveland Youth Detention Centre. In 2006, we ran the program there with 40 boys. Two years later, none of the children had returned to detention and only eight reoffended, on minor offences."

CASE STUDY 3

THE YIRIMAN PROJECT, WESTERN AUSTRALIA

The Yiriman Project in Western Australia is an Indigenous-led cultural program for kids at risk of being sent to prison. The Yiriman Project allows kids to develop their culture, language and bush skills.

There are great stories of success through the Yiriman Project. In 2009 at Fitzroy Crossing, 15 boys who had committed crimes attended a program run by Elders at the Yiriman Project. All 15 families reported positive changes in their child, and 12 months later none of the boys had re-offended.

CASE STUDY 4

PJ

PJ is a young Aboriginal man who lives near Yirrkala, NT. When PJ's brother passed away, PJ turned to alcohol, drugs and fighting to cope. He was at risk of being sent to prison, until playing music changed everything. He began to practice regularly in a band and started helping other young people learn music too. PJ's story highlights how community support can provide alternative pathways to prison.

Watch PJ's story at: bit.ly/PJstory

ACT NOW >>

Teachers: Run the workshop on PJ's story (see the following page) with your class or Amnesty group. You can also head to www.amnesty.org.au/student-resources to check out parts 2 and 3.

Students: If you are a student in an Amnesty group come up with a new plan for the money that is traditionally spent on prisons.

What services or things could you do in the community to tackle the following issues:

YOUTH POVERTY

Start a free breakfast service at schools in poorer suburbs.

HOMELESSNESS

MENTAL HEALTH

Workshop: PJ's Story

This workshop plan is designed for you to edit to an appropriate length for the time you have available. Optional activities are indicated in the workshop plan.

			Duration:	30-60 minutes
Workshop outcomes:				
Description:		By the end of this workshop, students will:		
This workshop enables activists to understand the importance of community in every individual's life, the restorative and positive effects community has and how we can achieve community development to reduce incarceration rates.		<ul style="list-style-type: none"> Understand the valuable role of local community in individual well-being Make connections between behaviour and community engagement using real world examples (PJ's Story) Commit to or complete an action to promote community-based support within their school 		
Prior knowledge:		Resources:		
None required.		<ul style="list-style-type: none"> Projector or screen PJ's Story video on YouTube – bit.ly/PJstory Butchers' paper, whiteboard space and/or flip charts Writing paper Coloured post-it notes Marker pens and/or dry erase pens 		
Section	Time guide	Content	Key questions and prompts	
Introduction and starter activity	5 mins	<p>Explain that the workshop is focused around the impact of community on individuals. Ask the participants to take a piece of paper and write down one or two sentences about what community means to them personally.</p> <p>When they have finished, they should fold the paper and put it to one side. They will need this at the end of the workshop.</p>	<ul style="list-style-type: none"> Is community about people or place? Who do you share your community with? Is community important and why? 	
Activity 1	5 mins	<p>Play PJ's Story (bit.ly/PJstory) on the screen or projector.</p> <p>While the video is playing, ask participants to make a note of any emotions they notice that PJ experiences. Discuss some of the key emotions and reasons why they occurred.</p>	<ul style="list-style-type: none"> Does he have goals and aspirations? What changes his emotions from negative to positive? What might cause his frustrations? What motivates him? 	

Activity 2	10 mins	<p>Split the participants into groups of four or five. If you have a small class, you can do this activity together.</p> <p>Using butchers' paper or whiteboard space, ask students to write three headings:</p> <ol style="list-style-type: none"> 1. The Beginning 2. Turning Point 3. Success <p>Using each of the headings ask the groups to discuss and note down important milestones, events and emotions in each of the stages of PJ's progression, examining his journey from where he was to where he is now.</p>	<p><u>The Beginning</u></p> <ul style="list-style-type: none"> • What was his relationship with community in the beginning? • What made him get off track? <p><u>Turning Point</u></p> <ul style="list-style-type: none"> • What was his turning point? • What changed his outlook on life and his future direction? • What changed in his connection to community? <p><u>Success</u></p> <ul style="list-style-type: none"> • What has he achieved? • What is his success? • How does he associate with his community in the end?
Activity 3 (Optional)	10 mins	<p>Come back together and display the timelines on the wall. Ask each group to walk through the timelines and discuss the role of community in each section. Using two different coloured sets of Post-it notes, ask the participants to note negative community influences on one colour, and positive community influences on the other.</p> <p>On a separate whiteboard or flip chart, create two areas and write the headers "Positive" and "Negative", or use icons to represent these. Invite participants to put their Post-it notes in the relevant section, grouping with similar themes from other participants as they post them up.</p>	<p><u>Positive</u></p> <ul style="list-style-type: none"> • Gained an understanding that he was also responsible for the community • Sense of belonging • Music as an outlet for communication <p><u>Negative</u></p> <ul style="list-style-type: none"> • Nowhere to go for support • Lack of understanding of his situation • No community activities he could participate in
Conclusion and Plenary	5 mins	<p>Summarise the key themes identified by the group and ask them to think about what is available within their own communities if they are in need, or what kinds of activities they can participate in if they are bored.</p> <p>Ask participants to unfold the descriptions of community that they wrote earlier. Invite participants to share their reflections on what community means to individuals now that they have explored PJ's story.</p>	<ul style="list-style-type: none"> • What made him get off track? Lack of community support and boredom. • What was his turning point? Community services that helped engage him. • How has this changed his future direction? Given him something to aspire to. <p>Emphasise that each of these aren't necessarily 'Indigenous issues', but are common to all people.</p> <ul style="list-style-type: none"> • What kind of support is available for students in the school? • What happens to students who behave poorly? • How can students make sure their voices are heard?
Follow Up Action	(15 mins if completed within the workshop)	<p>You can complete this action at the end of the workshop if you have time. If you don't have time, set this task for participants to complete in their spare time.</p> <p>Ask participants to consider ways in which the in-school community could be improved. Ask them each to write a brief letter or email to the principal of the school outlining their ideas.</p>	

The Racial Discrimination Act and freedom of expression

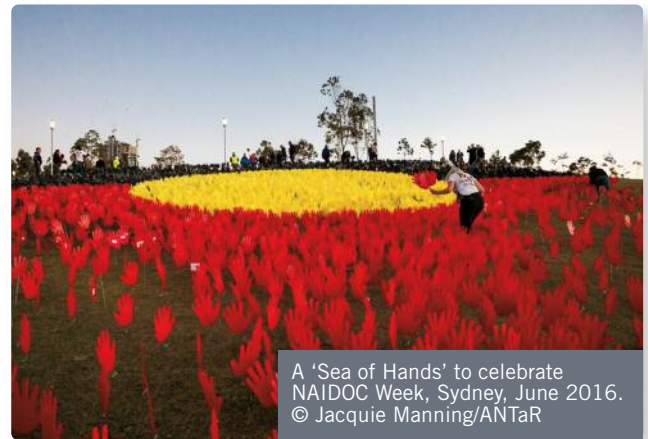
Following the announcement that the Federal Government has set up a parliamentary inquiry to determine whether the Racial Discrimination Act (RDA) limits free speech, we tasked our Indigenous Rights Campaigner Julian Cleary with explaining what the Racial Discrimination Act actually is.

WHAT IS THE RACIAL DISCRIMINATION ACT?

It's pretty simple, really. The Racial Discrimination Act is a law passed in 1975 to make sure everyone in Australia was treated equally and given the same opportunities – regardless of their background.

The Act was last updated in 1995 after three major national inquiries found a strong link between racist conduct in public and racially-motivated violence. The changes made in 1995 introduced a new bit of the law to combat this, called Section 18C, which makes it unlawful for someone to “offend, insult or humiliate” a person based on the colour of their skin or their cultural background.

The lesser known Section 18D, brought in at the same time, exempts artistic works, academic and scientific debate and “fair and accurate” reporting of any events or matters of public interest made “reasonably” and in “good faith”.



A 'Sea of Hands' to celebrate NAIDOC Week, Sydney, June 2016.
© Jacquie Manning/ANTaR



A rally for Indigenous rights on Survival Day, 26 January 2016, Sydney. © AI

FREEDOM OF EXPRESSION VERSUS THE RIGHT TO BE FREE FROM RACIAL HATRED

Freedom of expression is the right to express one's opinions. It is a fundamental human right – every human being has the right to hold opinions, receive information and express themselves freely.

The right to live free from racial discrimination and hatred is another fundamental human right, which freedom of expression must be balanced with. To do so, governments may impose some restrictions on certain forms of speech, as long as they are necessary to ensure respect for the rights of others or for the protection of certain specified public interests.

WHY IS THE RACIAL DISCRIMINATION ACT IN THE HEADLINES SO MUCH AT THE MOMENT?

In a nutshell, critics of the RDA claim that free speech in Australia is too heavily restricted by the law, especially the Section 18C part, while those in support of the Act argued that changing or removing Section 18C would green light racism across the country.

In 2014, the Australian Government announced that they intended to make changes to the Act – changes that sparked this national debate. Attorney-General George Brandis released draft changes to the RDA, arguing that the current law amounted to “political censorship”.

DOES THE RDA THREATEN FREEDOM OF EXPRESSION?

We believe that the RDA, Section 18C and 18D are good as they are, as they help ensure that racist speech doesn't lead to violence.

We don't see much weight to the argument that the laws stifle free speech. Currently, Section 18C of the Racial Discrimination Act makes it unlawful for a person to offend, insult, humiliate or intimidate someone publicly including through words and writing, because of their race, colour or national or ethnic origin. The courts have interpreted this to be a high threshold – you can't win a case based on “hurt feelings”, there has to be “profound and serious effects”. We think the courts have got the balance right.

In contrast the proposed changes to the RDA fail to strike an appropriate balance between the right to free speech and the rights of others to freedom from racial discrimination and protection against racial hatred.

SO, ARE THERE ANY RISKS TO FREEDOM OF EXPRESSION IN AUSTRALIA?

Unfortunately, yes. In the last three years the Australian Government has been chipping away at our rights to freedom of expression and access to information.

First it was our national security laws: under the ASIO Act, journalists and others face significant prison terms for reporting on special intelligence operations.

Then the Border Force Act gave the government power to imprison doctors, nurses and child welfare professionals who speak out about rights abuses in immigration detention. Now medical professionals are excluded, however other detention centre staff are still being silenced.

Under mass metadata surveillance laws, phone companies are now required to store their customer's phone and internet metadata records for two years, and provide it to the government without a warrant. This includes the numbers you dial and the emails you send and receive.

Finally, governments around the country are cracking down on Australians' right to have their say through peacefully protesting.

As you can see, the RDA is not the problem!

17-year-old Phillip in Broome, February 2015. © Ingetje Tadros/AI

ACT NOW >>

In February the Australian Government will be talking about whether or not to change the RDA. Now's our chance – tweet to the government and ask them to #SaveTheRDA!

Suggested tweets:

- We want #FreedomofSpeech and protection from #racism. We can and should have both. #SaveTheRDA
- #SaveTheRDA & protect our communities, media, whistleblowers, and protesters.
- Aust govt has #FreedomofSpeech problems and it's not s18C #SaveTheRDA

Tweet to:

These members of parliament are conducting the inquiry into freedom of speech in Australia:

- Ian Goodenough @IanGoodenoughMP
- Senator James Paterson @SenPaterson
- Julian Leaser @JulianLeaser

