

DR. WILLIAM JONAS¹
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THE ASIA PACIFIC FORUM OF
NATIONAL HUMAN RIGHTS INSTITUTIONS
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NATIONAL INSTITUTIONS AND THE WORLD CONFERENCE AGAINST RACISM

Greetings to the tangata whenua of Rotorua. I pay respects to you, your ancestors and your children.

I am very pleased that the Asia Pacific Forum has devoted this session to consider the role we can play, as human rights institutions, in the UN World Conference against Racism, Xenophobia and Related Intolerance. I commend to you the background paper to our discussion this afternoon, which provides a concise outline of the relationship between the work of national human rights institutions and the Conference. Importantly the paper proposes a series of activities we can each explore as appropriate in the coming year and it proposes a number of recommendations for the draft Declaration and Program that will form the basis of discussions in South Africa in 2001. I hope that at this present meeting we can agree to support a common set of recommendations to the World Conference Secretariat. I also hope that after today we can continue working together to share our ideas and experiences relating to racial discrimination.

Within the Australian Human Rights and Equal Opportunity Commission, I have two roles at present: as the acting Race Discrimination Commissioner and as the Aboriginal and Torres Strait Islander Social Justice Commissioner. Needless to say, I will therefore be taking a keen interest in the international preparations for the World Conference against Racism. I will also be working actively to ensure that Australians make the most of this opportunity to develop our understanding of racism and give added momentum to the forces opposing it.

¹ Acting Race Discrimination Commissioner and Aboriginal and Torres Strait Islander Social Justice Commissioner, Australian Human Rights and Equal Opportunity Commission (HREOC).

Before I address our work in relation to the World Conference, I want to say a few words about the importance of the Conference itself.

I believe this Conference is immensely significant in the global struggle against the many forms of racism, racial discrimination and xenophobia. Mrs Mary Robinson, the High Commissioner for Human Rights, has quite rightly described issues of racism as having "fundamental importance for the universal realization of human rights".² She has noted that combating racism is both a challenge and a duty, if we are to prevent conflict, reduce racial and ethnic tensions and inculcate respect for difference.³

That is, the struggle against racism is central to the struggle for the whole range of human rights. Ultimately, work against racism cannot be separated from any of the human rights concerns within our respective mandates.

The World Conference provides us with opportunities at national, regional and international levels. It provides the opportunity to discuss racism in all its forms, to share experiences of discrimination and to exchange strategies for preventing it. It offers the potential for a renewed focus on issues of race and racial discrimination between now and the Conference, and over the next several years. The Declaration and Program of Action that will emerge from South Africa should reaffirm the standards on which our defence of human rights is based, and set out practical steps all states and institutions should take. We must work in the intervening year to ensure the Declaration provides the strongest possible basis for our work in this area.

As you know, there is a growing acceptance that national human rights institutions *should* make ourselves heard at all stages of UN Conferences. In 1993, the Vienna World Conference on Human Rights established the precedent of national human rights institutions having an independent voice in conference proceedings. That precedent has since been reinforced. It is worth recalling the Vienna World Conference also recommended that States implement "strong policies to prevent and combat all forms

² Statement to the Sessional open-ended working group to review and formulate proposals for the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, Geneva, 24 March 1999.

and manifestations of racism, xenophobia or related intolerance", including the establishment of national institutions.⁴

In relation to the World Conference against Racism we have a legitimate role to play, domestically and internationally. We can contribute:

- in terms of our expertise in the areas of our mandates and day-to-day work;
- in terms of our critical perspective on the performance of governments and other actors in the area of human rights and racial discrimination; and
- in terms of the voice we give to the victims of racism and those struggling to defend human rights in our respective countries.

In having our say we are, after all, endeavouring to ensure that the Conference realises its potential to further develop and strengthen our work against racism.

In April this year the Fifth International Workshop for national human rights institutions in Rabat, Morocco, stressed that our important role in the struggle against racism included participation in national and regional preparations for the World Conference.⁵

The *Provisional rules of procedure* adopted by the Preparatory Committee for the Conference provide for the participation of human rights institutions. Under Rule 65, representatives "may participate as observers in the deliberations of the Conference ... and any other committee or working group on questions within the scope of their activities".⁶ More recently, national institutions have been among a range of organisations invited to submit suggestions to the office of the High Commissioner for Human Rights for the draft Declaration and Program of Action.

³ Address to the Preparatory Committee for the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, 1 May, 2000.

⁴ World Conference on Human Rights, *Vienna Declaration and Programme of Action*, 25 June 1993, paragraph 20.

⁵ Fifth International Workshop for National Institutions for the Promotion and Protection of Human Rights, *The Rabat Declaration*, Rabat, Morocco, 13 - 15 April 2000, paragraph 5.

⁶ Preparatory Committee for the World Conference against Racism, *Provisional rules of procedure*, 4 May 2000, A/CONF.189/PC.1/L.2/Add.4., Rule 65, Representatives of national human rights institutions.

It is within this wider context of international decisions and encouragements that I now would like to speak about our efforts and our plans in Australia. At the broadest level, the Human Rights and Equal Opportunity Commission is taking a two-fold approach to the Conference. On the one hand we are planning to take part directly in the World Conference, and on the other hand we wish to use this planning and preparation process itself to raise awareness of and counteract racism within Australia.

It is fair to say that there has been no loud and concerted voice speaking out against racism in Australia for some time now. While it is true that political debates may have moved beyond the well-publicised xenophobia and intolerance of the One Nation period, many of the issues remain the same. There is still entrenched racism which has been of concern in recent times to both the Committee on the Elimination of Racial Discrimination and the Human Rights Committee of the United Nations. Both of these Committees have expressed concern, for example over the continuing disadvantage of Australia's Indigenous people, over the effects of mandatory sentencing of Indigenous people, and over the way in which amendments to the Native Title Act reduce the rights of Indigenous Australians. There has been to date no adequate acknowledgement or apology for the generations long practice of removing Aboriginal children from their families. And when a mere two per cent of the population of one of the world's richest nations suffer disadvantage so deep, so profound and so enduring that their life expectancy is twenty years less than for the rest, fundamental questions of human rights and racism must be raised. In addition to this, mandatory detention and subsequent treatment of asylum seekers have been of concern to the Human Rights Committee, and certainly the attitude of the press and some other sectors of Australian society to this issue can fairly be described as xenophobia.

It is also worthy of note that over the past few months, when United Nations Treaty Committees have examined Australia's performance, there has been an unprecedented level of hostility towards international scrutiny. In this environment we must continually point out that Australia is simply being measured against commitments it has freely made, commitments to a system of values which we have considered to be what we want for Australians.

As it turns out, it is HREOC which must point out that breaching the treaties is actually a betrayal of Australians, and that scrutiny of our performance lies at the heart of the international human rights system.

So, we will be taking a leadership role and encouraging the wider community to stand up against racism as part of our obligations under the treaties. And we will take very seriously the opportunity which the World Conference against Racism provides us to offer this encouragement. We want to help generate momentum within Australia towards the Conference, momentum which will condemn racism and examine the ways in which it erodes human rights and poisons our multicultural community. Perhaps most importantly, we want people to share and develop those strategies which are most successful at combating racism.

I would now like to briefly outline some of the work which we are doing in this regard. No doubt there is much more we could be doing and I will be interested to learn of your activities and plans.

As a first step we are looking at ways of building a common platform against racism, a platform that brings together as many diverse sectors of the community as possible in a united stand against all forms of intolerance. We have begun discussions with a number of organisations concerning the links between their work and the themes of the Conference. These include peak bodies from the business community, the trade union movement, religious groups, Indigenous communities, ethnic communities and so on. We are planning to bring leaders from these and other sectors to a meeting later this year, to discuss how they can promote discussion of the Conference's themes among their respective constituencies. It is our hope that the participants in the meeting will commit publicly to a common aspirational statement against racism.

On the 10th of December each year we present the Commission's Human Rights Day Awards and Human Rights Medal. This year we have invited the Revd. Barney Pitso, who many of you know from the South African Human Rights Commission, to come to Australia to speak at the awards ceremony. I am very pleased to say that he has

accepted, and of course while he is in Australia we will make the most of his visit to promote the Conference and the struggle against racism.

To give you an idea of a number of our other activities:

- We are producing a regular electronic update providing interested individuals and NGOs with useful information on the work of the Commission and international preparations for the Conference;
- Next week we will be establishing an electronic discussion group among migrant women, to provide a means for them to exchange – with the Commission and with each other – their concerns relating to racial discrimination and strategies they have employed to address it;
- We are including discussions of the World Conference in particular, and racism and discrimination in general, in my regular consultations with ethnic communities;
- We have met with the peak Indigenous organization, ATSIC, to discuss the Conference, and to discuss how we can ensure Conference preparations in Australia pay specific and appropriate attention to the meaning and experience of racism for Aboriginal and Torres Strait Islander people;
- We have begun exploring educational activities – it is possible we will be working with education unions to include the "Countering Racism in Schools" program as a mandatory component in teacher training and school curricula.

Other activities which are showing some promise include work encouraging arts funding bodies to promote anti-racist community art projects, and promoting the often very innovative community harmony programs being run by some of our local government authorities.

While I am taking the lead in these activities on behalf of HREOC, we are planning a "whole of commission" approach to the work. This not only reflects the importance of the issues within the Commission, it will also allow us to examine questions of multiple disadvantage, including questions of women and racial discrimination and the different experiences of racism among Indigenous and migrant communities. Organisationally,

then, the Conference provides an opportunity to examine the range of our activities to ensure that race and racial discrimination are central to our work.

At the international level, we will be pursuing an independent role in World Conference proceedings. The Office of the High Commissioner for Human Rights has requested governments and other organisations, including human rights institutions, to provide suggestions for the draft Declaration and Program of Action. I am currently working on a submission in response, which will canvas the main race issues confronting Australia today affecting Indigenous people, immigrants and refugees, as well as broader questions relating to disadvantage in health, welfare, access to services and so on. On the basis of the pertinent issues within Australia, and our experience of working on these concerns, we will recommend a series of priorities for consideration by the World Conference.

Where possible over the next year I will also attend the preparatory meetings for the Conference. The Intersessional meeting in January, 2001 and the second meeting of the Preparatory Committee in May will be extremely important, given they will be making decisions concerning substantive agenda items for the Conference and the draft Declaration and Program. These meetings represent both an opportunity to put forward what we feel the Conference should achieve and a chance to provide information on, and our analysis of, the dimensions of racism in Australia. In the coming months we will prepare a major paper concerning racism in Australia, and particularly the intersection of racial discrimination with other issues, such as race and gender. This paper will provide a sound policy basis for our work at the international level and be widely disseminated within the country.

The President of the Commission, Professor Alice Tay, has written to the Australian government requesting that I be granted the status of expert advisor to the Australian delegation. This status would clearly be in addition to the role HREOC will take in any case in the Conference. We are concerned, not only that HREOC has an independent voice, but also that Australia makes a high quality contribution in South Africa. To date, the Australian government encouraged us to take our place in the Conference, although it has not made a decision regarding our request.

In conclusion, I want to stress the importance of the World Conference against Racism throughout the Asia Pacific region. It is vital that our region makes a robust contribution to the Conference and in this regard national human rights institutions can take the lead. The consistent message from recent UN Conferences is that we can and should play a strong and independent role.

I encourage members of the Asia Pacific Forum to share research and strategies addressing racial discrimination, to exchange experiences relating to the Conference over the next year and, where possible, to cooperate at the international level. A first step towards this cooperation would be to endorse a common set of Recommendations to the World Conference Secretariat, addressing what our role should be in combating racism.

I will be most interested to discuss the World Conference against Racism and I look forward to working together with you.

Thank you.