



human
rights

law
resource
centre



Australia's compliance with CERD FACT SHEET 8

Migrant Communities

People from non-English speaking backgrounds, especially migrants and refugees, are particularly vulnerable to racial discrimination in everyday life. Evidence shows that racist attitudes towards diversity and tolerance persist in Australia. For example, one survey in Victoria showed that nearly 1 in 10 respondents agreed with the statement that 'not all races are equal'. Migrant communities in Australia continue to face discrimination, particularly African Australians, international students and Indian people.

African Communities and Policing Practices

African communities are one of the fastest growing communities in Australia. Negative interaction with police is one of the biggest issues confronting young African Australians. Recent reports suggest that police overuse stop and search powers, questioning powers and 'move-on' powers against African Australians. There have also been concerning reports of increasing racial slurs by police and even unlawful police violence against young African Australians.¹ Rather than being protected by the police, young African Australians feel they need some sort of protection from the police. These policing practices also mean that many young African Australians are effectively denied access to public space, because they are frequently 'moved on' by police who provide no legitimate reason for doing so.

African Communities and Racial Vilification

Racial vilification and negative stereotyping of the African Australian community are a problem in Australia. There have been unsubstantiated political comments suggesting that African Australians are unable to integrate into mainstream Australian society and² are prone to violence and drinking,³ as well as inaccurate media reports portraying African Australians as criminals.⁴ These negative messages have provoked unrealistic fears of African Australians in the community and resulted in verbal and physical attacks.⁵ According to the Australian Human Rights Commission, negative stereotyping of African Australians contributes to discrimination in housing, education and employment.⁶

International Students and Racially Motivated Violence

The high incidence of violent attacks on international students, in particular on Indian students, led thousands of Australians to protest against racial attacks in 2009 in Melbourne, and across the country in 2010. Despite acknowledgement from a Chief Commissioner of Police that international students, particularly Indian people, are statistically disproportionately represented as victims of violence,⁷ the Australian Government refuses to recognise the attacks as racially motivated or take action to specifically criminalise racially motivated violence.

International Students: Employment, Education and Housing

International students also face discrimination in employment, housing and education. International students can only work for 20 hours per week. If they unaware of their employment rights or where they need to work

more than 20 hours per week, they are vulnerable to exploitation and discrimination in terms of employment opportunities and working conditions. For example, it is estimated that nearly 60% of international students in Victoria may receive below minimum wage rates.⁸

Recently, the reliability and quality of education programs for international students in Australia have been cast into doubt. Several private colleges for international students have been closed recently and reports state that colleges provide substandard programs, including uncertified teaching staff.⁹

International Students and Housing

International students who are unaware of Australian tenancy rights and regulations are faced with overcrowded accommodation and poor housing conditions. Exploitation through 'online rental scams' is increasingly reported. Moreover, across most of Australia, statutory tenancy rights do not apply to on-campus residences, and therefore do not protect the majority of international students who live at premises affiliated with their schools or universities. Owners of such premises are also not subject to obligations.

Interpreters for civil disputes

Funding for interpreting services in civil disputes is generally unavailable in Australia, despite significant unmet demand for such services.¹⁰ This makes defending or enforcing legal rights through civil actions very difficult for those who need interpreter assistance but are unable to pay for an interpreter themselves.

TABLE OF CROSS-REFERENCES

Issue	Relevant CERD Articles	References in CERD NGO Report
Policing and access to public spaces for African communities	5(a), (b), (f)	FREDA Submission Part E.3, H.2
Vilification of African communities	4, 5(e)(i), 5(f)	FREDA Submission Part D.2
Racial violence against International students and Indian people	5(b)	FREDA Submission Part F.2, F.3
Education, employment and housing rights for International Students	5(e)(i)	FREDA Submission Part G.2
Access to services for migrant communities	5(a), (e)(iv), (v)	FREDA Submission Part E.5, G.5

Endnotes

¹ AHRC, *In Our Own Words, African Australians: A Review of Human Rights and Social Inclusion Issues* (June 2010), available at <http://www.humanrights.gov.au/africanaus/review/index.html#project>.

² Alison Caldwell, 'Bligh rebuts Minister's 'Racist' Comments on Sudanese', ABC News (5 October 2007) available at <http://www.abc.net.au/news/stories/2007/10/05/2052475.htm>.

³ Jewel Topsfield, David Rood and Daniella Miletic, 'Minister's African Dossier Renews Racial Tensions' *The Age* (Melbourne) 5 October 2007, available at <http://www.theage.com.au/articles/2007/10/04/1191091281217.html>.

⁴ See eg, ABC TV, 'Ganging Up', *Media Watch, Ganging Up* (8 October 2007) available at <http://www.abc.net.au/mediawatch/transcripts/s2054150.htm>.

⁵ Australian Research Council, *A Conversation on Trust: Community Policing and Refugee Settlement in Regional Australia – A Case Study of Tasmania* (2009).

⁶ AHRC, above n 2.

⁷ 'Simon Overland admits Indians are Targeted in attacks' *The Australian* (Sydney), 21 January 2010.

⁸ Tom Arup, 'Foreign Students Being Exploited', *The Age* (Melbourne), 12 June 2008, available at <http://www.theage.com.au/national/foreign-students-being-exploited-20080611-2p5c.html>.

⁹ Sushi Das, 'College in Gross Breach of Standards', *The Age* (Melbourne) 23 July 2009.

¹⁰ Law Institute of Victoria, *Interpreting Fund Scoping Project* (2010).