

****UPDATED****

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Parliamentary Joint Committee on Human Rights
PO Box 6100
Parliament House
Canberra ACT 2600

Parliamentary Inquiry into Freedom of Speech

The Multicultural Youth Advocacy Network (MYAN) welcomes the opportunity to make a submission to the Parliamentary Joint Committee on Human Rights' inquiry into Freedom of Speech, and specifically whether the operation of Part IIA of the *Racial Discrimination Act 1975* (including sections 18C and 18D) impose unreasonable restrictions on freedom of speech.

MYAN is the national peak body on multicultural youth issues, representing the needs and interests of young people from refugee and migrant backgrounds. MYAN works in partnership with government and non-government agencies at the state/territory and national levels to ensure that the particular needs of young people from refugee and migrant backgrounds are recognised, and to support a coherent and consistent approach to addressing these needs in policy and service delivery.

We strongly support the sentiments expressed by peak bodies such as the Federation of Ethnic Communities Council Australia (FECCA), the Refugee Council of Australia (RCOA) and the Settlement Council of Australia (SCOA) opposing proposals to weaken the racial discrimination provisions of the *Racial Discrimination Act*, or to amending section 18C. The section provides important protections against racially motivated attacks against members of Australia's migrant, refugee, and multicultural and linguistically diverse communities.

The view of a particular individual or group about what may or may not be vilification or intimidation is irrelevant to any determination about whether that act actually does vilify or intimidate. This is what the *Racial Discrimination Act 1975* is for. The removal of the provisions within the Act that make the determination of these distinctions a responsibility of the judicial system, would allow individuals and groups to espouse racist language through their own claims that they are not (or were not intended) to vilify or intimidate others.

Experiences of racism, especially words that 'offend', 'insult' and 'humiliate', certainly causes hurt. However, the experience of racism can also cause people to disengage with community life, cease to participate economically, and withdraw from social and civic activities. Verbal and physical abuse can lead to isolation, exclusion and mental health issues. There is harm to the wider community as well as to the individual.

The MYAN has recently developed the National Youth Settlement Framework to support a targeted and consistent approach to addressing the needs of newly arrived young people settling in Australia. The Framework focuses on supporting young people to become active and engaged members of Australian society. If young people are able to actively participate in economic, social, and civic life, they form the relationships and develop the skills that enable them to understand and develop the sense of belonging in Australian society.

For young people from refugee backgrounds, establishing a sense of belonging in their new country is especially important. Positive settlement in Australia for young people is inextricably connected to a sense of belonging amongst family members, peers, their own cultural community and the broader community.¹ However, the experience of racism and discrimination is an obstacle to this.

The experience of young refugees and those seeking asylum is characteristically already traumatic. The very nature of the refugee experience is one of being excluded, where a sense of belonging to family, community and country has come under significant threat.² The experience of racism for such vulnerable young people can then have a highly detrimental impact on their sense of identity, of belonging and on their mental health.

The experience of racism also negatively affects economic participation, the extent to which young people may engage with social networks, and their participation in civic activity. These factors can place young people at social and economic disadvantage within Australian society, increasing their risk of social and economic isolation and alienation.

Government plays a critical role in developing economic and social policy that supports an inclusive and socially cohesive Australia. Commitment to human rights (including the *Racial Discrimination Act 1975*) is a key part of this policy framework.

MYAN consider that the provisions of section 18C of the Act in particular provide an important protection to multicultural communities, and are a key contributor to maintaining social cohesion.

Support for freedom of speech should not be at the expense of the concept of “respect” as a foundational building block in a multicultural society.

MYAN urges the government to show leadership on the issue of racism, and ensure that racial discrimination and vilification is neither condoned nor encouraged.

In summary, MYAN does not support any changes or reductions in protections offered through *the Racial Discrimination Act*. Our work with young people and communities across Australia is focused on strengthening social inclusion, fostering community cohesion and promoting respectful engagement within and between the many diverse communities that comprise the multicultural nation of Australia. The current provisions within *the Racial Discrimination Act* provide a basis for the respect and tolerance that is essential in a multicultural society.

¹ Hunter, Amato, & Kellock. (2015). *The people they make us welcome: A sense of belonging for newly arrived young people*. Carlton: Centre for Multicultural Youth.

² Correa-Velez, Gifford & Barnett. (2010). Longing to belong: social inclusion and wellbeing among youth with refugee backgrounds in the first three years in Melbourne, Australia. *Social Science and Medicine*, 71, pp. 1399-1408.