



Justice News

Newsletter of the Geelong Catholic Social Justice Committee

Issue 37

December 2007

An Erosion of Human Rights in Australia

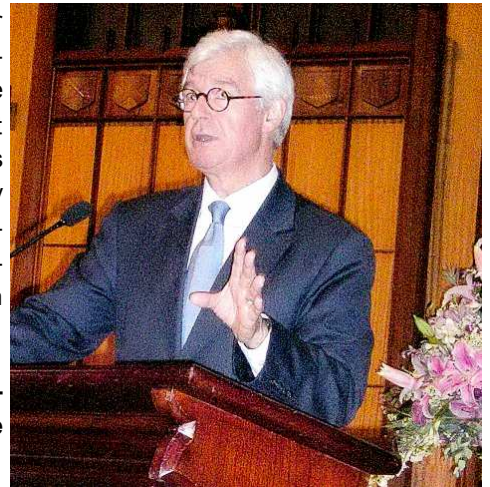
The Geelong Catholic Social Justice Committee was honoured to present guest speaker Mr Julian Burnside QC to a forum at Wesley Uniting Church on Wednesday, 14 November 2007. Julian Burnside is a leading human rights advocate, “a moral inspiration for the nation”, known for acting *pro bono* in many human rights cases concerning the treatment of asylum seekers, especially for Liberty Victoria in the Tampa litigation. In 2004, he was awarded the Human Rights (Law) Award by the Human Rights and Equal Opportunity Commission for establishing Spare Lawyers for Refugees, a non-profit support and advocacy network for detainees. His speech covered a range of issues from mandatory detention for asylum seekers and preventative detention for terrorist suspects, to a ‘stolen generation’ case victory and the lamentable state of legal aid.

Julian Burnside introduced his speech with the serious claim that Australia is becoming a society where there are two categories of people – those of ‘us’ who have rights, and the ‘others’, whose rights don’t matter.

Mandatory detention is imposed on asylum seekers who come to Australia without a visa. The law states that they must stay in detention until they get a visa or are removed from the country. They do not know when, or if, they will ever be released. Even the worst criminals serving out their sentence, stated Julian Burnside, know when they are up for parole but genuine refugees, who have done no harm to anyone, are often detained indefinitely. Australia can condemn people to a lifetime in jail even when they have committed no crime and are no danger to society. He urges that Australia needs a Bill of Rights to protect our basic human rights.

Julian Burnside represented an Iranian family of four that had been detained in the Woomera Detention Centre for 15 months when psychologists reported that the 11 year old daughter had “stopped caring”. When asked what she wanted to do in the future, she said: “I don’t want to be buried here in the camp. I want to go back to Iran and be buried beside my grandparents.” The child needed daily clinical help and “the family had already suffered beyond the human capacity to endure”, they said. Three months later, the child had not received any help and as a result attempted to commit suicide by hanging herself, and then by swallowing shampoo, because she had seen other detainees attempt suicide that way. The family never received an official apology.

Many people believe that part of the “Pacific Solution” is to process asylum seekers’ visa claims offshore before coming to Australia - but that is not true. The authorities only examine their refugee status. Australia receives less than 100 ‘boat people’ a year, and at least 90% are genuine refugees, yet they are still processed at Nauru at great expense - about \$3,500 per person, per day – with no hope of being allowed to apply for a visa. For instance, Australia is not accepting 72 Sri Lankan, and ethnic Burmese, refugees who have been on Nauru for a year now. Julian Burnside concludes Australians “would not suffer if an extra 72 asylum seekers managed to get protection in Australia ... You do not treat the innocent brutally in order to deter others, whether they are innocent or guilty ... an end to the ‘Pacific Solution’ could not come soon enough”.



Inside this issue:

Editorial Comment— In hope of a better measure of justice	2
Birth of the Light— a Christmas Reflection	3
Reform of the Abortion Law	3
An Erosion of Human Rights, cont.	4

Editorial Comment



In the hope of a greater measure of justice

The approach of God's kingdom promised by the birth of Christ is not to be identified with the election of any political party to government. While the establishment of that kingdom in our world is ultimately God's work, we humans are called to cooperate in that work. The election of a new government should inspire in all Christians the hope for policy changes that will make for a greater measure of justice, development and peace than we presently have.

The most fundamental issue of justice facing the Rudd government remains reconciliation with Australia's First Peoples. Without a treaty or similar instruments of settlement with our Indigenous peoples, the legitimacy of non-Indigenous occupation of this land remains dubious. As marginalised and sorely aggrieved minorities, Indigenous peoples can find no place or sense of purpose for themselves within the Australian nation, and consequently suffer intolerable physical, social and economic hardships. The 'assimilationist' attempts at solutions revived under the previous government have failed conspicuously because, by definition, they have refused to recognise Indigenous peoples as the original rulers and owners of this land. Mr. Rudd has expressed a willingness to dialogue with Indigenous peoples on how to determine their future. Recognition of their right, as conquered peoples, to self-determination will not in itself solve the massive social and economic problems they face, but it is the essential foundation of any such solution.

Prime Minister Rudd has promised to provide 'decent government' to this nation. Decent government should include more democratic practices on the part of government itself: restoration of the powers of Senate Committees, removal of restrictions on Freedom of Information, making Ministerial advisors accountable to Parliament when they exercise executive power. Decency cannot permit such deceits as we saw in the Children Overboard affair, or the AWB matter, or the alleged weapons of mass destruction in Iraq. Decency is also incompatible with 'demonising' minorities like asylum-seekers or Muslims as threats to our security for base political purposes. Our security is actually undermined when decency is sacrificed for political gain by using demonising rhetoric to divide our society.

Decency also requires recognition that we are a *society*, not an *economy*. Market reforms of recent decades have produced great increases in the nation's overall wealth but that wealth has been very unequally shared. Such basic needs as adequate housing remain unmet for many Australians. Decency requires that workplace reforms recognise workers as providers to their families, not merely as traders of their labour in a market. Together, these families – whatever their composition - make us a society, not just an economy.

To its credit, this government has committed itself to facing the spectre of climate change. The danger is that it will fall victim to the lobbying of the coal and uranium industries, and place its faith in technologies that have not been, and may never be, discovered to provide solutions to our greenhouse gas emissions. Worse still, it might refuse to enter into global agreements on binding emissions targets unless India and China do likewise. Apart from being an argument for never adopting any such targets, this imposes an unjust burden on developing nations, a burden that developed nations were unwilling to bear in their developing phase.

The most immoral act of the previous government was to invade Iraq on the spurious ground that Iraq had, and intended to use, weapons of mass destruction. The Rudd government has set in motion the process of withdrawing our troops but this does not exonerate it from further responsibility in Iraq. Having helped create the mess in that unfortunate country, Australia must now commit itself to a long term non-military strategy for establishing peace in, and rebuilding, that nation. Such an effort would form part of Australia's commitment to achieving the eight UN Millennium Goals by 2015. Protests that these objectives would cost us too much should be considered against the image of the Messiah-King being born in a stable.

Birth of the Light – a Christmas Reflection

Many years ago, God took the form of a child and was born, all wrinkled and crying, from the womb of a woman, drinking in life with his lungs, bringing hope for the future. The angels in Heaven sang his praises and proclaimed him once and for all to the face of the earth: the glory of God is our birth.

The Lord is both Creator and creature. The Lord is the God of love, the ultimate meaning of our life. He is loyalty, justice and truth. And peace comes to those who hunger and thirst for happiness and life. From now on, every effort towards reconciliation and justice, respect of differences and freedom for the oppressed are linked to this peace. It awakens in our hearts: God breaks down the wall of sin, It happens among us: God recreates us in the Son's image! From now on, we know where to look, where to turn to, where to go: the Light is in our midst!



We really feel that Christmas is not a day like any other. We feel, without knowing why, that on this special day the impossible may happen. We have all heard Christmas stories where dreams come true, where the rejected are welcomed with open arms, the lost are found, hardened heart transformed.

Christmas – the birth of the Saviour – gives us every reason to hope. We believe that now the impossible becomes possible, that we have every reason to hope. God has become one with us. With the birth of the Lord, the future is filled with hope!

(Source: Novalis, St Paul University, Ottawa)

Reform of Abortion Law

On 20 August 2007 the Victorian Government announced it would ask the Law Reform Commission for legislative advice on the decriminalisation of terminations of pregnancy. The Commission received the following terms of reference for the project:

To provide advice on options to:

1. Clarify the existing operation of the law in relation to terminations of pregnancy.
2. Remove from the Crimes Act 1958 offences relating to terminations of pregnancy where performed by a qualified medical practitioner(s).

In providing this advice the commission should have regard to the following:

- a. Existing practices in Victoria concerning termination of pregnancy by medical practitioners.
- b. Existing legal principles that govern termination practices in Victoria.
- c. The Victorian Government's commitment to modernise and clarify the law, and reflect current community standards, without altering current clinical practice.
- d. Legislative and regulatory arrangements in other Australian jurisdictions.

Submissions to the Commission closed on 9 November and the Commission is required to report to Parliament by no later than 28 March 2008.



Submissions were lodged with the Commission by Archbishop Denis Hart and by several Church agencies. Archbishop Hart's submission dealt with Catholic teaching and ethical principles on abortion, and discussed some practical issues on the reform of the law of abortion in Victoria. The full text of the Archbishop's submission can be found at - <http://www.catholiccommunications.net.au/index>.

A submission was lodged with the Commission by the Justice Unit of the Archdiocese of Melbourne (the diocesan counterpart of the Geelong Catholic Social Justice Committee). This submission dealt with the rights of women and the rights of the child and can be accessed at - <http://www.melbourne.catholic.org.au/ccidp/papersubmissions.htm>

*The Geelong Catholic
Social Justice
Committee wishes you
a joyful Christmas and
a peace-filled
2008*



We're on the web!

Earlier issues of *Justice News* and further information about the Social Justice Committee are available on the website of the Justice Unit of the Archdiocese of Melbourne

<http://www.melbourne.catholic.org.au/ccjdp/geelongdeanery.htm>

Justice News is a publication of the Geelong Catholic Social Justice Committee, and is authorised and published by the Committee's co-ordinator, Gordon Snowdon, c/- St Mary's Parish Office, 150 Yarra Street, Geelong 3220.

The Committee welcomes letters and comments in response to items published in **Justice News**. All letters and comments are placed before the Committee and will be replied to wherever possible. The Committee can be contacted via its coordinator, Gordon Snowdon. The Committee's contact person for media enquiries is Michael Leahy on 5256 1656.

An erosion of human rights cont.

Julian Burnside outlined deeply concerning aspects of the new 'anti-terrorist' legislation. With the introduction of preventative detention legislation, the Australian Security Intelligence Organisation (ASIO) now has the power to hold anyone *incommunicado* for up to a week for compulsory interrogation. Once released, the ex-prisoners would be committing a criminal offence if they tell anyone where they have been or what has happened to them. Anyone can be 'legally disappeared' or control orders put on their basic freedoms, the most extreme being house arrest for 12 months without access to electronic communication. Preventative detention and control orders are obtained in secret hearings with secret evidence. Theoretically, lawyers have the right to defend the prisoners but there is no practical way of finding out if ASIO has made a mistake because the accusations and evidence are secret.

One of Julian Burnside's proudest victories happened this year with the winning of the case for 'stolen generation' survivor, Bruce Trevorrow. In 1956, Bruce was a baby recovering from a bout of gastro in a South Australian hospital, when hospital authorities allowed a white family to simply take him away. As a result, he experienced emotional problems from an early age. Psychologists consistently assessed him as having no sense of identity or where he belonged. This is the first 'stolen generations' case for compensation to ever succeed in court. Julian Burnside managed to prove that, in the 1950s, the authorities had access to the fact that they were harming children by taking them away from their natural parents. This evidence could be used in similar court cases; however, he argues that the government would do better to offer out-of-court compensation packages.

Julian Burnside concluded his speech by saying that vast numbers of people who have suffered injustices cannot afford to hire a lawyer. Legal services are so under-funded in this country that only those facing serious criminal charges are eligible for legal aid. Ordinary people should have equal opportunity to legal representation, to a 'fair go' under the law, yet our basic human rights are being eroded gradually and it seems that major political parties - and the majority of Australians - are not taking any notice.

Julian Burnside thanked the Geelong Catholic Social Justice Committee for organising the event and those present were invited to donate to the Brigidine Asylum Seekers Project (BASP). He has just published a book called *Watching Brief: Reflections on Human Rights, Law and Justice* which is available from bookstores, including Griffiths Bookstore, Geelong.