



May 17th, 2021

The Chair
QLD Parliamentary Legal Affairs and Safety Committee
Parliament House
Cnr George and Alice Streets, Brisbane
QLD 4000

Dear Chair and Members of the Committee,

Re: Submission for the Inquiry into Serious Vilification and Hate Crimes

Over the past few years, the African community in Queensland and Australia as a whole has endured extraordinary and horrific serious incidents of racial vilification, hate speeches and workplace discrimination, harassment and intimidation. Such trends have been rising significantly against some members of African Australians. The incidents occurred and continue to occur both in private and public spaces and these include on social media, mainstream media, on public transport, at workplaces, on streets and sometimes with neighbours in neighborhoods.

The level of vilification and hate speeches particularly reached an unprecedented height since 2018 during which there were anti-social behavior and criminal offences committed by some groups of youth from African background in Victoria and in Queensland, especially with the tragic incident that took place at Zillmere and when the two African girls returned from Victoria and breached COVID-19's rules.

During this period of time, we've also seen and received many reports of community members being targeted with racist comments and treated unfairly at restaurants, workplaces – including being sacked for unclear reasons, or subjected to unreasonable pressure at work or denied an opportunity for promotion, with new employees getting promoted over those of African descent who may have been within the company for many years, relatively highly qualified and experienced compared to their new colleagues who got promoted.

The release of the identities of the two African girls to the media in 2020 immediately triggered widespread incidents of racial vilification and abuse on social media and other platforms against the people of African descent. I've received reports of community members being left stranded at some bus stations after the drivers allegedly spotted them and refused to stop. I have heard

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of a girl who was confronted by a stranger at a shopping mall and was told she looked like the girl that brought COVID-19 from Melbourne to Queensland. A community member was asked at work whether she was sick the other week when she did not turn up at work because “Africans reportedly don’t go to hospital when they’re sick.” Another colleague asked the same person that “do you African people understand much about COVID-19?” In different location, a neighbor allegedly filmed children who were under the age of 10 while they were playing at the park across the road from their homes, and when he was asked, he instead put up a rude finger and later came back with his partner and dumped garbage at the backyard of the victims. At another location, a neighbor allegedly filmed African community members while they were praying as they mourned a loved one in their own backyard. The media continued to camp outside the homes of families of those two girls and harass their families on regular. The list goes on and the mental health toll and fear of safety across the community was enormous and unbearable.

We as a community believe that the way this particular incident has been portrayed and handled by authorities is profoundly unfair. Most of our community members strongly believe that the identities of the two girls were either deliberately leaked out to the media as scapegoat by authorities in order to advance the strategy of “naming and shaming” in order to deter others, or they were not adequately protected in the same manner in which many other people who have allegedly committed crimes, or previously breached rules have been protected. The case of these two girls should have been a matter for the police investigations and the court of law to determine. In other words, everyone, every Australian and every Queensland, regardless of their racial, religious or gender background, should be equal before the law and therefore subject to the due process of law without exception. There were many examples of breaches including the man that hid in the boot of the car, the party-goers at Noosa and many other examples, but none of them were ever described or attacked based on their racial or religious backgrounds.

The failure of the authorities to protect the identities of the two girls, or bring to account those who leaked their identities or investigate the barrage of hate speeches and vilification, has put the entire African community at risk in many ways: physically, emotionally, psychologically and socio-economically. Such incident could have been handled in a better way in accordance with established legal institutions and processes. I personally strongly believe that people who commit criminal offence should be individually held to account, and there shouldn’t be a place for collective punishment by association, or race just because someone who did something stupid happened to be from certain racial or religious background.

When COVID-19 hit Australia, QACC was one of the first, if not the first community’s association to establish a committee and developed a comprehensive community response strategy to help

fight this virus in collaboration with government and all the other key stakeholders. We developed a surprising long list of various African languages spoken in our local communities, majority of which have no accreditation and available official translations. QACC's leadership then asked all our ethnic community leaders to voluntarily translate key government health messages and share them with their local members who do not speak English. This is an indicative of our serious commitments and passion to play our fair role as part of the collective Australians and Queenslanders' response to the virus. We did it and continue to do it because we believe it's our collective responsibility to fight this virus.

For the sake of fairness, harmony and ongoing trust and relationship between the African community and the system, and within our own communities, I wrote two separate and identical letters to the QPS Commissioner and the Queensland Chief Health Officer requesting the following:

- 1 – That the QPS open an investigation into the privacy breach and leaking of the identities of the two girls to media, and hold those responsible to account;
- 2 – That the Commissioner arranged a suitable time in her capacity as Commissioner of Queensland Police Service to meet with African community leaders to assure them of QPS' neutral role in the leaking of identities;
- 3 – The QPS withdraw the previous risk assessment in which the QPS' officers reportedly told the Department of Housing that they had conducted an assessment which concluded that there was no safety risk for the families of the two girls not to return to their homes. This assessment was used to reject the temporary/crisis housing applications submitted to ensure the families stay somewhere in the meantime due to safety fear as their homes have been shown on the media.

We only received the response from the QPS Commissioner in which she denied the involvement of the QPS in the leaking and alleged risk assessment report. The Commissioner also accepted to meet the African leaders, but the meeting never occurred. The Commissioner in the letter regretted the reported incidents of racial abuse and vilification, but did not response to the request for investigation. On the other hand, the Queensland Health Chief Officer never responded to our letter.

As a community, we very much appreciate the efforts of the QPS Commissioner to address our concerns within a reasonable short time of receiving our letter.

Recommendations

As a member of the *Cohesive Communities Coalition* who sat on the committee that recommended some legislative reforms for vilification law under the

campaign theme: *Better Laws 4 Safe QLD*, I fully support all the recommendations in the Options Paper which include:

Addressing the gap in current protections

1. Introduce a specific summary offence, **or** make racial or religious motivation a circumstance of aggravation on existing offences.
2. Introduce a new species of Order, created along the same lines as a Peace and Good Behaviour Order or Domestic Violence Order, to address concerning behaviour that falls short of criminal offences but which if repeated, a breach of the order of the court is penalised.

Addressing the under-utilisation of the existing offence

3. Create a special power for police to obtain warrants to preserve online evidence, **or** increase the penalty in s131A of the Anti-Discrimination Act 1991 to three years' imprisonment.
4. Remove the requirement for approval of the Director of Public Prosecutions or Attorney-General in order to commence prosecution under s131A.

Addressing the distribution or display of hate material

5. Introduce a complementary offence to criminalise the possession, distribution, or display of hateful material.

Addressing low levels of reporting and community confidence

6. Adopt a civil hate crime injunction.
7. Introduce hate crime scrutiny panels, based on the United Kingdom model.

Evidence of testimonies and other facts related to serious incidents of vilification and hate speeches against the people of African background

The testimonies and evidence below reflect many stories and situation that the members of the African community endured when there was an incident involving a member or members of their community. I've also attached some links to media articles related to these matters.

This took place in the year of 2018
Indooroopilly Shopping Centre
<p><i>“My sister and a group of her friends went shopping for formal dresses, they were around the ages 15 & 16 and all African appearance. As they entered into a store they were automatically being watched by the store cashier, there was other costumers in store. When my sister and her friends went to try on some clothes in the change room , one of the costumers who was also in the store shopping (a white lady) went to the front desk and told the cashier that my sister and her friends were stealing. Instead of confronting or calling the security on the girls the cashier automatically called the police on them. When the police arrived they locked my sister and her friends in the change room and were told that they have been reported stealing, instead of asking nicely they proceeded to check their bags and when they found nothing in their bags they escorted them right out of the store. Once the officers let them go the police officers continued to follow them as if they were thieves.”</i></p>

August 3, 2020

At work

“There were two separate incidents which all took place at work over a course of few weeks apart. The first incident occurred when I was on my break and went out to make a phone call to my family’s member. I was speaking in my native language to the family over the phone. One of the staff member who then overheard me came and asked me “why are you speaking in a different language other than English?” The person went on and said “you’re not allowed to speak in any other language other than English.” I then asked “where is that policy which bans people from speaking to their family or community members in their language during the break time? I am not on duty, and I am speaking to my own family member on the phone.” That person immediately went to the manager to report and I also followed immediately with my complaint to ask the manager about that policy which I was not aware of. The manager said there was no policy and anybody was free to speak in whatever language during their break or off duty.”

“The second incident also took place at the same workplace. It involved a staff member who came to me and asked me “what do you think about the African girls who went to Melbourne and brought COVID-19 to Queensland?” “Do you guys know much about coronavirus?” I replied back “I am busy now.” The staff went on and asked me “where you sick last week because you did not come to work?” “Somebody told me that you African people don’t go to hospital when you get sick.”

Saturday August 8, 2020

At the park and also at the backyard of the family’s home in Redbank Plains

“Neighbouring couple have been observed several times filming children under the age of 10 years playing at the park across the road from the family’s home. The situation escalated recently as a man was seen throwing rocks at children while they were playing. He and his partner called the children “coons, dirty...” and other derogatory terms. When the mother went and asked the couple, they yelled at her and continued racially abusing her and the children. Later on, the couple came over and dumped rubbish at the backyard of the family. At that particular time, there was a visiting cousin who immediately went out and asked the couple, “did you just come and dump the rubbish at our backyard?” Their response was a rude finger and racial abuse. The situation flared up with exchanges of words and the cousin of the victim decided to call the police. The police came about two hours later, asked a couple of questions and then said we will talk to the neighbours and if this happens again, you can report the matter to the council. The complainants then explained to the police and asked “how about the trespassing that just happened, and how about the videos/images they took from the children?” One of the officers just shut the conversations down and said “stop asking questions.”

First week of May around 7pm

Bus Stop

"I was coming home from University, I was waiting for the bus at Salisbury Bus stop, I was by myself waiting for the bus, as the bus was approaching it almost passed me even though I put my hand out waving for the bus, when I got into the bus the driver said to me "next time you should use a torch light," I apologised and let that incident go the following week the same incident happened but this time the bus driver said "almost missed you because I couldn't see you," after that I didn't feel like catching the bus when it got dark because I was just absolutely disgusted and felt embarrassed, this bus stop had lights too."

Another example of the workplace discrimination incidents that I was told involved a senior manager working in one of specialist service providers who often made comments to African staff such as "your culture is weird...I don't understand if you understand love in your culture...I don't understand why the ...(CEO) want to have representation of all cultures in leadership's positions." The same manager conspired with others in the company to systematically ensure the number of workers from African backgrounds either dropped, or none of them get promoted. The senior manager was told several times of the behaviour of one of the team leaders who frequently used N-word to silence, intimidate or mock his African workers, but the senior manager laughed it off and dismissed the report and instead helped created a scenario leading to all the African workers to resign.

Incidents related to youth crime and engagement

I received an email from a stranger by the name Jarod following my comments in the Australian Newspaper in which I attributed the issues facing our young people as a collective failure of all of us in the system – the failure of families, community, service providers and agencies to properly support those kids. I made it clear that there would be no way a large group of young people congregated at a park in north of Brisbane and then another large group of youth got in a convoy of cars from south in Ipswich and fatally attacked the group at north side without anybody knowing about the planned

attack. I said if the families of those kids, community, service providers and law enforcement agencies were working together and positively engaging with our socially disconnected youth, their planned attack against the group at Zillmere and subsequent retaliatory attacks could have been detected and eventually disrupted before that tragic incident. I said these are Australian children who were either born here or came with their parents when they were very young, and therefore should not be described as “African gangs” as if they were foreign criminals. Following the release of the article, I received a barrage of racial abuse and vilification online and the email below from a stranger.

“Referring to your quote in the Australian article: ‘For a ‘better life’ to a brutal death’, I would like to say it is not a failure of the Australian system at all, when two African groups attack and kill each other in Brisbane, but rather its a failure of your own African culture. After all, as the article title suggests, these people moved here to escape these problems, only to find that they brought them with them.

I find it rather offensive indeed that you would blame a gracious host nation, who took you in, for the enduring problems with your culture. In fact I find it rather selfish of you to make such a claim.

May I suggest that you start by looking inward; questioning the values of your own culture, before blaming another for your problems.”

Jarrold

Media reports

ABC - https://www.abc.net.au/news/2018-08-01/media-outlets-racialising-african-gang-problem-melbourne/10060834?utm_campaign=news-article-share-control&utm_content=link&utm_medium=content_shared&utm_source=abc_news_web

The Australian -

<https://www.theaustralian.com.au/commentary/editorials/melbournes-african-gangs/news-story/e0afb0f7a5bd8fd7c332544dcadaf861>

The Courier Mail

Examples of Social media racist comments/Twitter

July 30, 2020
Online – Social media/Twitter
<p>.The online racial abuse occurred following the incidents of the two African girls involved in false border declarations after they had been to Melbourne. The online racial abuse included the following lines:</p> <p>Name: Judith Maree Smith – Twitter; “typical of this lot...deport them...not Australians...they look aliens.”</p> <p>Name: Docta Stud Lee – Twitter; “certain cultures have lower levels of conscientiousness.”</p> <p>Name: Amir Shehata – Twitter; Narcissistic [REDACTED]!! Throw them in dungeon.”</p>

Redit

https://www.reddit.com/r/brisbane/comments/adayjb/african_gangs_on_a_rampage_in_brisbane_this/?utm_source=share&utm_medium=web2x&context=3

African gangs on a rampage in Brisbane this morning!

Following the comments of Senator Fraser Anning that crimes were being committed by "African gangs" in Queensland, naturally I feared for my safety. Imagine my shock this morning when I had two encounters with young African males.

The first got on the bus shortly after I did. He proceeded to *tap on his go card* and then *sat in one of the priority seats*. An elderly lady got on a few stops later, upon which he *vacated the seat and offered it to her*. He then spent the rest of the bus journey playing Pokemon Go. I was terrified!

Then after I got off the bus, I saw another African male go into the same drug dealer that I go to. After *wishing everybody a happy new year* he said very explicitly he needed a *caffeine fix*. Not only that, he wanted some *extra strong drugs* for his first day back at work and ordered something called a *double shot cappuccino*. He then *asked about the barista's wife* (who, I'm sure you'll be relieved to know, was only in hospital a few days and is much better). He *paid in cash* (apparently not wanting this drug deal to be traced), *dropped something metal in the tip jar* and then advised the staff he would *see them tomorrow*.

Does anybody have any more examples of this rampant African gang crime?

Appendix

Diversity Council Victoria: The facts on Victorian African Crime

Position statements

03 Sep 2018

Topics [Culture & Faith](#)

Much has been made in the media lately of Australia being in the grip of an '[African youth crime wave](#)'. But is this really the case?

- Statistics show Australians born in Sudan make up [0.1 per cent of Victoria's total population](#), and constitute [1% of alleged offenders in Victoria.1](#)
- While there is an overrepresentation of Sudanese-born in Victorian crime statistics, including serious assault, these offenders account for a minority of the actual proportion of crime experienced by Australians. You are, in fact, [more than 25 times more likely to be seriously assaulted by someone born in Australia or New Zealand than someone born in Sudan or Kenya.](#)
- Rather than Australia being in the grip of an '[African Youth crime wave](#)', statistics indicate we are actually safer than we have been in over a decade. In 2017, Victoria experienced its biggest crime drop in 12 years, where the [total crime rate fell by 6.2 per cent.](#) Crime perpetrated by youth in Victoria (under 25 years of age) has also fallen from [half of all incidents in 2007-2008 to 40 per cent in 2015-2016.](#)

Why do we hear talk about there being out of control African gangs in the Australian community?

In short, the answer is selective media coverage of ethnicity in Australian crime reporting, according to an analysis by the [Australian Police Accountability Project](#).

- Ethnicity is not typically discussed in [media coverage](#) of crimes involving Caucasian people – the suspect's ethnic background is deemed irrelevant. However, where similar crimes involve those of an African background, the media hones in on the ethnicity of the suspect and calls on community leaders to comment.
- This pattern of coverage is not unique to Australia. The Australian Police Accountability Project found US based journalists tend to cover stories that involve crimes that have a black suspect or perpetrator and a white victim. As they point out, these stories get more prominence, larger headlines, use more exasperated language (e.g. thugs, predators) and more racialised language than typical crime reporting. For instance, black youth are more likely to be described as a 'gang' than a group of white youth. These studies established that newsworthiness is a product of its ability to be "scripted using stereotypes grounded in racism", rather than representation of a crime.

What contributes to the over-representation of Sudanese-born Australians in crime statistics?

As noted above, statistics show Australians born in Sudan make up [0.1 per cent of Victoria's total population](#) and constitute [1% of alleged offenders in Victoria](#).

A number of factors contribute to these statistics, all of which tend to be overlooked by media when reporting on crime undertaken by Sudanese Australians. These factors include the younger profile of the Sudanese-Australian population and the social disadvantage and disengagement of this part of our population – disadvantage and disengagement arising in large part from racial profiling and targeted policing and racism experienced at school and at work.

A Younger Population

Fifty per cent of the Victorian Sudanese population is under the age of 25, compared to 33 per cent of the general Australian population.

The Police Accountability Project states that where suburbs experience a ‘baby boom’, in 15 years there tends to be a corresponding increase in youth crime in that area, as when young people reach 14-15 years of age usually their risk taking behaviour increases.

Racial Profiling

A 2015 report on racial bias in Victoria police found that young people with African backgrounds, such as Sudanese and Somali, were routinely stopped by police. Victorian police have since acknowledged this issue and are seeking to address this through newly introduced policies against racial profiling and ensuring their leadership avoids racist rhetoric.

Racism at School

Racism at school has a serious impact on students’ wellbeing and participation, and is one of the key causes of school disengagement and early school-leaving and dropout for young South Sudanese people.²

Racism at Work

Racism at work also contributes to social disadvantage and disengagement. A recent study of the ACT South Sudanese community revealed that 42 per cent of the participants had tertiary qualifications,

yet 96 per cent were seeking employment. Many of this group were unemployed or underemployed, working in casual and part-time jobs despite their qualifications. The study also revealed that 89 per cent of the participants in the process of seeking a job experienced racism. These experiences included discrimination based on race, having an African background, skin colour, having an accent, and not having a Caucasian name. Many of the participants had applied for upwards of 1,000 jobs. Research such as this goes a long way in explaining the considerably higher [unemployment rate in the Australian South Sudanese community](#) (28.6 per cent) compared to the national average of 5.7 per cent.

As Ahmed Hassan from the Youth Activating Youth Program, an organisation helping marginalised young people, points out:

["We seemingly don't have an African gang problem — what we do have is young people who are disadvantaged, who are disengaged, a young cohort who are coming together that are causing this mischievous activity"](#)

What's the impact?

Media and political discourse around South Sudanese and African-heritage people has been divisive. Implications of this very public conversation around a fear of “African gangs” will have serious long-standing effects on the South Sudanese community across Australia, and the social cohesion of the broader Australian community.

- Melanie Baak, Convenor of the Migration and Refugee Research Network, University of South Australia, has commented that when politicians and journalists support a discourse of ‘othering’ and a community that is scared to go out at night, there will be [“increased exclusion, fear and contempt”](#). This is contrary to what is necessary for successful community integration, [“a sense of belonging and inclusion”](#).
- The [Police Accountability Project](#) states that, “Misguided and inaccurate associations between ethnicity and crime are leading

directly to increasing forms of discrimination, including employment discrimination, racial profiling, hate-motivated violence and has well-established psychological harms and social exclusion impacts upon the community itself”.

A constructive approach

A more constructive approach for reporting on and addressing crime undertaken by Sudanese-Australian youth is required. This could involve more responsible reporting, continued investment in police/community engagement, and addressing racism in schools and at work. Of particular relevance to DCA is the leading work its members have done around creating culturally diverse and inclusive workplaces.

Responsible Reporting

Responsible reporting is key to the media's role to keep the public informed on current issues. By [showing sensitivity in reporting](#) on issues that concern minority groups who are the subject of public debate, the media has the uniquely powerful position to unite, rather than divide.

Police-Community Engagement

Police and community partnerships are fundamental for societal crime prevention and fostering a conducive society. [Victoria Police have acknowledged](#) the over-representation of Africa youth offenders compared to their population, and in 2016 began allocating extra resources and collaborative work with the African community.

The [Victorian Sudanese Community](#) have also addressed the need for community engagement. Due to the cross-cultural differences of parenting and discipline, the community have recommended the development of community-based recreational activities for young people to assist with the risks of disengagement. The media and the wider Australian community must support the implementation of such initiatives to allow engagement with youth.

Addressing Racism in Schools & Workplaces

There is a need to show that our schools, workplaces, and society value cultural diversity by providing safe, inclusive, and discrimination free environments. Education, training and fostering an inclusive culture are vital for addressing issues of discrimination and racism.

To prevent disengagement and early school leaving, school curriculum must be discriminatory free and inclusive of all cultural backgrounds. Stressing this, teaching resource [Racism No Way](#) outlines that [education programs in schools based on the assumption that the cultural practices of the dominant group in society are the best and only way to operate have the effect of marginalising students from minority groups and of diminishing their participation.](#)

Creating safe, discriminatory free workplaces requires a collaborative commitment from everyone – most especially organisations. This should involve outward public commitment to fighting discrimination, and organisational initiatives to drive support this commitment. For example:

- In 2012 the Australian Human Rights Commission launched their [Racism. It Stops with Me](#) campaign, which saw over 400 organisations pledging their commitment to anti-racism.
- CBA's cultural diversity employee network, [MOSAIC](#), provides training for employees on cultural inclusion and the impact of bias, racism and stereotypes in the workplace. To date, more than 2,000 employees have engaged in the training.
- ANZ has partnered with the Brotherhood of St. Laurence in the delivery of the Given the Chance work placement program. Since 2007, the program has supported more than 180 people from refugee and asylum seeker backgrounds into paid job placements at ANZ. Many of these participants have progressed into permanent roles with the bank at the end of their placement. Through this initiative, ANZ supports economic and social inclusion of refugees, builds workforce diversity and enables

their people to gain an understanding of and experience with a range of cultures and perspectives.

To read more about these case studies and cultural diversity read our *Cracking the Glass-Cultural Ceiling: Future Proofing your business in the 21st Century* report and [other DCA research on cultural diversity](#).

In conclusion

It is not a recent revelation that we need to address the racism present in our schools and workplaces. Leading companies understand that diversity is not enough, it must be accompanied by inclusion through an organisational culture that genuinely welcomes, values and leverages the advantages of diversity. This is not through assimilation but enabling differences to engage, flourish, complement each other and be put to work.

Recent media and political discourse around South Sudanese and African-heritage people, has however been divisive. A more constructive approach to reporting on and addressing crime undertaken by Sudanese-Australian youth is sorely needed.

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- [1.](#) Alleged offenders include individuals that the police have linked to crimes, although they may not necessarily have been found guilty or been charged .
 - [2.](#) A [2016 study](#) of young refugees (more than 60 per cent African heritage) found that school completion rates for refugee students are significantly lower (62 per cent) than for other Australians (86 per cent). Despite these early obstacles and an over-representation in crime statistics, those with a Sudanese heritage are actually overrepresented amongst high achievers. A recent study has found that [African migrants are more likely to go to university than non-migrants](#).



Mr Beny Aterdit Bol
President, QACC

