

To: The Legal Affairs and Safety Committee, Queensland Parliament

Re: Inquiry into serious vilification and hate crimes

Purpose: To provide a response to the Legal Affairs and Safety Committee completed by and for Young People from CALD Backgrounds.

Multicultural Youth Queensland (MyQ) is a youth-led initiative of Access Community Services Ltd (Access). Multicultural Youth Queensland (MYQ) Council comprises a diverse number of young Australian leaders from Culturally and Linguistically Diverse communities (CALD), across Queensland. MYQ Council performs advocacy and educational work, focusing specifically on young CALD people. As young leaders of CALD communities, acts of hate and vilification, especially in the form of racism, is a shared experience not just for council members but also with other CALD young people. This submission will thus highlight the stories, impacts and the recommendations of CALD young people in facilitating changes to prevent and stop racism.

In engaging with young CALD people, consultations were held via online, face-face and through an online form, of which young people from a range of communities, including Sudan, Democratic Republic of the Congo, Karen, India, Pakistan, Afghanistan, Ethiopia, Somalia, Zimbabwe, Uganda, Sri Lanka and Samoa (just to name a few) shared their stories and experiences around racism. These young people range from the ages of 20 - 30 years old and drew on experiences from within Australia. MyQ Acknowledges referrals from other youth advisory groups like Youth Voice Brisbane to the consultations.

These consultations highlighted that hate and vilification in the form of racism is prevalent and the impacts of these traumatizing incidents are lifelong. Stories also presented a number of common themes irrespective of age or Ethnic background and that is the following:

- Racism is common within educational institutions, especially within primary schools, where kids as well as teachers are often carrying out these racist acts
- Those who experience racism do not report it because they do not know that they can
- Police are not trusted to protect victims of racist attacks as they have either perpetrated the attacks or gaslight victims who report
- Media perpetuates these harmful stereotypes of CALD communities and often puts young CALD people in danger
- Racism is prevalent within government, media, schools, work, online and public spaces.
- Racism is experienced in both subtle and explicit ways
- There is a lack of support for victims of racism
- Victims are not supported or believed

MYQ acknowledges and believes the experiences of victims of racism and strongly advises that the recommendations be implemented in order to better support and prevent acts of racism from occurring.

The effectiveness of current systems in protecting CALD young people against racism

Young people of CALD background experience racism in all capacities and spaces in particular schools, online, social media, shopping centres, busses/bus stops and airports/planes to name a few. All experiences highlight the lack of support and trust in the system to protect victims as well as the lack of education around CALD communities.

One young person from Uganda recalls her experience of racism at her workplace. When she reported the racist act towards her manager at the time, in response she was told the offender would be relocated to another office. No further counselling or reassurance was provided to her. It is made clear that vilification and racism are not being handled adequately and the choice to relocate the culprit instead of holding them accountable through further disciplinary action means this person will continue on with their behaviour in the new workplace. Stricter laws and protocols need to be mandated in the workplaces which can be streamlined across all businesses and monitored so that youth can regain confidence in the system.

Incidents outside of workplaces also differ as reporting mechanisms are not common knowledge and reports to police are not common practice. When young people were asked how they handle racism and whom they report these incidents to, it was determined that the majority do not speak out about their experiences. A lot of young people have developed a support network within their own communities or amongst friends and family to support them after racist incidents, simply because of the systems failure to take appropriate action in handling these incidents.

This was made evident when another young person stated that when they or their family or community member experience racism, they choose not to involve the police and stated “our family rule is to resolve the matter within ourselves and only involve the police when we are very desperate”. This is due to the lack of trust that the police will act appropriately and believe the victims. This is further highlighted by another young person from South Sudan who makes explicit that when reporting racist incidents, they are not taken seriously by the police as usually it is difficult to produce evidence and it becomes “your word against theirs” meaning the police choose not to take further action if no evidence is provided which is oftentimes difficult to do so.

The process of reporting such matters to the police is a tedious and time consuming process in itself. Typically the police take several weeks to respond and even then the whole process amounts to no actions. This takes a huge mental toll on young people and will deter future reporting. Systems of reporting, need to employ CALD employees of whom would preferably be trauma informed and systems should be following up immediately with appropriate support services as these incidents are traumatizing. These systems can be working alongside police and legal representatives during legal proceedings if escalated.

Majority of the young people reported they experienced vilification during their school years. The attitude of the other students and often teachers was that it is a joke or satire. Students/teachers would make remarks such as “stop being a snowflake” or “it’s just a joke”

to minimize these harmful behaviours. This has reformed the identities of these young people as they have grown up desensitised to such remarks and they have accepted racism as part of their lives. It's important that the education system be a part of the solution through the implementation of a culturally informative curriculum on race and culture as it's apparent that misinformation and lack of exposure contributes to the racist behaviour.

The above examples demonstrate the effectiveness of the current systems in place to prevent vilification. The systems in place are not effective and there is no support network for people experiencing vilification whether it is at an institutional level, professional environment or public environment. The verdict is the system needs to be improved.

Age, gender and cultural background need to be taken into consideration when implementing new protection laws. The new system needs to be youth appropriate and sensitive to different cultural norms and nuances. For instance, in some cultures it is disrespectful to speak up against someone who is older or holds a higher authoritative role, therefore if they are a victim and their perpetrator is older or holds an authoritative role they will not speak up or defend themselves and are less likely to report. It is thus important to create avenues to report such incidents that are accessible and safe for all.

Other jurisdictions protective measures against hate and vilification crimes

Hate crime and vilification of a racist nature should be treated as a criminal offence, as is the case with many commonwealth countries. For example- Scotland has various laws in place that offers additional protection to people from crimes based on their disability, race, religion, sexual orientation and transgender identity. It means that crimes can be treated more seriously by the courts and law enforcement when "malice and ill-will" intentions towards the victim based on their association to the protected groups can be proved in the court of law. The Scottish parliament has also introduced a new bill which adds hate crime based on a person's age to the list of protected group. Through the data and stories collected by MYQ it is of particular importance that "youth" should be treated as a group which can be subjected to hate crimes and vilification, as they often are.

In the U.S. 18 states collect data on hate crime incidents, which not only paints a full picture for state and federal law enforcement authorities, but also helps states understand which crimes are occurring against whom, hence adequate resources can be allocated towards the safeguarding of that community. Hence, it is in our opinion that data collection should be mandated in the state of Queensland. It can have a positive impact on communities across the state and also help vulnerable communities receive support and attention they necessitate. Data collection also means that equal protection can be legislated and enforced by Queensland and other states in Australia. Because often there is a case when there exist wide disparities in the protections provided by various state hate crime laws- resulting in unequal protection from similar violent crimes in different jurisdictions.

Following the 2019 Christchurch Mosque attack, the royal commission has recommended a broader definition of hate crime and what constitutes hate speech, and making hate speech

a criminal offense. The bill has been taken up by the New Zealand government and introduced in the parliament. The proposed changes would cover written and spoken word, on online platforms, and cover speech that intentionally incites hatred on the basis of sex, marital status, religious belief, ethical belief (meaning the lack of a religious belief), colour, race, ethnic or national origins, disability, age, political opinion, employment status, family status, or sexual orientation. They would make it a crime to “intentionally incite/stir up, maintain or normalise hatred”. A similar model should be adapted within Australia and measures such as data collection must be conducted to ensure victims of hate and vilification incidents are protected through legislative means.

Current criminal laws and the impacts on CALD communities

There should be stronger criminal laws about vilification and hate crimes due to its destructive and harmful impacts on young victims' lives. Representatives from the consultations reported experiencing life-long psychological distress and feeling unsafe. They expressed that the current laws and mechanisms are not adequate to protect young people of CALD background and most are not aware of the avenues for reporting. CALD young people have, as a result, resorted to preventative measures, in order to not be racially profiled or experience racially motivated attacks/ incidents.

The majority of young people from the African communities that were part of the consultations stated that they have to “grab a trolley whenever [they] enter a shopping centre and/or hold out [their] credit card to indicate that [they] will pay”. This is a preventative measure so that they are not followed by security, employees or members of the public who stereotype them as thieves and suspect them of shoplifting. These extra steps taken by CALD young people are a result of recurring racism and wanting to avoid more traumatic encounters, of which should not be the responsibility of victims. Responsibility is on the systems such as the legislative systems, to put measures in place which prevent such conduct from taking place.

Another young person reports they were falsely accused of shoplifting because they were wearing a headscarf. An employee singled them out and accused them of stealing during an alleged previous visit to the store. The young person had to prove they were not the thief by showing their bank transaction, on the supposed date and time mentioned. In response, the accuser exclaimed that it must be another young person of the same ethnicity and gender and that “you all look alike to me so i couldn't tell the difference”. Such harmful behaviour is unfortunately commonw and should be met with more serious repercussions and criminal laws that will reinforce that such behaviour is unacceptable.

Impacts on careers

It's important to note that racism and vilification also play a huge role in shaping young people's career aspirations and impact on career opportunities. A young person from Uganda had aspired to join the police force as soon as they moved to Australia to protect vulnerable women and influence the workforce. However, due to her negative racist

experiences with police, coupled with the institutional barriers that prevent the meaningful and effective participation of people from CALD background into Australian society, they decided to pursue an alternative career in community, which enabled them to support vulnerable people and fight against racism. This is not an isolated experience, where racism has deterred CALD young people from pursuing certain careers and roles.

A young person who has a promising career in sports reported that they had experienced racism due to their “split cultural identity” as an Australian, Asian and European. In sports, he decided to represent Asia instead of Australia and that has negatively impacted his career as he would get bashed on social media and would be asked to go back to his third world country whenever he comes back from overseas after a game. Comments made online, still incite feelings of distress, fear and helplessness. Incidents like this, are indicative of the need for laws to hold people that are racist not just face-to-face but also on online platforms accountable.

Impacts of COVID-19 and media

It is unfortunate that current laws and law enforcement have not already been implicated to mediate and regulate such incidents as it would have prevented the rise in racist incidents and attacks upon the spread of COVID-19. Media outlets perpetuated racist stereotypes and incited fear under the guise of reporting which allowed for the mistreatment of CALD communities at the hands of the public and police. During the first months of COVID-19, female Participants from the African communities stated that they “felt unsafe and exposed to go to COVID testing clinics and get tested after people who look like [them] were reported and shunned in the news”. This has impacted the whole community as young girls are being subjected to racism when lining up to get tested for COVID and there is no mechanism to deter the perpetrators’ behaviours. They felt “exposed due to their colour and appearance”.

The way young people of CALD background are represented on the media and social media is very poor. National and local channels portray these young people in a negative light so as to condition viewers to associate a negative experience with them. In some cases stories only refer to people individualistically however in other cases a story would be associated with a whole ethnic group, nationality or religious group instead with the motive of once again portraying these groups negatively. For instance a young cambodian female shared they were really hurt by the images they saw on social media. In particular there was one illustration of a “chinese person who had flies coming off them and a massive snotty nose” to associate poor hygiene with chinese people and insinuate that was the reason for the spread of COVID 19. Like this there have been many “memes” posted on social media degrading and targeting several ethnicities and making strong hate speech and racist comments towards individuals and groups.

MYQ ran a survey on racism in the year 2020 in which there were 32 respondents from which 87% stated that they experienced racism on social media. There should be further research completed around the impact social media has on young people particularly from CALD backgrounds. So that social media companies can be held accountable in controlling extremists and membership groups that encourage and glorify hate crime and racism. An example of accountability would be to review online community guidelines as the current standards are insufficient in protecting vilified communities and require more thorough steps which can be legislated.

Impacts of law enforcement

Victims reported that they could not report to the police due to their prior bad experience with the police. They find the police unhelpful “because the police would downplay the incident and gaslight [them]”. There is also this notion of “Your words against their words”, where the police do not believe the victim’s story and sometimes where the police are being racist towards members of the community.

A participant reports how her and her friends (three young asian girls) had accidentally entered the NSW border, while travelling in Gold Coast, following which they were pulled over by the police monitoring the borders because they did not have an entry pass. The police officer was very aggressive and rude towards them, referred to them as “██████” not allowing the driver to explain why they did not have a pass. The girls were very terrified and following this experience had difficulty approaching police for any help. These girls also noted that the police officer did not treat other people (crossing the borders) as they were treated and felt their poor treatment was racially motivated.

It’s clear that young people from CALD backgrounds are living in an environment where they do not feel safe as they are not free from fear of attack, ridicule, or exclusion, even from people in roles which are supposed to protect them. The current laws are not enough and there should be laws which address racism of all capacities, meaning media, social media, police and workplace conduct as well as in public.

Recommendations

Some of the recommendations provided by the several young people interviewed during the consultations have been discussed below:

1. An accessible and active **hotline or a messaging platform** (smartphone application) needs to be created where you can report or ask further questions relating to reporting and experiencing racism. This hotline/app needs to be regularly monitored and once again take into consideration cultural sensitivity and communication barriers which may be faced by CALD youth.
2. An **organisation** that can **support** victims of hate crime and vilification through counselling, further advice and provide emotional ongoing support when the victim requires it.
3. **Public awareness campaigns/information sessions** – including signs of no tolerance and understanding law on hate crimes and vilification, make sure that people know that they can report incidents, experiences and impacts. Reinvigorate the “Racism, it stops with me” campaign.
4. **Independent groups/organisations support networks** to follow up incidents to report and support awareness – it should be community led so people who have experienced racism and through lived experience can help others in reporting. Community champions are also young people from diverse backgrounds and people they would likely trust and understand their culture so they don’t have to explain why something is offensive to them. This body needs also to be separate from police so that reports against police conduct is handled without bias

5. **Advocacy Committee** where you can also report to and they collect data of community impact, experiences that they use to inform State Government in drafting laws and response to hate crime and vilification.
6. **Compulsory Culturally Responsive Practice training** like Workplace Health and Safety Training in workplace and workplaces, so that a culture of having a no tolerance on hate crime and vilification is normalized and handled as seriously as other misconduct within the workplace.
7. **Educational curriculum** needs to teach on racism and cultural biases starting from primary school, with CALD teachers facilitating these classes alongside their Anglo-saxon teachers. This is important so that CALD people are not solely responsible for this education and that CALD teachers are able to respond to questions adequately.
8. **Media and social media companies** to be held more **accountable** for the role they play in shaping views on CALD communities and perpetuating harmful stereotypes. This includes reviewing systems of reporting, banning content which incites racist and violent commentary as well as stipulations around fines where companies allow extremist groups and people to be racist on their platforms.
9. **Diverse representation** in media, entertainment, sensory consumption to increase tolerance of a multicultural society, especially within Australia, where not all Australians are of one race.

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