

ERC JUSTICE UPDATES

March 2021 No.41

Dear All,

Welcome to the 41st Edition of ERC Justice Updates your regular newsletter from the Edmund Rice Centre, on all sorts of matters relating to human rights, first nations and environmental justice.

Well, here we are in the March with summer gone and many people adjusting to the start of a very different post COVID world. One must always continue to think of those whose lives have been altered and changed never to go back to what their life was before. At the same time remember Helen Keller's words:

Optimism is the faith that leads to achievement. Nothing can be done without hope and confidence. *Helen Keller.*

As always please send us anything you would like included in Justice Updates. Your suggestions and comments both positive and negative or indeed any information that you would like to disseminate amongst the wider Edmund Rice Network - it is all much appreciated.

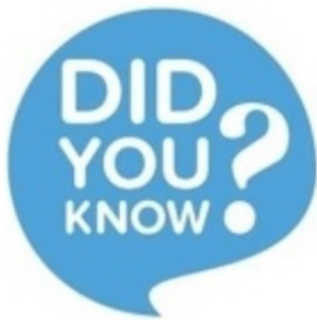
Don't forget to forward Justice Updates onto anyone or let me know their email address and I will subscribe them.

Previous editions are available at <https://www.erc.org.au/newsletters>

Peace

Marita
Communications Project Officer,
Marita McInerney

Aboriginal and Torres Strait Islander readers are advised that there may be articles in this publication with names and images of deceased people.



On Friday 5th of March 2021, the Australian Government will have detained men & women on Nauru & Manus Island/Port Moresby for 2758 days.



A recently released report by the Climate Council called
"GAME, SET, MATCH:
CALLING TIME ON CLIMATE INACTION"
reveals some disturbing key findings:

- Australia's summers of sport will continue to be under threat from climate change
- By 2040, heatwaves in Sydney and Melbourne could reach highs of 50 degrees C, threatening the viability of summer sport as it is currently played.
- No athlete, whether an elite professional or a community player, is immune to our increasingly hot summers, which are a health hazard for those playing or watching sport.
- Australian sport is worth \$50 billion to the economy and employs over 220,000 people, but governments are not adequately prepared

for escalating climate risks.

SOME FACTS REGARDING AUSTRALIAN SPORT AND CLIMATE DISRUPTION

- In 2017 Recording-breaking heat on 11th February (NSW state-wide average temperature was 44 degrees C) resulted in Newcastle's A-League soccer match vs Melbourne Victory and all under 18's NSW football games being cancelled.
- In the Sydney Ashes test in January 2018, England's captain Joe Root was hospitalised suffering dehydration and viral gastroenteritis after the air temperature hit 41.9 degrees C during play.
- Extreme heat (+40 degrees C) over 2 days in January 2018 caused player heat stress and a review of the Australian Open Tournament's extreme heat policy.
- In Tropical Queensland, grassroots Community sports were badly affected by intense rainfall in early 2019, with three clubs each estimating + \$250,000 damage bill.



EDMUND RICE CENTRE ON SUBMISSION INDIGENOUS VOICE CO-DESIGN INTERIM REPORT

Introduction

A major priority for Edmund Rice Centre in 2021 is support for, and promotion of, the Uluru Statement from the Heart. It is a gift to the nation and a roadmap to peace. We strongly support a First Nations Voice to Parliament enshrined in the Constitution, and we urge all friends of Edmund Rice Centre to learn more about the Uluru Statement and support its implementation.

Here is ERC's submission on the Indigenous Voice Co-Design Interim Report. We encourage all individuals and organisations to make a similar submission.

Phil Glendenning AM

Director Edmund Rice Centre for Justice & Community Education

SUBMISSION ON THE INDIGENOUS VOICE CO-DESIGN INTERIM REPORT

Edmund Rice Centre for Justice & Community Education

The Edmund Rice Centre is a community and faith-based non-government organisation committed to the pursuit of social and environmental justice in Australia and internationally. We are pleased to have the opportunity to make a submission regarding the newly-released co-design models for a Voice to Parliament reflecting the *Uluru Statement from the Heart*.

It is good that the words “young and free” have been removed from the national anthem. However, the replacement phrase that Australia is “one and free” is an aspiration rather than a statement of fact. Historical narratives of swaggies, drovers and the soldiers going into battle have favoured the dominant non-Indigenous version of Australia’s history, and ignored the centuries long truth of this continent and the treatment of its First Nations Peoples.

When history is viewed through the eyes of Indigenous Australians it is clear Australia is neither ‘*young and free*’ nor ‘*one and free*’. Up to 80,000 years of spiritual and physical connection to this ancient land is the precise opposite of the word ‘young’; and the Indigenous experience of colonisation does not accord with any accurate notion of being ‘free’. In fact the opposite is true. The historical experience of Aboriginal and Torres Strait Islander people was characterised by dispossession, massacres, displacement to far-flung reserves. And to this day, ongoing disproportionate levels of incarceration and deaths in custody remain a reality for Indigenous Peoples in Australia, indicating that it is incorrect to describe Australia as “one.”

Australia's First Nations Peoples are the custodians of the world's oldest continuous living cultures. Despite the dispossessions of history, they have survived. They have worked to restore land, language, aspects of culture, and to re-unite families with their children. This is an amazing human achievement that a reconciled nation could revere and celebrate. But Australia is not a reconciled nation.

For over a century Australian Governments have too often implemented policies that have been imposed without adequate consultation with First Nations People, that have been short-term, and that have been regularly changed whenever the party of Government changes. This has meant that the aspirations and needs of First Nations people, their dreams and hopes for their lives, have been relegated to secondary importance to the views and policies of Governments.

Our unreconciled nation now has an opportunity to change this.

Read full submission:

https://www.erc.org.au/constitutional_recognition

The place for making a submission is the website

<https://haveyoursay.voice.niaa.gov.au/>



Darren England/AAP

Indigenous recognition is more than a Voice to Government - it's a matter of political equality

The government earlier this year released a discussion paper exploring how an Indigenous Voice to government might work.

The Voice to government is not the same as the Voice to parliament that the Uluru Statement from the Heart proposed in 2017. This is because the government doesn't support the Uluru idea of a distinctive Indigenous body enshrined in the constitution.

Instead, it prefers a body set up by an act of parliament. The government of the day could change its powers, or even abolish it, as it pleases. The powers could be expansive, but equally, they could be meaningless.

A Voice established under the constitution, meanwhile, would have the authority of the Australian people. This idea has attracted majority support in public opinion polls.

Recognition goes beyond mere symbolism

The government's discussion paper is open for consultation. Indigenous people will form views on how it compares with the aspirations of the Uluru Statement.

But either way, constitutional recognition for Indigenous people is an important concept for every citizen. How and where political authority is exercised — and by whom — determines how fairly and effectively Australian democracy works.

A symbolic act that just acknowledges Indigenous prior occupancy without making any substantive changes to the constitution or opportunities for meaningful Indigenous political participation isn't enough.

The Canadian First Nations' writer, Glen Coulthard, argues strongly against recognition because he says symbolism makes the state feel like it's being inclusive, but doesn't actually mean that Indigenous people have real influence over policies that matter to them.

In my recently published book, *Sharing the Sovereign: Indigenous Peoples, Recognition, Treaties and the State*, I take a different view.

I argue that recognition is a theory of political freedom, which means that every

person is equally entitled to help influence the society in which they live. And equally entitled to make decisions about how they will live.

A Voice to Parliament is an example of what these ideas could mean in practice.

Read More:

https://theconversation.com/indigenous-recognition-is-more-than-a-voice-to-government-its-a-matter-of-political-equality-154057?utm_medium=email&utm_campaign=Latest%20from%20The%20Conversation%20for%20March%201%202021%20-%201876118299&utm_content=Latest%20from%20The%20Conversation%20for%20March%201%202021%20-%201876118299+CID_4738d4995fc008ab1fc5fb0996355905&utm_source=campaign_monitor&utm_term=Indigenous%20recognition%20is%20more%20than%20a%20Voice%20to%20Government%20-%20its%20a%20matter%20of%20political%20equality



The Rohingya living in Bangladesh as refugees have a long, hard road ahead of them — made even more difficult after the military coup in Myanmar and the Bangladesh government's recent move to relocate the Rohingya to the heavily fortified Bhashan Char island. (Rehman Asad / AFP via Getty Images)

What Myanmar's coup d'état means for the Rohingya refugees and their future

Mubashar Hasan, Charles Hawksley, Nichole Georgeou, and Arild Eneghelsen Ruud, ABC Religion & Ethics, 22nd February 2021

The military coup in Myanmar adds a new dimension to the Rohingya crisis. It pushes back even further any chance of repatriation for the one million-strong Rohingya population living in Bangladesh as refugees in shanties — in what is in the world's largest refugee camp. This means that the Rohingya have a long, hard road ahead of them, and they are likely to remain in host country Bangladesh for the foreseeable future.

The international community and key regional powerbrokers have limited options other than to continue negotiating with Myanmar's generals. To reach this assessment, we have considered Responsibility to Protect (R2P) as a plausible tool for Rohingya repatriation, but we are of the opinion that it has limited use in the current context complicated by a tripartite China-India-West contest.

R2P as a possible solution?

In September 2020, a forum on Bangladesh and the plight of the Rohingya suggested that the Rohingya could return to Myanmar if an international or regional peace keeping force created “safe zones” and “safe corridors” under the Responsibility to Protect doctrine. While the United Nations could authorise an intervention without the consent of Myanmar, protecting a returning population without its cooperation would be very difficult to implement.

The Responsibility to Protect (R2P) doctrine was adopted in 2005 at the UN World Summit, and then endorsed by the UN Security Council. Essentially, R2P is trying to answer the question of how to protect human rights when states are unwilling or unable to do so. It aims to prevent mass atrocities of the kind that occurred in Rwanda and the Balkans. It is not about trying to set limits on state sovereignty; it is more about trying to have human rights protection become understood as a central aspect of state sovereignty.

The 2009 UN Secretary General's report on R2P conceptualised the doctrine as three “pillars”:

- The first pillar, state responsibility, places the onus on the state to protect all of its population (not only those it classes as citizens).
- The second pillar aims to develop a state's capacity for human rights protection through international assistance, normally in the security sector, through police and military training and reform. This is a consensual approach and often used in UN and other peace operations — but interestingly, is not usually referred to as R2P.

- The final pillar is international intervention to prevent four specific types of human rights atrocities: genocide, ethnic cleansing, war crimes, and crimes against humanity. This last pillar is often seen as overturning the cherished notion of state sovereignty.

Read More:

https://www.abc.net.au/religion/myanmar-military-coup-and-the-future-of-the-rohingya-refugees/13180680?j=1563882&jb=6&l=16567_HTML&mid=518000040&sfmc_id=132400292&sfmc_sub=132400292&u=40999360&utm_id=1563882&utm_source=sfmc%e2%80%8b%e2%80%8b&utm_medium=email%e2%80%8b%e2%80%8b&utm_campaign=abc_specialist_religion_sfmc_010321%e2%80%8b%e2%80%8b&utm_term=%e2%80%8b



Refugee and writer Mardin Arvin in Melbourne after his release from hotel detention. Photograph: Charlie Collins/Supplied

After eight years in immigration detention, I cannot believe I am free in Australia

Mardin Arvin, The Guardian, 3rd March 2021

I spent years on Manus Island and in hotel detention. Finally I can live like a regular human being

The wind blows. Languid. The wind is calm, swirling around my body. It feels good.

I watch the leaves shifting places across the ground, I reflect on the fact that no one is standing over me any more, no one is watching me.

Sometimes I cannot believe it. Every few steps forward I look behind me. I expect to see a guard frowning back at me, or staring at me with a patronising smile. I expect to see a guard looking at me, with that look, that look saying to me that without them I cannot do a single thing.

I was released from hotel detention recently: on 21 January I left the Park Hotel Melbourne a free man. I was an imprisoned refugee. I am not happy. But I think to myself maybe it is because after these last few weeks I still cannot believe it – I cannot believe that I can live like a regular human being. A human being who is no longer captive between the four walls of a single room.

I was also held for a long time in the Manus prison camp, a site where I suffered extreme humiliation, a site where I witnessed my friends self-harming, attempting suicide, a site where my friends were killed.

A small boy and his mother pass by me. A smile emerges on my face. The days of hardship are over, I can now call to speak to my mother whenever I want, I can now ask how she is whenever I want.

Poor thing, my mother has been waiting for this moment for eight years. My mother was tortured just like me, I am certain even more than me. This reflects the sacrifices made by mothers, it reflects their selflessness.

Very soon after my release I want to make my mother happy by giving her news of my freedom – I say to myself: “now is the right time”. I take my mobile out of my pocket and make a video call. She answers immediately. She was waiting for me.

“Hi mum.”

“Hi my son, are you well?”

Read More:

https://www.theguardian.com/commentisfree/2021/mar/03/after-eight-years-in-immigration-detention-i-cannot-believe-i-am-free-in-australia?fbclid=IwAR2rEcxfEPol_6V7iP3zdqDQeJIVSTysC1nIVLCtRpr0sdKbWfefOaAf



Statue of blindfolded Lady Justice holding scales and a sword (William Cho/Pixabay)

Disability RC hears how criminal justice system fails people with disabilities

Justin Glyn, Eureka Street, Vol. 31 No.4, 2nd March 2021

Content warning: Descriptions of abuse

'Melanie at that stage was dressed in a safety smock. She had a big lump on her forehead. There was blood on her forehead, which seemed like fresh blood. There was dried blood down the front of her smock. And her room was bare. There was sort of sofa without a back or ottoman that was long, perhaps a little bit longer than this table, maybe a little more narrow, that was covered in a brown vinyl.

'The thing that stood out to me the most about that room is that Melanie had graffitied the room with her own blood. The smell of dried blood mixed with body odour and the sight of that graffiti is something that will be with me until the day that I die.'

This sounds as though it could come from a description of Bedlam, the notorious 18th century English dumping ground for people with mental illness. In fact, it is an extract from testimony given last week to the Royal Commission

into Violence, Neglect and Exploitation of People with a Disability.

Hearing 11 of the Commission has looked at how Australia's justice system treats people with disabilities. Melanie, not her real name, is a First Nations woman with multiple disabilities and a history of being abused who was held for over 20 years in NSW facilities. Nearly seven of these were in 23-hour 'seclusion' (a euphemism for solitary confinement) and the account above comes from a solicitor who visited her there. (Patients were expected to clean their own cells — and she was denied access to cleaning materials). If she had served maximum prison terms for the offences which brought her to court, she would have been out in under ten years.

Melanie said in her statement to the Commission, 'I'm a strong proud black Aboriginal woman that is here before you today to come and get help where I need it and fight for my rights... it was inhumane to keep someone locked up for that long.'

Read More:

https://www.eurekastreet.com.au/article/disability-rc-hears-how-criminal-justice-system-fails-people-with-disabilities?utm_medium=email&utm_campaign=Eureka%20Street%20Daily%20-%20Tuesday%202%20March%202021&utm_content=Eureka%20Street%20Daily%20-%20Tuesday%202%20March%202021+CID_889c97ff922fa8a537b6adc5eb5aa296&utm_source=Jescom%20Newsletters&utm_term=Disability%20RC%20hears%20how%20criminal%20justice%20system%20fails%20people%20with%20disabilities#



Pace e Bene

Daily Inspirations Non-violence Service

Tuesday March 2, 2021

"For me, forgiveness and compassion are always linked: how do we hold people accountable for wrongdoing and yet at the same time remain in touch with their humanity enough to believe in their capacity to be transformed?"

—bell hooks

Aged Care Royal Commission – 10 key takeaways from the Final Report

National Seniors Australia Newsletter, 3rd March 2021.

Will the Commissioners' call for reform fall on deaf ears? Here's what you need to know.

Key Points:

- The final report outlines 148 recommendations to transform aged care
- It recommends that a 'universal right to high quality, safe and timely support' be enshrined in a new Aged Care Act
- Government has until 31 May to respond but is expected to announce measures in the upcoming Federal Budget

They say a week is a long time in politics.

But the last two years of the Royal Commission into Aged Care Quality and Safety

must seem like a lifetime for those left waiting for home care or stuck in substandard residential care.

Yet there is reason for hope.

That hope comes from the thoroughness of the Final Report and from the courage of the Commission to chart a new course for aged care.

Here is a high-level summary of some of the key recommendations for change.

1. Universal right to quality care

At the centre of the Final Report is a call to end the rationing of care. The Commissioners want the government to throw out the old Aged Care Act and to replace it with a new paradigm where there is a “universal right to high quality, safe and timely support.” It’s a recommendation that’s long overdue.

2. Governance structures

This recommendation relates to the redesign of governance structures, either by way of a new independent Australian Aged Care Commission or by restructuring and strengthening the existing Department of Health.

Whichever path is taken, it must result in better oversight and control over aged care services to stop maltreatment and mismanagement.

3. Inspector-General of Aged Care

A third important recommendation is the creation of a new Office of the Inspector-General of Aged Care to monitor the implementation process and the governance system.

This new body and role will be critical in policing the system to ensure problems are identified and quickly rectified, regardless of which governance model is adopted.

4. Dementia care

The report recognises the need to put dementia care front and centre in any new system.

With more than 50% of aged care residents living with dementia, this move is vital. The call for compulsory dementia training will be critical.

Read More:

<https://nationalseniors.com.au/news/featured-news/aged-care-royal-commission-10->

[key-takeaways-from-the-final-report?](#)

[utm_source=Newsletter&utm_medium=Email&utm_campaign=Aged%20Care%20Royal%20Commission%20%E2%80%93%2010%20key%20takeaways%20from%20the%20Final%20Report%20Connect%20edm%2004032021](#)

" Life is to be lived.

***No matter how old we are,
how frail or incapacitated we
might be, how rich or poor,
we all have the fundamental
right to wellbeing, enjoyment
and fulfilment as we age."***


Excerpt from Final report of the Aged Care Royal Commission.



Rising Tides Raising Voices monograph 2020

Johanna Larkin from the Edmund Rice Centre with the Inter-Congregational Voice on Climate Change team, made up of twenty three Catholic Religious congregations working in solidarity with Pacific Island nations has written this monograph to address the injustice of climate change and calls on our leaders to pursue ambitious and effective climate action.

Download full monograph here: <http://pacificclimatewatch.com.au/wp/rising-tides-raising-voices-monograph-2020/>



BLUE PACIFIC TALANOA SERIES:
In conversation with Senator Patrick Dodson
A LEADERSHIP JOURNEY - INDIGENOUS RIGHTS, RECOGNITION AND RECONCILIATION

Patrick Dodson is widely known as Australia's 'Father of Reconciliation' and a life-long advocate of mutual respect, understanding and dialogue between Indigenous and non-Indigenous peoples.
You're invited to Talanoa as he shares his leadership journey.

Our **#BluePacific** Talanoa series continues! Join us on March 5 to hear from Senator Patrick Dodson, his leadership journey on Indigenous rights, recognition and reconciliation. This event will be live-streamed on the **#Forumsec** facebook page, facebook.com/ForumSec

2:13 PM · Mar 1, 2021 · Twitter Web App

3 Retweets · 7 Likes

JOIN OUR **LIVE STREAM** @ForumSec, March 5, 11:00am FJT

PACIFIC ISLANDS FORUM

To watch Patrick Dodson live at the Pacific Islands Forum: Blue Pacific Talanoa Series click on the link below and forward video to approximately 22 minutes.

https://www.facebook.com/watch/live/?v=4301193859908428&ref=notif¬if_id=1614890945822614¬if_t=live_video

REFLECTIONS

Hold onto what is good,
Even if its a handful of earth.
Hold onto what you believe,
Even if it's a tree that stands by itself.
Hold onto what you must do,
Even if it's a long way from here.
Hold onto your life,
Even if it's easier to let go.

Hold onto my hand,
Even if someday I'll be gone away from you.

A Pueblo Indian Prayer

**A prayer for racial justice and equality in the
Church and in this nation**

Sovereign Lord Jesus Christ, who took human form and broke
down the walls that divide;

We seek your forgiveness for not living out the truth that all are
one in Christ, for the sin of racism.

We pray for all those affected by the marginalisation of prejudice
and the violence of racist words and actions.

We pray that we might uproot its cancerous and systemic hold on
our own institutions.

We pray that we might recognise in reverence your divine image
and likeness in our neighbour,

And find joy in the resemblance.

We pray in your name and seeking your glory.

(Prayer by Dr Sanjee Perera and Archbishop Justin Welby)

THE ARCHBISHOP
OF CANTERBURY

Creed for Australia

We believe

That this ancient land,

With all its unique creatures, is a precious gift

From a loving God,

Who's mercy is over all his works.

We believe

In God's care

For aboriginal people who treasure it

***Through unnumbered generations:
The one who grieves in their suffering
And rejoices in every noble aspiration.***

***We believe
In God's compassion
For the patchwork of refugees
Who for two hundred years
Have come to this continent
Looking for a place to call their home.***

***We believe
In God's steadfast love
this notion and all its children,
That God is creating a new people
From many races, colours and gifts,
To fulfill a high destiny.***

***We believe
That the best way forward
Is the way revealed by Jesus,
Of faith, hope and love,
Where no needy person is neglected
And no bidding of the spirit ignored.***

Bruce Prewer

Source: Fr. Claude Mostowik msc Liturgy Notes for Second Sunday in Lent
February 28, 2021

justice. We pay our respects to the Elders; past, present and future. As we take our next step we remember the first footsteps taken on this sacred land.

The Edmund Rice Centre wholeheartedly supports and endorses the
ULURU STATEMENT FROM THE HEART
and urges all Australians to get behind this wonderful statement.

Our mailing address is:

|HTML:LIST_ADDRESS_HTML| *|END:IF|*