



Edmund Rice Centre
Awareness. Advocacy. Action

ERC JUSTICE UPDATES

April 2021 No.43

Dear All,

Welcome to the 43rd 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.

As many people face more and more hurdles in 2021 - particularly in view of the recent floods and the end of Jobkeeper. Many vulnerable people feel they are faced with insurmountable problems and have nowhere to go and no one to ask for help. It gives us cause to pause and reflect on the words of Rachel Remen:

The most basic and powerful way to connect to another person is to listen. Just listen. Perhaps the most important thing we ever give each other is our attention..... A loving silence often has far more power to heal and connect than the most well-intentioned words. *Rachel Naomi Remen*

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.

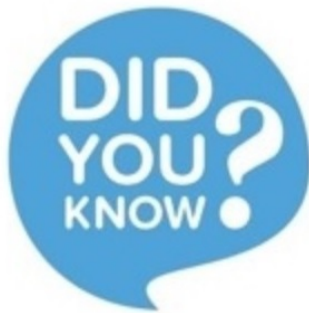
Previous editions are available at <https://www.erc.org.au/newsletters>

Peace

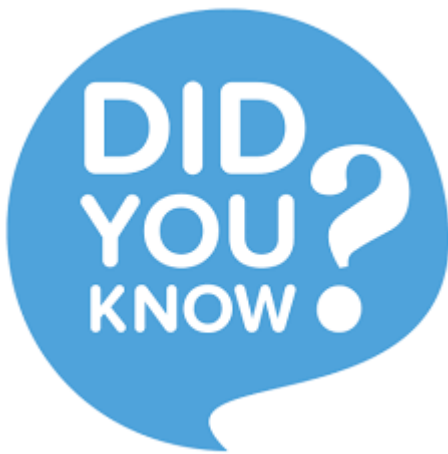
Marita

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 9th April 2021, the Australian Government will have detained men & women on Nauru & Manus Island/Port Moresby for 2793 days.



In a recent article by Dr. Ursula Stephens (CEO of Catholic Social Services Australia) in Eureka St. entitled '*Are we all in this together ?*' some startling realities are revealed.

- The end of JobKeeper and Coronavirus supplement payments will leave more than 2.6 million people in poverty.
- Treasury's latest estimates that up to 150,000 jobs may be lost. Other economists predict this to be closer to 200,000 jobs.
- In mid 2020, of a workforce of 13million Australians were on JobKeeper.
- Most of jobs lost during pandemic were in customer service, creative arts, hospitality or tourism because the jobs weren't

suitable to work from home.

- The 'safe harbour' provisions for insolvency have ceased and it is expected that many marginal businesses will close for good.
- Rental affordability is particularly of concern for Catholic Social Services when the \$150 Coronavirus Supplement disappears and is replaced by the \$50 JobSeeker increase.
- Department of Social Security data when analysed showed the following:
 - April-September 2020: of those on a Supplement of \$275 a week there were 0% below the poverty line.
 - October-December 2020: of those on Supplements of \$125 a week there were 74.1% below the poverty line.
 - January-March 2021: of those on Supplements of \$75 a week there were 92.6% below the poverty line.
 - From April 2021: No Supplement 100% are below the poverty line.



Lidia Thorpe, Pat Dodson and Hannah McGlade. 'There are families in continual mourning across this country,' Thorpe writes.

'The pain and hurt is a deep wound. When will we have peace?' Composite: Getty Images/AAP

'This festering crisis': Aboriginal people have the solutions to ending deaths in custody

After devastating recent news of four Aboriginal death in custody in three weeks, we ask five experts about what needs to change

***Pat Dodson, Lidia Thorpe, Latoya Aroha Rule, Hannah McGlade and
Thalia Anthony, The Guardian, 31st march 2021***

Pat Dodson: The Morrison government must step up

The royal commission into Aboriginal deaths in custody was established by the Hawke government in August 1987 because manifold deaths had fomented common suspicions that foul play was endemic in police stations and prisons across the land. As the commission would report in April 1991, the reality was less eventful: Aboriginal people were dying in custody so frequently – but at rates no higher than the non-Aboriginal population – simply because they were being jailed in such disproportionate numbers.

Thirty years on from the royal commission, similar suspicions are gathering again because, proportionately, even more Aboriginal people are in custody today and are dying there. The commonwealth government seems almost nonchalant about this festering crisis: “All lives matter,” we were told during Senate estimates last week by senator Amanda Stoker.

According to her, responsibility for dealing with Aboriginal deaths in custody is overwhelmingly a matter for the states and territories. The National [Indigenous Australians](#) Agency (NIAA), which sits in the Department of Prime Minister and Cabinet and is responsible for developing and implementing commonwealth policies, was just as offhand last week when it said that the new national agreement on Closing the Gap offered a way to deal with the crisis. One of the targets in the agreement aims, by 2031, to reduce the rate of Aboriginal and Torres Strait Islander adults held in incarceration by at least 15%. That is a pathetic aspiration.

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Lidia Thorpe: It's a matter of life and death

There are families in continual mourning across this country. The pain and hurt is a deep wound. When will we have peace?

Four more Aboriginal people have died in custody this month. Well over 450 Aboriginal people have died since the royal commission into Aboriginal deaths in custody handed down its findings.

We remind our so-called “leaders” that there’s so much left to do. It’s a matter of life and death. The royal commission’s recommendations must be implemented in full.

I say to this government: come to speak to our communities and our elders. Talk with the families who have lost loved ones. We want the prime minister to

take up the invitation from families of those who have had a loved one die in custody to meet with them, ahead of the 15 April anniversary of the royal commission.

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Latoya Aroha Rule: Decolonisation is at the heart of the movement

It's important to locate Black critique on the elements of the carceral system that require reform; those laid out in the royal commission into Aboriginal deaths in custody's recommendations, those established through findings in knee-high death reports of Aboriginal people since, and those focusing on issues like the need to ban spit hoods and other archaic killing devices that my own family are currently advocating towards.

Without these procedural and legislative changes there is not much hope for those currently incarcerated or those at risk of being locked up. This stands too for those working on the outside on prevention – those working to keep Aboriginal children safe and out of state punishment centres and the like.

However, it is just as critical, if not more so, to acknowledge that decolonisation must stand at the heart of the movement against Aboriginal deaths in custody; the abolition of policing and prisons, systemic violence and brutality is one step toward supporting and sustaining the lives of Aboriginal people.

Hannah McGlade: Prisons are simply not rehabilitative

Australian society was founded on violence towards Aboriginal people, with incarceration a key feature of this history. The truth is there was genocide in this country and racism against Aboriginal people is leading to discrimination at every stage of the criminal justice process. And our voices are constantly silenced.

Western Australia incarcerates more Aboriginal youth than anywhere and also has more deaths in custody. We see a direct link to the violence that Aboriginal children, youth and families experience from the state: widespread removal from families, racial profiling and stereotyping and even incarceration at just 10 years of age.

Thalia Anthony: Bias runs deep in the penal system

There is a commonality in the lives and deaths investigated by the royal commission into Aboriginal deaths in custody and the almost 500 First Nations

lives taken since. They all tell a story of an Australian penal system predicated on systemic racism. They are casualties of a society that has targeted First Nations lives since colonisation.

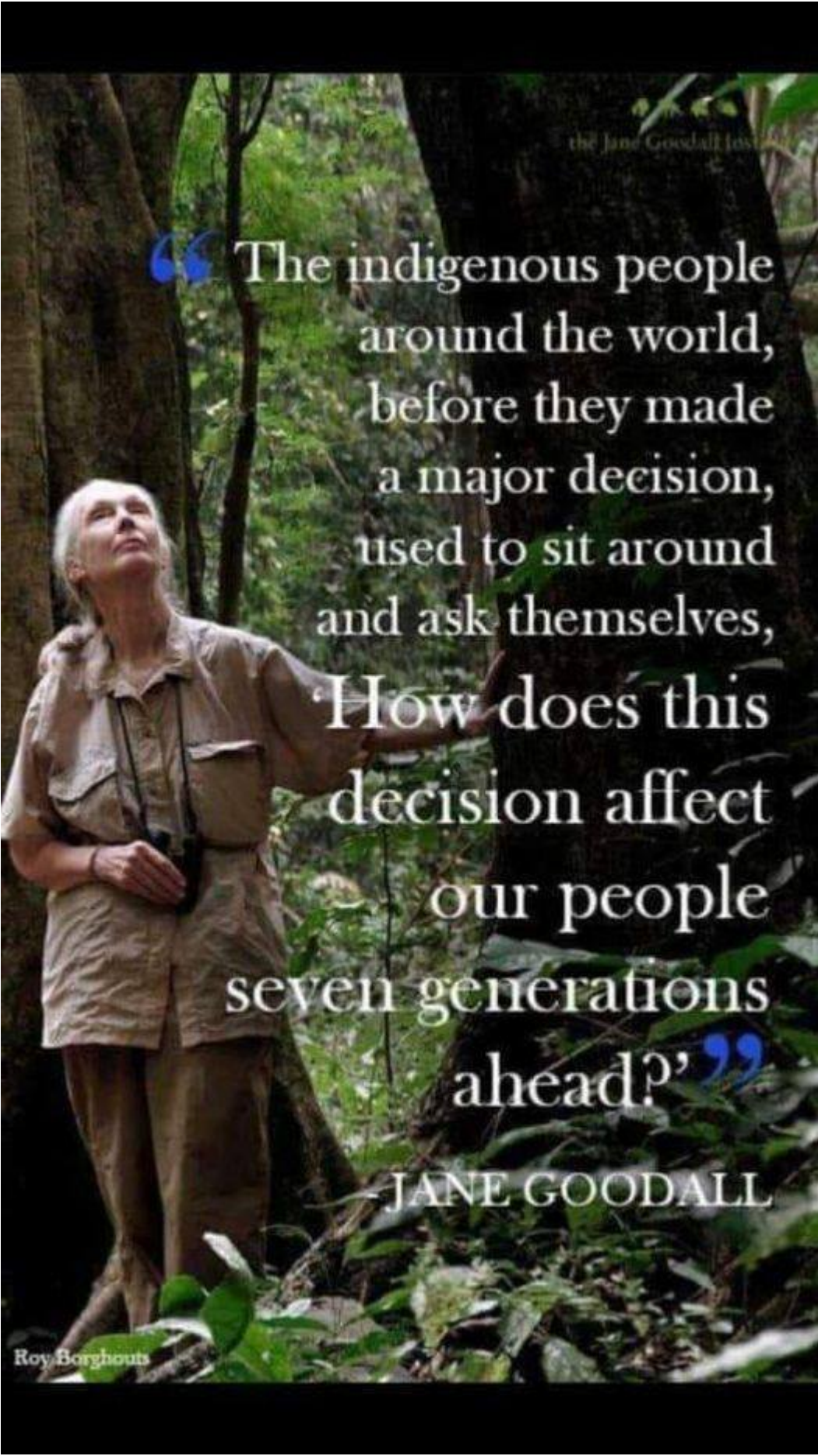
We only need to look to recent months to see how the penal system sacrifices the lives of First Nations people. This year, four First Nations lives were taken in custody in almost one fortnight. There are more than 20 pending coronial inquests for First Nations deaths in custody across Western Australia, Queensland, New South Wales, Victoria and South Australia.

Bias runs deep in the penal system. It infiltrates the hyper-policing of First Nations people, the disproportionate rates of arrests, bail refusals and imprisonment and the conditions in custody, which can be characterised as wanton neglect and violence.

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Read More:

https://www.theguardian.com/commentisfree/2021/mar/31/this-festering-crisis-aboriginal-people-have-the-solutions-to-ending-deaths-in-custody?fbclid=IwAR3b_V6_AszcCsCj91lr94cG75MK0REwZEgK6lQnlaAr5q4FveLh79jE6GU

A photograph of Jane Goodall standing in a lush forest, looking upwards. She is wearing a light-colored, short-sleeved button-down shirt and matching shorts. Her binoculars are hanging from her neck. The background is filled with large trees and dense green foliage.

the Jane Goodall Institute

“The indigenous people
around the world,
before they made
a major decision,
used to sit around
and ask themselves,
‘How does this
decision affect
our people
seven generations
ahead?’”

— JANE GOODALL



(Image: AAP/Lukas Coch)

Raising our Voice: it's time to demand constitutional recognition

Thomas Mayor, Crikey, 29th March 2021

The Voice to Parliament must be enhanced and guaranteed, otherwise hostile governments will always try to destroy it.

To reach a referendum to enshrine a First Nations Voice to Parliament, as called for in the Uluru Statement from the Heart, there are a few gates we need to open.

The key to the first gate was a First Nations consensus. Indigenous people did the hard work on this one. We achieved this at the end of a process of 13 regional constitutional dialogues and a culminating Uluru National Constitutional Convention in the heart of the nation in May 2017.

The First Nations consensus reached at Uluru is one of the greatest feats in our democracy.

Great, because a people — so damaged by colonisation and so well divided by those seeking to exploit their lands and labour for more than 200 years — defied the odds to reach an agreement on how we wanted the nation to be reconciled.

Greatest, because that agreement contains proposals so visionary, uniting and generous, especially given what we have suffered, that Australians from across the political spectrum are in passionate agreement that we got it right.

We have opened the first gate and a majority of Australians have walked through with us. Polling has consistently indicated that more than 50% of Australians would vote yes; the most recent reported [the yes vote would be 56%](#) with only 17% opposed. It is worth noting that this support comes without a well-resourced national education campaign.

Now, we are almost at the final gate — a gate held by the prime minister and the federal Parliament he controls. For a referendum to be put to the Australian people, first, a referendum bill must pass.

In *The Australian* earlier this month, the prime minister was reported to have [“ruled out”](#) opening the gate to a Voice referendum. He was quoted as saying there was “no clear consensus” on a model for the Voice.

Scott Morrison is right. There isn’t a model. That is why there is a \$7.3 million co-design process under way.

He also said that, in regards to constitutional recognition, there is “still no clear consensus proposal at this stage that would suggest mainstream support in the Indigenous community or elsewhere”. Again, that is hardly a blockade.

Morrison’s comments are consistent with the Coalition’s 2019 election commitments to constitutional recognition. Those commitments were in line with the recommendation in the Pat Dodson and Julian Leeser co-chaired 2018 joint select committee into constitutional recognition: to first co-design a Voice model and then consider the legal form the Voice will take.

The constitutional gate is unlocked, it just needs a push to open. We cannot shy away from demanding this.

Read More:

https://www.crikey.com.au/2021/03/29/voice-to-parliament-constitutional-recognition/?utm_campaign=Daily&utm_medium=email&utm_source=newsletter



Detained refugees inside a compound at Darwin Airport where they have been held for a year while they wait for medical treatment. Aaron Bunch/AAP

Scores of medevac refugees have been released from detention. Their freedom, though, remains tenuous

Sara Dehm & Claire Loughnan, *The Conversation*, March 22nd 2021

Over 100 refugees have been abruptly and quietly released from immigration detention in [Melbourne](#), [Brisbane](#) and [Darwin](#) hotels since early 2021. These releases are welcome and long overdue, following a sustained public campaign for their freedom.

But their newly gained freedom remains conditional and their futures uncertain. What's more, many other refugees who were also transferred to Australia from offshore detention for medical treatment have [yet to be released](#).

This raises serious concerns for the ongoing welfare of the refugees — those now in the community and those still in detention.

It also raises questions about the arbitrary, non-transparent and even cruel nature of ministerial decision-making when it comes to who is released and who isn't.

Why release these refugees now?

To date, the Department of Home Affairs has not provided any official rationale for the timing of these releases. Nor have they outlined any criteria or policy explaining the decisions to grant some refugees temporary visas to live in the Australian community and not others.

By our estimation, about 80 people transferred under the now-repealed [medevac legislation](#) remain in detention. But it is hard to get precise figures due to lags and gaps in government [statistics](#) and its longstanding [lack of transparency](#).

In January, Home Affairs Minister Peter Dutton explained the initial releases as a cost-saving measure, stating it was “[cheaper](#)” for people to live in the community than in a hotel.

While this has long been true, it seems a hollow line from a government that continues to maintain a policy of offshore detention in Nauru and Papua New Guinea to the [cost](#) of over \$1.2 billion per year (that’s roughly \$4 million per person this financial year).

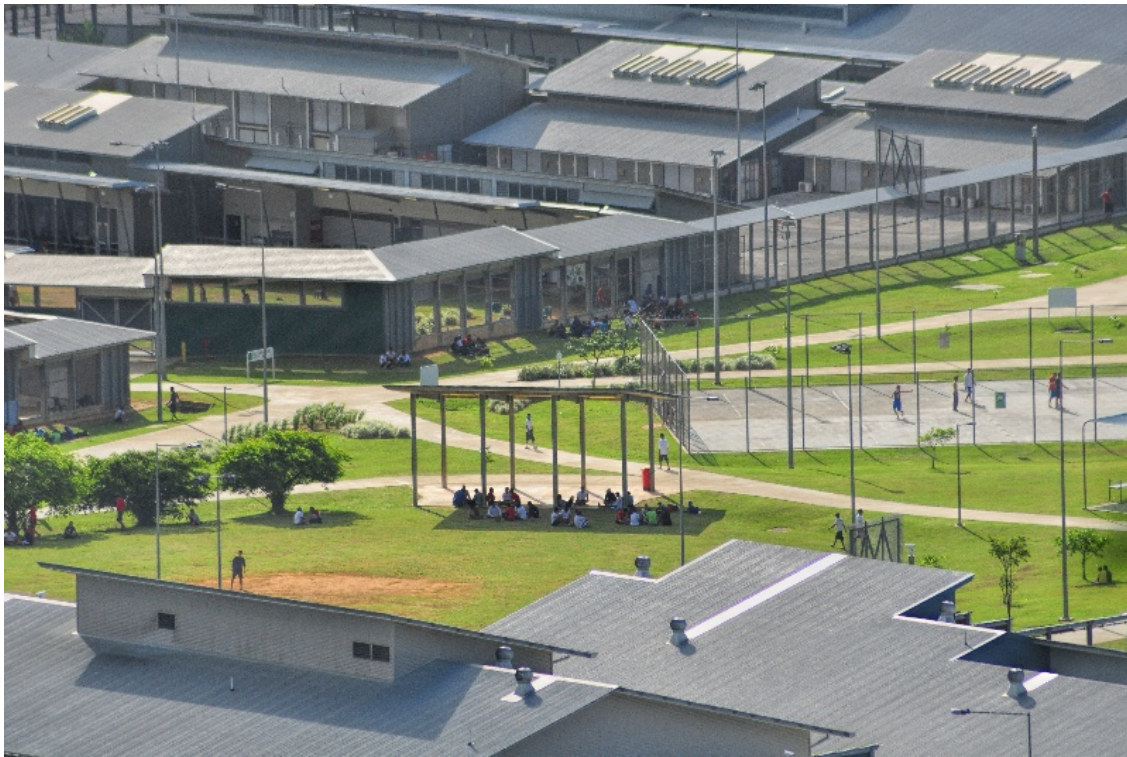
Sadly, refugees are [all too used](#) to the inconsistent and arbitrary use of power under Australia’s migration laws.

Under federal law, the minister [can](#) issue a visa to any non-citizen in immigration detention at any time. This even applies to people who have been transferred from offshore detention for medical reasons and are [prohibited](#) from applying for any visa while in Australia.

Yet, even at the peak of the COVID-19 pandemic last year, Dutton largely refused to issue temporary visas to people from immigration detention. This was despite the [impossibility](#) of social distancing and [heightened risk](#) of infection for people detained in prisons, immigration detention and hotels.

Read More:

<https://theconversation.com/scores-of-medevac-refugees-have-been-released-from-detention-their-freedom-though-remains-tenuous-156952>



Locked in and locked out

Zaki Haidari, Eureka Street, Vol.31 No.5, 23rd March 2021

I am a refugee from Afghanistan, and I belong to a minority ethnic group, the Hazaras. We have been persecuted for a long time because of our ethnicity, religion, and values. In 2012, I was forced to leave Afghanistan. I was 17. Back home, my father was a medical doctor. The Taliban accused him of working with international armed forces in the country at the time. One day the Taliban took him away, and nobody has seen him since.

The accusations against my father meant that the whole family was ‘criminal’ in the Taliban’s eyes. We had to repay them in blood. They kept contacting us and saying that I had to report to them. My mother knew that if I did report to them, they would kill me. She did what any mother would do and decided to send me to a safe country.

We learned quickly that safe countries were not issuing visas to Afghan citizens. I had no choice but to attempt a much more dangerous and uncertain journey, crossing many borders, travelling by plane, train, car, boat, and by foot, often for days in the middle of the night. I knew the chance of survival was rare and that I would end up detained or even dead. But I had no choice.

At the time, I was very young. I had never travelled by myself. I did not know where I was going, how long the journey would be, who I was going to meet on

the way, and how to trust those we were paying to get me to safety.

I can never forget the day that I left my family, home, country, and my community. On that day, I felt that I would never see them again. Even today I feel that part of my life is missing.

My journey to safety was full of profoundly scary moments, moments I thought my life would end. I remember being on a fishing boat to Australia. The boat had the capacity to carry 30 people but was carrying 90. Hours after we departed, the engine broke down. We were lost in the middle of the sea, at the mercy of the waves. The people on board felt much tension, anger, despair.

'I remember thinking: these are the last moments of my life. My life is ending here in the middle of the sea. I will not be able to see my family again.'

Sharks will eat me. I was just thinking about my family, the time we had together. I felt my hopes, and those of my family, draining away.

Read More:

https://www.eurekastreet.com.au/article/locked-in-and-locked-out?utm_medium=email&utm_campaign=Eureka%20Street%20Daily%20-%20Tuesday%2023%20March%202021&utm_content=Eureka%20Street%20Daily%20-%20Tuesday%2023%20March%202021+CID_340aa3002da9387a2355dd4a5ff4de07&utm_source=Jescom%20Newsletters&utm_term=READ%20MORE



HOW DOES **CLIMATE CHANGE** AFFECT FLOOD RISK?

WARMER & WETTER ATMOSPHERE

A warmer atmosphere can hold more water - approx. 7% more for every degree of warming.

MORE ENERGY FOR STORMS

The extra heat and moisture also means there is more energy for weather systems that generate intense rainfall.



MORE INTENSE DOWNPOURS

A more energetic atmosphere means we get more of our rainfall in the form of short, intense downpours. This can mean devastating floods.

COASTAL FLOODING

Climate change also increases risks of coastal flooding due to higher sea levels.

 **CLIMATECOUNCIL.ORG.AU** | crowd-funded science information

MESSAGE FROM CLIMATE COUNCIL

How are floods influenced by climate change?

Prof. Will Steffen, Climate Councillor, 23rd March 2021

It's been devastating watching the worsening flooding disaster unfold. New South Wales and Queensland have been hit particularly hard so far, whilst 10 million Australians are currently subject to an extreme weather warning covering every state and territory except Western Australia (1).

We hope you are keeping safe and encourage you to keep up to date with the emergency warnings via your local State Emergency Service (SES) (2).

Many people have been asking us over the past few days how flooding events

are being influenced by climate change, so Marita, here are the facts.

Globally, the risk of extreme rainfall and flooding events like those currently devastating Australian communities is increasing with climate change. The global average temperature has already risen by around 1.1°C, and for every 1°C rise in temperature, the atmosphere is able to hold around 7% more water.

This extra heat and moisture means more energy for weather systems that generate intense rainfall, and in Australia, we're already seeing an increase in the intensity of heavy rainfall events.

Our weather over summer and autumn has also been influenced by a La Niña event, which tends to bring more rain for much of Australia. **But it's important to remember: everything we are experiencing today is occurring in the context of a rapidly warming planet.**

Read More:

<https://mail.google.com/mail/u/0/?tab=wm&ogbl#inbox/FMfcgxwLswRVmSNxXSKtJKCbIzWmPHhS>



Image by Reuters

Australia's human rights failings seriously exposed

Spencer Zifcak, Pearls & Irritations, March 29th 2021

Every four years, all member states of the United Nations are required to submit their human rights record for review by the UN Human Rights Council (UNHRC). Australia had its turn in January this year. By any account, Australia's record with respect to the protection of human rights remains relatively satisfactory. However, the recent interchange that took place between Australia and other member states of the UNHRC disclosed the existence of serious deficits in our protective responsibilities.

As part of the process of review, the Office of the UN High Commissioner on Human Rights (OHCHR) produced a compilation document that summarised the reports and recommendations of the UN's human rights treaty bodies on Australia during the past five years. This document laid the foundation for the inter-state dialogue which followed. It makes depressing and sometimes alarming reading.

Unsurprisingly, the report focused heavily upon three principal human rights concerns: the treatment of refugees and asylum seekers, the situation of Australia's indigenous peoples, and the nation's counter-terrorism laws. But it travelled far more widely than that. There can be no doubt that Australia's human rights record has deteriorated significantly.

The UN Human Rights Committee expressed concern that the Australian government had been failing in its non-refoulement responsibilities. The non-refoulement principle is embedded in the International Refugee Convention. The principle states that no person seeking asylum should be returned to their country of origin when there is a real risk that they will be seriously harmed or killed if they do so. It is well known, tragically, that a number of returnees have suffered these consequences.

The UN Special Rapporteur on Migrants sharply criticised the Australian Government's punitive policies concerning so-called unauthorised maritime arrivals (boat people). He noted that unauthorised arrivals by air were treated far more leniently and that no legitimate reason could be found for the distinction.

'Boat people' faced a host of obstacles. The Rapporteur sharply criticised policies that resulted in refugees being subjected to arbitrary, mandatory and prolonged detention. Refugees have been detained for up to seven years pending the resolution of their claims for asylum. They have been imprisoned in offshore detention camps, indefinitely separated from their families, faced restrictions with respect to their social security entitlements and deprived of any

avenue towards permanent residence.

Since 2013, 12 asylum seekers have died in detention – six from suicide. Asylum seekers have been kept in exceptionally harsh conditions, denied access to legal representation and contact with family and friends. They have suffered sexual assaults by security guards and acts of violence from other detainees.

The UN Committee on Economic, Social and Cultural Rights expressed deep concern at the transfer of innocent people seeking asylum offshore to PNG and Nauru. It made clear its opinion that Australia was fully accountable for the treatment of asylum seekers in offshore detention facilities. It rejected out of hand Australia's contention that detention conditions were the responsibility of the governments of Papua-New Guinea and Nauru.

In a detailed submission to the UNHRC, Human Rights Watch recommended ending mandatory detention, introducing reasonable time-limits for detention, ensuring that asylum seekers were detained only as a last resort. Their asylum claims should be dealt with promptly, thoroughly, decently and fairly in accordance with the International Refugee Convention. Their access to judicial review should be guaranteed.

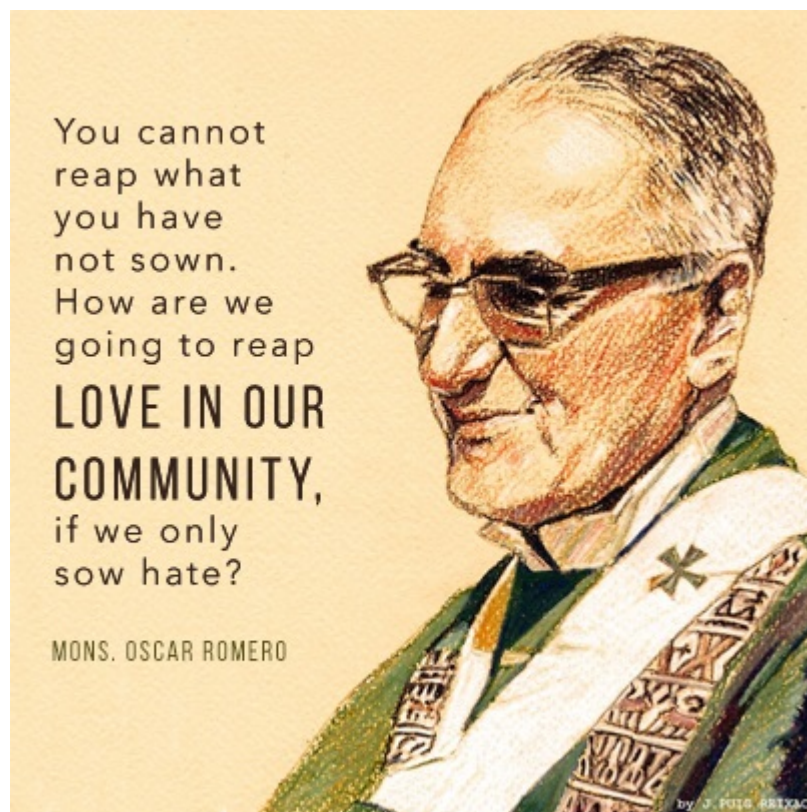
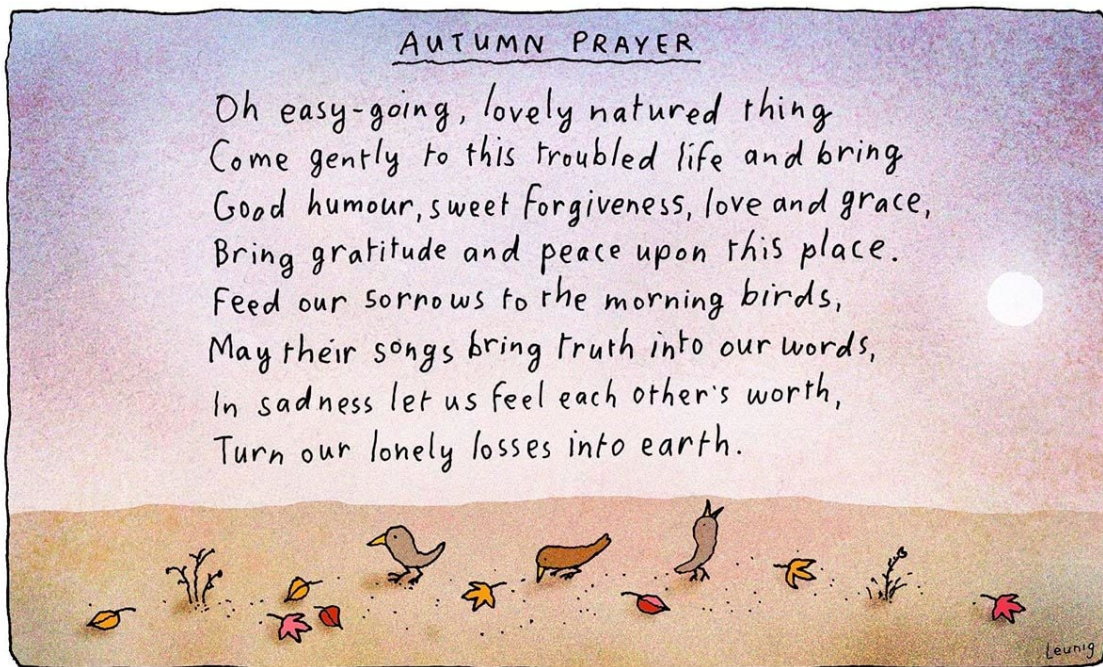
The UN Special Rapporteur on Indigenous Peoples observed that indigenous peoples were drastically over-represented in the criminal justice system. In 2019, Aboriginal and Torres Strait Islander people comprised 28% of Australia's adult prison population, but just 3% of the national population. The disconcertingly high rate of incarceration included women and children.

Deaths in custody for Aboriginal and Torres-Strait Islander prisoners remained a terrible problem. Between January 2016 and July 2020, there were at least 48 deaths of indigenous people in custody. A recent analysis of deaths in custody concluded that correctional services failures to follow their own protective guidelines and to provide appropriate medical care contributed significantly to the rising rate of indigenous fatalities. Writing to the UNHRC, the Law Council of Australia stated that in 2018 indigenous children were 21 times more likely than non-indigenous children to be in detention on an average night.

Read More:

<https://johnmenadue.com/australias-human-rights-failings-seriously-exposed/>

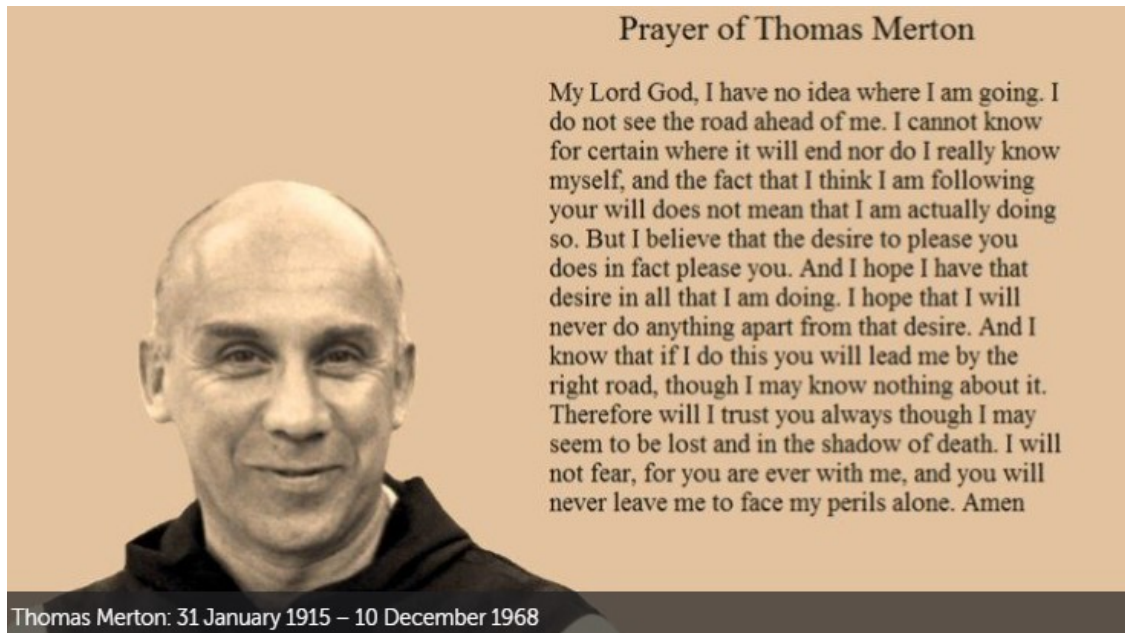
REFLECTIONS



Pax Christi International Facebook Post March 24th

Today is the Feast of Saint Oscar Romero. We honour his faith and his

memory with steadfast nonviolent action and solidarity with the oppressed. Presente!



Facebook Post Abbey of Our Lady of New Clairvaux

The Rev. Dr. G. Scott Morris, M.D., 5th March 2021

Thomas Merton was a Trappist monk with a checkered past. Although he is known for his writings as a mystic living in a monastery in Bardstown, Kentucky, his early life was wild and carefree...

Although he wrote over 50 books, Merton probably is best known for a simple prayer that I feel speaks to us today. "My Lord God, I have no idea where I am going. I do not see the road ahead of me. I cannot know for certain where it will end. Nor do I really know myself, and the fact that I think I am following your will does not mean that I am actually doing so."

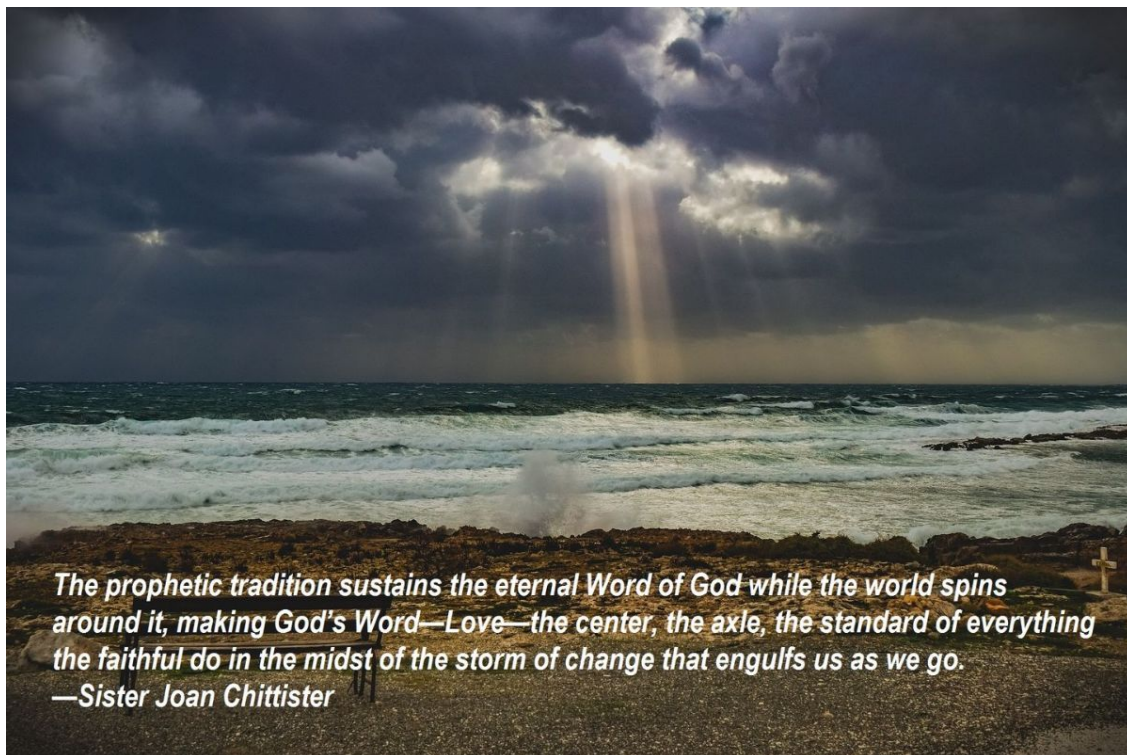
I can't express how much I relate to that! Right now, in this pandemic maze, I suspect you do too. Do any of us know where this road goes? Or where it ends? While I get up every morning wanting to follow God's will, I am daily confounded as to whether I actually am. When we're under stress day after day after day, the weaknesses of what holds us together become apparent.

Merton's prayer goes on: "But I believe that the desire to please you does in fact please you. And I hope that I have that desire in all that I am doing. I hope

that I will never do anything apart from that desire. And I know that if I do this, you will lead me by the right road, though I may know nothing about it.”

This reassurance helps me quite a lot...The fear of the moment should never define who we are. Our inability to see what lies ahead should not paralyze us from moving forward. Our individual weakness doesn't define the meaning of life just because we can't see the next turn.

Merton would not want to be remembered solely for his lost wanderings as a young man in the years of grief after losing both his parents. Nor should we see him as a saint unrelatable to us... “Therefore, I will trust you always though I may seem to be lost and in the shadow of death. I will not fear, for you are ever with me. And you will never leave me to face my perils alone.”



The prophetic tradition sustains the eternal Word of God while the world spins around it, making God's Word—Love—the center, the axle, the standard of everything the faithful do in the midst of the storm of change that engulfs us as we go.
—Sister Joan Chittister

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|*