

# CONNECT

the Newsletter of the Mornington Peninsula Human Rights Group

*Committed to promoting in our municipality and beyond  
understanding of and respect for human rights  
through programs of community education*

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# **BAANY TO WARRNA NGARGEE FESTIVAL**

29 March 2014, The Briars, Mount Martha, Mornington Peninsula

We are pleased to support the Mornington Peninsula's first Aboriginal and Torres Strait Islander music and cultural festival, in particular the seminar ***In Conversation with Supreme Court Judge, Justice Kevin Bell*** which will be held at the Briars at 2pm on the 29<sup>th</sup> March as part of the festival.

The Inaugural Baany to Warrna festival is a groundbreaking Indigenous music and cultural festival in the Mornington Peninsula. The Festival promotes cross-cultural awareness, bringing Indigenous and non-Indigenous people together in a vibrant, family-friendly outdoor event where Indigenous music, art, dance and culture will be showcased.

Baany to Warrna gets its name from the local Boon Wurrung word meaning water and the Pitjantjatjara word for water. Maintaining language is important to identity and culture and represents sharing and collaborations.

This event has transpired from a growing desire to learn about Indigenous cultures. Many people are unaware of the significant Indigenous population on the Mornington Peninsula (approx. 1000). This festival provides an opportunity to bridge the gap – offering a welcoming environment for people to share and celebrate the vibrancy and diversity of Australia's Aboriginal and Torres Strait Islander people.

The Festival will run from 4pm to 10pm and will include both traditional and contemporary musicians including Archie Road, lyrical storyteller Mau Power, and Rheannan Port, a former Bangarra dancer. Rheannan will be running workshops with school groups in the lead up to the Baany to Warrna Ngargee and will perform a uniquely choreographed contemporary Indigenous dance with the participants on the day of the festival. There will also be bush tucker, Indigenous books, arts and crafts and Indigenous storytelling.

Additional children's activities will include drumming classes, trampolines, Indigenous arts and crafts, face painting and circus activities. Food will be a combination of traditional and contemporary fare.

The festival will be run each year and is envisaged to become a significant draw card on the tourist calendar as well as with local residents. The festival has huge support from local community and Elders, including traditional owner, Auntie Carolyn Briggs, of the Boon Wurrung Foundation.

Visitors will purchase tickets to the event, however the organisers are looking to subsidise costs when necessary.

## **NATIONAL HUMAN RIGHTS ARTS PRIZE PROJECT**

At the July 2013 meeting, the MPHRG had an animated discussion on a draft proposal for a National Human Rights Art Prize that would aim to raise awareness of the Human Rights Articles, and use and generate interest and knowledge of our regional assets from a creative perspective.

All members present at the meeting agreed that a National Human Rights Art Prize would be a highly effective mechanism for promoting human rights throughout Australia and that this initiative would expand community thinking about human rights, as well as meeting the Mornington Peninsula Shire's goals of fostering creativity, sense of place and cultural vitality. It would have the added benefit of promoting the Mornington Peninsula region, creating a tourism opportunity that would have a positive economic impact.

It was proposed that artists participating in the Prize would be invited to represent the Articles of the Human Rights Declaration in their paintings. The Prize would be open to all artists living in Australia

for the year before the date of the prize and the Prize would be presented to coincide with the Human Rights Arts and Film Festival in May.

The proposal came about as a result of several initiatives (as well as the discussions and agreement of the members of the MPHRG) including:

- The success of the Pepper exhibition through the Public Records Office;
- The importance of educating people about the 30 Articles of the Universal Declaration of Human Rights
- Significant connections and an established and innovative history in Human Rights and Arts initiatives, networking and event management by the Mornington Peninsula Shire
- The opportunity to create an post-Archibald Prize annual event of value to tourism on the Mornington Peninsula
- The opportunity to display and leverage the investment of the MPS's International Print Portfolio collection on the Articles of United Nations (accumulated under the stewardship of Jo Gauchi).

A working party was established (Jenni Colwill, Hellen Cooke, Kaye Mackay and Bruce Bowden) to further develop the concept, and to meet with the relevant Council officers to establish if there was interest. It was not long after this meeting that Hellen Cooke passed away, just a few days before our meeting with Mornington Peninsula Shire Officers Geoff Carson (manager of Libraries, Arts and Culture) and Jenny Macaffer (manager of Social Planning and Development) but she was with us in spirit as we put our case to the Shire Officers.

Both managers responded very favourably to the notion of the Prize, particularly if it was kept as a biennial event, so that it could alternate with the National Works on Paper Prize that is currently conducted biennially. They suggested that we apply for a Shire grant to develop a sound business case for the proposal, and both Geoff and Jenny offered to support us in an application for a Community Partnerships grant for this purpose. With support from Xiaoli Ma, we approached the Human Rights Arts and Film Festival organisers who agreed to sponsor our proposal and are now happy to report that the Council has agreed to provide some funds to help us develop the business case.

We will keep you informed on further developments.

## **A LETTER TO SENATOR BRANDIS**

*At the November 2013 meeting, the MPHRG agreed to send a letter to Senator Brandis about the indefinite detention of genuine without legal recourse. A copy of the letter was forwarded to the Hon. Greg Hunt, who undertook to raise the matter with Senator Brandis. At the time of publication, we had not received a response from Senator Brandis to our letter. The text of the letter follows:*

'Dear Senator Brandis

### **Genuine refugees detained indefinitely without legal recourse**

On Tuesday 20 August 2013 the Human Rights Committee (HRC) of the United Nations published the results of its review of the detention of 46 refugees by the Australian Government. Although some of those refugees have been released since the HRC review commenced, 37 remain in custody.

Each of these individuals:

- (a) Is currently imprisoned in a detention centre; and
- (b) Has been determined by Australian authorities to be a genuine refugee as defined in international conventions and as defined under Australian domestic law.

However, in each case ASIO has indicated that the individual is a “security risk”, and should not be released. ASIO gives no reasons for its views, and so each individual is denied the opportunity even to know why he or she is considered a security risk, or to produce contrary evidence. There is presently no right of access to Australian courts to review a decision that depends on an ASIO determination.

Most of the detained individuals are Tamils. With the war in Sri Lanka having ended 5 years ago, in our opinion it is hard to imagine grounds for thinking that any of them could be an unqualified security risk to the Australian community.

Australia’s official position appears to be that because the individuals are genuine refugees we will try to resettle them in another country that is a party to the refugee convention. Given Australia’s reasons for refusing to take them, and with the large numbers of untainted refugee applicants in the world today, it is hardly surprising that no country appears to be willing to take them. Because these individuals are refugees, they cannot return home.

So these unfortunate individuals are left in a permanent indefinite detention without knowing of any specific allegations against them, and with no trial, no sentence, and no right of review of their situation. It is not surprising that after more than 4 years in the detention centre, it appears that a number of them are starting to suffer from depression and a desire to self-harm (see the report of the HRC).

In its report the HRC concluded that:

**“Australia’s indefinite detention of 46 recognized refugees on security grounds amounted to cruel, inhuman and degrading treatment, inflicting serious psychological harm on them”**

And the HRC said that:

**“... Australia is obliged, under Article 2 of the Covenant, to provide all 46 refugees with effective remedy. This includes releasing them under individually appropriate conditions, and offering them rehabilitation and appropriate compensation.**

**Australia is also under an obligation to take steps to prevent similar violations in the future ....”**

In reaching these conclusions the HRC determined that to the extent that Australia’s laws exclude review of administrative decisions by courts or appropriate tribunals, we are in breach of our obligations under the Covenant.

We urge the Australian Government to comply with our international legal obligations by implementing the steps identified by the HRC in its determination in the HRC Report both in relation to applicants the subject of the application to the HRC and generally in its dealings with refugees.’

## **PROSTITUTION AS A WRONG**

by Kaye Mackay

*On the 15<sup>th</sup> September 2013, Dr Caroline Norma gave a talk on prostitution at the Southern Women’s Action Network (SWAN), Mornington. Currently a lecturer in the School of Global, Urban and Social Studies at the Royal Melbourne Institute of Technology (RMIT) University, she gained her PhD in Political Science from the University of Melbourne. Her research was on the state and policy*

*approaches to prostitution in Japan. The following is my summary of her enlightening talk, with the use of her notes.*

Prostitution is said to be the oldest profession in the world but it is not a profession or occupation of choice. Most of the prostituted have been forced into their roles through poverty, child abuse, coercion, threat or kidnap. Choice is not operative under these circumstances.

Prostitution is accepted or legalised human damage – a violation of human rights. As such, prostitution is not a product for any civilised country in the 21<sup>st</sup> century and needs to be stopped.

Iceland, South Korea and Sweden have legalised to stop prostitution in their countries. That is, they have criminalized prostitution: essentially any person found guilty of seeking paid sex or trafficking others for sex is liable to education programs and penalties. Heavy and consistent social programs operate in all countries to adjust structural obstacles and educate the population. Thus, as for enlightened substance abuse legislation in some countries, users are not penalised but dealers – those who are prostituting, profiting or coercing – are. Prostitution of itself is recognised as innocent or a consequence of distress and thus is not a human rights violation.

In Sweden, the programs have proved successful in reducing the purchase of women from 12.7% to 7.6%. Australia's procurement rate is 15.5%. Programs are in place in Sweden to support the women to come off prostitution as well.

Unfortunately, Australia has not been compassionate or proactive in its legislative approach to prostitution. The prostituted are not subject to duty of care laws and are considered sub-contractors rather than employees! Many leaders mistakenly believe that women should have this choice of work; they have not realised it as legalised abuse and a reflection of our social attitudes to women and violence.

Australian legislation has been reinforced by these skewed social attitudes, which has allowed legalisation of brothels or a harm minimisation approach, which focuses on surrounding harms. For example in Victoria, these 'surrounding harms' (rather than direct harms) involve rules on

- mandatory condom use and the provision of free condoms (concern with rates of disease transmission rather than the health of the prostituted)
- medical checks for the prostituted (rather than customers)
- panic buttons by bedsides (not operable in violent or threatening situations)
- exemption from laundry duties (washing linen) although cleaning and arranging 'worksites' is allowed
- enforcing Occupational Health and Safety checks at 'worksites' such as having hot and cold running water

Direct harm is not prohibited. No consideration is given to preventing prostitutions or the conduct of prostitution itself where women are prevented from wearing condoms and subjected to damaging, sadistic and unwanted acts. Generally in the legislation, there is no preventative regulation against violent or sadistic behaviours, physical or sexual. Nor is there concern with helping prostitutes after the emotional, social and physical damage they sustain from their subjection. Social service support for this cohort is some of the lowest in the social welfare system.

Moreover, we need to be aware that this brutality is active and increasing. Standards of behaviour decrease for women under the pressure of violence no matter how much they may wish the contrary. The degradation that comes from the constant demeaning and brutality, dehumanises and dissocialises no matter how much women attempt to work against it.

In summary, no prevention is in place. Before abuse occurs, some operational procedures have been established. After abuse, some aids are operative. Prevention is not an issue. The question of supervision and enforcement of the operations is also at issue.

Legislation in Vic and other states like the ACT is similar; it is not established to stop prostitution but fundamentally acts to decrease protections and increase the trade and the trafficking.

Legislation acts as a standard for behaviour in turn and, given our weak and immature standards, ignores prevention, treatment and after-effects. Prevention has been ignored; prevention can only come with stronger and more mature leadership.

Australia's ideology attitude of acceptance

- leads and reinforces social attitudes (not necessarily alone; media ignorance, a male dominated culture, social stereotypes and stigma, to name a few, also contribute)
- leads and reinforces an attitude of 'prostitution as a business' rather than prostitution as personal abuse, a tragedy, a human rights issue or violation, a national immaturity and disgrace.
- legitimises a 'constructed' male enterprise (the buying and selling women for prostitution). Legalising gives too much power to the pimps and brothel owners and removes power from the prostituted.
- which shifts the point of view and emphasis to the 'human right to work in the industry' for the prostituted *rather* than the abuse of the prostitutes and the benefits accrued to the pimps, traffickers and users.
- narrows thinking to industrialising the abuse and harm minimisation
- which further narrows thinking to tolerance for 'the work'
- results in limiting perspectives on behalf of the prostituted and a failure of condemnation, prevention, legislation, regulation and sex supports
- which further reinforces lesser standards in Australia's ideology of acceptance – the cyclical degradation

Thus, Australia's ideology for prostitution is established as inevitable and not harmful. At best, it is seen as better than before, with no evidence for that belief, as governments – in the majority male politicians – fail to deal with the problem.

Another feature of the talk was the emphasis on language. Language terms present a point or multiple points of view and have an extraordinary capacity to influence thinking as the philosopher, Wittgenstein, pointed out earlier in the twentieth century. Advertising, lobbyists and think tanks are experts in using this verbal influence.

The language for the prostituted needs to be considered sensitively to obviate stereotype bias – thus the term the 'prostituted person' for being used by others. The definition is operated by the prostituted not the abuser or user. (This is similar to domestic violence where the language term refers to the *male* perpetrator; 89–93% of perpetrators of domestic violence are males as recorded by medical and hospital admissions of women and it is important that there is social recognition of this fact in attributing responsibility.)

While some people stand up and speak for their right to be prostitutes or their right to work, it is important that a few spokes people or anecdotal exceptions do not compromise the community interest for the majority. Whether some individuals finally benefit from their stand can only be questioned historically after all.

Simply, prostitution is an unequal balance in power relations where one person is demeaned or harmed by another or others. As such, prostitution is wrong.

# REPORT ON ANTI-POVERTY WEEK EVENT

by Bruce Bowden

On 17 October 2013, the Mornington Peninsula Shire hosted an evening to mark anti-poverty week with a range of speakers and a film. As well as the speakers, the event included two stalls selling produce from Timor Leste. Approximately 60 people attended.

Our chair, Jenni Colwill, was invited to MC the event. Xiaoli Ma from the Mornington Peninsula Shire Council was responsible for organizing the evening.

The film was *Between the Devil and the Deep Blue Sea* and recorded the lives of a number of asylum seekers in Indonesia as they sought passage to Australia. This was a deeply moving film and highly recommended. Visit the [film web site](#) to learn more about it.

Two students from Padua College spoke about their involvement in the school's Catholic Action Program. This program runs community support projects both in Timor Leste and on the Mornington Peninsula.

Ahmed Zeed from the New Hope Foundation also spoke. New Hope Foundation provides settlement, welfare, advocacy and individual support and referral services for migrants, refugees and culturally linguistically diverse people. Ahmed encouraged the audience to volunteer their services to help their clients.

Lastly, we heard from David Spitteler from the Asylum Seekers Centre in Dandenong, a wholly voluntary (no paid staff) inter-denominational Christian response to the needs of asylum seekers and refugees. David brought two asylum seekers from Iran, Abbas and Ida, to tell the audience of their experiences. They talked about why they left their country, how they reached Australia and about their present situation.

There were many questions from the audience; it was with regret that we finally ended the Question and Answer session.

## UNFINISHED BUSINESS: KOORI WOMEN AND THE JUSTICE SYSTEM

A report on the VEOHRC Publication by Kaye Mackay

At the September meeting of the Mornington Peninsula Human Rights Group the Chair, Jenni Colwill, presented a summary of the research findings by the Victorian Equal Opportunity and Human Rights Commission: *Unfinished business: Koori women and the justice system*. A copy of the report and summaries were circulated.

Despite two decades of policy on the over-representation of Aborigines in the Victorian prison system, the incarceration of Koori women is increasing; once in the system, re-imprisonment is high. Consequently, constructive options for the women reduce; families and communities implode. Prevention, diversionary, incarceration, and post care programs are lacking or culturally inappropriate (i.e. for Anglo-Saxons, migrants or Koori men). A new approach for this cohort is necessary and needs to be linked to culture and a multi-choice, tiered service for every Koori woman involved.

29 recommendations have been made across government. The VEOHRC expects to work with the Aboriginal Justice Forum to progress these recommendations.

The Chair suggested that we write to a number of the groups involved to question how these findings applied to our local situation. Other suggestions were that the MPHRG could run an information or network forum. A forum had the possible advantage of bringing a range of Koori, legal, health and service people together for awareness raising and network opportunities – perhaps future action.

After some discussion, it was agreed to raise the issue with the Mornington Peninsula Aboriginal Development Team. Xiaoli Ma, the Mornington Peninsula Shire Representative, undertook to speak with Glenys Watts to find out if a forum of some description is a feasible need – perhaps it isn't? Perhaps a letter-writing action would be more suitable or the Aboriginal Development Team would have some other related activity more appropriate for the MPHRG to action?

Should the forum be operative a working group will need to meet to establish needs, directions, participants, time, venue, etc. To date Rosemarie Draper, Deidre Greig, Xiaoli Ma and Kaye Mackay have expressed interest in following this up in some way.

To be included in the email list, conversation and/or working group please contact Xiaoli Ma.

# REPORT AND CHAIRPERSON'S MESSAGE FROM 2013 ANNUAL GENERAL MEETING

by Jenni Colwill

Once again, our 2013 AGM numbers said more about quality than quantity, but the primary purpose of the AGM was achieved, and a new Committee was elected as follows:

<b>Chair:</b> Jenni Colwill	<b>Committee member (minutes secretary):</b> Steve Warne
<b>Deputy Chair:</b> Tony Coburn	<b>Committee member (records secretary):</b> Maureen McPhate
<b>Secretary:</b> vacant	<b>Committee member:</b> Deidre Greig
<b>Treasurer:</b> Kaye Mackay	<b>Committee member:</b> Ray Kenny
<b>Newsletter Editor:</b> vacant	

We were pleased to welcome the following new members: Tony Coburn, Yvonne Coburn and Vona Beiers.

Vale Hellen Cooke. Hellen's death was unexpected and very sad. She had been our Chairperson for some time, and was at most of our meetings, bringing with her a strong commitment to human rights.

### What are human rights and why are they important?

It is important to reflect on this question in an age where many people believe we no longer need to fight for improvements in the social condition. Human rights are a statement of what we are entitled to expect in life.

The best way to understand human rights is to read the Universal Declaration of Human Rights, adopted by the UN General Assembly on 10 December 1948. There are 30 Articles in this Declaration, each article describing the basic rights and freedoms to which we are entitled. This document is not legally binding; in fact, in our country it is more of an aspirational statement than a mission statement.

Many, but not all, of our human rights are affirmed through the legal system. More importantly, a society that has a strong understanding and acceptance of human rights is a society that lives the values that underpin our human rights.



While individually, most Australians understand and accept their responsibilities to promote justice and equality, the events over the past year demonstrate that as a society we still have some way to go. We are yet to accept that a strong society is a society where individuals are willing to stand up for people who can't stand up for themselves.

We have seen, amongst other things, justification of the incarceration of children, the denial of the dignity of self-sufficiency for the most disadvantaged people in our society and our political leaders have reached a particularly low point in displaying racist and sexist attitudes.

Australia is the only signatory to the Refugee Convention that has a policy of indefinite detention for asylum seekers, regardless of their age. This means that we put children into prison and justify it to ourselves on the basis of racist thinking.

There is no right to work and very limited opportunities for volunteer work for asylum seekers living in the community in Australia, even though most of these people are on bridging visas. This prohibition is not restricted to people who arrived in Australia by boat after 13 August 2012. It includes asylum seekers who arrived before 12 August 2012 where there have been delays in lodging claims for a Protection Visa. It is estimated that 10,000 people will be released to live in the community in Australia in 2013 without the right to work.

Some of our politicians have continued to label asylum seekers and refugees arriving by boats as 'illegals,' despite the fact that arriving in Australia without authorisation is not an action that breaks any Australian laws. It is also worth noting that 90.8% of asylum seekers who arrive by boat are found to be refugees, according to the Department of Immigration and Citizenship. As for the sexism – I despair.

### **Who are we and what can we do?**

We are a small group of people who share an interest in promoting human rights. Reviewing our activities for the year is encouraging – it shows what a small group of people can do when they really care about a cause. As Margaret Mead said many years ago, and as our past Chair and founder, Helen Howells, reminded us “*Never doubt that a small group of thoughtful, committed people can change the world. Indeed, it is the only thing that ever has.*”

Mornington Human Rights Group may have struggled to continue over the past twelve months, but against all odds, it has soldiered on. The number of members and the number of meetings were reduced; at the same time, a lot was achieved. Our efforts to promote human rights have had a high level of support from Xiaoli Ma and Jenny Macaffer of the Mornington Peninsula Shire. With their support we gained the Shire's acceptance in March 2013 for the Mornington Peninsula to become a *Refugee Welcome Zone* and to join the Australian Human Rights Commission's campaign, *Racism, It Stops With Me*.

Despite further attrition in our membership due to illness, family responsibilities etc. we have continued to attract people to a few events. This year, we had Robin de Crespigny, author of *The People Smugglers* telling us about the research she conducted for her book. The interest of the audience made up for the low numbers, and Robin sold quite a few copies of her book.

On a different occasion, we packed out the Sorrento theatre for the showing of the Human Rights film *Splinters* organised by the Shire Council and supported by our group on Human Rights Day in December. The film was a magical mix of surfing and human rights.

The other major event for the year was the *Welcome to Australia BBQ*. The event at Rosebud in March was washed out, but undeterred, our Secretary, Steve Warne, and his partner Robyn Hughan took it upon themselves to show a film and provide a delightful meal at their house. The event was highly successful.

## **Where to next?**

Our next project is to build on the concept of *Art for Peace*, an art competition for children run by the United Nations, by establishing an annual, or biannual, *National Human Rights Arts Prize* where participating (grown-up) artists will be invited to represent the Articles of the Declaration of Human Rights in their paintings.

With the Community Partnership funding from the Shire to scope our proposal and develop a business plan, we will seek further funding to carry out this project. The purpose of the project is to educate Australians through art about human rights, in particular the Articles of the Declaration of Human Rights.

As a first step, we hope to run a school-based Human Rights Arts Competition in 2015, with the winners' artworks possibly being exhibited in the Mornington Peninsula Regional Gallery along with the Mornington Peninsula Shire's International Print Portfolio collection on the Articles of the United Nations (accumulated under the stewardship of Jo Gauchi). This would also be an opportune time to announce the major art prize to be awarded in 2015.

It is proposed that the schools-based competition would continue, complementing the *Annual Human Rights Arts Prize* each year.

Although we are only at the very earliest stages and recognise there is a long road to travel before this project comes to fruition, we are pleased to report a high level of interest in the project, not only from the Shire's officers, but also from the Human Rights Arts and Film Festival organisers who have sponsored our proposal for funding from the Shire.

## **Lastly, thank you**

It has been a busy year for me, and I have been particularly grateful to those who have stood beside me at all times to keep the show going. In particular, I would like to mention the support I received from Xiaoli Ma, Hellen Cooke and Steve Warne. During the past year, Hellen and Steve played different roles as required to ensure we had meetings and minutes recorded. Xiaoli continually provided encouragement and a sense of purpose. The other members of the committee, Deidre, Maureen, David and Ray especially, have also been loyal supporters, generously giving their time and ideas. Kaye McKay also deserves special mention – it was her enthusiasm for the art prize that got it going. Alex and Alan have also been dependable members to our cause. Our new members, Alice, Gaye, Bruce, and more recently Tony, Yvonne and Vona, have added a fresh perspective to what we are doing, which has been most welcome.

Lastly, my thanks to the Shire, the Mayor, Councillors and officers of the Mornington Peninsula Shire Council, and to the people whose work informed us during the year.

In conclusion I acknowledge that we met always on Aboriginal land and thank the Boonwurrung Elders.

**Jenni Colwill**