

ERC JUSTICE UPDATES October 2022 No.77

Dear Friends,

This 77th Edition of ERC Justice Updates, our regular newsletter from the Edmund Rice Centre, on matters relating to human rights, first nations and environmental justice.

As one faces this ever changing, complex, unjust and unequal world let us always remember Blessed Edmund Rice's three main tenets: COMPASSION LIBERATION & PRESENCE

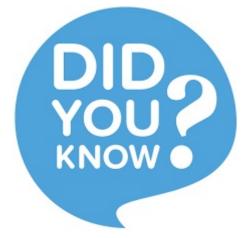
Gather all the kindling about your heart to create one spark. That is all you need. *John O'Donohue*

Please note that if you come up against a paywall in any of the articles below - please contact me at: mmcinerney@edmundrice.org and I will send you the full article.

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

Peace & Blessings

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.



A recently released report entitled 'Decade of defiance: Ten years of reporting land and environmental activism worldwide' by Global Witness reveals some sad and startling facts and figures. Since 2012 Global Witness has reported annually on the killings of Land and Environmental Defenders.

A decade of killings globally

- Between 2012 and 2021 1733 defenders have been killed trying to protect their land and resources.
- The proportion of Indigenous peoples in these figures was 39%
- The proportion of female defenders was 11%
- The proportion of killings in Latin America was 68%
- Numbers for each country are as follows: Brazil: 342, Colombia:322, Philippines: 270, Mexico: 154, Honduras: 117, Guatemala: 80, India: 79, Democratic Republic of Congo: 70, Nicaragua: 57, Peru: 51,Venezuela: 17, Indonesia: 17, Paraguay:13, Thailand: 13, Cambodia: 10, Iran: 9, Myanmar: 8, Argentina: 7, Bangladesh: 7, Kenya: 6.

Global Witness figures for Land & Environment defenders killed in 2021.

- Total Land and Environmental Defenders killed in 2021 was 200, nearly 4 people per week.
- The majority of these cases were related to land conflicts, including those related to illegal crops and changes in land ownership. with the
- Mexico was the country with highest recorded number in 2021 was 54, up from 30 the previous year.
- Brazil & India both saw a rise in lethal attacks from 20 to 26, and from 4 to 14 respectively. However Colombia & the Philippines saw a

drop in killings to 33 in 2021 from 65, and 19 from 30 respectively.

- Over three-quarters of the attacks recorded took place in Latin America. In Brazil, Peru and Venezuela, 78% of attacks took place in the Amazon.
- 10 killings were documented in Africa with Democratic Republic of Congo being the highest with 8.
- Where a sector could be identified, just over a quarter over a quarter of lethal attacks were reportedly linked to resource exploitation logging, mining and large-scale agribusiness hydroelectric dams and other infrastructure.
- In 2021 the disproportionate number of attacks again Indigenous peoples continued once again, with 40% of all fatal attacks targeting Indigenous people, despite them making up 5% of the world's population.
- Global Witness recorded 12 mass killings, including 3 in India, 4 in Mexico. In Nicaragua, criminal groups massacred 15 Indigenous and land rights defenders as part of systemic and widespread violence against the Miskitu and Magangna peoples.
- 50 of the victims killed in 2021 were small scale farmers, highlighting how the relentless commodification and privatisation of land is putting small-scale farmers increasingly at risk as land deals ignore tenure rights.
- Around 1 in 10 of the defenders recorded killed in 2021 were women, nearly two-thirds of whom were Indigenous. Gender-based violence rooted in misogyny and discriminatory gender norms is disproportionately used against women environmental and human rights defenders to control and silence them, and suppress their power and authority as leaders.

Vandana Shiva, the influential scientist, activist and author in the Report Forward says:

'I could tell you that, around the world, three people are killed every week while trying to protect their land, their environment, from extractive forces. I could tell you that this has been going on for decades, with the numbers killed in recent years hitting over 200 each year. And I could tell you, as this report does, that a further 200 defenders were murdered in the last year alone. But these numbers are not made real until you hear some of the names of those who died.

Marcelo Chaves Ferreira. Sidinei Floriano Da Silva. José Santos López. Each of them a person loved by their family, their community. Jair Adán Roldán Morales. Efrén España. Eric Kibanja Bashekere. Each of them considered expendable for the sake of profit. Regilson Choc Cac. Ursa Bhima. Angel Rivas. Each killed defending not only their own treasured places, but the health of the planet which we all share.'

Read the full Global Witness report:

https://theecologist.org/sites/default/files/2022-09 /Decade_of_Defiance_Defenders_report_EN_-_September_2022.pdf

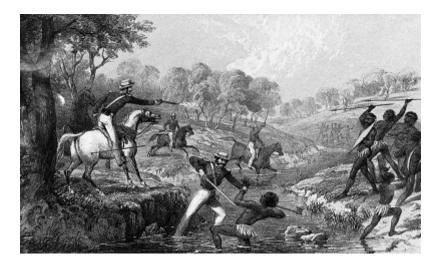


Image: Wikimedia Commons

War Memorial pressured into recognition of Frontier Wars Henry Reynolds, Pearls & Irritations, 5th October 2022

A watershed moment for Australia as the War Memorial, caught in a confluence of events, is pressured to announce its plans for recognition of Australia's brutal Frontier Wars.

Last Thursday Matt Keogh, Minister for Veterans Affairs and Brendan Nelson, the Chairman of the War Memorial's governing council, held a press conference in Canberra to announce plans to install a new' underground geothermal heat exchange' to heat and cool the institution. With no prior warning a radical change of policy was flagged which proved far more newsworthy than the innovative engineering.

Brendan Nelson explained that the Memorial's council had made a decision, that we will have a much broader, a much deeper depiction and presentation of the violence committed against Indigenous people, initially by British, then by pastoralists, then by police, and then by Aboriginal militia. We will have more to say about that in due course.

He clearly spoke with the demonstrable support of the minister who said that the current \$550 million expansion of the memorial would allow for greater attention to the frontier wars while adding that the recognition and reflection on frontier conflict was 'a responsibility for all our cultural institutions.' Further government approval followed. Minister for Indigenous Australians Linda Burney told the ABC that she welcomed the shift, explaining that the Albanese Government was committed to a truth telling process about Australia's colonial history and 'a failure to see that reflected in this key institution would be jarringly out of step with this new phase of national reckoning.'

Although the statement was slipped quietly into the public debate attracting little immediate media interest there will be no way for the Memorial to retreat from the foreshadowed commitment. It will now have to devote considerable resources to the project and not just financial but intellectual and curatorial ones as well. But having done so they may well find that new frontier war galleries become the star attraction for a new generation of visitors being far more in tune with Australia's continuing slow process of decolonisation. How will our many Imperial wars measure up with the commemoration of the wars which continued intermittently for well over a hundred years, were fought in Australia and were about control of land and dominion over a vast continent? If fairly presented we can expect Memorial visitors to empathise with the extraordinary story of First Nations heroic resistance to invasion, to the resourcefulness and courage as they struggled against impossible odds to defend their kin and country and their very survival as a people.

Read full article:

https://johnmenadue.com/frontier-wars-at-the-war-memorial/



These are the 20 Indigenous Australians who will shape the Voice to Parliament referendum *Giovanni Torre, National Indigenous Times, 8th September 2022*

The Federal Government has revealed the all-Indigenous team it will lean on

to shape the Voice to Parliament ahead of an expected referendum next year.

Among the high profile names on the referendum working group are former Indigenous Australians Minister Ken Wyatt, First People's Assembly of Victoria co-chairs Marcus Stewart and Geraldine Atkinson, and Uluru Dialogue cochairwoman Megan Davis.

Unveiling the 20-strong panel at the Committee of Economic Development of Australia State of the Nation conference in Canberra on Thursday, Federal Indigenous Australians Minister Linda Burney said the referendum must be led by the community.

"There is much to work to do, many more steps to be taken on the road to the referendum," she said.

"And let's be clear government cannot lead this referendum. This will come from the grassroots; from communities."

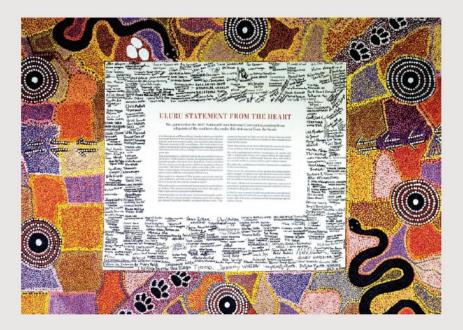
The group will be co-chaired by Ms Burney and WA Senator Pat Dodson. It will be tasked with working out when the referendum will be held and refining the proposed constitutional amendment and question to be put to a referendum.

Read full story:

https://www.nit.com.au/these-are-the-20-indigenous-australians-who-willshape-the-voice-to-parliament-referendum/

THE ULURU STATEMENT FROM THE HEART

DISCUSSION RESOURCE KIT



This Resource Kit is compiled by the Edmund Rice Centre for Justice and Community Education to assist community groups to understand the Uluru Statement from the Heart.

Edmund Rice Centre publishes resource on Uluru Statement from the Heart SYDNEY, Tuesday, 6th Oct 2022

The Edmund Rice Centre today released an informational resource for the wider community to help all Australians understand the importance and the detail of the Uluru Statement from the Heart.

Speaking at the launch Phil Glendenning, Edmund Rice Centre director said: "As we consider our nation's pathway forward, I urge people all across Australia to make use of this resource, and to share it with others."

"The Uluru Statement from the Heart provides the nation with an opportunity to embrace our history, to acknowledge the wrongs of the past, and to take practical and significant steps to ensure that these wrongs are never again repeated," he stated.

"Voice, Treaty and Truth - the three steps of the Uluru Statement from the Heart - together combine to give all Australians the opportunity to remake this country from the perspective of those who were here first," he affirmed.

"Put simply, the Uluru Statement from the Heart enables the First Nations peoples of this continent - the custodians of the world's oldest continuous cultures - to have a say in the decisions that impact their lives. By any definition, that represents a guintessential notion of the Australian 'fair-go'."

"Finally we have the opportunity to acknowledge that history happened here, and those of us who refuse to learn the sins of that history are simply bound to repeat them," Mr Glendenning asserted.

"This resource is to assist people to understand what the Uluru Statement is calling all Australians to: to be, to acknowledge, and to own," he emphasised.

"Acknowledgement of Aboriginal People in the Constitution, and the establishment of a Voice to Parliament would finally bring Australia into line with other countries that invaded First Nations peoples, but all of whom signed agreements and treaties well over a century ago."

"Australia has been out of step for too long. When we compare our context to settler-colonial nations like New Zealand, Canada, the US, we sit far behind and this is the opportunity to put it right. This resource will help people to do that. In that daunting context, please assist us to ensure the widest possible circulation of the resource among your family, friends, colleagues, communities, and on diverse platforms of social media," he said.

Edmund Rice Centre · Australia

To Download ULURU STATEMENT FROM THE HEART RESOURCE KIT: https://assets.nationbuilder.com/erc/mailings/1086/attachments/original /Uluru_Discussion_Kit.pdf?1665015263

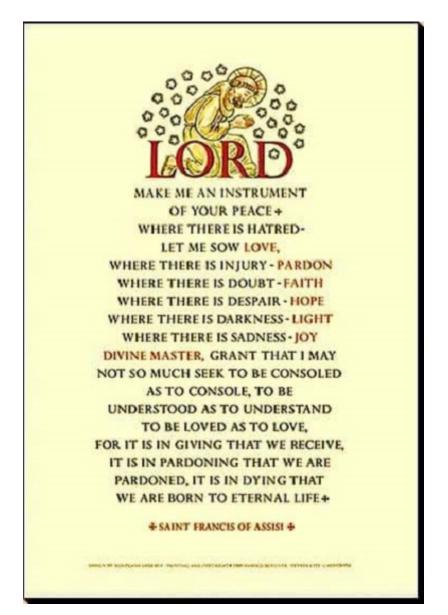




Image: iStock

Asylum Seeker Policy – Where to now? Abdul Rizvi, Pearls & Irritations, 23rd September 2022

One of the most complex and controversial issues the Albanese Government

will deal with during the current budget process will be asylum seeker policy.

With around 130,000 asylum seekers in widely varying legal situations currently in Australia, the Government faces a wicked policy challenge of Gordian Knot proportions – but there will be no Alexander the Great who can easily cut through this.

The caseload is in two broad parts. Firstly, the legacy boat arrival caseload of around 31,000 people, the vast bulk of whom are living in the community in Australia. And secondly, just under 100,000 asylum seekers who have arrived subsequently by air.

Legacy boat arrival caseload

There are just over 200 asylum seekers still on either Manus or Nauru. The Government's approach to this group is to take up the New Zealand Government offer to re-settle these people.

The key issue with this group, as is almost always the case with asylum seeker caseloads, is that the easier to re-settle portion has already been re-settled in the USA and elsewhere.

Unfortunately, amongst the difficult to re-settle group will be people who have received an adverse security assessment or they have some other character issue.

Resolving these issues inevitably takes time. Understandably, New Zealand will be reluctant to accept people with an adverse security assessment. The Australian Government will need to find a way to resolve the remaining cases after New Zealand has re-settled the bulk of the 200.

The Government has made an unequivocal commitment to provide a pathway to permanent residence for some 19,000 people who have been granted either a Temporary Protection Visa or a Safe Haven Enterprise Visa.

To do so, the Government will need to develop regulations to establish this pathway; resolve any budget issues associated with grant of permanent residence; find places for these people either in the Humanitarian Program or the Migration Program; and address issues such as systems changes; public information; application forms (which should be relatively simple); staff training; etc.

The Government will also need to manage the inevitable attack that grant of permanent residence to this group will re-start boat arrivals. These attacks tend to last a few weeks. When no boats actually arrive due to turn-back policy, these attacks die down. But in the interim, the attack will be particularly hysterical from Opposition Leader Peter Dutton.

The more difficult part of this legacy caseload will be boat arrivals:

- whose applications have not been finalised (around 2,000);
- who have had their applications refused (around 9,000); or
- who are in detention, most likely due to a character issue or an adverse security assessment (around 200).

A possible option for this group, other than those with an adverse security assessment, will be to find a way to re-consider their original asylum applications as there is little chance of these people being returned to their country of origin. Once again, this may require new regulations, additional funding for processing; places in the Humanitarian or Migration Programs, etc.

Read full article:

https://johnmenadue.com/asylum-seeker-policy-where-to-now/



A Sydney rally in support of refugees and asylum seekers, earlier this month. Credit: AAP Image / Steven Saphore

Refugees cut off from support

Denham Sadler, The Saturday Paper, September 24 – 30, 2022 No. 418

Refugees who are ineligible for other welfare support and in financial hardship have had their Special Benefit payments cut off, due to a technical glitch that stems from a disconnect between government departments.

A glitch in government technology has led to refugees having their "last resort" welfare payments cut off abruptly, with many not discovering this had happened until they were trying to buy medications or attend important medical appointments.

Some refugees in Australia on the Safe Haven Enterprise Visa (SHEV), a temporary visa for those seeking asylum in Australia, have been cut off from receiving the Special Benefit payment from Centrelink despite being eligible for this payment, and needing it to pay for basic necessities.

According to community groups, the federal government is aware of the issue and has moved to manually fix some cases but is yet to address the wider technical problem that has led to the errors.

This glitch has seen refugees with serious mental illnesses unable to afford their medication. In another case, a pregnant refugee was unable to access Medicare to pay for prenatal care.

"It meant our clients had been booted off Medicare, and booted off special benefits, and it took a lot of fluffing around to get them back on," says Anna Copeland, director of the Southern Communities Advocacy Legal and Education Service in Perth. "I've got clients who are very, very vulnerable, some who have serious mental illness and are on medications that they can't afford without Medicare."

Catherine Eagle, the principal solicitor at the Welfare Rights and Advocacy Service, has also worked with clients affected by the issue and said many found out about it only when they didn't receive their fortnightly payment or could not access Medicare at an appointment.

*Subscribers read full story:

https://www.thesaturdaypaper.com.au/news/politics/2022/09/24/refugees-cutsupport

*Non- subscribers please email: mmcinerney@edmundrice.org if you which to read full article



Women, teachers and students demonstrate inside a private school to demand for their rights and equal education for women and girls, during a gathering for National Teachers Day, in Kabul, Afghanistan [File: AP Photo]

Taliban official calls for schools to be reopened for girlsaljazeera.com, 27th September 2022

Senior member of Afghanistan's Taliban-run government urges rulers to reopen secondary schools for girls, saying 'women must get education'.

A senior member of the Taliban-run government in Afghanistan has called on the country's new rulers to reopen schools for girls beyond the sixth year, saying there is no valid reason in Islam for the ban.

The appeal from Taliban Deputy Minister of Foreign Affairs Sher Mohammad

Abbas Stanikzai on Tuesday came during a Taliban gathering in Kabul. It was a rare moderate voice amid the harsh measures imposed by the Taliban since they overran the country and seized power in August 2021.

Since returning to power, the Taliban has shut down girls' secondary schools across the country, ordered women to wear hijabs in the workplace and to cover their faces in public, and has banned women from travelling long distances without a close male relative.

The Taliban have said they are working on a plan to open secondary schools for girls but have not given a timeframe.

The United Nations has called the ban "shameful" and the international community has been wary of officially recognising the Taliban, fearing a return to the same harsh rule the Taliban imposed when they were last in power in the late 1990s.

Read full article:

https://www.aljazeera.com/news/2022/9/27/taliban-official-calls-for-schools-tobe-reopened-for-girls



Breaching Human Rights: Australia, Climate Change and the Torres Strait Islands

Dr Binoy Kampmark, countercurrents.org, 25th September 2022

Australia has a mixed relationship with the United Nations Human Rights Committee. Irritation, dismissal and even the occasional openly hostile comment, have registered. But in 1994, the Toonen decision filtered through the Australian legal process, leading the federal government to remove archaically noxious provisions in the Tasmanian criminal code criminalising sodomy.

The UNHRC has since found Australia's compliance with the International Covenant on Civil and Political Rights to be patchy. In November 2017, the body released its observations in a five-year review of the Commonwealth's record noting glaring problems of protection in such areas as refugees and asylum seekers, Aboriginal and Torres Strait Islander people, gender-based violence, the rights of LGBTI people and racism and religious intolerance.

The then Australian Human Rights Commissioner Edward Santow was left red-faced in making his responding remarks. "The core message from the UN Human Rights Committee was that we must work harder and smarter to protect the human rights of all people in Australia."

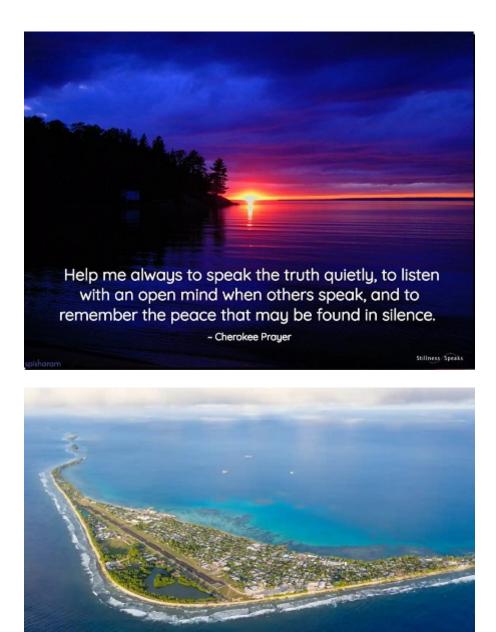
Since that report, climate change activism, conducted through various legal systems and processes, has become increasingly influential. The plight of specifically vulnerable populations, including First Nations Peoples and children before the impacts of such unaddressed change, has become an increasingly active area of litigation and contention.

The September 22 decision by the UNHRC regarding the human rights of Australia's Torres Strait Islanders vis-à-vis climate change is yet another step in the journey of redress. In their decision, the Committee, after examining a joint complaint filed by eight Australian nationals and six of their children, found that Australia had failed to adequately protect Indigenous Torres Strait Islanders against the adverse impacts of climate change, thereby violating their rights to enjoy their culture and be free from arbitrary interferences with their private life, family and home.

The authors of the complaint hail from the four islands of Boigu, Masig, Warraber and Poruma. As the decision notes, they "reside in low-lying islands [and] are among the most vulnerable populations to the impact of climate change." Citing observations by the Torres Strait Regional Authority (TSRA), the effects of climate change are outlined, including impacts on the islands, marine and coastal ecosystems and resources, and, by virtue of that, "the life, livelihoods and unique culture of Torres Strait Islanders."

Read full story:

https://countercurrents.org/2022/09/breaching-human-rights-australia-climatechange-and-the-torres-strait-islands/



Fongafale island, home to the Tuvaluan capital of Funafuti. Rising sea levels caused by global heating are expected to submerge

the country within 80 years. Photograph: Sean Gallagher/The Guardian

Could a digital twin of Tuvalu preserve the island nation before it's lost to the collapsing climate? *Tory Shepherd, the Guardian, 30th September 2022*

With rising seas expected to submerge the nation by 2100, official says 'we should always be able to remember Tuvalu as it is, before it disappears' When Tuvalu vanishes beneath rising seas, its diaspora still want somewhere to call home – and that could be a virtual version of the tiny Pacific nation.

Global heating is threatening to submerge Tuvalu by the end of the century, and its 12,000 inhabitants are considering the future.

Dr Eselealofa Apinelu, Tuvalu's former attorney general and current high commissioner to Fiji, told the State of the Pacific conference on Thursday that Tuvaluans needed "something they can hold on to".

"When that finally happens, that Tuvalu has disappeared and all they have is this virtual world ... we should always be able to remember Tuvalu as it is, before it disappears," she told the Australian National University's department of Pacific affairs conference.

Tuvalu's culture and values could be enshrined in a "digital twin", housed somewhere like the metaverse.

Apinelu said "it needs to be stored somewhere that there was a country called Tuvalu"." It's like the last option," she said.

Read full article:

https://www.theguardian.com/world/2022/sep/29/could-a-digital-twin-of-tuvalupreserve-the-island-nation-before-its-lost-to-the-collapsingclimate?utm_term=63364da8e3cc408583cc13ea866e0c27& utm_campaign=GuardianTodayAUS&utm_source=esp&utm_medium=Email& CMP=GTAU_email



Pope Francis and global activists are pictured in a banner for the new YouTube Originals film on the pope's encyclical, "Laudato Si', on Care for Our Common Home." The film launched Oct. 4, feast of St. Francis of Assisi, the same day the Holy See acceded to the Paris Agreement. (CNS photo/YouTube Originals)

Vatican marks ecology saint's feast day with film premiere, climate accords

Carol Glatz, cns@catholicnews.com, 4th October 2022

VATICAN CITY (CNS) — The Vatican hosted the global premiere of a new documentary on the urgent need to address climate change on the feast of St. Francis of Assisi, the same day the U.N. Framework Convention on Climate Change and the 2015 Paris Agreement entered into force for the Holy See. The two events Oct. 4 helped mark the feast of the patron saint of animals

and ecology, and the namesake of Pope Francis.

The Vatican became a formal party to the U.N. convention in July and declared at the same time that it intended also to formally join the 2015 Paris Agreement.

"Both documents will enter into force for the Holy See, in the name and on behalf of the Vatican City State, on 4 October 2022, the Solemnity of St. Francis," said a joint statement by the pontifical academies of Sciences and Social Sciences and the Vatican Secretariat of State's section for relations with states.

It was the same day a new film was launched at the Vatican for the world premiere of "The Letter: A Message For Our Earth," based on Pope Francis' 2015 encyclical letter, "Laudato Si', on Care for Our Common Home."

Presented by YouTube Originals, the film was written and directed by Emmywinner Nicolas Brown and produced by the Oscar-winning production company "Off the Fence." It was made in partnership with the Laudato Si' Movement, the Vatican Dicastery for Promoting Integral Human Development and the Dicastery for Communication.

In the seven years since the pope's landmark encyclical was published, "the environmental crisis of our common home has worsened drastically," Cardinal Michael Czerny, prefect of the integral development dicastery, said at a Vatican news conference Oct. 4.

"Clearly, the great treasure of Laudato Si's wisdom needs to become far more deeply known and effectively put into practice," he said.

Read full story:

https://catholicnews.com/vatican-marks-ecology-saints-feast-day-with-filmpremiere-climate-accords/

Video Link to 'The Letter': https://theletterfilm.org/watch/

REFLECTIONS



Presence: Long Dawn Gift

Mary and Edmund gift themselves in marriage. Mutual life, love, and presence Gifts shared with their daughter.

Dark night of Mary's death and loss descends. Her presence now more truly felt by Edmund and his daughter Deep within their wounds of pain and loss shared.

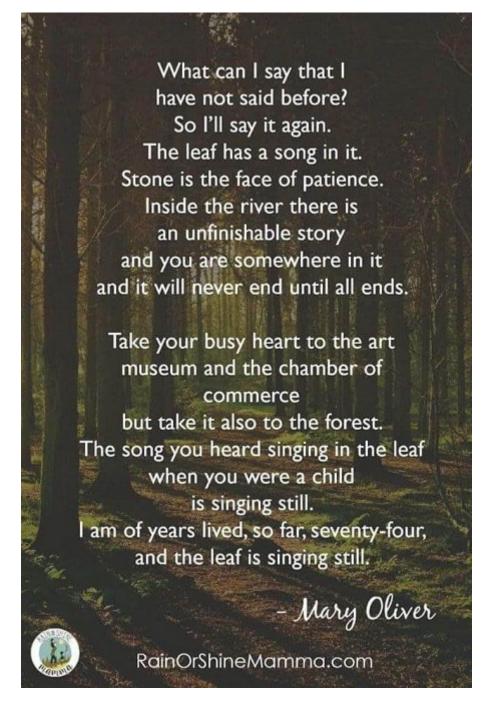
Mary's unseen presence accompanies and sustains Edmund As he struggles on an unknown journey Seeking expressions of hope and love.

Blessed Edmund's gift Of compassionate hope for people travelling, In darkness that moves to the dawn of a new day.

With dawn awakened, inspired by loss, Edmund offers presence to people who are beleaguered Affirming his presence for all who struggle to live each day in hope.

(Jude Butcher 15 September, 2022 Reflecting upon Edmund Rice, Mary, his wife, and their daughter, sharing gifts of presence and hope when they or others were journeying within life's darkness. Deeply grateful that Blessed Edmund's gift of presence continues to be shared each day with people besieged by life's threats and worries as they seek the dawning of a new day.)

Br Jude Butcher cfc AM PhD



Pace - e - Bene Nonviolence Inspirations

"I will not tire of declaring that if we really want an effective end to violence we must remove the violence that lies at the root of all violence: structural violence, social injustice, exclusion of citizens from the management of the country, repression. All this is what constitutes the primal cause, from which the rest flows naturally." Oscar Romero

As we seek this healing, let us do so with the knowledge that oneness is not sameness. It is the transcendence of our differences and the weaving of our diverse expressions into a tapestry that is harmonized and aligned with common purpose." Sherri Mitchell: Sacred Instructions: Indigenous "At its core, war is impoverishment. War's genesis and ultimate end is in the poverty of our hearts. If we can realize that the world's liberation begins within those troubled hearts, then we may yet find peace...What good has ever come from the slaughter of the innocents?" Kathy Kelly

"That's what matters most, isn't it? Not how the story goes ... but how it ends. We each hold a pen. Let us co-author a story of how humanity fell in love with itself and its Mother Earth once again." Lyla June Johnston, The Story of How Humanity Fell In Love With Itself Once Again

We acknowledge the Aboriginal and Torres Strait Islander Peoples of Australia as the traditional owners and custodians of the land. We commit ourselves to actively work alongside them for reconciliation and 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|*