

ERC JUSTICE UPDATES August 2023 No.96

Dear Friends.

This 96th Edition of ERCJCE Justice Updates, our regular newsletter from the Edmund Rice Centre, on matters relating to human rights, first nations, refugees and people seeking asylum 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

Some people come in your life as blessings. Some come in your life as lessons. Mother Teresa

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.



Djawa Yunupinu has written a song about his hopes for unity ahead of the Garma festival.

East Arnhem Land clan leader Djawa Yunupiŋu's musical call for unity ahead of annual Garma Festival

Matt Garrick, ABC News, 3rd August 2023

Sitting out on an Arnhem Land beach, guitar in hand, Djawa Yunupiŋu tried to pen something that would sum up what he wanted to see for Australia. Key points:

- Djawa Yunupinu is the brother of two former Australians of the Year
- Mr Yunupinu has released a song called Southern Stars, calling for Australian unity
- It comes ahead of the Garma Festival of Indigenous culture in the remote
 NT this weekend

He thought of the "fake smiles" on the faces of the myriad politicians who had visited his remote community over the decades, making pledges, but rarely coming through with the goods.

And he thought of the beauty of his great southern land, its people, and its incredible starlit sky.

Then the Gumatj clan leader started to strum.

"It was like a 14, 15 minute song at first – so we did a bit of editing," Mr Yunupinu said.

The final result is a new track called Southern Stars.

It's a call for unity, urging all Australians to join as one under the Australian flag, that simultaneously calls out the political failures of past decades in helping to bring people together.

"Big talk, no action, no delivery," Mr Yunupinu said.

"But I've always been hopeful ... we want to live together, in unity.

"We all live in this southern land, where when night-time comes, we all lie down and see the billions of stars out there. Under the southern stars.

"I belong [under the Australian flag]. And I call Australia my home."

Like many aspects of life in north-east Arnhem Land, the song was a culmination of Yolnu ga balanda (Aboriginal and non-Aboriginal) people working together to support one another's vision.

Mr Yunupinu teamed up with a colleague named Nigel Swift, who became the song's producer.

"I just thought it was a beautiful song, and an incredibly warm gesture," said Mr Swift.

"Reaching out a hand and asking for everyone to come together."

Read full story:

https://www.abc.net.au/news/2023-08-03/gumatj-leader-djawa-yunupingugarma-song/102668644?

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NT Parliament. Image: Mike Bell.

Aboriginal, community and justice groups urge NT government to go further on youth justice reform

Giovanni Torre, National Indigenous Times, August 2nd 2023

A coalition of Aboriginal, community, justice and human rights organisations says that as new NT laws to raise the age of criminal responsibility to 12 years

come into effect this week, there is an urgent need for the NT government to "work with Aboriginal communities and organisations to ensure supports and services are available when and where children need them".

The coalition - the North Australian Aboriginal Justice Agency (NAAJA), Jesuit Social Services, the Human Rights Law Centre, NTCOSS, NT Legal Aid Commission, Change The Record, and Danila Dilba - noted that while raising the age of criminal responsibility to 12 is a step in the right direction, Australian laws are out of touch with child rights and international standards which require at a minimum the age be set at 14 years.

Under laws which came into effect Tuesday, 10 and 11 year old children in the Northern Territory can no longer be arrested, charged with criminal offences or sent to prison. Children under 12 with prior criminal records will also have their records expunged, giving them a fresh start.

The justice coalition noted in a statement on Tuesday that evidence shows any engagement with the criminal legal system as a child, including the arrest or interrogation of a child by police, can cause harm.

The group described the age of criminal responsibility reform as "an important first step to a smarter, more humane and restorative approach that keeps children, families and communities safe", and urged for the focus to now turn to "working with, and properly resourcing, services on the ground to ensure children and families have their needs met, in their communities and on Country".

North Australian Aboriginal Justice Agency Principal Legal Officer Nick Espie said most Aboriginal kids forced through the NT criminal legal system at a young age are living with unmet health, disability and trauma needs.

"The vast majority are kids also in the child protection system as victims/survivors of harm. These kids need culturally responsive services and support in their communities that can help them heal, recover and meet their full potential," he said.

"Changes to laws to raise the age must be complimented by a service response led by Aboriginal people and organisations. These kids deserve better, not simply made to navigate complex systems that fail them.

"NAAJA welcomes this long overdue reform that was recommended by the Don Dale Royal Commission 5 years ago. We look forward to work being done to bring us in line with child rights and international law, raising the age of criminal responsibility to 14."

NTCOSS chief executive Dr Stephanie Kelly said the change signals a move closer to the 2019 recommendations by the UN Committee on the Rights of the Child, including that all countries increase the minimum age of criminal responsibility to at least 14 years of age.

Read full article:

https://nit.com.au/02-08-2023/7042/aboriginal-community-and-justice-groupsurge-nt-government-to-go-further-on-youth-justice-reform





Our cruel and costly offshore processing system was a failure. We have a better solution on asylum policy

Jane McAdam, Brian Barbour, Claire Higgins, Danial Chezelbash, Madelaine Gleeson & Tristan Harley, The Conversation, 26th July 2023

It has been over a decade since Australia revived its offshore processing regime for asylum seekers, yet revelations of the policy's human and financial failures keep coming.

Last weekend, the Nine newspapers reported that the Department of Home Affairs allegedly oversaw the payments of millions of taxpayer dollars to politicians in the Pacific through a chain of suspect contracts.

The Guardian also revealed that the Morrison government had signed a "confidential bilateral agreement" with Papua New Guinea, which promised an undisclosed amount of money in return for welfare and support services for fewer than 80 refugees who remained trapped there.

In the wake of these reports, the Greens have reiterated their call for a royal commission into offshore processing, supported by independent MP Zali Steggall.

These latest reports add to the large amount of research laying bare the human toll of offshore processing.

Offshore processing has had far-reaching consequences beyond our region as well. In the United Kingdom, a similar policy is unfolding, modelled on Australia's asylum practices. Prime Minister Rishi Sunak's government has just passed legislation that provides new powers to deport those who seek protection across the Channel.

As the number of people in need of protection grows every year, it is imperative that unlawful and unsustainable efforts to push the problem elsewhere be reversed. Bringing Australia's offshore processing policy to an end is an important first step.

But Australia must also look ahead to the challenges and opportunities that forced migration will create in the coming decade.

Regional cooperation on asylum

By the end of 2022, there were around 14 million displaced and/or stateless people in the Asia-Pacific region. This included seven million refugees, five million internally displaced people and 2.5 million stateless people.

Violence, conflict and persecution in Afghanistan and Myanmar have produced the largest number of displaced people. Of particular concern are the millions of Rohingya living in extremely precarious conditions in Bangladesh.

Australian policy seems premised on the idea that without strong border

controls, all these people would set sail for our shores. The reality, though, is vastly different.

Indeed, since 1975, 90% of refugees displaced in the Asia-Pacific region have stayed as close to home as possible.

In the short term, Australia should work with governments in the region to help provide refugees and other displaced people with basic rights and protections. By improving conditions in these countries, we could reduce the need for onward travel to Australia.

Read full article:

https://theconversation.com/our-cruel-and-costly-offshore-processing-system-was-a-failure-we-have-a-better-solution-on-asylum-policy-210378?
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Neil Para with his wife, Sugaa, and their three young daughters, Nivash, Kartie and Australian-born Nive. Photograph: Peter Kervarec/Neil Para

Asylum seeker walking 1,000km from Ballarat to Sydney to raise awareness about life in visa limbo

Dellaram Vreeland, The Guardian, 1st August, 2023

Neil Para and his wife and two eldest children have been living in

Australia since 2012 and are unable to apply for a permanent visa

For 11 years, Neil Para's life has been riddled with uncertainty.

He fled war-torn Sri Lanka for Malaysia in 2008 in search of a safer life for his growing family, temporarily leaving his pregnant wife behind.

"She was my first child to arrive into the world, but I had to leave," Para said. "This feeling I can't even describe in my own language."

In 2012, Para's family, together again and with his wife pregnant a third time, made the perilous journey from Malaysia to Indonesia then Christmas Island onboard a small fishing boat carrying more than 200 asylum seekers.

After being held in detention, the Paras were released with working rights only to have them revoked four months later. They've been living in Ballarat without visas ever since.

But life in limbo has become unbearable. On Tuesday, Para will set out on foot from Ballarat to Sydney, to deliver a petition to the office of the prime minister, Anthony Albanese.

He hopes the 40-day, 1,000km walk will raise awareness of his family's plight and the suffering of thousands of other refugees.

In February this year, the government announced that refugees who held Temporary Protection and Safe Haven Enterprise Visas could apply for permanent visas under the new Resolution of Status (RoS) scheme. The announcement paved the way for about 19,000 refugees to secure a pathway to citizenship and family reunion.

But the Paras were among thousands in Australia who missed out, even though they have called Australia home for more than a decade.

"There are a number of thousand people who are still in limbo, vulnerable and in uncertainty. Not only adults, but children. They haven't chosen to come to Australia, they're dependent on us. We want certainty for those children immediately," Para said.

"My youngest daughter was just granted her Australian citizenship because she was born here, but even she doesn't have the same rights as other Australian children."

Read full article:

https://www.theguardian.com/australia-news/2023/aug/01/temporary-protection-visas-activist-asylum-seeker-ballarat-to-sydney?
utm_term=64c86722372f28a9261237d763779496&utm_campaign=GuardianTodayAUS&utm_source=esp&utm_medium=Email&CMP=GTAU_email

10 Things to Remember

- 1. Love is the answer. Always.
- 2. Vulnerability is not a weakness. It's a strength.
- 3. Your body is sacred. Cherish it.
- 4. Gratitude shifts everything. Be thankful.
- 5. Forgiveness sets you free. It really does.
- 6. You cannot change others. Only yourself.
- 7. Little acts of kindness are never little. Ever.
- 8. Fun is underrated. Enjoy yourself.
- 9. Age is just a number. It's never too late.
- 10. Life is precious. Live it now.

Ama Grace Teylor ANNAGRACETAYLOR.COM Anna Grace Taylor



Just Transition? Fossil fuel industries must pay the entire cost Frank Formby, Pearls & Irritations, August 3rd 2023

For a transition to a low carbon economy to be just, the Australian government should force the fossil fuel industries to pay the entire cost.

Just Transition refers to the measures needed to support workers and communities during a transition away from carbon-intensive industries. The concept has been adopted by many organisations including the Intergovernmental Panel on Climate Change, the United Nations, the European Union, and various development banks.

A rapid transition is needed because of decades of inaction. Consequently, industries such as logging native forests, coal and gas extraction and coal-fired power stations have no future. The extraction of gas and coal from existing operations must also be quickly reduced.

The "just" part of Just Transition is contentious.

Fossil fuel corporations are significant donors to both sides of parliament. They get what they want at the expense of everyone else. This is unjust. Even if some fossil fuel companies have not been directly involved, all have benefitted from the systematic disinformation campaign to discredit climate science.

Many fossil fuel companies are artful tax-dodgers. For a transition to be just, the Australian government should force the fossil fuel industries to pay the entire cost of the transition.

The German program of Kurzarbeit (shorter working hours) is relevant to Just Transition. It was successful during the Global Financial Crisis and was reimplemented during the COVID pandemic.

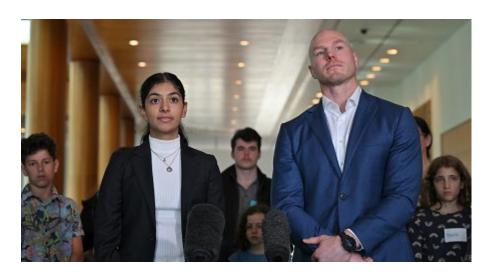
How would Kurzarbeit provide a Just Transition in Australia? The government needs to:

- Ban new fossil fuel projects.
- Rapidly and progressively reduce production from current fossil fuel projects.
- Calculate what workforce is required for the reduced production targets, based on the intentions of workers and information from the industry.
 Production must remain safe and viable.
- Implement Kurzarbeit for the remaining fossil fuel workforce and other workers in the affected communities. Flexibility is essential. Even though many workers, particularly in mining, work more than a 40-hour week, the following example is based on a 40-hour week. A 50% reduction in working hours is around 1000 hours per year or a 20-hour week. A worker might not work for 6 months of the year, spending the time elsewhere for retraining, and work a 40-hour week in the other six months.
- Annual wages per worker should be maintained to at least 70% of the
 existing level. Workers who started the year on a 40-hour week, would
 "bank" their wages in advance, perhaps in their superannuation account.
 The money should then be accessible for the weeks later in the year
 when they are not working.
- Means-test additional financial support to affected workers but make retraining free.
- Provide support to small business.
- Consider adopting Kurzarbeit in other industries. Kurzarbeit is not just a pathway to a better quality of life for everyone. It will make serious climate

action more desirable and politically achievable.

Read full article:

https://johnmenadue.com/just-transition-fossil-fuel-industries-must-pay-the-entire-cost/



Anjali Sharma and independent Senator David Pocock's press conference on Monday (Image: AAP/Mick Tsikas)

We want politicians to think of young people, not themselves, over climate crises

Anjali Sharma, Crikey, 3rd August 2023

Anjali Sharma, a young climate activist, says it's the health and well-being of current and future generations that should be front and centre.

For 20 weeks or so each year, politicians come from far and wide to converge on Canberra. They come armed with memorised talking points, cracking insults and Dorothy Dixers, ready to stand up and speak to issues that they have no lived experience of.

A group of mostly wealthy white older men — the average age in Australia's 47th Parliament is 51 — debate fossil-fuel projects that will have far-reaching ramifications on the frequency and severity of the climate crisis.

My generation will bear the brunt of those decisions.

On Monday, I stood beside independent Senator David Pocock as we launched a campaign to establish that the government owes young people a duty of care to take our health and well-being into account when making decisions that will contribute to climate change. The bill that Pocock will put to Parliament comes off the back of years and years of youth advocacy, in which young people have taken to the streets, met with their MPs, and walked into courtrooms to advance one message: "This is our future. We want it to be safe. We want it to be liveable."

The bill would prevent decisions that would harm the climate if they posed a material risk of harm to the health and well-being of current and future generations. As a young person who has experienced immense climate anxiety, I'm so proud to have led this charge.

Read full article:

https://www.crikey.com.au/2023/08/03/climate-crisis-politicians-consider-young-people-not-themselves/?

utm_campaign=weekender&utm_medium=email&utm_source=newsletter



Two people walking through the destruction from the August 6 detonation of the first atomic bomb in Hiroshima, Japan,

September 8, 1945. US Air Force/AP

Like 'the tolling of a distant temple bell', Ibuse Masuji's Black Rain remembers the horrors of Hiroshima and warns of the inhumanity of war

Jindan Nee, The Conversation, 4th August 2023

In May 2023, almost 80 years after its devastation by an atomic bomb, Hiroshima again became the focus of world attention as the host city for the 49th G7 Summit.

On the summit's official website, Hiroshima is presented as the exemplar of Japan's postwar success. It is described as an "international city of peace and culture" and "resolute postwar advancement". There are photos of its serene landscapes, its local delicacies and sake, and its modern sports and street culture.

The bombing of Hiroshima at the conclusion of World War II is mentioned just once. The Hiroshima Peace Memorial, according to the site, "speaks to the horrors of nuclear weapons".

Hiroshima has more than this to tell us. But its stories, its "several pasts", have been constantly abridged – or "refashioned", as Michel Foucault would say. They have been adapted to serve political agendas.

On August 6, 1945, after the atomic bomb was dropped on Hiroshima,

President Harry Truman released a statement that praised the scientific achievement:

"Sixteen hours ago an American airplane dropped one bomb on Hiroshima, an important Japanese Army base [...]

It is an atomic bomb. It is a harnessing of the basic power of the universe. The force from which the sun draws its power has been loosed against those who brought war to the Far East [...]

What has been done is the greatest achievement of organized science in history. It was done under high pressure and without failure."

The atomic bomb was something altogether different for Japan. After the bombs fell on Hiroshima and Nagasaki, the Japanese emperor Hirohito broadcast his "jewel voice" to make the announcement of Japan's surrender to his subjects. He spoke in an opaque, classical language almost incomprehensible to ordinary Japanese:

"The enemy has for the first time used cruel bombs to kill and maim extremely large numbers of the innocent and the heavy casualties are beyond measure; if the war were continued, it would lead not only to the downfall of our nation but also to the destruction of all human civilization"

In these statements, we can see Truman and Hirohito attempting to justify their actions. We can see interpretations of the attacks on Hiroshima and Nagasaki taking different tracks. Such modified national memories install a kind of forgetting. They are ways of marginalising or erasing individual experiences of the war.

During the postwar occupation of Japan, from 1945-1952, the Allied occupiers sought to remould the Japanese minds. The "horrors of nuclear weapons" could not be mentioned. Pictures and narratives about the atomic bombs were subject to strict censorship.

Only after the easing of censorship could Japanese writers begin to reveal the details of the horrendous suffering that occurred in Hiroshima and Nagasaki. These works became collectively known as genbaku bungaku, or "atomic bomb literature". The explorations of the destructive power of war and institutionalised violence have left their mark on contemporary Japanese literature.

Read full article:

https://theconversation.com/like-the-tolling-of-a-distant-temple-bell-ibuse-masujis-black-rain-remembers-the-horrors-of-hiroshima-and-warns-of-the-inhumanity-of-war-205837?

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Australia urgently needs a national plan to effectively address child and youth homelessness.

Government is failing our most vulnerable children Brian Burdekin, Pearls & Irritations, 1st August 2023

In 1989, after a two year National Inquiry, the Human Rights Commission advised the Federal Government that Australia had nearly 25,000 homeless children and young people – some of whom were dying from neglect — while many others were living in squalid conditions, reduced to petty crime and prostitution to survive and frequently subjected to violence on the streets. A disturbingly large number of these children had been wards of the state and many had fled families where they had been sexually, physically or emotionally abused. Many were suffering from an undiagnosed mental illness or serious mental health problems left untreated. Some were as young as nice years old.

Some of the rapidly growing number of homeless children we are now looking after at the Burdekin Association in Sydney are as young as seven years old. The problems confronting these children and young people include family poverty and isolation; the scarcity of low-cost housing alternatives; failure to provide any follow-up support for children who have been wards of the state; the inadequacy or complete absence of mental health facilities in rural and regional areas (where our youth suicide rate is double that of our major cities); and failure to implement programs for family support and early intervention strategies which could assist children at risk of becoming homeless.

The Federal Government initially responded to public pressure generated by the Commission's report with a range of programs specifically designed to help these children and young people. They included increased supported accommodation; various health initiatives; employment and training support programs and programs for early intervention and support for families where children were at risk. But funding for many of these programs dried up after a few years and by the year 2000 the number of homeless children had increased to almost 30,000.

In 2008, The National Youth Commission, after an extensive national inquiry, concluded that the number was close to 40,000. And by census night in 2021, the number had substantially increased to almost 46,000 – of whom almost 28,000 homeless young people were aged 12-24 years— and even more disturbingly 18,000 were under 12 years of age.

In the intervening years there have been various promises by government – but those promises remain largely unfulfilled. The most important areas neglected include: adequately funding early intervention programs – which proved effective in stemming the flow of young people into homelessness; failure to implement strategies recognising the need young people have for appropriate low-cost housing and failure to fund adequate programs for the mentally ill or those with serious mental health problems.

The human cost to our young people — in terms of their right to adequate shelter, and where necessary, to receive special protection from the State – was obviously my main concern as Human Rights Commissioner.

Read full article:

https://johnmenadue.com/government-is-failing-our-most-vulnerable-children/

REFLECTIONS



Homelessness Week 2023 will take place from Monday August 7 to

Sunday August 13. The theme for Homelessness Week 2023 is "It's time to end homelessness". Image: Homelessness Australia

A reflection for National Homelessness Week

Andrew Hamilton SJ, Catholic Outlook, 5 August 2023

For most of us, homelessness week reminds us of people whom we do not know personally. They are other people who sleep on the streets or under bridges. During Homelessness Week, we may be moved to sleep rough for a night at an event held in solidarity with them.

This year, Homelessness Week has moved closer to home. It is about people like us. We read the stories of people who come to the city to work but cannot find accommodation, about ageing people forced from their rented accommodation by rapidly rising rents, about couples and families who live in tents or in their vehicles, about students who come to Australia to study but return home because they cannot find a place to live, about middle-aged people who move back with their elderly parents. We know some of these people, and we have heard stories of others from our friends. We can imagine ourselves as homeless.

On this Homelessness Week, we should, as Jesus would want us to do, look out for people who are homeless in our own neighborhood and among our friends, join local groups that help people find accommodation and pressure our governments to reform the systems that make for homelessness. When it comes to lack of shelter, we should not be content to have the poor always with us. We should ensure that the poor can share with us the world, our common home.

Read full Reflection:

https://catholicoutlook.org/a-reflection-for-national-homelessness-week-2/



The Gift

I wanted to thank the mockingbird for the vigor of his song. Every day he sang from the rim of the field, while I picked blueberries or just idled in the sun.

Every day he came fluttering by to show me, and why not, the white blossoms in his wings.

So one day I went there with a machine, and played some songs of Mahler.

The mockingbird stopped singing, he came close and seemed to listen.

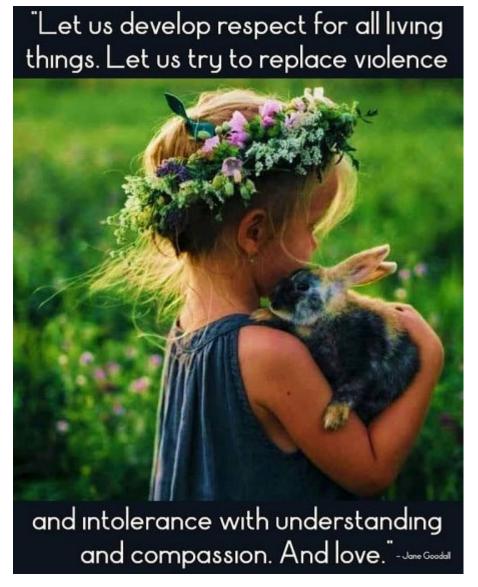
Now when I go down to the field, a little Mahler spills through the sputters of his song.

How happy I am, lounging in the light, listening as the music floats by!

And I give thanks also for my mind, that thought of giving a gift.

And mostly I'm grateful that I take this world so seriously.

-Mary Oliver



Pace - e - Bene Nonviolence Inspirations

"Love is more than a feeling. Love is a form of sweet labor: fierce, bloody, imperfect, and life-giving—a choice we make over and over again. If love is sweet labor, love can be taught, modeled, and practiced. This labor engages all our emotions. Joy is the gift of love. Grief is the price of love. Anger protects that which is loved. And when we think we have reached our limit, wonder is the act that returns us to love."

Valarie Kaur, See No Stranger: A Memoir and Manifesto of Revolutionary Love

"There is something in every one of you that waits and listens for the sound of the genuine in yourself. It is the only true guide you will ever have. And if you cannot hear it, you will all of your life spend your days on the ends of strings that somebody else pulls." Howard Thurman

[&]quot;The culture of non-violence might

finally penetrate the thick cover of dark clouds
besieging us in a prison of anxiety, violence and absurdity,
in order to restore communication
with a sun
that does not despair of calling us every single morning . . ."
Walid Slaybi

"We, the people, on a small and lonely planet
Traveling through casual space
Past aloof stars, across the way of indifferent suns
To a destination where all signs tell us
It is possible and imperative that we learn
A brave and startling truth."

Maya Angelou

"We need to understand what other people think. While we don't have to agree with them, we need to understand them to be different. . . . This is the alternative to nuclear war." Senator J. William Fulbright

"I was amazed at how much energy I had wasted on fear. Time after time, I found myself fearing I would not be able to do something. Then I would do it. . . . Our fears take us to the edge of our being to a place where we are fully alive." Sarah York, Pilgrim Heart







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.