



**Edmund Rice Centre**

Awareness. Advocacy. Action

## **ERC JUSTICE UPDATES**

### **January 2024 No.102**

Dear Friends,

This 102nd 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 we begin 2024 let us pray and hope that peace may come and remember always Blessed Edmund Rice's three main tenets:  
**COMPASSION LIBERATION & PRESENCE**

**"Peace is not something you wish for; It's something you make, something you do, something you are, and something you give away." John Lennon**

Please note that if you come up against a paywall in "any of the articles below - please contact me at: [mmcinerney@edmundrice.org](mailto: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.***

## **Edmund Rice Centre for Justice and Community Education** ***Updated Position on war in Gaza***

***As we enter the fourth month of the war in Gaza and in light of the almost 25,000 Palestinians killed, thousands of whom are children, the Edmund Rice Centre for Justice and Community Education renews its call for an urgent ceasefire agreement that will put a stop to these atrocities.***

**Link to full statement :**

[https://www.erc.org.au/updated\\_position\\_of\\_edmund\\_rice\\_centre\\_on\\_war\\_in\\_gaza](https://www.erc.org.au/updated_position_of_edmund_rice_centre_on_war_in_gaza)



**A crisis of humanity, a living hell, a blood bath, a situation of utter deepening and unmatched horror**

***Blinne Ní Ghrálaigh, Pearls & Irritations, January 18 2024***

***The transcript of the detailed and moving closing arguments for the South African case against Israel to the International Court of Justice by London-based human rights barrister Blinne Ní Ghrálaigh KC, in the Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (South Africa v. Israel) on 11 January, 2024.***

**View the full recording of the South African case here ( Blinne Ní Ghrálaigh KC address at 2.12.44)**

<https://webtv.un.org/en/asset/k11/k11gf661b3>

**Read full article:**

<https://johnmenadue.com/a-crisis-of-humanity-living-hell-blood-bath-a-situation-unmatched-horror/>

**26 January 2024**

*As the nation again commemorates 26 January in 2024 as its national day, we at the Edmund Rice Centre for Justice call for Australians of all walks of life to begin the path to truth-telling that will help move us to a more inclusive national day. One that celebrates and highlights our incredible First Nations history – the oldest continuing human culture and civilisation in the world extending back for 65,000+ years.*

*The Edmund Rice Centre stands in solidarity with our First Nations people on this day. We call on governments at all levels, along with non-Indigenous communities across Australia to come together with our First Nations communities to build a better future. A future which removes the shame and stain of our contested history by reconciling it through truth telling and in future a treaty recognising at all levels of government the important place of our First Nations to Australia.*

*We now claim in our national song that ‘we are one and free’. Only by allowing the truth of our unjust past to be properly aired and understood – can we as a country be truly free. On the 26 January let us therefore reflect on the history of this country and the treatment of First Nations people with fresh eyes. Let us consider how we can create a better future for subsequent generations of Indigenous and non-Indigenous peoples of our proud nation, and have a national day that all and sundry can celebrate together as one.*

**Links:**

<https://www.sbs.com.au/nitv/article/explainer-what-is-australia-actually-commemorating-on-january-26/nrid9kpf4>

<https://theconversation.com/change-the-date-debates-about-january-26-distract-from-the-truth-telling-australia-needs-to-do-197046>

[Welcome to May 9 – the true Australia Day \(theconversation.com\)](https://theconversation.com/welcome-to-may-9-the-true-australia-day-theconversation-com)



Australia's 'systemic discrimination' against First Nations people was criticised by Human Rights Watch.

(Image: supplied)

## **Human rights report slams Australia's 'systemic discrimination' of Indigenous peoples**

***David Prestipino, National Indigenous Times, January 13 2024***

The Australian government's longstanding issues with overrepresentation of First Nations people in Australia's prisons and mistreatment of children in juvenile detention has been criticised by the Human Rights Watch in its annual World Report 2024 released on Friday.

The 740-page document, HRW's 34th edition, reviews human rights practices in more than 100 countries, with the report's main criticisms of Australia aimed at its record with refugees and offshore detention policy, its relationship with China and "systemic discrimination against First Nations people".

"In October, the government held a referendum to enshrine a First Nations' Voice in the country's constitution," it read.

"While this was unsuccessful in every state, Australia's state and federal governments remain obligated to uphold the rights of First Nations people, which should remain a priority."

The report also slammed the significant overrepresentation in the criminal justice system of Indigenous people, who make up nearly one-third of Australia's adult prison population but just three per cent of the national population.

"At least 19 Indigenous people died in custody in 2023, including a 16-year-old First Nations boy who died after harming himself in pretrial detention in October, following prolonged solitary confinement," it read.

In her introductory essay, HRW executive director, Tirana Hassan, said 2023

was a consequential year for human rights suppression and also selective government outrage and transactional diplomacy, which carried huge costs for the rights of those not in on the deal.

But she said there were also signs of hope and possibilities of different approaches, and urged governments to consistently uphold their human rights obligations.

While the report said Australia had a "vibrant democracy", its "reputation is tarnished by some significant human rights concerns", especially the treatment of First Nations people, citing high incarceration rates and defeat of the First Nations Voice to parliament.

.....

"The referendum was defeated in every state and was considered a major setback for First Peoples' rights," the report read.

"Presently, Australia has no national treaty with Indigenous Australians."

A spokesman for the Department of Foreign Affairs and Trade told SBS the government was doing everything in its power to uphold human rights across the country.

"Australia employs every strategy at our disposal towards upholding human rights, consistent with our values and with our interests," they said.

Australia is the only western country without a human right's act or constitutional charter.

The federal government, however, has opened an inquiry into Australia's human rights structure and is considering bringing in a human rights charter in the future.

**Read full article:**

<https://nit.com.au/13-01-2024/9293/human-rights-report-slams-australias-systemic-discrimination-of-indigenous-peoples>



AAP Image/Lukas Coch

**Following the Voice failure, Indigenous politicians are calling for**



## **the UN's Declaration on the Rights of Following the Voice failure, Indigenous politicians are calling for the UN's Declaration on the Rights of Indigenous Peoples to be implemented. What is it and what would it mean?**

***Wayne Atkinson & Kevin Bell, The Conversation, January 15 2024***

The Voice referendum was a disappointing result for many, but there is hope that much of its vision could be achieved via a different path. The Joint Standing Committee on Aboriginal and Torres Strait Islander Affairs has presented a report to federal parliament calling for the implementation of the United Nations Declaration on the Rights of Indigenous Peoples.

The committee was led by Uncle Patrick Dodson, a Yawuru politician who is retiring from the senate on January 26, the anniversary of Australia's invasion.

The declaration is essentially a list of human rights Indigenous peoples have under international law. These rights are presented as articles. These include the right to self-determination and participation in decision-making in matters that affect them.

If the committee's call to implement the declaration is accepted by the federal government, this right to participation in decision-making could be achieved in many ways. This includes non-constitutional implementation of the Uluru Statement from the Heart.

A strong majority of the standing committee including the Greens' members supported the implementation of the declaration. The coalition members dissented on the key recommendations. DjabWurrung Gunnai Gunditjmara senator Lidia Thorpe supported the recommendation but went further to propose the declaration be enshrined in federal legislation. Thorpe's proposal was rejected by parliament.

### ***What is the UN Declaration for the Rights of Indigenous Peoples?***

Indigenous peoples' human rights in Australia (and elsewhere) were grossly violated by colonisation which resulted in past and ongoing injustices. The declaration recognises and lists those rights with the purpose of addressing those injustices.

A key right in the declaration is Article 4:

***Indigenous peoples, in exercising their right to self-determination, have the right to autonomy or self-government in matters relating to their internal and local affairs, as well as ways and means for financing their autonomous functions.***

The declaration was adopted by the United Nations General Assembly in 2007 after 20 years of negotiation by Indigenous peoples and governments around the world.

.....

While the Voice would have given Indigenous people a powerful say in those areas, implementing the declaration could elevate that say and those areas to the level of human rights. This is greatly needed in the aftermath of a disappointing and painful referendum result.

**Read full article:**

[https://theconversation.com/following-the-voice-failure-indigenous-politicians-are-calling-for-the-uns-declaration-on-the-rights-of-indigenous-peoples-to-be-implemented-what-is-it-and-what-would-it-mean-219695?utm\\_medium=email&utm\\_campaign=Latest%20from%20The%20Conversation%20for%20January%2016%202024%20-meanIndigenous](https://theconversation.com/following-the-voice-failure-indigenous-politicians-are-calling-for-the-uns-declaration-on-the-rights-of-indigenous-peoples-to-be-implemented-what-is-it-and-what-would-it-mean-219695?utm_medium=email&utm_campaign=Latest%20from%20The%20Conversation%20for%20January%2016%202024%20-meanIndigenous)





'A trend towards authoritarianism.' World leaders clockwise: Vietnam's president, Vo Van Thuong; Joe Biden; Israel's prime minister, Benjamin Netanyahu

## **Human rights in decline globally as leaders fail to uphold laws, report warns**

**Annie Kelly, *The Guardian*, 12th January 2024**

### ***Human Rights Watch's annual report highlights politicians' double standards and 'transactional diplomacy' amid escalating crises***

Human rights across the world are in a parlous state as leaders shun their obligations to uphold international law, according to the annual report of Human Rights Watch (HRW).

In its [2024 world report](#) HRW warns grimly of escalating human rights crises around the globe, with wartime atrocities increasing, suppression of human rights defenders on the rise, and universal human rights principles and laws being attacked and undermined by governments.

The report highlights political leaders' increasing disregard for international human rights laws. The report says "selective government outrage and transactional diplomacy" and double standards in recognising international human rights laws has put countless lives at risk.

Tirana Hassan, executive director of HRW, said: "There is a persistent assault on human rights spreading around the world as governments turn away from their legal obligations on human rights for short-term political gains and seek to consolidate power.

"There is also a worrying trend of double standards that is not limited to the glaring example of the Israel-Hamas conflict. We see silence on the Chinese government's crimes against humanity, and where there was a full-throated demand for accountability and prosecution of war crimes in Ukraine, there is



also silence about alleged US abuses in Afghanistan.

“This very clearly sends a message that human rights laws can be applied selectively to different groups of people and chips away at the institutions created to uphold them,” she said.

The report provides a breakdown of countries’ human rights records in 2023. In Afghanistan, women’s rights continued to be crushed by the Taliban and the world has failed to act and prevent wide-scale and horrifying abuses against civilians in Sudan, especially in Darfur.

.....

The report also strongly condemns the UK government for what it terms a “dismal year for human rights”, with a continued assault on fundamental rights, such as the right to protest and seek asylum.

**Read full article:**

[https://www.theguardian.com/global-development/2024/jan/11/human-rights-decline-globally-leaders-fail-uphold-laws-warns-human-rights-watch-annual-report?utm\\_term=65a04828a723aee499da4983f379dce4&utm\\_campaign=MorningMailAUS&utm\\_source=esp&utm\\_medium=Email&CMP=morningmailau\\_email](https://www.theguardian.com/global-development/2024/jan/11/human-rights-decline-globally-leaders-fail-uphold-laws-warns-human-rights-watch-annual-report?utm_term=65a04828a723aee499da4983f379dce4&utm_campaign=MorningMailAUS&utm_source=esp&utm_medium=Email&CMP=morningmailau_email)



The Labor government returned asylum seekers to offshore immigration on Nauru less than three months after the last detainees were removed. Photograph: Jason Oxenham/AP

**Australia’s ‘inhumane’ offshore detention regime denounced by global human rights organisation**

***Sarah Basford Canales, The Guardian, 12th January 2024***

***Report by Australian chapter of advocacy group says policy is ‘embarrassing’ and at odds with country’s commitment to Refugee Convention***

Australia's reputation on human rights took a hit on the world stage last year, Human Rights Watch's latest annual report has said, after the Labor government returned asylum seekers to offshore immigration on Nauru less than three months after the last detainees were removed.

Despite labelling Australia as a "vibrant democracy" that "mostly protects the civil and political rights of its citizens", the Australian chapter of the global human rights advocacy group has levelled heavy criticism at the federal government's decade-long "inhumane" offshore detention regime, with Australian director Daniela Gavshon describing the policy as "embarrassing" for the country.

Guardian Australia reported in October last year the Albanese government had quietly sent a group of asylum seekers to the Micronesian country just months after the last known detainees had been removed.

Gavshon said Australia had earned an international reputation for abuses against refugees and asylum seekers that countries, such as the UK, were looking to emulate.

"We have seen that other countries are looking to copy it," Gavshon told Guardian Australia. "It's embarrassing that this would be something that Australia would export, or be known for."

Labor and the opposition share bipartisan support on offshore detention, with both sides saying it is a deterrent against people-smuggling operations.

But Gavshon said Australia was a signatory of the Refugee Convention, which obliges countries protect people fleeing persecution.

"Detention, in any situation, should be used as an option of last resort, not as a deterrent," she said.

**Read full article:**

[https://www.theguardian.com/australia-news/2024/jan/12/australias-inhuman-offshore-detention-regime-denounced-by-global-human-rights-organisation?utm\\_term=65a04828a723aee499da4983f379dce4&utm\\_campaign=MorningMailAUS&utm\\_source=esp&utm\\_medium=Email&CMP=morningmailau\\_email](https://www.theguardian.com/australia-news/2024/jan/12/australias-inhuman-offshore-detention-regime-denounced-by-global-human-rights-organisation?utm_term=65a04828a723aee499da4983f379dce4&utm_campaign=MorningMailAUS&utm_source=esp&utm_medium=Email&CMP=morningmailau_email)



A Kurdish man is suing immigration minister Andrew Giles in a case that could pave the way for the 149 people released from Australian immigration detention to sue for thousands of dollars of compensation each. Photograph: Niall Carson/PA

## **Freed immigration detainee sues Australian government for damages for alleged false imprisonment**

***Paul Karp, The Guardian, 16 January 2024***

### ***Stateless Kurdish man's compensation case is the first sparked by high court ruling that indefinite detention is unlawful***

A stateless Kurdish man released from immigration detention is seeking “aggravated” and “compensatory” damages for alleged false imprisonment – the first such case sparked by the high court’s ruling that indefinite detention is unlawful.

The intellectually impaired man, known as DVU18, has sued the immigration minister, Andrew Giles, through a litigation guardian, in a case that could pave the way for the 149 people released to sue for hundreds of thousands of dollars of compensation each.

In November the solicitor general, Stephen Donaghue, told the high court such claims for compensation would be “inevitable” if it ruled indefinite detention is unlawful and “undefendable” in cases where it conceded the people had been detained while it was impossible to deport them.

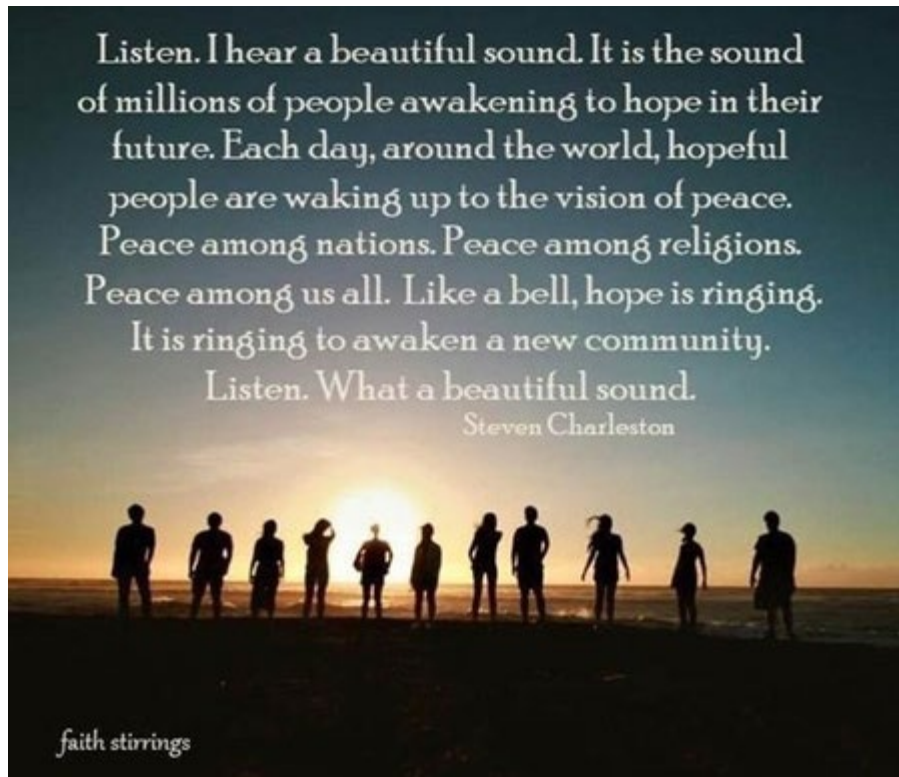
Nevertheless, the high court ruled indefinite detention breaches the Australian constitution, triggering months of political debate about the government’s preparedness to respond to the case and two tranches of emergency legislation imposing conditions on those released.

DVU18 is also challenging the ankle bracelet and curfew conditions. This could be the first case to reach the high court as three earlier challenges were discontinued after the minister lifted the conditions before Christmas.

Lawyers in all three cases filed to discontinue on 20 December, and the cases were dismissed on 8 January, although other cases with new plaintiffs are already being prepared.

**Read full article:**

<https://www.theguardian.com/australia-news/2024/jan/16/freed-immigration-detainee-sues-australian-government-for-compensation-for-alleged-false-imprisonment?cid=315062b105364ff557e71e713bcaea35>



Amy Lykins

**'We don't know what tomorrow will bring': how climate change is affecting Fijians' mental health**

***Amy Lykins & Suzanne Cosh, The Conversation, January 9, 2024***

It's unlikely any region of the world will escape the effects of climate change.

These include increasing temperatures, more frequent and intense extreme weather events such as bushfires and floods, rising sea levels, and more.

But some areas, like the Pacific Islands, are likely to experience disproportionate effects from advancing climate change. Pacific island nations are uniquely vulnerable to sea level rise, coastal erosion and cyclones of escalating intensity.

Increasing temperatures and increasingly unpredictable weather patterns present additional risks to populations largely reliant on traditional fishing and farming practices for both food sources and trade.

The consequences of climate change also pose significant risks to the mental health and wellbeing of the people living in these countries, as we observed in a recent study with rural Fijians.

### ***Shifts in the environment***

We interviewed more than 70 Indigenous and other traditional Fijians living in rural villages in coastal, coastal hinterland and river delta regions of the country.

Interviewees from each village described environmental changes they had observed, ranging from shifts in seasons and rainfall, to warmer temperatures, to sea level rise resulting in more frequent flooding of the villages, particularly during “king tides”. As one participant said:

*"Now it is like we are having the hot season throughout. Now we are experiencing the abnormal changes in the weather like never before".*

Another commented:

*"Sea level is not where it used to be since it is moving into the village, especially when it is high tides. We are really worried and concerned."*

A strong theme of loss of traditional culture ran through our interviews, with many participants describing the ways these environmental changes were contributing to the loss of traditional ways of life and their broader cultural practices.

*"No longer is it [yatule] seen [here]. Fishing for the yatule here [...] is done traditionally [...] the traditional method is slowly fading".*

These observed losses were having an effect on mental wellbeing. In particular, participants routinely expressed concerns and grief about what would be left for future generations.

***"Due to the climate change we are very concerned about our future generation. At least now we can still eat fish, we don't know what tomorrow will bring".***

**Read full article:**

<https://theconversation.com/we-dont-know-what-tomorrow-will-bring-how->



[climate-change-is-affecting-fijians-mental-health-219506?utm\\_medium=email&utm\\_campaign=Latest%20from%20The%20Conversation%20for%20January%209%202024%20%202844128828&utm\\_content=Latest%20from%20The%20Conversation2](https://www.theguardian.com/environment/2024/jan/09/climate-change-is-affecting-fijians-mental-health-219506?utm_medium=email&utm_campaign=Latest%20from%20The%20Conversation%20for%20January%209%202024%20%202844128828&utm_content=Latest%20from%20The%20Conversation2)



People line up to receive aid in Acapulco, Mexico, after Hurricane Otis, on 3 November 2023. Photograph:

Cristopher Rogel Blanquet/Getty Images

## **Global heating will pass 1.5C threshold this year, top ex-Nasa scientist says**

***Oliver Milman, The Guardian, January 9 2024***

### ***James Hansen says limit will be passed ‘for all practical purposes’ by May though other experts predict that will happen in 2030s***

The internationally agreed threshold to prevent the Earth from spiraling into a new superheated era will be “passed for all practical purposes” during 2024, the man known as the godfather of climate science has warned.

James Hansen, the former Nasa scientist credited for alerting the world to the dangers of climate change in the 1980s, said that global heating caused by the burning of fossil fuels, amplified by the naturally reoccurring El Niño climatic event, will by May push temperatures to as much as 1.7C (3F) above the average experienced before industrialization.

This temperature high, measured over the 12-month period to May, will not by itself break the commitment made by the world’s governments to limit global heating to 1.5C (2.7F) above the time before the dominance of coal, oil and gas. Scientists say the 1.5C ceiling cannot be considered breached until a string of several years exceed this limit, with this moment considered most likely to happen at some point in the 2030s.

But Hansen said that even after the waning of El Niño, which typically drives up average global heat, the span of subsequent years will, taken together, still average at the 1.5C limit. The heating of the world from greenhouse gas emissions is being reinforced by knock-on impacts, Hansen said, such as the melting of the planet's ice, which is making the surface darker and therefore absorbing even more sunlight.

"We are now in the process of moving into the 1.5C world," Hansen told the Guardian. "You can bet \$100 to a donut on this and be sure of getting a free donut, if you can find a sucker willing to take the bet."

In a bulletin issued with two other climate researchers, Hansen states that "the 1.5C global warming ceiling has been passed for all practical purposes because the large planetary energy imbalance assures that global temperature is heading still higher". Hansen has promoted a view, disputed by some other climate scientists, that the rate of global heating is accelerating due to a widening gap between the amount of energy being absorbed by the Earth from the sun and the amount returning to space.

Hansen, renowned for his role in publicly revealing the onset of the greenhouse effect to the US Congress in 1988, added that the looming loss of the 1.5C guardrail should provide a jolt the United Nations' Intergovernmental Panel on Climate Change (IPCC), the foremost body of climate science that has charted pathways to avoid breaching the target.

"Passing through the 1.5C world is a significant milestone because it shows that the story being told by the United Nations, with the acquiescence of its scientific advisory body, the IPCC, is a load of bullshit," Hansen said.

"We are not moving into a 1.5C world, we are briefly passing through it in 2024. We will pass through the 2C (3.6F) world in the 2030s unless we take purposeful actions to affect the planet's energy balance."

**Read full article:**

[https://www.theguardian.com/environment/2024/jan/08/global-temperature-over-1-5-c-climate-change?utm\\_term=659c57ba9c97e918debaa10422a8759e&utm\\_campaign=MorningMailAUS&utm\\_source=esp&utm\\_medium=Email&CMP=morningmailau\\_email](https://www.theguardian.com/environment/2024/jan/08/global-temperature-over-1-5-c-climate-change?utm_term=659c57ba9c97e918debaa10422a8759e&utm_campaign=MorningMailAUS&utm_source=esp&utm_medium=Email&CMP=morningmailau_email)

## REFLECTIONS



***Painting by Salvatore Dali***

Via @Catherine Lucas

**Facebook Post As She Is: [as-she-is.org](https://as-she-is.org), 16th January 2024**

***I know, you never intended to be in this world.***

***But you're in it all the same.***

***So why not get started immediately.***

***I mean, belonging to it.***

***There is so much to admire, to weep over.***

***And to write music or poems about.***

***Bless the feet that take you to and fro.***

***Bless the eyes and the listening ears.***

***Bless the tongue, the marvel of taste.***

***Bless touching.***

***You could live a hundred years, it's happened.***

***Or not.***

***I am speaking from the fortunate platform***

***of many years, none of which,***

***I think, I ever wasted.***

***Do you need a prod?***

*Do you need a little darkness to get you going?  
Let me be as urgent as a knife, then,  
and remind you of Keats,  
so single of purpose and thinking, for a while,  
he had a lifetime.*

~Mary Oliver  
(Book: Blue Horses)



## **Pace - e - Bene Nonviolence Inspirations**

**"Charity is today a 'political charity.' . . . it means the transformation of a society structured to benefit a few who appropriate to themselves the value of the work of others. This transformation ought to be directed toward a radical change in the foundation of society, that is, the private ownership of the means of production." Gustavo Gutiérrez, *A Theology of Liberation***

***"The future will be different only if we make the present different."***  
Peter Maurin, cofounder of the Catholic Worker Movement

***"There is always light. If only we're brave enough to see it. If only we're***



***brave enough to be it.***” Amanda Gorman

***“I know I am not weaving my life’s patterns alone. Only one end of the threads do I hold in my hands. The other ends go many ways linking my life with others.”*** Septima Clark

***“The existence of peace systems demonstrates that humans can create alternatives to war and can cooperate to bring about a positive future. We must recognize the reality of global interdependence and the necessity of cooperating to tackle existential threats.”***

Dr. Douglas P. Fry & Dr. Geneviève Souillac, "A Path Away from War: The Science of Peace Systems"



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.