

National Human Rights Consultation Submission

AGWW-7R48EP

Organisation: University of Melbourne

Submission Text:

Safety in numbers: police and young refugees in Australia

“You (have to) walk together, man. (if) you walk by yourself you get murdered.”

“Rights of Passage” Victorian Equal Opportunity & Human Rights Commission Report, December 2008

It's time for the Victoria Police to recognise their obligation to uphold basic human rights. In a meeting in Geneva on 2nd April, the United Nations Human Rights Committee met to discuss Australia's civil and political rights. They made the concluding observation that the use of excessive force by police officers in Australia needs to be addressed, including training for officers in appropriate use of force and establishing an independent body to investigate complaints. Of particular concern was the treatment of people from racial minorities, young people and indigenous people.

I would like to illustrate this concern by telling the story of a young Sudanese boy, one of many young Australian-African men who lead their lives under the suspicion of the police.

On Boxing Day 2008, this boy was standing at a platform on Flinders Street Station when he saw his younger brother and friends being questioned by police over their tickets. He stood nearby and watched, out of concern. As an orphan who had lost his father some years before, he had become a father figure to his 13-year old brother.

The police officers noticed him standing nearby, and approached him. They asked for his ticket. He felt this was unusual as he was simply standing on the platform, but he showed them his yearly concession ticket. They then asked for his concession card. He showed them his concession card. Next, they asked for some ID. At this point he became upset and asked them, “What have I done wrong?” They became angry, told him not to be smart with them and pushed him to the ground, punching him as he went down. One officer twisted his neck to the side and then stood on the small of his back.

The young man began to cry. One of the officers took out his mobile phone and took a photograph of him, prone and in tears. His 13-year old brother and friends witnessed it all.

He was then taken into the interview room where he was not interviewed. The officers did not offer him access to an Independent Person, as required for juveniles in police custody, and they did not explain his rights. They asked him to leave Flinders Street Station and to leave the CBD. He stumbled out of the police booth, distraught. He didn't know where to go. One of the police officers swore at him and told him to leave. When he refused, the police officer said to him, “Cry for me again, like you did before. I liked watching you cry.”

Most of this incident was observed, in broad daylight, by members of the public, and by the boy's brother and his friends. It was also overhead on his mobile phone by a concerned youth worker. It makes little difference. The boy received legal advice that making a complaint against the police usually leads to more trouble. If they haven't charged you before you make the complaint, then they will. In fact, they can charge you any time in the next twelve months for serious offences and they can also charge you after that for minor offences.

Police racial targeting is a reality for young Africans in Melbourne, particularly young men and boys. It is a grave irony that vulnerable young people who have often fled injustice and danger in search of Australia's protection and asylum end up with no recourse to justice and little means to defend themselves against police harassment. Traumatic incidents like this can only provoke the worst of memories, aggravating the stress and

making it much harder to recover. Flemington-Kensington community lawyer Tamar Hopkins argues that these incidents are traumatising in themselves, without any consideration of the past. Having submitted 18 complaints of police harassment for review to the Office of Police Integrity in 2007 alone, Tamar describes a pattern of racial profiling that has major psychological impact. "The profiled young people experience life as a heavily patrolled detention centre: their every move is closely watched and monitored," she says.

As a local human rights issue, police behaviour towards African youth was highlighted last December when the Victorian Equal Opportunity & Human Rights Commission released a report titled Rights of Passage: The Experiences of Australian-Sudanese Young People, addressing some of these concerns. The report looked at the experiences of young Sudanese people living in the City of Greater Dandenong following the death of Sudanese teenager Liep Gorny last year after he was attacked by two strangers at a train station. In the report, the Commission detailed a number of concerns raised by members of the community and community welfare services about police behaviour including excessive stopping and searching, racist comments and police aggression. One young man is quoted as saying, "I don't hang around the street as I am scared of police." These concerns, of course, were echoed in the recent United Nations Human Rights Committee findings.

While there is significant public anxiety about the presence of African "gangs" in public spaces and resulting youth violence, the Victoria Police have repeatedly stated publicly that the Sudanese community do not feature prominently in crime statistics. So why then are they subject of such close police attention? Is it just part of a pattern of new migration creating community tension, so that with each wave of new settlers comes a new wave of police aggression? It is clear that there is a public misconception about the connection between young people gathering in groups and the prevalence of "gang" culture. For many young people of refugee background, where losing family is commonplace, their circle of friends become a surrogate family. Moreover, they provide safety, particularly when dealing with racism and harassment. Joel Windle from Monash University says, "Despite the incidents triggering attention being primarily attacks on African refugees, including by police, the 'problem' is cast with the victims."

Comprehensive training in multicultural sensitivity for Victoria Police, developed and managed by an outside agency that is experienced in issues relating to trauma and displacement, settlement and integration, is an essential first step in addressing these problems. An independent body that investigates complaints of excessive force by members of the police will go a long way to ensuring the protection of human rights and civil liberties in our community. We should never have to confront an image of a young boy lying on the ground crying while an adult Australian law enforcement officer laughs at him and photographs his humiliation. Police should be trained to deal with minority groups, especially victims of trauma such as refugees, in ways that make the escalating violence of the incident at Flinders Street Station a thing of the past. Its time to turn a culture of fear and violence into a climate of safety and trust. Currently there is no multicultural training offered to new cadets in the Victoria Police Academy. In the past, cadet training in multicultural policing was managed in-house, without the advice and support of professional trauma and torture specialists.

Training should address the following:

- Human Rights training
- Cross-cultural training
- Anti-racism training
- De-escalation training
- Training on racial profiling and its impact on communities

Further, this training should be integrated with internal policy and procedures that ensure the following:

- Immediate steps to address the 70% underreporting of force incidents recorded on use of force forms
- Commitment to address over policing concerns raised by indigenous and

ethnic minorities including the need for Victoria Police to commence data collection of ethnicities and the purpose of all people stopped, questioned and searched in line with recommendations made in the UK's 1999 Stephen Lawrence Inquiry

- The need for a focus on the policing of racial motivated crimes and the establishment of a specialist task force to combat racism within the community
- The provision of full frank and detailed reports to complainants following the investigations or alternative dispute resolution of allegations made by people who complain against the police;
- A proactive recruitment and promotion policy for women, sexual, ethnic and religious minorities within the Victoria Police;
- The need to ensure police with complaint histories are not placed in charge of operations or police stations with large populations of religious and racial minority groups.
- The recording of presumed ethnic origin, sex, age and legal basis for all stops and searches conducted by police. The provisions of an on-the-spot receipt to stopped persons setting out the legal basis for the stop and complaint options, local CLC contacts.

Training needs to be rolled out for both new cadets and existing officers, across the board and across the state.

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Grace McQuilten has been involved in a number of organisations that benefit refugees and asylum seekers including RISE (Refugee Survivors and Ex-Detainees), Lentil as Anything Inc, Sudanese Lost Boys Association of Australia, Adult Multicultural Education and Settlement Services and Horn of Africa Community Network.

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