



**The National Ethnic and Multicultural
Broadcasters' Council (NEMBC)**

Submission to

NATIONAL HUMAN RIGHTS CONSULTATION 2009

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1) INTRODUCTION

This submission focuses on the Committee's Terms of Reference relating to, 'how could Australia better protect and promote human rights?' This submission and recommendations are complementary to human rights legislation and encourages initiatives designed to strengthen support for civil society and organisations that promote human rights and improve human rights education at a community level.

While this submission's focus seeks to improve the culture of human rights, it should be seen as being complementary to other submissions that focus on the important issues of legislative measures that address wider implications of human rights legislative measures. These legislative measures would include: expand the functions and powers of the Australian Human Rights Commission (AHRC) to conduct enquiries, to investigate and to intervene in proceedings; provide better funding and therefore access to community legal services; establish human rights monitoring bodies; implement measures to protect against corporate human rights violations; and provide legislation that supports those who are marginalised in our society such as those at risk of social exclusion due to poverty and cultural, racial and religious discrimination. The NEMBC also supports changes to insure Australian indigenous communities are supported within a fair criminal justice system.

This submission addresses the important role that community radio plays in developing and maintaining a diverse Australian society and illustrates how ethnic and multicultural broadcasting provides a means for developing and supporting human rights and active engagement in civil society. Community Radio supports a number of human rights values including, racial, religious, cultural and educational rights as well as freedom of speech.

Recommendation 1: The NEMBC recommends that the educational aspect of community radio, in particular multilingual community radio be recognised and adequately supported to undertake this innovative role. The Government can promote its programs and human rights projects using sponsorship promotions in a large number of languages utilizing community broadcasting.

Recommendation 2: Establish specific grants for community broadcasting programs which contribute to the promotion of human rights and the betterment of Australian society

Recommendation 3: Amend the Income Tax Assessment Act to include human rights as a charitable purpose.

The *Income Tax Assessment Act* should be amended to include 'the promotion and protection of human rights, conflict resolution or reconciliation or the promotion of religious or racial harmony or equality and diversity' as a charitable purpose, so as to allow human rights organisations to access deductible gift recipient and income tax-exempt charity concessions.

Recommendation 4: Fund and provide the following for improved networking:

- An Annual Conference be held between the Commonwealth Government (relevant ministries or parliamentary secretaries) and human rights organisations.
- An annual summit for human rights organisations should be established and funded.
- Funding and opportunities be made for state and territory based networking and consultations on key human rights issues.
- Community radio is recognised and funded as an important grassroots platform for human rights networking and development.

2) BACKGROUND TO THE NEMBC

The NEMBC is a progressive non-for-profit peak-body organisation that advocates for multiculturalism and supports multilingual community broadcasting around Australia. The NEMBC contributes to media diversity in Australia by maintaining and connecting people to their language, culture and experience of migration.

In every state capital there is a large multilingual community radio station, and dozens of community radio stations which operate in country towns broadcasting multilingual and multicultural programs. Community radio forms a large part of the media landscape, with 57% of Australians tuning-in to community radio each month. Recent national surveys revealed that in an average week the sector produces 2,439 hours of multilingual language programs, a 40-hour increase from 2007 and broadcasts in over a 100 languages, which is an increase from 97 languages in 2007.¹

Through national committee's, membership of ethnic and multicultural radio programs, projects and policy development, the NEMBC supports, assists and provides opportunities to develop multilingual and multicultural community broadcasting around the country. Multilingual broadcasting plays a critical role in servicing the settlement, linguistic and cultural needs of this diverse population.

We have found multilingual community radio to be a vital settlement tool for new and emerging communities as well as a valued cultural and linguistic resource for established migrant communities. Multicultural community broadcasting provides a rare opportunity for self-representation in the public sphere for migrant and refugee communities as well as cultural and linguistic continuity as well as an important source of local and country of origin news and information. This communication tool most defiantly contributes to a greater sense of inclusion and belonging in society.

The role of the NEMBC is:

- To advocate for and support ethnic and multicultural community broadcasting
- To be a voice for multiculturalism in Australia
- To maintain and connect people with their ancestry, language and culture
- To confront racism in Australian society
- To contribute to media diversity in Australia
- To perform in a manner that is ethical, professional, responsive, self reliant and with integrity

3) RECOGNITION AND SUPPORT TO ORGANISATIONS THAT FURTHER HUMAN RIGHTS ISSUES.

A strong civil society is an important element in the development of a human rights culture. Many non-government-organisations (NGOs) strive to assist those underrepresented in our society. For example the NEMBC has, amongst its aims, 'to advance the development of a harmonious multicultural society in Australia' and 'to promote racial harmony in Australia'. The NEMBC also works to transform policies and social structures and advocates through the media to support marginalised and disadvantaged communities and groups. NGOs like the NEMBC help to protect and promote human rights.

Community radio is a very practical application of promoting racial and religious harmony, through dialogue, access and participation of community members and independent multilingual information distribution.

Human rights can be facilitated and achieved through the encouragement of human rights-based laws and policies and also by increasing awareness of human rights. The NEMBC is a national network of community broadcasters and three key areas that would assist in increasing the awareness of human rights would be through:

- Recognition of the important role ethnic and multicultural broadcasting plays in the **education** of human rights, and to assist that process through sponsorship and funding.
- Assisting not-for-profit organisations to better access **funds**, and
- Providing **platforms where organisations can network** on issues of human rights and to recognise the important role community radio can play.

3.1 EDUCATION OF HUMAN RIGHTS

Increased support for multilingual community broadcasting is highly important for language and cultural maintenance. This should be prioritised by both national and community broadcasters. The validation of culture, language and heritage is important not only for social inclusion and cohesion and but also education and a healthy multilingual society.

Community broadcasting not only involves an educational role in its programming but the sector is a significant media training ground. The sector includes five registered training organisations and has proven to be a significant training opportunity for careers in the media industry.²

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3.2 FUNDING

The NEMBC echoes the Human Rights Law Resource Centre's recommendation for acknowledging and better supporting the many grassroots organisations, which provide essential services. An important way to resource human rights organisations is to support their efforts to fundraise. The ability of organisations, that specifically work in areas of human rights, to fund themselves would be greatly assisted if amendments were made to the *Income Tax Assessment Act 1997* (Cth) (**ITAA**). An amendment to include 'the promotion and protection of human rights' as a charitable purpose would allow human rights organisations to more readily access deductible gift recipient (**DGR**) and income tax-exempt charity (**ITEC**) concessions, both of which are advantageous because organisations with one or more of these statuses are more likely to attract donations from philanthropic organisations and individuals donors.

Presently a 'charitable' organisation excludes organisations like the NEMBC purely because we are not directly giving aid. However the NEMBC advocates for social and structural change in favour

of recognising a range of human rights issues. This restrictive approach means that not-for-profit organisations working for the betterment of society, are unlikely to have legal concession such as DGR and ITEC.

Recommendation 3: Amend the Income Tax Assessment Act to include human rights as a charitable purpose.

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3.3 NETWORKING

The NEMBC believes that the government can play an important role in promoting and supporting a strong civil society, by providing opportunities for dialogue and engagement. A robust and vibrant community sector would be able to give assistance to government by providing dialogue and advise to government on issues affecting the community, particularly on a grassroots level and by showcasing visible signs of activities. Meaningful dialogue and engagement provides the opportunity for these crucial elements of society to work together to achieve a human rights culture.

Opportunities and funding support for improved networking would allow organisations which support human rights to work together to better inform their activities and develop a nuanced approach to protecting human rights across a number of sectors in Australia.

Funding would need to be made available for opportunities to network and meet, and educate around human rights. This could be done by holding an annual conference, holding state territory based activities, consultations, summits and education workshops on human rights issues.

Recommendation 4: Fund and provide the following for improved networking:

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4) COMMUNITY RADIO CREATING A HUMAN RIGHTS CULTURE

Listed below are the key areas whereby the NEMBC and community broadcasters in general assist in breaking down stereotypes, promoting diversity and creating a human rights culture.

4.1 RACISM / COUNTERING RACISM, discrimination, promoting dialogue, tolerance and understanding.

Community Radio is undoubtedly a unique meeting place of difference. Community broadcasting’s participatory, non-commercial and collaborative ethos promotes cultural, social and linguistic meeting places and communication spaces, which are unlikely in any other setting. The communicative, independent and creative nature of community broadcasting encourages innovation, diversity and self-representation. In this way, community broadcasting becomes a site

of difference, which creates a unique and rare opportunity for dialogue that encourages understanding and social cohesion.

Ethnic community radio by definition practices multiculturalism and ‘Social Inclusion’ by involving, supporting and building community. Community radio is made by and for the community and establishes a local workforce of volunteers, empowers people through training and the acquisition of new skills, provides social opportunities, provides information and education, increases self-esteem and well being, assists community members to seek employment and strengthens local economies.

Ethnic broadcasting plays a significant role in maintaining language, culture and identity, simulating multilingualism and combating racism/stereotypes, through self-representation of minority communities.

4.2 IMMIGRATION and REFUGEES

The NEMBC supports fair and just treatment of Asylum Seekers and Refugees in line with international Human Rights treaties, namely, the 1951 UN Refugee Convention and its 1967 Protocol, The Universal Declaration of Human Rights, the International Convention on Civil and Political Rights, The Convention on the Rights of the Child, The Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) and recommends that the government regard new forms of refugee cases, not specified in these conventions (for example, environmental refugees) in the spirit of the conventions relating to refugees, which have been previously accepted. The NEMBC recognises the unique service community radio provides migrant and refugee communities.

“ It is crucial for the wellbeing for the whole community that both newcomers and existing residents have an opportunity to make connections with each other, so we can avoid the problems that result from isolation fear and miscommunication.”

Rights of Passage: The experiences of Australian-Sudanese young people’, Victorian Equal Opportunity and Human Rights Commission (VEOHRC) 2008

Community broadcasting is a communications tool, which connects communities, builds and strengthens communities. Multilingual Community broadcasting aims to support an open access and participation media which raises awareness and respect among minority and majority groups concerning cultural and social diversity and provides news and information in your language regardless of age, sex, culture or religion.

Community radio is a means of accessing news and information that is an alternative to mainstream media. It is radio for the people by the people and remains committed to its ethos of access and participation. Training is low cost and no previous experience in media is required, making community radio one of the most accessible and representative forms of media.

Newly-arrived migrants and refugees say that early access to radio in their own language is integral to the settlement process. Broadcasting the news and issues of local communities and their country of origin, in their own language builds and strengthens new communities.

4.3 FREEDOM OF SPEECH

‘Everyone has the right to freedom of opinion and expression, this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers’

Article 19 of the International Convention on Civil and Political Rights

Community radio provides an important space to express opinions and ideas and resolve certain issues. The following extract from a young radio broadcaster, illustrates the important avenue community radio provides to express opinions and impart information and ideas.

“Radio plays a vital part in entertaining and informing the Oromo’s in Australia. It is also significant because it is like a gathering that occurs once a week. In the Oromo culture there is a symbolic tree called the “Oda” (Sycamore) where men would gather to resolve certain issues, also for recreation and children and women would perform underneath it. So the Oromo program on 3ZZZ Radio in Australia is an ‘Oda’ for the Oromo’s in Australia.”

Aisha, Oromo youth program 3ZZZ Radio

4.5 RIGHTS TO CULTURE

Right to enjoy your CULTURE and use your LANGUAGE

Ethnic and multicultural community broadcasting is Australia’s largest language laboratory – providing information, maintaining community connections, promoting diversity and cultural development in around 100 languages.

Ethnic and multicultural community broadcasting not only connects migrant and refugee communities with their local communities, it also assists with their integration and inclusion into Australian society.

“The radio, this radio station is not separating us from Australia... it’s integrating us to Australia, It’s very important. Our children are growing up Australians anyway, maybe they’re having difficulty adapting culturally, but through the radio, they will be able to get some help or adapt.”

Turkish focus group, 3ZZZ, Community Media Matters: An audience study of the Australian community broadcasting sector, Griffith University.

Radio for and by refugee and emerging communities, provides access to your language and culture from your own perspective and can help overcome isolation that many new migrants and refugee’s face particularly women, those with little English, or income.

4.6 SELF-REPRESENTATION IN THE PUBLIC SPACE

Community radio provides unique circumstances for self-representation in the public sphere. This is particularly pertinent for minority groups who are underrepresented or misrepresented in the mainstream media.

Researches for the Victorian Equal Opportunity and Human Rights Commission (VEOHRC) report, 'The experiences of Australian-Sudanese young people', found that some young people doubted their right to be in public spaces by virtue of who they were.

The self-representation in the public sphere that community radio offers fosters belonging and inclusion in the community, which develops self-esteem and promotes a genuine commitment to multiculturalism. This representation also reduces fear and violence, which results from lack of understanding, communication and awareness.

The localism aspect to community radio also plays a vital role for the social inclusion of minority voices. Community radio is an opportunity to take part in public life and for experiences to be heard. Broadcasters become representatives and leaders in their communities.

"In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practice their own religion, or to use their own language."
Article 27 International Covenant on Civil and Political Rights

"People of all cultural, religious, racial or linguistic backgrounds have the right to enjoy their culture, declare and practice their religion and use their languages."
Victorian Charter of Human Rights and Responsibilities.

4.7 INDIGENOUS AUSTRALIANS AND COMMUNITY BROADCASTING

The NEMBC supports it's colleagues within the indigenous community broadcasting sector, for indigenous community broadcasting to be adequately supported and valued as a vital way to validate rights of indigenous peoples generally and through cultural, language and heritage.

The NEMBC recognises the important contribution indigenous community broadcasting to rights of indigenous peoples and recommends that any future decisions on indigenous community broadcasting include substantial Indigenous consultation, involvement and consent.

The NEMBC support that Indigenous community broadcasting remains community owned and controlled.

5) CONCLUSION

In conclusion the NEMBC recommends, that a National Human Rights charter recognise and acknowledge the benefits community broadcasting can deliver in terms of promoting human rights and social cohesion. Its role in community building, engaged civil participation, information service delivery, education and training, localism, dialogue, the maintenance of language, culture and identity, and it's role in addressing racism and stereotypes through the self-representation of minority communities. Community Radio is well positioned to facilitate a culture of Human Rights and the government needs to assist in sustaining this role of community broadcasting through adequate funding and support.

REFERENCES

- 1) *“Value Our Voices – Strengthening Community Broadcasting”*, A submission for a New Funding Policy Proposal to federal government by: Community Broadcasting Association of Australia, National Ethnic & Multicultural Broadcasters’ Council, Australian Indigenous Communications Association, RPH Australia, Christian Media Australia, Australian Community Television Alliance and the Community Broadcasting Foundation. October 2008.
- 2) Ellie Rennie, *Community Media and Industry Training*, 2007.