

Reflections on the African Diaspora in Asia

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The people of African descent in Asia have many faces and experience a range of obstacles to development resulting from a failure to observe their rights. They include African asylum seekers in Indonesia, Malaysia and Australia, and people of African descent in Japan. In various ways, they experience violations of different dimensions of their right to development.

The rights to health, education, housing and employment of African asylum seekers in Indonesia, Malaysia and Australia are among those compromised, or are at risk of being violated. Asylum seekers from Africa who arrive by boat in Australia oftentimes go through Indonesia and Malaysia. In Indonesia² and Malaysia,³ African asylum seekers arriving undocumented are officially not allowed to work. Receiving no financial support for housing or food, they need to find illegal work to support themselves and their families. Illegal work puts them at risk, not only of detection and imprisonment, but also of exploitation. Some asylum seekers work for employers that provide makeshift housing where they work long hours for minimal pay. Somali, Sudanese and other African refugees, belonging to small refugee communities, in particular, face hardship finding work, often relying on family and friends resettled in the West for survival. Asylum seekers also see their children miss out on education

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² <https://theconversation.com/asylum-seekers-in-indonesia-why-do-they-get-on-boats-8334> viewed 21 March 2015.

³ <http://theconversation.com/refugees-and-asylum-seekers-in-malaysia-the-good-the-bad-and-the-unexpected-8532> viewed 21 March 2015. See also a report on 70,000 Africans who migrated to Malaysia in 20012 <http://www.dw.de/african-migrants-aspire-to-a-better-life-in-asia/a-17014189> viewed 29 March 2015.

and the opportunities that it makes available. There are also reports of racism from potential employers and landlords. Mental health issues are also reported.

For its part, Australia resettles a high number of refugees and people in humanitarian need each year. But its refugee policies also suffer from weaknesses from a human rights perspective. Asylum seekers, who make their way to Australia by boat, including Africans, risk mandatory detention. Without a visa, these 'boat people' are considered 'illegals' and are detained throughout the refugee status determination procedure.⁴

African asylum seekers who succeed in being granted refugee status in Australia have their own issues. African refugees in Australia experience problems of discrimination, lack of recognition for their qualifications, unemployment, poverty, and isolation from members of the dominant culture. In a 2007 study of East African refugees in Australia, Kokanovic et al explain that these problems cause depression among African refugees. They add that the inability to fulfill expectations of financial assistance held by many family members in Africa, contributes to distress, and the postponement of their desired return visits, despite longing for a family visit.⁵ Selassie, an Ethiopian man, explained his depression as follows:

One most important thing I want you to tell them emphatically is that we have a very old tradition and law of social life and bond. They are destroying this bond in the old colonial fashion. After coming here, they have taken care of our health. We thank them. But there is one big thing which they have not done for us. It affects us and many others and that is our inability to live according to our culture. While destroying our culture they tell us be this, to live like this or that. This is going to be a major problem for us.⁶

⁴ Simon Rice, *Human Rights Issues Relating to African Refugees and Immigrants in Australia, Background Paper for African Australians: A Review of Human Rights and Social Inclusion Issues* (June 2010), commissioned by the Australian Human Rights Commission, 24.

⁵ Renata Kokanovic, Christopher Dowrick Ella Butler, Helen Herrman, and Jane Gunn, 'Lay Accounts of Depression amongst Anglo-Australian Residents and East African Refugees' (2008), 66 *Social Science & Medicine* 454–466.

⁶ Quoted in Renata Kokanovic, Christopher Dowrick, Ella Butler, Helen Herrman, and Jane Gunn, 'Lay Accounts of Depression amongst Anglo-Australian Residents and East African Refugees' (2008), 66 *Social Science & Medicine* 454–466, 460.

After an official visit to Australia in 2000, the Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, and Xenophobia noted efforts of the Australian Government to end racism, particularly in the context of indigenous peoples in Australia. But, at the same time, the Special Rapporteur recognized the need to re-define Australia's policy of multiculturalism, to reduce, if not eliminate, superiority and inferiority complexes.⁷ The African population in Australia has since grown. Australian Bureau of Statistics census data indicate that the number of people in Australia, born in Africa, rose from about 250,000 in 2006, to around 338,000 in 2011, representing an increase of 35.2 percent within a period of five years.⁸

In response to a questionnaire circulated in February 2012 by the Working Group of Experts on People of African Descent, the Australian Human Rights Commission reported issues of a lack of cultural competency of schools and education institutions and their lack of flexibility to meet properly the needs of African Australian students. Experiences of discrimination and racism were also reported within and beyond the school environment, in the job application process, and when seeking to rent a house or apartment. Reported health issues included social isolation and lack of culturally appropriate health services. Following consultations, the Commission acknowledged the existence of racism, xenophobia and discrimination against people of African descent in Australia, and the need to be vigilant in exposing it and in changing practices and procedures. The Commission proceeded to identify a range of activities including working through a new anti-racism strategy.⁹

⁷ Report by Mr. Maurice Glèlè-Ahanhanzo, Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related Intolerance, submitted pursuant to Commission on Human Rights Resolution 2001/5, Mission to Australia, UN Doc E/CN.4/2002/24/Add.1, 26 February 2002.

⁸ Australian Bureau of Statistics 2007 and 2012, cited in Finex Ndhlovu, *Becoming an African Diaspora in Australia, Language, Culture, Identity* (Palgrave Macmillan UK, 2014).

⁹ Australian Human Rights Commission, *Response to OHCHR Questionnaire on the Decade for People of African Descent*, 29 March 2012, paras 6-9.

Other members of the African diaspora in Asia are the people of African descent in Japan. After an official visit to Japan in 2005, the Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, and Xenophobia found racial discrimination and xenophobia in Japan, and marginalization and economic and social vulnerability of minorities in the fields of employment, housing, health and education.¹⁰ Recent reports of blackfaces and race-based reactions to the choice of a multi-racial Miss Universe-Japan indicate that Japan still struggles with racism.¹¹

These snapshots of people of African descent in Asia are by no means exhaustive. There are still many other faces of the African diaspora in Asia. There are, for instance, the people who descended from Africans who arrived through the Arab trade in enslaved Africans across the Sahara to Northern Africa and Southern Europe and the Indian Ocean and East African trade toward India.¹² Their narratives are just as compelling, and worthy of further exploration. There are also the African migrants in China. In Guanzhou, one of the biggest cities in China, a part of the city is being called ‘chocolate city’ after the growing number of African migrants engaged in trade here.

¹⁰ Doudou Diène, Report of the Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related Intolerance, Mission to Japan, UN Doc E/CN.4/2006/16/Add.2, 24 January 2006.

¹¹ <http://www.nbcnews.com/news/asian-america/first-multiracial-miss-universe-japan-has-been-crowned-n325131> viewed 22 March 2015.
<http://www.vox.com/2015/3/17/8230783/japan-racism-blackface> viewed 22 March 2015. The number of Africans in Japan in 2013 was reported at 11,545
<http://www.stat.go.jp/english/data/nenkan/1431-02.htm> viewed 22 March 2015.

¹² Verene A. Shepherd, ‘Women, the Transatlantic Trade in Captured Africans and Enslavement: an Overview.’ See also Omar H. Ali, ‘The African Diaspora in the Indian Ocean World’ New York Public Library, Schomburg Center for Research in Black Culture. See also <http://exhibitions.nypl.org/africansindianocean/essay-arabian-peninsula.php> and <http://exhibitions.nypl.org/africansindianocean/essay-persian-gulf.php> viewed 23 March 2015.

They come from Cameroon, Republic of Congo, Liberia, Niger, Nigeria, Senegal, Somalia, South Africa, and Gambia.¹³

Asia is extremely diverse. In spite of their own struggles with a colonial past, and the experiences of their own nationals as asylum seekers and migrants, States in Asia have shown different levels of limited understanding of the African diaspora in Asia. In its 2012 annual report, the Working Group of Experts on People of African Descent stated that the process of the International Decade for People of African Descent should include Asian States.¹⁴ Furthermore, in its 2010 annual report, the Working Group had proposed regional conferences on topics related to the situation of people of African descent.¹⁵ The Working Group may also consider visiting Asia on official missions. The Working Group may also explore joint statements with the Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, and Xenophobia, Special Rapporteur on the Human Rights of Migrants, and Office of the High Commissioner for Refugees, to capture the narratives of the people of African descent in Asia, surface the truth about racism in this region, and recommend positive measures to remove obstacles to their development, including appropriate steps to remedy violations of their human rights.

¹³ Adams Bodom, 'The African Trading Community in Guangzhou: an Emerging Bridge for Africa-China Relations' (2010), 203 *The China Quarterly*, 693-707. See also Kaiyu Shao in http://www.consultancyafrica.com/index.php?option=com_content&view=article&id=963:go-east-african-immigrants-in-china&catid=58:asia-dimension-discussion-papers&Itemid=264 viewed 21 March 2015. Bodom estimated the number of Africans as being over 100,000. For her part, Shao reported that the African population could be anywhere between 20,000 to 200,000. Shao also gave the number of 100,000, citing Guangzhou Academy of Social Science, a government research institution.

¹⁴ Report of the Working Group of Experts on People of African Descent on its eleventh session, UN Doc A/HRC/21/60, 16 July 2012, para 40.

¹⁵ Report of the Working Group of Experts on People of African Descent on its ninth session, UN Doc A/HRC/14/18, 26 May 2010, Annex IV, para 14.

Different aspects of the Program of Activities for the Implementation of the International Decade for People of African Descent,¹⁶ and of General Comment No. 34 of the Committee on the Elimination of Racial Discrimination,¹⁷ may be given special attention. At the regional level, awareness should be raised about the Decade, the Durban Declaration and Program of Action, as well as General Comment No. 34, should be disseminated, and the ratification of or accession to the International Convention on the Elimination of All Forms of Racial Discrimination should be promoted.¹⁸ At the national level, data disaggregated along ethnic lines should be gathered and published. Asian States should take concrete steps through the adoption and implementation of legal frameworks to combat racism, and undertake a comprehensive review of domestic legislation with a view to identifying and abolishing provisions that entail direct or indirect discrimination.

In this regard, refugee laws that prescribe detention during the pendency of refugee status determination should be revisited. Laws must offer immediate as well as durable solutions to issues of health, education, employment and housing, experienced by asylum seekers, who live in situations of discrimination in multiple ways. Strengthening legal protection for economic, social and cultural rights of migrants, especially undocumented ones, who are among the most vulnerable in society, should also be considered. Migrants should not be detained, unless they present a danger for themselves or others, or would abscond from future proceedings. Non-custodial measures should be considered including establishing

¹⁶ Program of Activities for the Implementation of the International Decade for People of African Descent, UN Doc A/RES/69/16, 1 December 2014.

¹⁷ General Comment No. 34 of the Committee on the Elimination of Racial Discrimination, UN Doc CERD/C/GC/34, 3 October 2011.

¹⁸ Some Asian States, namely Democratic People's Republic of Korea, Malaysia and Myanmar have not ratified or acceded to the International Convention on the Elimination of All Forms of Racial Discrimination. The withdrawal of reservations should also be considered.

procedural paths to access residence permits.¹⁹ Legislation regarding citizenship and naturalization should not discriminate against people of African descent and should pay sufficient attention to possible barriers to naturalization that may exist for long-term or permanent residents of African descent.²⁰

Positive measures should be adopted to alleviate disparities in the enjoyment of economic, social and cultural rights of people of African descent. Asian States should elaborate national plans of action aimed at creating conditions for all to participate effectively in decision-making to realize their rights. States should adopt national programs for eradicating poverty and reducing social exclusion. There should be particular measures to ensure that education systems do not exclude anybody, and that students are protected from negative stereotyping, stigmatization and violence from peers or teachers. Training and sensitization should be provided to teachers and the number of teachers of African descent should be increased. Concrete measures should be adopted to eliminate racism in the workplace. States should improve access to quality and culturally appropriate health services for all. They should develop and implement policies and projects aimed at ensuring a safe and secure home and community in which to live in peace and dignity.

¹⁹ Report by the Special Rapporteur on the Human Rights of Migrants, Mission to Italy, François Crépeau, UN Doc A/HRC/23/46/Add.3, 30 April 2013, para 85 and 105.

²⁰ General Comment No. 34 of the Committee on the Elimination of Racial Discrimination, UN Doc CERD/C/GC/34, 3 October 2011, para 47.