

Freedom of Religion in Australia: a focus on serious harms

July 2020



Australian
Human Rights
Commission



Victorian Equal Opportunity
& Human Rights Commission

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The Victorian Equal Opportunity and Human Rights Commission is an independent statutory body with responsibilities under the *Equal Opportunity Act 2010*, the *Racial and Religious Tolerance Act 2001*, and the *Charter of Human Rights and Responsibilities Act 2006*. Further information about the VEOHRC can be found at www.humanrightscsmission.vic.gov.au/about.

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Foreword



Edward Santow

*Australian Human Rights
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The right to freedom of religion is recognised in international human rights law and receives some protection in Australia’s federal, state and territory laws. Many people of faith report that Australia offers peace and freedom to practise their religion. Indeed, some have come to this country from places where they were persecuted for their beliefs.

However, we also know that some people of faith in Australia experience serious harms on the basis of their religious identity. We use the term ‘serious harms’ to include experiences of violence, abuse, intimidation, severe discrimination and some forms of vilification. Serious harms can occur as a result of activity in the physical world and online. These actions have terrible effects on individuals and communities, and they are a serious violation of the human right to freedom of religion.

We were profoundly shocked by the killing of 51 worshippers at the Al Noor Mosque and the Linwood Islamic Centre in Christchurch, New Zealand, on 15 March 2019. The person who has pleaded guilty to these killings is an Australian. The repercussions of this atrocity, which occurred so close to home, have been felt by Australia’s many Muslim communities, as well as by Victorians and Australians of all faiths—and none. Though Australia has never experienced an attack on people of faith on this scale, we should think carefully as a nation about the prevalence and effects of serious harms perpetrated on the basis of people’s religion, and about how we can best address this problem.

The Australian Human Rights Commission (AHRC) and the Victorian Equal Opportunity and Human Rights Commission (VEOHRC) have come together to produce this Position Paper. It examines some research on serious harms experienced by religious communities and draws on two roundtable consultations that the AHRC and VEOHRC held in Sydney and Melbourne in June 2019. The Position Paper concludes with several recommendations as to how governments in Australia can improve protections for the right to freedom of religion in Victoria and Australia.

A handwritten signature in black ink that reads "Edward Santow".

Edward Santow, Australian Human Rights Commissioner

A handwritten signature in black ink that reads "Kristen Hilton".

Kristen Hilton, Victorian Equal Opportunity and Human Rights Commissioner

1. Background

The AHRC and VEOHRC are each independent statutory bodies, dedicated to the promotion and protection of human rights.

The AHRC is Australia's national human rights institution, established by the *Australian Human Rights Commission Act 1986* (Cth). The AHRC has a number of functions relating to the protection and promotion of human rights, including the right to freedom of thought, conscience and religion.¹ These functions include reviewing current and proposed legislation, conducting research and education, and inquiring into acts and practices that may be inconsistent with human rights. The Commission can inquire into, and attempt to settle by conciliation, complaints alleging that acts or practices of the Commonwealth were inconsistent with or contrary to human rights and complaints alleging discrimination in employment.² The Commission can also receive and conciliate complaints alleging unlawful discrimination under the federal anti-discrimination statutes.³

VEOHRC is responsible for protecting and promoting human rights in Victoria.⁴ It has responsibilities under three laws that together protect an individual's right to hold a religious belief or no religious belief, and practise that belief free from discrimination and vilification:

- The *Equal Opportunity Act 2010* (Vic) makes it unlawful to discriminate against a person in certain areas of public life based on 'religious belief or activity'.⁵
- The *Racial and Religious Tolerance Act 2001* (Vic) prohibits religious vilification.⁶
- The *Charter of Human Rights and Responsibilities Act 2006* (Vic) protects the freedom of thought, conscience, religion and belief.⁷

VEOHRC can receive and conciliate complaints of religious discrimination or vilification that arise under the *Equal Opportunity Act* or *Racial and Religious Tolerance Act*. VEOHRC also educates people about the rights and responsibilities contained in Victoria's Charter of Human Rights and Responsibilities and raises awareness across the community about the importance of equality and human rights.

This Position Paper is based on the AHRC's and VEOHRC's collective experience and research in this area. In addition, the two Commissions convened joint roundtables in Sydney (11 June 2019) and Melbourne (27 June 2019) on the topic of serious harms on the basis of religion. Leaders representing a wide variety of religious organisations, as well as academic researchers with relevant expertise, participated in these events.

The roundtables provided an opportunity:

- to discuss the available research on serious harms on the basis of religion
- for the religious organisations represented to share their experience of serious harms
- to discuss ways in which these problems should be addressed.

While this work was not prompted by any particular event, much of it has taken place in the aftermath of the killing of 51 people at the Al Noor mosque and Linwood Islamic Centre in Christchurch in March 2019. Also in recent memory was the killing of 11 people in an antisemitic attack at a synagogue in Pittsburgh, United States, on 27 October 2018. One school-aged roundtable participant lost a relative in the Christchurch attacks. Her deeply moving personal testimony reminded participants of the need to counter the rise of white supremacist extremism, which is often targeted at religious or racial minorities.



2. Experiences of serious harm

Much of the available information on Australians' experiences of serious harms on the basis of their religion is generated by religious communities themselves. In particular, representatives of Australia's Jewish and Muslim communities have each sought to document the reported experience of prejudice and harmful conduct from within their respective communities.

Executive Council of Australian Jewry

The Executive Council of Australian Jewry (ECAJ) regularly reports on antisemitism in Australia. ECAJ's highly detailed reports are based on incidents self-reported by members of the Jewish community in each state, and on the Council's analysis of media, social media, political discourse and other sources. ECAJ adopts a working definition of 'antisemitism':

Antisemitism is a certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of antisemitism are directed toward Jewish or non-Jewish individuals and/or their property, toward Jewish community institutions and religious facilities.⁸

The 2018 report recorded 366 antisemitic incidents, an unprecedented increase of 59% from the previous twelve-month period. The 2019 report recorded 368 incidents. Incidents include: physical assault; abuse, harassment and intimidation; vandalism; graffiti; and hate communications via email, postal mail, telephone, leaflets, posters and stickers. While there was only a small increase in the overall number of incidents recorded between 2018 and 2019, there was a larger increase in certain categories of incidents of a more serious kind, including verbal abuse, harassment and intimidation.⁹

The ECAJ report shows the impact on individuals of harms committed on the basis of race or religion:

- In July 2019 a 12-year-old Jewish boy at a public school in Melbourne was seriously assaulted by other students, who shouted antisemitic slurs during the assault. The boy required hospitalisation.¹⁰
- In October 2018 a group of Jewish students in Sydney were filmed and the footage placed on Instagram. Accompanying the footage was a caption reading 'Put them in the oven? Yes/No'.¹¹
- In October 2018 a Jewish teenage girl was targeted by two teenage boys on a bus. They said, among other things, that it was a 'shame Hitler didn't kill all the Jews'. She was then followed by the perpetrators for two blocks.¹²
- In June 2019 a Jewish couple in Geelong, Victoria, had over a dozen pieces of pork thrown into their front yard.¹³



Islamophobia Register

Australia's Muslim communities also collect information on serious harms. An Islamophobia Register was launched in 2014, which has now reported twice. This gives Muslim Australians an opportunity to report experiences of Islamophobia, which the Islamophobic Register defines as:

... a form of racism that includes various forms of violence, violations, discrimination and subordination that occur across multiple sites in response to the problematisation of Muslim identity ... including physical attacks, assault, damage to property, offensive graffiti, non-verbal harassment, intimidation and online threats.¹⁴

The second *Islamophobia in Australia* report was released in 2019. It documents 349 verified instances of reported Islamophobia from 2016 and 2017. The verification process includes following up reporters by email or phone calls, checking the details of cases, and identifying suspicious URLs.

The data reveals some patterns in the nature of Islamophobic incidents:

- 72% of victims were women.
- 71% of perpetrators were men.
- Only 29% of incidents were reported to police.
- Police attended around half the incidents reported to them.
- 5% of incidents resulted in the victim requiring hospital treatment.
- 14% of cases in the physical world (i.e. offline) involved children.
- Of female victims in the physical world, 96% were wearing a headscarf.¹⁵

Like the ECAJ report, the *Islamophobia in Australia* report offers powerful anecdotal information about the personal effects of Islamophobic abuse. For example:

- A Muslim man reported an incident on a train trip he took with his wife and three children, all aged under ten. His wife wears the hijab. Another man on the train approached the family and asked if they were Muslim. When he found out they were, he verbally abused the parents. He then approached the children and said he would 'love to kill them all'. The man told the Islamophobia Register: 'I cannot forget that journey for my entire life as I was sitting helplessly and watching him abuse myself, my wife and my children'.¹⁶
- A man praying in a car park was told to 'get your own country'. He said: 'I felt terrorised, harassed and scared by this man just because of my faith'.¹⁷
- Another woman was verbally abused while accompanied by her six-year-old daughter at a train station. She said: 'How do I explain to a little child the harshest realities of religious and cultural discrimination Muslims are facing throughout the world?'¹⁸

Roundtables

The roundtables held by the AHRC and VEOHRC also canvassed the experiences of people of faith. Although Australia has not experienced an incident of racial or religious hatred on the scale of the Christchurch killings, many roundtable participants expressed the view that incidents of violence, abuse and intimidation against members of their communities, both online and offline, were increasing. As well as detailing several cases of serious harms, roundtable participants pointed to an increasing atmosphere of hostility and discrimination, which can create an environment in which serious harms can occur.

Incidents reported had begun at an early age. One participant spoke of a Muslim girl who had been labelled a 'terrorist' from her early years at school. A female teacher from a Muslim primary school recounted a public excursion where a man in the street verbally abused a group of her students, who were in school uniform. Though she reported this incident to the police, it was not taken further. When the teacher tried to address the incident with her students, they told her not to worry, as they had experienced this kind of abuse in public before: 'We'll get over it', they said.





Several attendees noted that it was common for children to be present during incidents of public discrimination against their parents or carers. A frequent site of discrimination against Muslims was reported to be shopping centres, with security guards perceived as not responding adequately.

Many participants spoke of the practical and psychological impacts of these harms, both on an individual and community level. A Jewish representative said that Jews in Australia do not feel they can organise community events without intense security processes including, for example, checking the undersides of cars for bombs.

A participant from the Uniting Church shared research showing that when Muslim women are abused or discriminated against in public, they tend to retreat into the home.¹⁹ A Muslim participant noted the fear of abuse or discrimination on the basis of their religious identity has affected women's ability to participate in work or study.

Discrimination can also lead to a lack of a sense of belonging in Australia. A Muslim participant, born in Australia, described a recent conversation with her 16-year-old daughter, who was also born in Australia. The mother had assumed that, being third generation Australian, her daughter would feel 'more Australian' than she did. Instead, the daughter confessed to feeling unwanted and un-Australian because of her religious identity.



Experience of other religious communities in Australia

Aside from the valuable work done by ECAJ, the Islamophobia Register and others, there are gaps in the research into Australians' experiences of religious freedom, or its denial. For example, when it comes to the religious freedom of Christians and other religious communities, much of the currently available data is also anecdotal in nature.

Some anecdotal information can be found in submissions made to parliamentary and other inquiries by organisations such as Freedom for Faith.

In a submission to the Australian Government's Religious Freedom Review, chaired by the Hon. Philip Ruddock, Freedom for Faith noted that the Australian Christian Lobby has reported numerous death threats to its staff in recent years, and female staff have been sent pornographic material. Suspicious packages containing white powder have been mailed to ACL, causing an Australia Post mail centre to be evacuated.

The submission also noted that 'churches have also been subjected to arson attacks and other criminal damage. In Geelong, for example, five churches were burned down between 2015–16, belonging to different Christian denominations.'²⁰

Consultations by AHRC and VEOHRC staff with representatives of other religious communities, including the Hindu and Sikh communities, also reveal anecdotal information of possible violations of religious freedom including, for example, dietary requirements not being respected in prisons. We also heard during our consultations from members of the Sikh community that they, too, experience serious harms, sometimes because they are incorrectly identified as Muslim.

In October 2018, SBS reported that more than 30 statues at the Hindu Barathiye Mandir Temple in Sydney's Regents Park were destroyed after vandals set fire to the interior of the temple. The perpetrators broke instruments, covered the room with paint, smashed items and wrote the word 'Jesus' on a wall. Head priest Pundit Paras Maharaj said, 'We never expected anything like this to happen in Australia.'²¹



There is also limited research on Indigenous Australian spirituality and how it relates to questions of freedom of religion. For example, in 'Sacred Claims and the Politics of Indigeneity in Australia', Miranda Johnson explores how sacred claims by Indigenous Australians 'have raised profound questions about settler national and Indigenous identity, legal evidence and the authenticity of tradition, and the history of colonialism within Australia'.

She noted that the nature of demands by government and legal bodies for such claims to be authenticated can have 'sharp consequences for Indigenous peoples who are not able to meet the high evidentiary expectations'.²²

3. Attitudes toward religious communities

Some research has been undertaken into Australians' attitudes towards those of diverse religious beliefs and backgrounds. While negative attitudes are not in themselves examples of serious harms, the prevalence of negative attitudes towards particular groups can make serious harms on the basis of religion more likely to occur.

The 2017 Scanlon Foundation report investigated Australians' perceptions of people of three different religious traditions. It noted

a relatively high level of negative opinion towards Muslims ... Over the course of seven surveys, negative opinion has been in the range 22%–25% (11%–14% very negative), at an average of 24%. This compares to 4%–5% negative opinion towards Christians (average 4.5%) and Buddhists (average 4.5%).²³



In 2017, the Scanlon Foundation conducted anonymous online research in addition to telephone surveys, in order to correct for the reluctance of some people to admit certain attitudes to an interviewer. The online research showed a much higher level of negative attitudes towards Muslims (41.4%).²⁴

In July 2017, Ipsos surveyed 17,401 people aged 16–64 across 23 countries on their attitudes to religion, using an online panel system. In Australia, the sample size was more than 1,000. It found:

- globally, 49% thought ‘religion does more harm than good’
- in Australia 63% agreed with this proposition
- only Belgium had a higher figure than Australia, at 68%.²⁵

The Australian Generation Z Study, conducted between 2016 and 2018 by researchers at Deakin University, Australian National University and Monash University, comprised 11 focus groups in three states with almost 100 students in Years 9 and 10 (ages 15–16).

It also included a nationally representative phone survey of 1200 people aged 13–18, and 30 in-depth follow-up interviews with survey participants. The study found:

- Teens were open to religious diversity, with 93% agreeing that having many different faiths in Australia made it a better place to live.
- 74% of teens hold positive attitudes towards Islam, Buddhism and Hinduism; 21% hold moderate to neutral views; and 5% hold negative views.
- Those who had received general religious education (GRE) were more likely to hold positive views towards religious minorities. Students who have had no GRE are about twice as likely to hold negative or neutral views. (GRE involves teaching about religions in a non-doctrinal and non-partisan way.)
- Around 80% of secondary school students who had classes about diverse religions claim to have positive views of Muslims. This compares to around 70% who had not attended such classes.



A researcher from the study commented that, 'Australian schools are still lagging behind the UK, EU and Canada with respect to their treatment of religion'.²⁶

A number of roundtable participants pointed to the media and the 'general culture' as sources of bigotry, misunderstanding or discrimination. Multiculturalism is now a highly contested concept. Religion is often portrayed in a negative or divisive way in popular culture. Many participants noted a lack of 'religious literacy' in the mainstream media and suggested that this contributes to harmful impacts on minority communities. There is, for example, a distinct lack of Muslim people in the Australian popular media—though there are often news stories about Muslims.

Several participants suggested that public leaders did not routinely identify the importance of religious diversity as part of multiculturalism. Although we have strong national messaging regarding the importance of cultural diversity, this is rarely expressed in terms of religious diversity.

Some suggested that religion, particularly Christianity, has a declining role in public discourse. In this context, some participants asked whether we still have ways to have a positive and robust discussion about engaging and encouraging faith communities in Australia, or whether there is a tendency to put faith and religion in the 'too hard basket'.

More specifically, some participants advocated targeted education of particular groups within society—police, security guards and the media were mentioned in this context. It was noted that education about religion in schools has been shown to have a very positive impact on students' attitudes. A Jewish participant at the Melbourne roundtable discussed the positive, long-term impacts of a well-developed school program called Courage to Care, which 'informs and educates Australians about the dangers of prejudice, racism and discrimination'.²⁷



4. The need for better prevalence data

Governments need reliable data to inform effective law and policy. Such data is generally collected and assessed in accordance with conventional scientific practices, often at arm's length from anyone with an interest in the data itself, to ensure its reliability.

While religious communities generate valuable information about the nature of serious harms, robust, comprehensive and comparable data about the prevalence of serious harms is harder to come by. ECAJ makes the important point that 'many incidents of antisemitism in Australia occur but are not formally reported either to appropriate Jewish authorities or to the police. Thus, the statistics in [the ECAJ] Report represent only a proportion of incidents actually occurring in Australia.'

Since 2007, the most comprehensive research on Australia's diversity has been found in the annual Scanlon Foundation report. The 2018 report records a rise in experiences of discrimination: 'Reported experience of discrimination on the basis of "skin colour, ethnic origin or religion" was at 19 per cent in 2018, close to the level of five of the last six years, but significantly higher than the 9 per cent-10 per cent in 2007-2009.'²⁸



Experiences differ between people of different religious identities: 'The aggregated data for the last six national surveys (2013–2018) [shows that] reported experience of discrimination ranges from 13 per cent Anglican and 14 per cent Catholic, to 22 per cent Buddhist, 36 per cent Hindu and 39 per cent Muslim.'²⁹ These reported experiences of discrimination are not broken down according to their level of severity, but may include incidents of serious harm.

Another valuable report on the experiences of the Australian Jewish community is the Gen17 Australian Jewish Community Study undertaken by the Australian Centre for Jewish Civilisation at Monash University, and JCA, a peak body of Jewish organisations in NSW and ACT. They received 8,621 responses, making it one of the largest samples ever collected in a national Jewish community study anywhere in the world. For our purposes it is worth noting the data on antisemitism in this report:

- 43% of respondents considered antisemitism to be 'a very big problem' or 'a fairly big problem'.
- 64% of respondents said that they had experienced antisemitic comments online. 73% of those aged 18–39 had experienced antisemitic comments online.
- 15% of male respondents, and 8% of female respondents reported having experienced verbal insults and harassment in the last twelve months. These results vary by age and religious identification: for example, 31% of Strictly Orthodox 18–39-year-old people had personally experienced verbal insults and harassment.
- 2% of respondents had witnessed a physical attack, and 0.5% had experienced a physical attack.³⁰

Professor Gail Mason of the University of Sydney has investigated the prevalence of bias crime in her article, 'A Picture of Bias Crime in New South Wales'. Bias crime is crime that is motivated by prejudice, bias or hatred towards a presumed characteristic of the victim, such as race, religion, sexual orientation, disability status or gender identity. Mason presents the results of the first study of bias crime data held by the New South Wales Police Force and compares the NSW and Victorian data to offer the most comprehensive picture of reports of bias crime in Australia.

Between July 2007 and January 2017, a total of 2,467 reports were determined by the NSW Police Force's Bias Crimes Unit (BCU) to fit the criteria of a bias crime, suspected bias crime or bias incident—an average of 34 reports per month.

Mason examines the period 2013–2016, and finds that of the 1,050 cases recorded as a bias crime, suspected bias crime or bias incident in this period:

- 44% were categorised by the BCU as motivated by religious bias
- 37% by racial/ethnic bias
- 14% by bias towards the victim's sexual orientation/gender identity.

Mason notes 'the results of this study suggest that bias crime is under-reported and under-recorded'. This is often due to mistrust of police. She suggests that 'the creation of sustainable police-community partnerships is key to building community confidence to report and police capacity to record bias crime'.³¹



Our roundtable participants acknowledged the anecdotal and self-reported nature of much of the existing information about serious harms on the basis of religion. It was agreed that this is not ideal. In fact, community members involved in collecting data on serious harms often report a level of vicarious trauma from constantly hearing about harms towards their fellow community members.

The absence of a nationally consistent system for recording and classifying bias-motivated crimes was seen as an urgent priority. Some pointed to the systems in place in other countries, including Canada, the US and the UK, which have had systems in place for several decades. Particular reference was made to a UK online reporting tool, True Vision, which allows people to report incidents or crimes on the basis of various attributes, including religion. This tool is linked to the police, and also functions as an official national register.³²

5. Charting a way forward

The experiences of serious harm shared by members of religious communities represented at our roundtable brought to life the research and data available, suggesting that serious harms do occur towards Australians on the basis of their religion and that more must be done to understand and address the problem. What can be done about it?

Data

The AHRC submission to the Religious Freedom Review in 2017, chaired by the Hon. Philip Ruddock, urged that the Australian Government

commission an independent body to collect and analyse, in accordance with conventional scientific standards, quantitative information on the nature and prevalence of matters such as:

- threats and actual physical violence linked to a person's religion
- verbal abuse, harassment or intimidation because of a person's religion
- discrimination based on religion and the contexts in which this arises
- restrictions in the ability of a person to educate their children in a manner consistent with their religious belief.³³

In its response to the Ruddock Report, the Australian Government committed to

refer an inquiry into freedom of religion to the Australian Human Rights Commission, to be conducted by the new Freedom of Religion Commissioner ... to collect and analyse information on the experience of freedom of religion in Australia at the community level, the experience of freedom of religion impacting on other human rights and the extent to which religious diversity (as distinct from cultural diversity) is accepted and promoted in Australian society.³⁴

At the time of writing, this proposal has not yet been enacted.

In its 2020 submission to the Victorian Legal and Social Issues Committee's Inquiry into Anti-Vilification Protections in Victoria (Victorian Anti-vilification Inquiry), VEOHRC noted that despite efforts to collect data on hate in the Victorian community, there is a lack of an integrated coordinated approach to data collection in Victoria and nationally. This includes a lack of consistent categories and definitions, which makes it difficult to integrate, compare and analyse data. VEOHRC recommended that the Victorian Government fund ongoing research on hate conduct and crime in Victoria, which would include serious harms on the basis of religion.



Roundtable participants urged that any official system for reporting serious harms on the basis of religion will need to deal with the fact that some smaller religious communities are distrustful of police and other authorities. This is sometimes because of experiences in their countries of origin, or because of negative experiences with authorities in Australia. Also, much of the work that has been done with Muslim communities on these matters has been done within a Countering Violent Extremism (CVE) framework. Framing the issue in this way frequently undermines trust. Any national register would need to be independent, and at arm's length from government.

The body conducting the research should work closely with religious communities to develop a reporting mechanism that can be used with confidence by people from Australia's diverse multicultural and multifaith communities, including those where there is a historical mistrust of police and other authorities. Leaders and representatives of these communities should be involved in this development process from the beginning.

We recommend that the independent body study overseas examples of reporting mechanisms, especially those in the UK, Europe, the US and Canada. Research should also be done into the longer term physical and psychological impacts of repeated experiences of discrimination or abuse.

The AHRC is currently undertaking the Sharing the Stories of Australian Muslims Project. The project is made up of two research strands: a quantitative online survey collecting a national data set on the incidences of discrimination experienced by Australian Muslims; and a qualitative consultation process focusing on community priorities and challenges. Data from the project will contribute to robust intelligence on Islamophobia experienced by Australian Muslims including incidences of serious harm on the basis of religion.

Dialogue

The AHRC previously recommended that the Australian Government

enable the operation of a multi-faith advisory group, consisting of leaders and representatives of Australia's diverse religious communities, to advise the Government on the practical experience of freedom of religion and belief, as well as policy and law reform in this area.³⁵

One roundtable participant pointed to existing NSW and Victorian 'faith advisory groups' which advise governments on issues affecting religious communities. These groups have a role in promoting peace, encouraging interfaith dialogue and building community friendships. A number of participants expressed support for a national version of these state-based groups.

A number of regional interfaith dialogue processes currently exist, but they don't have any official recognition by government. It was suggested that these disparate groups could be brought together into a body with more gravitas and impact. Participants stressed that any such group should involve more than just community consultation; it should have measurable outcomes and be able to influence policy processes.

A group of this kind could be coordinated by the AHRC or a similar body and should include representation from the highest levels of government. The group should set clear targets and monitor outcomes. It could also have a role in supporting the interfaith groups that exist across Australia to build relationships and mutual respect.





Education

In its response to the Ruddock Report, the Australian Government committed to ask the proposed Freedom of Religion Commissioner

to develop a religious engagement and public education program, informed by the outcomes of the Commissioner's inquiry outlined in [the government's response to the recommendation about the need for better data], about human rights and religion in Australia, the importance of the right to freedom of religion, and the current protections for freedom of religion under Australian and international law.³⁶

During consultations to inform VEOHRC's submission to the Victorian Anti-Vilification Inquiry, calls were made for more awareness in the community to remove racial and religious misconceptions or stereotypes, noting the importance of promoting a positive image of diverse communities in Victoria. VEOHRC's submission recommended that the Victorian Government fund a public awareness campaign to promote diversity and social cohesion in Victoria, and to increase understanding and respect for communities who are disproportionately targeted by hate conduct and crime in the community.

VEOHRC also recommended that education and training be provided to law enforcers to improve their capability to identify, record and respond to hate crime; and to courts and tribunals to improve understanding of the nature and impact of hate crime.

Many roundtable participants, including a high school student from a Muslim school, discussed the need for training sessions on being an 'active bystander' who can help de-escalate a situation where it is safe to do so, or support the victim directly. 'Bystander training' could be considered for use in schools, shopping centres, for employers and in other contexts. Such training includes scenario-based sessions where people learn how to respond in the moment as a victim or as a bystander. This gives young people the skills to identify and call out violence and intimidation and to help promote a culture of responding to rather than ignoring serious harms.

The workplace is another important context for education and training. Interfaith leaders should work with the AHRC, state and territory anti-discrimination commissions (such as VEOHRC in Victoria) or the Fair Work Commission to develop religious and cultural intelligence training for employees and employers. Customised programs may also be developed for workers who are particularly likely to need to deal with incidents of abuse or discrimination, such as security guards.

In addition, faith leaders, government bodies and media organisations should work together to develop guidelines on media representation of religion and religious communities. A roundtable participant noted that there are very strong and well-supported guidelines about media reporting on issues such as suicide, which aim to reduce the negative effects of such reporting on vulnerable people. Similar guidelines could be developed to reduce the risk of serious harms on the basis of religion.

Finally, education should be targeted towards religious communities and people of faith to inform them of their existing legal rights, and the remedies available under current law. This is important as there may not be a clear understanding across religious communities of their rights and options for reporting harm. For example, VEOHRC found during recent consultations there was a low understanding among religious communities of their rights to make complaints to VEOHRC about religious discrimination or vilification including the differences between lower level harms and more serious harms that could be brought to the police.



6. Summary of recommendations



The VEOHRC has made detailed recommendations to the Victorian Government in relation to law reform in the area of vilification and hate conduct. These can be found in VEOHRC submission to the Victorian Parliamentary Inquiry into Anti-Vilification Protections, at <https://www.humanrightscommission.vic.gov.au/policy-submissions/item/1869-submission-to-the-parliamentary-inquiry-into-anti-vilification-protections-feb-2020>.

The AHRC and VEOHRC make the following joint recommendations:

- The Commonwealth and Victorian Governments should each commission ongoing quantitative research, in accordance with conventional scientific standards, on the nature and prevalence of serious harms on the basis of religion.
 - » This research might take the form of a national or state register, conducted independently and at arm's length from police and government.
 - » The research should be conducted in close collaboration with leaders and representatives of religious communities.
 - » Examples of best practice reporting mechanisms, especially those in the UK, Europe, the US and Canada, should be considered in the design of this prevalence research.
- The Commonwealth Government should establish a multifaith advisory group, consisting of leaders and representatives of Australia's diverse religious communities, to advise the Government on the practical experience of freedom of religion and belief, as well as policy and law reform in this area.
 - » This group could be coordinated by the AHRC or a similar body and should include representation from the highest levels of government. The group should set clear targets and monitor outcomes.
 - » Victoria's Multifaith Advisory Group offers an instructive example of an effective advisory body.
- The Commonwealth and Victorian Governments should each develop religious engagement and public education programs about religion and its place in Australia, the importance of the right to freedom of religion and belief, and the current protections for religious freedom in Victorian, Australian and international law.
 - » These programs should include targeted education for groups such as police, security services, school students and the media.

- 1 *Australian Human Rights Commission Act 1986* (Cth), ss 3(1), 11, Schedule 2; *International Covenant on Civil and Political Rights*, opened for signature 16 December 1966, 999 UNTS 171 (entered into force 23 March 1976) article 18(3).
- 2 *Australian Human Rights Commission Act 1986* (Cth), s 11.
- 3 *Racial Discrimination Act 1975* (Cth), *Sex Discrimination Act 1984* (Cth), *Disability Discrimination Act 1992* (Cth), *Age Discrimination Act 2004* (Cth). See *Australian Human Rights Commission Act 1986* (Cth), ss 3(1), 11(1)(aa).
- 4 The Victorian Equal Opportunity and Human Rights Commission is an independent statutory agency with responsibilities under the *Equal Opportunity Act 2010* (Vic), the *Charter of Human Rights and Responsibilities Act 2006* (Vic) and the *Racial and Religious Tolerance Act 2001* (Vic).
- 5 *Equal Opportunity Act 2010* (Vic) ss 6, 8-9. The Commission also notes that there are several exceptions for religious bodies, for example in s 82 of the *Equal Opportunity Act 2010* (Vic).
- 6 *Racial and Religious Tolerance Act 2001* (Vic) s 8. The Act provides civil and criminal mechanisms to resolve allegations of vilification: *Racial and Religious Tolerance Act 2001* (Vic) ss 19, 25.
- 7 *Charter of Human Rights and Responsibilities Act 2006* (Vic) s 14. However, the Commission does not handle complaints about the Charter. In many cases these complaints can be made to the Victorian Ombudsman.
- 8 Nathan, Julie, *Report on Antisemitism in Australia 2019*, Executive Council of Australian Jewry, p.14, available at <https://www.ecaj.org.au/the-ecaj-2019-antisemitism-report/>.
- 9 Nathan, Julie, *Report on Antisemitism in Australia 2019*, Executive Council of Australian Jewry, 7.
- 10 Nathan, Julie, *Report on Antisemitism in Australia 2019*, Executive Council of Australian Jewry, 33.
- 11 Nathan, Julie, *Report on Antisemitism in Australia 2019*, Executive Council of Australian Jewry, 34.
- 12 Nathan, Julie, *Report on Antisemitism in Australia 2019*, Executive Council of Australian Jewry, 34.
- 13 Nathan, Julie, *Report on Antisemitism in Australia 2019*, Executive Council of Australian Jewry, 40.
- 14 Iner, Derya, ed. *Islamophobia in Australia Report II (2007-2018)*. Sydney: Charles Sturt University and ISRA, 2019, p.III.
- 15 Iner, Derya, ed. *Islamophobia in Australia Report II (2007-2018)*. Sydney: Charles Sturt University and ISRA, 2019, 4 ff.
- 16 Iner, Derya, ed. *Islamophobia in Australia Report II (2007-2018)*. Sydney: Charles Sturt University and ISRA, 2019, 104-5.
- 17 Iner, Derya, ed. *Islamophobia in Australia Report II (2007-2018)*. Sydney: Charles Sturt University and ISRA, 2019, 40.
- 18 Iner, Derya, ed. *Islamophobia in Australia Report II (2007-2018)*. Sydney: Charles Sturt University and ISRA, 2019, 53.
- 19 Kailahi, April et. al., *Resilient Women Project: Muslim Women and their Experiences of Prejudice*, Uniting Church in Australia, 2019, available at <https://victas.uca.org.au/resilient-women-project-helps-combat-prejudice/>.
- 20 Freedom for Faith, *Protecting Diversity: Towards a Better Legal Framework for Religious Freedom in Australia*, available at <https://freedomforfaith.org.au/library/the-ruddock-review>.
- 21 'We Never Expected This to Happen in Australia: Vandals Torch Hindu Temple', SBS News, available at <https://www.sbs.com.au/news/we-never-expected-this-to-happen-in-australia-vandals-torch-hindu-temple>.
- 22 Johnson, M., 'Sacred Claims and the Politics of Indigeneity in Australia', in *Journal of Religious and Political Practice*, 4:1, 78-92.
- 23 Markus, A., *Mapping Social Cohesion: the Scanlon Foundation Surveys*, ACJC, Faculty of Arts, Monash University, p.57.
- 24 Markus, A., *Mapping Social Cohesion: the Scanlon Foundation Surveys*, ACJC, Faculty of Arts, Monash University, 58.
- 25 Ipsos, *Global Views On Religion 2017*, available at <https://www.ipsos.com/en-au/ipsos-global-study-shows-half-think-religion-does-more-harm-good>.
- 26 Australian Generation Z Study, results and analysis available at <http://sociology.cass.anu.edu.au/research/projects/australia-s-gen-zs/publications-and-reports>
- 27 <https://couragetocare.com.au/>
- 28 Markus, A., *Mapping Social Cohesion: the Scanlon Foundation Surveys*, ACJC, Faculty of Arts, Monash University, 26.
- 29 Markus, A., *Mapping Social Cohesion: the Scanlon Foundation Surveys*, ACJC, Faculty of Arts, Monash University, 69.
- 30 Graham, D. and Markus, A., *Gen17 Australian Community Survey: Preliminary Findings*, Australian Centre for Jewish Civilisation, Monash University, 2018.
- 31 Mason, G., 'A Picture of Bias Crime in New South Wales' in *Cosmopolitan Civil Societies: an Interdisciplinary Journal*, 11 (1), 47-66.
- 32 <https://www.report-it.org.uk/home>.
- 33 Australian Human Rights Commission, *Religious Freedom Review: Australian Human Rights Commission Submission to the Expert Panel*, February 2018, 4, available at <https://humanrights.gov.au/our-work/legal/submission/religious-freedom-review-2018>.
- 34 *Australian Government Response to the Religious Freedom Review*, 14, available at <https://www.ag.gov.au/RightsAndProtections/HumanRights/Documents/Response-religious-freedom-2018.pdf>.
- 35 *Religious Freedom Review: Australian Human Rights Commission Submission to the Expert Panel*, February 2018, 5, available at <https://humanrights.gov.au/our-work/legal/submission/religious-freedom-review-2018>.
- 36 *Australian Government Response to the Religious Freedom Review*, 15, available at <https://www.ag.gov.au/RightsAndProtections/HumanRights/Documents/Response-religious-freedom-2018.pdf>.

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