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Introduction

The Australian Partnership of Religious Organisations (APRO) is a peak body, auspiced by the Federation of Ethnic Communities' Council of Australia, that was established in 2003 to help build interfaith harmony in Australia in the context of heightened global conflict and terrorism.

APRO is unique in that it comprises representatives of major religious bodies as well as national-level multicultural community organisations. APRO is a practical demonstration of how successfully diverse religious communities can work collaboratively in Australia. We consider this work vital to our goal of helping to build a harmonious community in Australia. APRO believes that any social inclusion agenda should include support for the hugely important interfaith work now being done in Australia and internationally.

Australia remains a country where a majority of people profess a religious faith or pathway. According to the 2006 census around 70 per cent of the population reported to be of a particular religion.¹ While secularism is also an important tradition in Australia we cannot underestimate the role of religion in the lives of many Australians, including those from non-English speaking backgrounds.

Religions have influences on many aspects of cultural maintenance, with their practices at the root of many cultural traditions. This is evident within many culturally and linguistically diverse (CALD) communities where religious dress and ceremony are inextricably entwined with cultural identity. It is therefore important that religions are not relegated to the margins or excluded from multicultural policy.

¹ABS (2007). Census 2006 fact sheet. available:
<http://www.abs.gov.au/ausstats/abs@.nsf/7d12b0f6763c78caca257061001cc588/6ef598989db79931ca257306000d52b4!OpenDocument>

APRO believes that a multicultural Australia is dependent on accepting and including religious communities and their contribution to the fabric of our cultural diversity.

Religious communities have the potential to work cooperatively through interfaith dialogue and within a social inclusion framework in educating against racism and guarding against fundamentalist extremism.

As the peak multi-faith body in Australia, APRO's roles include acting in an advisory capacity to government both at federal and state levels to address the challenging issues of religious and ethnic pluralism now confronting Australia. In order to achieve this APRO requires strong financial support. Funding to date has been provided by Australia's multicultural peak body, the Federation of Ethnic Communities' Councils of Australia (FECCA) with the assistance of the Commonwealth Government.

In the decade since the report released by the Human Rights and Equal Opportunity Commission (HREOC) on *Freedom of religion and belief*, the international climate has altered dramatically and Australian public policy has changed in response. In this environment security considerations and strategies need to be positively balanced by proactive measures to ensure a harmonious society that embraces cultural and spiritual diversity. It is also critical that CALD and religious communities are not driven into segregationist and isolationist responses to the backlash against multiculturalism and the suspicion of cultural and religious difference.

This submission addresses six key areas for consideration within debates surrounding freedom of religion and belief in Australia:

- 1. Legislation**
- 2. Education**
- 3. Employment**
- 4. New Technologies**
- 5. The Media**
- 6. Gender Equality**

1. Legislation

Areas of concern regarding the freedom to practice and express faith and beliefs

Australia is a signatory to a number of United Nations Conventions regarding human rights with subsequent obligations to ensuring the human rights of its citizens are upheld. While Australia continues to make progress within this framework there is a need to develop further policy on ending discrimination on the grounds of race or religion. In particular, APRO is concerned with the lack of Commonwealth legislation against religious vilification and inconsistencies within legislation across Australian states and territories.

APRO calls for strong leadership and ongoing commitment to Australian diversity through the Government's social inclusion policy which should include acknowledgement of and support for Australia's cultural and spiritual diversity.

Emerging issues since 1998

Over the last decade there has been a backlash in some quarters against policies introduced from the 1970s to the 1990s responding to Australia's multicultural identity.. Renewed emphasis on "common values" was understood by some to mean a return to Anglo-centric values with an assimilationist perspective returning to our multicultural policy.² Ethnic community organisations also experienced reduced funding in favour of mainstreaming services. APRO welcomes the review of Australia's multicultural policy now being undertaken by the Australian Government, following the lapse of the previous multicultural policy in 2006.

Geopolitical events such as the attack on the World Trade Centre on September 11 2001 and ongoing terrorist related conflict throughout the world in recent years have led to tensions and fears surrounding differences of race and religion. Increases in hate against Muslims in Australia have been evident with attacks on mosques and individual assaults. Xenophobic sentiments have extended beyond Islamic groups with other religions such as Jewish, Sikh and Buddhist Australians also targeted. For example, the NSW Police Commissioner reported a marked increase in attacks against both mosques and synagogues in 2002 following the September 11 attacks.³

² Hage, G. (2003) *Against Paranoid Nationalism: Searching for Hope in a Shrinking Society*. Sydney: Pluto Press.P.1; Forrest, J. & Dunn, K.M.(2006).Core' Culture hegemony and Multiculturalism: Perceptions of privileged positions of Australians with British background. In: *Ethnicities*, 6(2), 203-230

³ Ozdowski, S (2003). Religious hatred in Australia. Published in *Australian mosaic*. Issue 2. P. 4

A report by the Australia Israel and Jewish Affairs Council (AIJAC) noted that in the 12 month period concluding on September 30, 2008, Jewish organisations in Australia received a total of 652 reports of incidents of anti-Jewish violence, vandalism, harassment and intimidation, the highest number of reports in 19 years of record keeping, with a rate of almost twice the average of the previous years.⁴

Incidents included assault by unknown assailants in public places such as malls and main roads, and property damage. A disturbing percentage of victims were teenagers or families including young children. One hundred and fourteen of the incidents involved Jewish individuals being subjected to face-to-face abuse and insult, without physical assault. Nearly all of this was experienced by Jewish families walking to or from synagogue or festive meals, generally by passing motorists. While this total was almost 20 per cent below the previous 12 month period, it was the second highest figure on record.

The remaining 480 reports were of telephone threats and abuse (now rare, due to the adoption of e-mail as a common means of harassment); hate mail (at the third lowest rate in 19 years), faxes, stickers, leaflets, graffiti and e-mail.

Legislative protection against discrimination based on religion or belief

The Charter of Public Service in a Culturally Diverse Society

The *Charter of Public Service in a Culturally Diverse Society*⁵ was adopted by Australia in 1998 as a means of providing a key tool for ensuring that all government services meet the needs of our culturally and linguistically diverse community.

While APRO welcomes the adoption and principles of the *Charter* more could be done to integrate these principles into service delivery mechanisms by all government agencies and departments. A major barrier to this is the voluntary nature of the *Charter*.

Many CALD Australians, especially people from new and emerging communities, perceive their complaints are not taken seriously, particularly when reporting experiences of racial or religious vilification or physical assault or harassment based on

⁴ Jones, J (24/11/2008).(online) *The Last Word: Analysing Australian Antisemitism*. Australia Israel and Jewish Affairs Council (AIJAC). Available: http://www.aijac.org.au/?id=articles&_action=showArticleDetails&articleID=5313

⁵ Australian Public Service Commission (2007). Online. Respecting the diversity of the Australian community in providing services. Available: <http://www.apsc.gov.au/foundations/charterpublicservice.htm>

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a person's skin colour or cultural or religious background. This clearly points to difficulties with the principle identified in the *Charter* relating to responsiveness to the needs of service users.⁶

Consideration could be given to mandatory reporting against the *Charter of Public Service in a Culturally Diverse Society*, and a focus on integrating the principles outlined in the *Charter* into accountability measures by services funded by government. The *Charter* would also provide a valuable tool for non-government organisation service delivery and an investigation into how this might be achieved would also be worthwhile.

Religious Vilification Legislation

While the Racial Discrimination Act prohibits discrimination and vilification on the ground of race, colour, descent, and national or ethnic origin, it does not prohibit discrimination or vilification on the ground of religion. This leaves a significant gap in Commonwealth laws against discrimination. While religious vilification legislation has been adopted in some states,⁷ the absence of such protection within Commonwealth legislation fails to protect people.

In the current climate of hostility towards Muslim people in Australia, and their particular vulnerability given they fall outside the protection of racial vilification legislation, APRO recommends the enactment of legislation to prohibit discrimination and vilification on the ground of religion and to criminalise such activities. Public vilification affects the quality of life of a society which the state should seek to preserve. In this respect the very existence of appropriate laws has a salutary effect in creating a climate of opinion in which such group defamation is regarded as socially as well as legally unacceptable.⁸

A private members Bill, introduced in Federal Parliament in 2003, proposed an amendment of the Commonwealth *Crimes Act 1914* to include "Offences based on Racial and Religious Hatred". The amendment would prohibit the intentional incitement of racial hatred and provide a penalty of one year's imprisonment. Other provisions would protect people from threats of physical harm and threats to property on the ground of race or religion.

⁶ FECCA New and Emerging Communities Policy Statement. 2007. Available: http://www.fecca.org.au/Policies/2007/policies_2007015.pdf

⁷ South Australia, Western Australia, and ACT do not have legislation that covers religious vilification. Correspondence. Lacey [Racial and religious vilification in the ACT, ACT Human Rights Office Issues Paper (2006). p.21]

⁸ Lacey, I. (2005). Legislating against religious vilification. Paper presented at Kolkata conference.

APRO calls for the Commonwealth Government to enact legislation to prohibit discrimination and vilification on the ground of religion and to criminalise such activities. We also recommend an amendment to the Commonwealth *Crimes Act 1914* to provide improved protection for people from CALD communities throughout Australia and for the Bill to be used as a model for legislation by the states and territories. APRO strongly values right to freedom of speech and the right for people to live free from discrimination, therefore it is vitally important that legislation balances these principles.

2. Education

The religious education of students at private and public schools has been cited as a critical issue in community consultations. In government schools the lack of education around the various religions and their practices can lead to a lack of awareness and acceptance of cultural and spiritual difference. All students need to be 'religiously literate' in this sense in order to live in a multi-faith and multi-cultural Australia that embraces social harmony and inclusion. APRO supports educational interfaith programs such as the 'building bridges' program⁹ and the 'goodness and kindness program'¹⁰ that aim to break down notions of difference, instead focusing on how students can work together.

3. Employment

A recent report by the Victorian Equal Opportunity and Human Rights Commission and Victorian Multicultural Commission, *Harnessing Diversity*,¹¹ found employment discrimination to be a significant issue for many CALD community members with evidence of racial and religious discrimination in employment.

In a most recent case the Queensland-based Retailers Association stated that people wearing face-covering religious attire should be banned from shops.¹² While this position was not supported and was repudiated by the mainstream and larger Australian Retailers Association, statements such as this highlight the entrenched prejudice within some areas of employment against those who are visibly different.

⁹ Building Bridges. In Geshar 2003-2004, p. 84. Council of Christians and Jews

¹⁰ Together for Humanity foundation (nd). Available: <http://togetherforhumanity.org.au/content/view/12/26/>

¹¹ Harnessing Diversity (2008). Available:

<http://www.humanrightscommission.vic.gov.au/pdf/Harnessing%20Diversity%20report.pdf>

¹² Retailers Association media release (15 Jan 2009). Remove hijabs, hoodies and helmets in shops and banks

4. New Technologies

Information communication technologies have allowed religious communities much more scope to interconnect both locally and globally and have been responsible for improving community cohesion and capacity building in terms of sharing information, bringing communities together, and creating greater awareness and understanding of the various religions.

However, this increased connectedness through cyberspace has its flipside where everyone has the ability to create web pages to promote their views, including racial and religious intolerance. The Internet and mobile phones have added the dimension of cyber-racism that can reach mass audiences on a global scale.

Since the advent of the Internet, online community and social networking websites such as Facebook and You-Tube have become a means of posting racist slurs against specific groups. For example, members of several Victorian cricket clubs were reported in 2007 for posting racist comments against a Jewish cricket team on Facebook.¹³

Hate speech is an area of increasing concern to governments. A recent report on hate speech by Law Professor Richard Moon for the Canadian Human Rights Commission raised issues regarding mechanisms required to address hate speech, in particular on the Internet.¹⁴

Our increasingly connected cyberworld calls for greater vigilance in monitoring Australian hosted websites of religious, ethnic and politically extreme organisations. This should be undertaken both at a community level by community leaders and at a government level by authorities charged with responsibility for administering legislative acts covering racial and/or religious vilification. APRO recommends that detrimental material is addressed within the framework of respect for freedom of speech and the right of people to live free from discrimination.

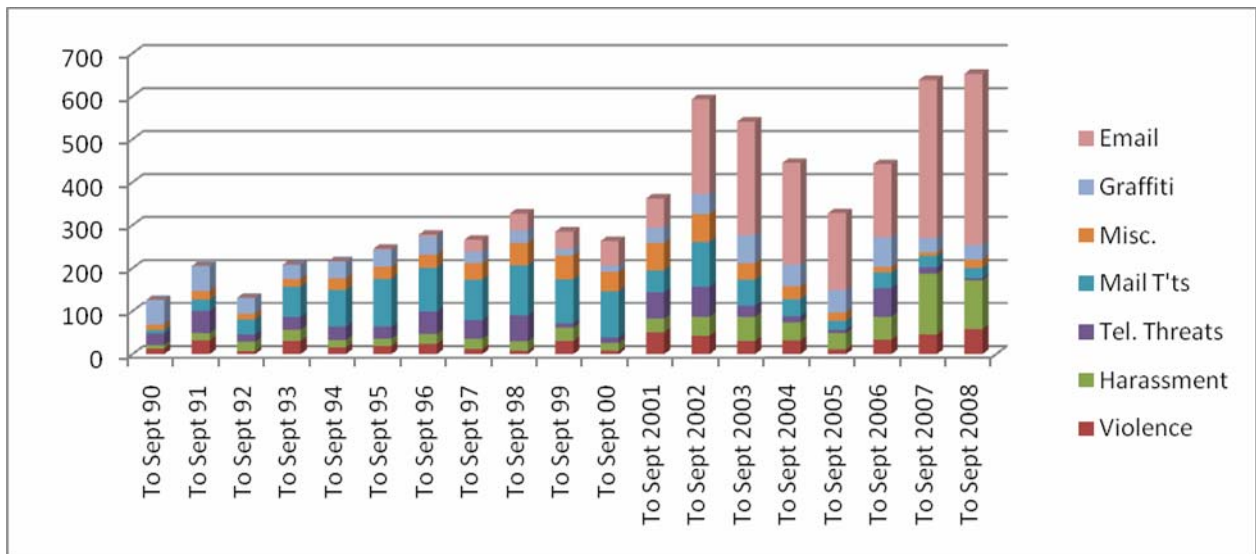
According to a report on antisemitic activities in 2007-2008 by the Australia Israel and Jewish Affairs Council (AIJAC) e-mail has now become the most common means of

¹³ The Age (August 19, 2007). Cricket club under fire for anti-semitism: <http://www.theage.com.au/news/national/cricket-club-under-fire-for-antisemitism/2007/08/18/1186857841956.html>

¹⁴ Moon, R. (2008). Report to the Canadian Human Rights Commission Concerning Section 13 of the *Canadian Human Rights Act* and the Regulation of Hate Speech on the Internet. Available: http://www.chrc-ccdp.ca/pdf/moon_report_en.pdf

antisemitic harassment in Australia.¹⁵ Abusive, threatening and other antisemitic email was reported more than seven times a week in the 2007-2008 period. This was more than four times the average over the total years of reporting and forty percent greater than the previous worst year.

The graph below highlights the increasing incidence of the use of emails over the use of other communication channels.¹⁶



5. Media Reporting

Mass media is critical in disseminating information to the broad community creating greater understanding of the world in which we live. While news media has the potential to report realistic, accurate and objective information on current affairs some news media use their gate keeping privilege to drive their own subjective agenda (such as achieving high audience ratings) through sensationalising subject matter, and stereotyping cultural or religious groups. The accuracy of the news is therefore lost, resulting in the provision of misleading and sometimes inflammatory information.

APRO calls for measures to ensure all media organisations fulfil their obligation to be socially responsible, fair, accurate, thorough, comprehensive, and balanced in their reporting. Increased representation of CALD people on the editorial and management

¹⁵ Jeremy Jones (2008). Report on Antisemitism in Australia, 1 October 2007 - 30 September 2008.

¹⁶ Ibid.

boards of major print and broadcast media bodies would also help alleviate misrepresentation of CALD and religiously diverse groups.

6. Gender and Faith

APRO believes gender equality within religions is an essential element in upholding the right to religious freedom for all.

Gender equality is a strong point of interfaith discussion among women. Concern has been raised that interfaith meetings tend to be dominated by men's interests. This point has also been raised by APRO at their meetings and forums with a resolve to ensure a balance of gender representation at interfaith activities.

A research project by Dr Patricia Madigan involving Christian and Muslim women draws attention to the concerns of some women about the effects of "fundamentalist" religious teachings and practices which they perceived diminished them as women. The women interviewed believed that alternative models, inclusive of women, were possible within their respective religions. They felt that their religions held the spiritual, historical and theological resources needed for this, but felt that that these resources have been underutilised.¹⁷

The study also highlights the importance of interfaith dialogues and the role women play in addressing many of these common concerns.

Conclusion

Despite the issues raised in this submission, Australia has, by and large, been a fairly successful multi-religious community. While media news focuses on racial and religious conflict many religious and spiritual communities coexist in peaceful companionship and understanding. Government initiatives such as the newly announced Diverse Australia program and the reinstatement of a National Multicultural Advisory Council are evidence of efforts at a federal level to target racism and promote positive community relationships.

¹⁷Madigan, T. (2009). Muslim and Catholic women reclaim a liberating vision. In: Australian mosaic, issue 21, March 2009. In press.

APRO commends these initiatives and will continue to work for increased harmony and understanding between people of all faiths and spiritual pathways as well as the large number of Australians who are not religious.