



30 September 2019

The Australian Muslim Advocacy Network was established to assist Australian Muslims to engage in democratic mechanisms. It is a political and policy advocacy body that works in collaboration with existing peaks and representative Muslim bodies.

While Australian Muslims are a diverse people, we share some concerns in common. One key concern is maintaining a sense of security and belonging in an environment where vilification, incitement to hatred and violence is becoming more commonplace.

Sustaining democracy

- What does a democratic culture look like and how can it be nurtured?

By setting clear standards that distinguish between lawful free speech and vilification or incitement to hatred or violence, more Australian Muslims and other minorities that are often the targets of prejudice, will feel safer to participate in public discourse. We agree with the preamble of the *Victorian Racial and Religious Tolerance Act 2001* which states:

1. The Parliament recognises that freedom of expression is an essential component of a democratic society and that this freedom should be limited only to the extent that can be justified by an open and democratic society. The right of all citizens to participate equally in society is also an important value of a democratic society.

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2. The people of Victoria come from diverse ethnic and Indigenous backgrounds and observe many different religious beliefs and practices. The majority of Victorians embrace the benefits provided by this cultural diversity and are proud that people of these diverse ethnic, Indigenous and religious backgrounds live together harmoniously in Victoria.
 3. However, some Victorians are vilified on the ground of their race or their religious belief or activity. Vilifying conduct is contrary to democratic values because of its effect on people of diverse ethnic, Indigenous and religious backgrounds. It diminishes their dignity, sense of self-worth and belonging to the community. It also reduces their ability to contribute to, or fully participate in, all social, political, economic and cultural aspects of society as equals, thus reducing the benefit that diversity brings to the community.

- What could be done to encourage adherence to liberal democratic norms and conventions?

We would like to see more consistent, adequate and appropriate protections for vulnerable religious communities from incitement to hatred and violence, whether it occurs online or in person.

We attach a joint submission made to the Australian Human Rights Commission in conjunction with other Muslim bodies, which summarises the gaps in law and threats to our community, Australia's social cohesion and harmony.

A number of Muslim organisations at the national and state level are currently making a submission to the Australian Government on the exposure draft of the Religious Discrimination Bill. In this joint submission they are advocating for a civil remedy to be included that makes unlawful conduct that would, or is likely to, harass, vilify, or incite hatred or violence on a person or class of persons on the basis of their religious belief or activity. We believe that civil remedy would provide an opportunity for possible restorative justice, by enabling Muslim organisations or people to bring another party to the table for conciliation, and hold them to account for their endangering speech or

conduct. Such a conciliation could build insight of the impacts of this speech and mutual understanding in spaces that currently have no dialogue.

For example, a Muslim woman was able to lodge a complaint to the Victorian Equal Opportunity and Human Rights Commission after a teacher at education institute used lecture slides during a subject on diversity suggesting that while "most Muslims are peaceful", up to 300 million Muslims were "radicals who want to destroy and murder". This opportunity for recourse has helped her to address the acute disempowerment and vilification she experienced during those classes, but according to the institute, the lodging of the complaint has also served as a constructive catalyst for more empirical reviews of course content. Of concern, it is noted that the education institute did not initially respond to the student complaint until she lodged it with the commission. A student in a similar situation in NSW, SA, WA or the NT would today have no such recourse. At a Federal level, this protection doesn't exist at all for Australian Muslims.

We are also formulating suggestions for how Australia's criminal laws and methods for policing and data collection could be improved, to make sure that our criminal system is fit for deterring incitement of hatred and violence.

Nationhood and the nation state

We see an Australia with a hopeful and vibrant sense of nationhood and one that owns and celebrates its cosmopolitan nature. Necessary to that nationhood is the ability to grasp with the most difficult contentions and tensions with honesty, genuine listening and mutual respect. The strength of our liberal democracy is core, not only in protecting freedom of expression and encouraging quality debate, but also in upholding equality of opportunity and respect amongst diverse peoples.

Australian Muslims have a long and rich history on this continent and we would like to see this story more widely known, as well as greater intolerance for people who seek to break these community bonds.

The Australian Muslim Advocacy Network recognises the achievement of the **Uluru Statement from the Heart** in bringing together so many diverse Indigenous

organisations behind a common call for action. This achievement was an outstanding feat. The contents of their proposal were grounded in advice from conservative constitutional lawyers and people from across the political spectrum. We support calls for the contents of this statement to be considered in future consultations and constitutional proposal design. AMAN strongly support the Statement's vision for 'a fair and truthful relationship with the people of Australia and a better future for our children based on justice and self-determination.'

Social cohesion and cultural identity

The more openly proud Australian leaders are of Australia's cosmopolitan character and nature, the greater space there is for all Australians to see themselves as an Aussie. Incitement to hatred that centres around telling people to "go back to where they come from", is corrosive to social cohesion, especially when there is no consequence or recourse. It sends the message that even Australians at the top condone that sort of behaviour (whether that message is correct or not). Australian Muslims experience this behaviour and its lack of consequence, as disrespect, discrimination and endangerment. The tacit approval of that conduct also emboldens those who are perpetuating it to continue and expand their efforts.

Public debate

Clarifying that incitement to hatred and violence do not constitute lawful free speech would

- Encourage a broader range of Australian Muslims to participate more freely and candidly in public discourse without fear of endangerment.
- Motivate individuals to contemplate the character and intention of their contributions to public discourse.

It is essential that Australian public discourse be able to delve deeply into contentious and complex questions and issues, however that can be done without endangering innocent people with generalisations about their community that incite hatred or violence. The ability to discern the difference between lawful free speech and incitement

to hatred and violence is an ability all Australians should be supported to have through education and clear community standards.

We would be pleased to respond to any points or questions that arise from the contents of our submission.