

## The ICV Submission to the Joint Standing Committee on Foreign Affairs, Defence and Trade, Inquiry into the status of the human right to freedom of religion or belief

May 2017

The Islamic Council of Victoria (ICV) welcomes the opportunity to contribute to the Freedom of Religion Inquiry by the Joint Standing Committee on Foreign Affairs, Defence and Trade. We understand that The Committee is defining freedom of religion or belief as recognised in Article 18 of the International Covenant on Civil and Political Rights) around the world including in Australia.

The ICV is the peak Muslim body representing an estimated 200,000 Victorian Muslims and over 60 member societies. We offer advocacy and social welfare services while leading state and national initiatives on cohesion and harmony through community consultations and advice to Government. It has experience in building meaningful engagements, partnerships and projects with over 70 organisations (Muslim and non-Muslim) including over 20 multi-faith and multicultural groups.

Although it was last reported that Muslims in Australia make up only 2.2% of the population (Hassan R, Deakin, 2015) we are more problematically positioned in public policy and media representation than other ethno-religious communities. Victorian Muslim communities regularly describe incidences of abuse and violations to the ICV staff and management on a monthly basis and at ICV community consultations.

The ICV are very concerned that as rising Islamophobia further defines a Muslim as less of a person, and more of an idea in public policy and the media, breaches of our universal human rights in the name of national security and the media's freedom of expression are taking a severe toll on our collective mental health, economic security, and the simple freedom to enjoy practising our religion in our families and communities.

Section 18C of Australia's Racial Discrimination Act 1975 (the RDA) does not specifically factor in ethno-religious discrimination. There are currently a number of groups that are recognised as having both a religious and ethnic identity such as Jewish and Sikh communities, but the ICV understands that no case law exists in Australia to offer the same protection to Muslims. Frustratingly, as the ICV is not funded to provide specific legal advice on s18C, ICV can only continue to support and advocate for a growing number of claims which are increasing in regularity and intensity.

For this submission we will discuss these issues specifically within the terms of reference to highlight the nature and extent of religious intolerance towards Muslims in Victoria for which we use the term 'Islamophobia'. As a member-based community organisation with very limited resources our paper is focused primarily on terms 1 and 3.

## 1. The enjoyment of freedom of religion or belief globally, the nature and extent of violations and abuses of this right and the causes of those violations or abuses.

The ICV consistently condemn all forms of violence against Muslims and non-Muslims each year in our media statements, reports, research, advocacy and community outreach. We are not funded to perform a policy or advocacy role to the level of other community groups, but we do our best to support Australia's legal framework from *within* our religious values which completely reject all forms of violence, discrimination and abuse. Our 60 member organisations and their families expect the ICV to listen to them and speak to government on their behalf.

### Islamophobia's link to violations and abuse

The ICV office receives calls and e-mails on a semi-regular basis which are Islamophobic in nature. The more offending material is logged and provided to police for investigation, while their frequency is tied to media reports and commentary from politicians. When Muslims fear verbal and physical attacks based on our religion there is less incentive to be religiously visible, especially for Muslim women and girls, who are withdrawing into their homes and enjoying less freedom and opportunity than non-Muslims. None of the ICV's members have the capacity to respond to incidents or complaints of racially motivated abuse and, to date, the ICV remain unfunded to address this gap as key public policies and funding agreements do not explicitly link either overt or covert forms of discrimination with Islamophobia.

Rather than re-state the role of the September 11 terrorist attacks on the growth of Islamophobia and right-wing extremism across Australia, we will instead address our comments to more immediate causes of violations and abuse directed at the Muslim community at present.

### Defining Islamophobia

A 2004 HREOC report defined the term Islamophobia as "the fear of Muslims" and our communities consider this term apt to describe the widespread fear and prejudice directed towards Muslims in Victoria, nationally and indeed internationally. The ICV understand that the links between Islamophobia and the confidence that perpetrators of discrimination and abuse display is not always clear to politicians and the media as research has only recently begun to document Islamophobia as a social force in Australia. We do not assume that this submission can change this, however, we will attempt to explain to the Committee what we know.

Australia's Race Discrimination Commission has affirmed that religion can also be used as a surrogate for race or ethnicity, and this fact strongly reflects the ICV's community feedback on verbal attacks and threats on Muslims in Victoria. In May 2017 at ECCV's Walter Lippman Oration to Victorian ethnic communities, the President of the Australian Human Rights Commission Gillian Triggs stated her alarm at the growing "demonization" of Muslims and hate speech directed at minorities. In particular, she noted the normalisation of hate speech and that her Commission's evidence indicates that "Muslims are subject to higher rates of racism than pertains for all other racial and religious groups within the Australian community...the headscarf has become the lightning rod for attacking Muslim women" (The Guardian, 11 May 2017).

Currently the ICV and RMIT are industry partners in a project called *Religious visibility, disadvantage and bridging social capital: a comparative investigation of multicultural localities in Melbourne's north* (RMIT, Colic-Peisker V and K. Dekker (2017 forthcoming).

This project explored neighbourhood experiences of residents in two ethno-religiously diverse suburbs in Melbourne's north, Fawkner and Broadmeadows. The two localities were chosen because they both have large Muslim minorities (25 and 30 per cent respectively at the time of the 2011 Census) and the project's primary focus was on the impact of (primarily Muslim) 'religious visibility' on the local 'bridging social capital'. Islamophobia was analysed from a survey of residents which found that local council-initiated multifaith community programs are effective in building understanding between Muslim and non-Muslim residents, especially when religious visibility was an issue in concentrated residential areas.

Religious visibility is a concept which may be applied to a range of characteristics from a women wearing a hijab to the description "Middle-Eastern appearance" in news reports and police profiling. Some Muslims are more overtly identified in their dress, while for others their religious practices such as praying, fasting and attendance of religious worship at work make them easy to identify as Muslims. All Muslims are familiar with targeted racial profiling at airports.

The architecture of some public buildings and private residences also identify us to the wider community. While most non-Muslims accept these differences as part of a diverse society, religious visibility does solicit a fear of Muslims or Islamophobia.

In the RMIT/ICV research, two people expressed the feeling of fear of Muslim men who commented:

I guess if they were obviously Aussie men, like they had grown up in Australia, you'd probably say 'hi' and joke with them a bit. But I think Muslim men look so serious sometimes when they're in Muslim dress.

(Int #8, F, 39, second generation Italian, 11 years in Fawkner for 11 years).

An Australian woman in her 30s commented:

*I find it quite daunting when I see somebody wearing something like that. I don't like it. I don't mind the hijab, which I think it's, like, the face is showing, that I don't - that doesn't worry me. But the full face covering does, I don't know why. I don't - I think it's because I can't see their face.*

Interestingly in the RMIT research, both non-Muslim and Muslim locals were doubtful about the face covering (burqa or niqab) which shows the diversity of views even within the Muslim community itself, but always in relation to Islamophobia.

With few paid staff but many unpaid volunteers, Victoria's mosques deliver unfunded community services, saving taxpayers money and building social capital while closing the gap in culturally competent government services. Victoria University and the ICV's 2017 research documented this in a paper titled *The civic potential of Muslim community organisations for promoting social cohesion in Victoria* (Peucker P, Centre for Cultural Diversity and Wellbeing (CCDW) 2017).

The ICV is appreciative of the Ethnic Communities' Council's (ECCV) policy paper *On the Road with Australian Muslim Mothers – An Outer Suburbs Roundtable* (ECCV, 2015) documenting overt violations and abuse aimed at Muslim mothers and their children as well as a lack of response to religiously motivated crimes by Victoria Police in some Melbourne suburbs.

### Lack of research and data on Islamophobia

The ICV look forward to the new Census report in June 2017, but at 2.2 per cent in 2011, we do not see our status as a religious minority in Australia changing significantly. While some Census findings may assist us to advocate for issues such as employment, housing, health or education, it may not assist to identify Islamophobia. The ICV see growing links, if not growing data, between early forms of discrimination and later forms of violation and abuse.

The exponential growth in funding for national and state security and law-enforcement managed countering and preventing violent extremism (CVE/PVE) programs, which has ostensibly targeted Muslim communities over the last decade, is historically unprecedented. It has seen a corresponding growth in funding for university research partnerships in related fields and a professionalisation in 'expertise' in our community and faith.

No accurate figure for this public investment is available to the ICV, however, in our role as a key government and research partner, we consider it substantial. ICV is confident that these funds are not building the capacity of our members to support, document or advocate for violations against Muslims experiencing abuse based on our faith or religious visibility. Further, the sheer size of this investment, the disconnected program criteria and unclear outcome evaluations to measure Muslims as a target group, is well beyond the scope of the ICV and our member communities to effectively respond to.

The lack of data on Islamophobia is leading the ICV to seek partnerships with researchers to identify causes for religious intolerance and for violations and abuse difficult to identify, prove and prosecute. As a pivotal stakeholder in State and Commonwealth countering violent extremism (CVE) programs and tertiary research, the ICV are now taking steps to ensure that future CVE research partnerships balance their focus on Muslims with a focus on right-wing extremism and data that can improve policy issues that have been neglected due to narrow understandings of the experiences of Muslim communities in public policies such as CVE/ PVE and counter-terrorism (CT) programs.

The overwhelming views of our members and the broader Muslim Victorian community is that Islamophobia in public policy remains unaddressed, and is resulting in less attention on Muslim-led policy responses to family violence, mental health, employment, education, settlement services, youth work and the court and justice system.

For Victorian Muslims Islamophobia is a real, and not imagined, daily threat limiting our freedom to enjoy going to work and school, to apply for jobs, to walk safely in the street, to wear what we want and to practice our faith free of fear. Islamophobia is a reality imposed on us, but it is not who we want to be.



Despite the ICV's efforts to highlight Muslim-Australian achievements in our 2017 Victoria University partnership paper, we know that fear of Muslims is having a detrimental effect on our communities and the mental health, employment pathways and safety of our youth. Islamophobia is widespread and visible to Muslims across the full social and political spectrum.

## Increasing anti-Muslim language in the media and public policy effect on our youth

Right-wing organised public protests against the building of mosques and openly Anti-Muslim editorial bias in major newspapers is effecting the mental health of the Muslim community. The rise of right-wing extremist political rhetoric, political parties with overt anti-Muslim policies and federal legislation disproportionately targeting Muslim communities has created a culture of surveillance for our families. Muslim youth especially are watched everywhere, every day, and this 24/7 surveillance is becoming internalised and leading to serious mental health issues for many Muslims and increasing family tensions.

The United Nations Special Rapporteur on freedom of religion Mutuma Ruteere visited Victoria in 2016. Mr Ruteere noted that "racists and extremists" were becoming more vocal in Australia and other parts of the world and that "...remarks made by newly elected politicians about newly arrived migrants and in particular against Muslims," qualified as a form of xenophobic hate speech and was on the rise. The United Nations clearly indicated that this was "...leading to negative perceptions of migrants [and] particularly Muslims" while urging "...those sections of the media to resist the tempting descent into racist and xenophobic stereotyping rhetoric and scapegoating".

New 2017 research from Auckland, Otago and Victoria universities uses data collected from their 20-year New Zealand Attitudes and Values Study to prove that the media produces more violent stories about Muslims and these media stories result in greater rates of Islamophobia. The study, *News exposure predicts anti-Muslim prejudice* (John H. Shaver H J, C G Sibley, D Osborne & J Joseph Bulbulia, PLOS One, 2017) is a ground-breaking study. It confirms feedback at a 2016 ICV community consultation with Muslim youth in Melbourne presented to the Office of Prime Minister Malcolm Turnbull on the role of the media. ICV see Australian television programs such as *A Current Affair* and newspapers such as *The Herald* as examples of systemically negative media reporting.

Most of the Muslim young people who attended the ICV's forum commented in some way on the "dehumanization" of Muslims by the media and government. This topic recurred during the consultation regardless of the subject being discussed.

Their homogenisation into "Muslim youth", they said, was evident even when there was no clear evidence of one unified ethnicity or faith in media representation. Muslim Victorians definitely find that the media's demonising of Muslims restricts their freedom to enjoy their religion.

A typical comment from youth is, *"There is a poor response from Government when discrimination is happening, it's a lack of response. There is also a lack of recognition of Muslim achievement in the public space or discussion"* (ICV Internal forum, 2016). One youth explained that, *"the way the media reports impacts on the mental health of Muslim youth* (ICV, 2016)."

Under current government policies, words are frequently more of a crime than actions; and this self-monitoring limits young people's freedoms to express themselves in ways that do not apply to non-Islamic faith youth.

Muslim young people are feeling more emotionally overloaded. A safe space is needed for them to meet and talk about a range of issues in emotional terms, where they can be frank and even use words, which in a public space would sound inflammatory. The fact that they cannot express irony, humour, anger or joy in words and facial expressions that would make them a target for “surveillance” is a cause for despondency leading to mental health issues among many youths. The ICV do consider these effects a violation and abuse based on our religion.

In our RMIT/ICV research paper one resident explained,

*The media show you the bad stuff about Muslims. I know that. [...] I know, from a cafeteria owner [...] this friend of mine, she tells me she sells the newspaper at her cafe in the morning... she gets 50 copies. On an average day, normal day, she return half of them, not selling. But when there's anything to do with terrorism and Muslims [...] She told me that. [...] when anything to do with terrorism and Muslims, she makes sure she buys 200 so she can sell them straightaway, in the first hour. So it's just these headlines [that] sell. So the media, that's what they do.*

(Int #16, M, 38, Arabic, Muslim, 3 years in Broadmeadows)

Anecdotally, we know that many Muslims also face discrimination in the workplace and the ICV are increasing our resources in this area. Department of Employment figures indicate that if you are of Muslim background you are 10 - 15% more unlikely to get a job then if you were non-Muslim. This is evident in Victorian councils with high Muslim population growth areas and Muslim youth unemployment rates between 60 - 70%. An Australian National University study published in 2012 include Muslim as ‘ethnicity’ which corroborates barriers that Muslim jobseekers face.

The ICV are pleased to see that the leading union for journalists in Australia, the Media and Entertainment Arts Alliance's (MEAA) own *MEAA Journalist Code of Ethics* (the Code) seeks responsible and accountable news reporting. In particular, we are interested to see the Code's second point practiced when reporting on stories about Muslim Australians.

The Code demands of journalists: *“Do not place unnecessary emphasis on personal characteristics, including race, ethnicity, nationality, gender, age, sexual orientation, family relationships, religious belief, or physical or intellectual disability”*.

### Interfaith support for Muslims is growing

As a result of the strong inter-faith outreach program among our members, the ICV receive support from other faith groups who recognise the effects of Islamophobia on our community where public policy does not. In The Uniting Church's 2014 submission to the Human Rights Commission national consultation on the protection of people's rights and freedoms in Australia, the Uniting Church supported the right to religious worship.

They also highlighted their concern at growing intolerances towards Muslims leading to violations of our rights and abuses with special attention to Muslim women who wear traditional garments such as the hijab. Victoria's Jewish community have strongly supported us as has a cross-section of Christian churches and the wider community who regularly stand against Islamophobia.

In the 2017 New Zealand study the ethnicity of Muslims was also a factor in the research which found that despite most NZ Muslims being Asian, Non-Muslims perceived “Muslims” to be of Arab heritage. Arab culture was shown to be associated with misogyny and terrorism which is a good example of our Discrimination Commission’s finding that religion can be used as a surrogate for race or ethnicity.

Associating stereotyped ethnicities with Australian Muslims in policy and the media is of deep concern to the ICV. We note the scheduling of Government proposals to include questions in Australia’s citizenship laws for domestic violence at the same time that anti-Muslim media coverage characterises the Islamic religion as violently misogynist.

The ICV publically condemn all forms of family violence with the support of our members and have stated that, *“Racial abuse, and threats of violence against women and children is unacceptable in all its shapes and forms and it is our collective responsibility as citizens and community leaders to step up and protect people from racial and religious discrimination (ICV Media Release, 22 March 2017)”*.

We are deeply disappointed to see public policies and the media link deficits in gender equality, family violence and the safety of LGBTIQ Muslims with an assumption that being Muslim is not compatible with Australian values of egalitarianism, compassion and equality.

The ICV Recommends:

**Recommendation 1:**

New government consultation with the Muslim community on a new code of practice for research and/or service agreements for partnerships with Muslim community organisations. This will recognise Islamophobia as a significant variable effecting public policy, media and gaps in research on the violations and abuse of Muslims’ human right to freedom of religion and belief.

**Recommendation 2:**

Existing Commonwealth CVE and CT funding re-allocated to create safe spaces urgently needed by Muslim youth to meet and talk about a range of issues in emotional terms, where they can be frank and even use words, which in a public space would sound inflammatory.

**Recommendation 3:**

A meeting between the MEAA, the Commonwealth and the ICV to initiate a consultation among its journalism and news producer members about their compliance with the *MEAA Journalist Code of Ethics* point #2 in their reporting of Muslim Australians.

**Recommendation 4:**

Existing Commonwealth CVE and CT re-allocated their funding into more inter-faith activities and programs in partnership with Muslim community organisations.



2. Action taken by governments, international organisations, national human rights institutions, and non-government organisations to protect the freedom of religion or belief, promote religious tolerance, and prevent violations or abuses of this right.

## ICV-led contributions to support freedom of religion

The ICV have recently made a submission to the Select Committee on Strengthening Multiculturalism May 2017 in which we stand up for the principles of multiculturalism and diversity in both State and Commonwealth legislation and raise issues particular to the Muslim community. For this submission we will focus on issues critical to the freedom of religion.

The ICV's media advocacy has focused on issues of religious freedom as illustrated by a joint media release between the ECCV and the ICV condemning anti-mosque protests in Victoria (ECCV media release October 2015). The ICV have a long standing relationship with the AFL and are a part of their Multicultural advisory group, an extension of which is the Multicultural Ambassadors and key events including the AFL iftar in Ramadan, Multicultural Round and the Unity Cup. Where possible we endorse projects and grant applications from both Muslim and non-Muslim not for profit organisations to build capacity to support Muslim and non-Muslim engagement.

Our 2017 Victoria University research project is the first Victorian evidence-based insight into the activity profile of Muslim community organisations across the state. It underscored our manifold contributions to promoting social cohesion in Victoria's diverse and multi-faith society. The ICV are leading contributors to Muslim youth projects and our post release rehabilitation program Muslim Connect and Community Integration Support Program (CISP) are national best practice models that address complex issues in partnership with State Government agencies.

The ICV were integral participants in ECCV's community roundtable on the only national community consultation on the *Counter-Terrorism Amendment Bill (No1) 2015 - Punishment as Prevention 5.0* (ECCV 2016) - which passed new control orders for children as young as 14, legal surveillance of their families, schools and even their parent's employers in the now *Counter-Terrorism Legislation Amendment Act (No. 1) 2016* (The Counter-Terrorism Act).

## Section 18C

As discussed, the RDA does not specifically factor in ethno-religious discrimination and this is a contributing factor in identifying and addressing violations and abuse towards Muslims in Victoria.

In 2017 the ICV were part of a multi-faith and cross sector submission to the 2016 Inquiry into Freedom of Speech in which we commented on the strength of Sections 18C to protect ethnic communities from discrimination but that religious freedom was a glaring omission which we want to see included in any future amendments to the RDA.

We further commend our friends in other faith groups and religions who have publically stood with the ICV and the Muslim community to oppose religious violations and abuse in the form of anti-Muslim rallies, attacks on Muslim mothers and women on our streets, and rhetoric from opinion leaders in Parliament and the media.



## International Conventions

We are aware that Australia has ratified the United Nation's (UN) International Convention on the Elimination of Racial Discrimination and that Article 18 of the International Covenant on Civil and Political Rights (ICCPR) lays out key principles to protect people's freedom of religion.

The ICV are concerned that Australian laws relating to counter-terrorism, such as the *Counter-Terrorism Act*, is pushing the UN's Article 18's third principle to its limit in any discussion of freedom of religion.

Article 18's third principle states: "Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health or morals or the fundamental rights and freedoms of others." As a crucial roundtable participant, The ICV highlighted that this law disproportionately effects Muslim families. We jointly advocated with ECCV for greater support for trained counsellors to support affected Muslim families, more cooperation between government agencies to discuss any damage done by this law to our communities and the goals of social cohesion and CVE, as well as greater infrastructure to support our vulnerable young people.

The ICV Recommends:

**Recommendation 5:**

Government maintain current protections in s18C and include a protection for people to safely practice their freedom of religion in Australia.

**Recommendation 6:**

Commonwealth and State Government maintain its commitment to Multiculturalism and to a broaden their commitment to assist Muslim families to access non-CVE policy support to increase assistance in as family violence, health, mental health, corrections, youth, education and employment.

### 3. The relationship between the freedom of religion or belief and other human rights, and the implications of constraints on the freedom of religion or belief for the enjoyment of other universal human rights.

Beyond the UN International Convention on the Elimination of Racial Discrimination and Article 18 of the ICCPR discussed above, the ICV highlights two specific issues in Australia that register strongly with Victorian Muslims by sending messages contradictory to their funded community engagement agreements with Muslim community organisations - including the ICV.

These are our deep disappointment in Australia's treatment of refugees, with offshore transfers of asylum seekers to Manus Island in Papua New Guinea (PNG) and Nauru; and recent amendments to our counter-terrorism Laws which reduced the age for control orders to children as young as 14 in *The Counter-Terrorism Act*.

The ICV see civil liberties as equally as important as human rights, especially given the lack of inclusion of protections for religious freedom in s18C and the fact that Australia does not have a Bill of Rights to protect our freedom of religion

### Asylum seekers and refugees of all faiths

While there has been an agreement to close and resettle those deemed refugees detained on Manus Island and Nauru, this is occurring too slowly to alleviate the suffering of those detained. Condoning this suffering goes against Muslim values - regardless of people's faith. A 2017 Human Rights World Watch 2016 report confirms the fears that Muslims see in the lack of media coverage of incidents on detainees who face:

"...violence, threats, and harassment from Nauruans, with little protection from local authorities. They face unnecessary delays in, and at times denial of, medical care, even for life-threatening conditions. Many have dire mental health problems and suffer from depression. Self-harm and suicide attempts are frequent. In May 2016, two refugees self-immolated in separate incidents; one died and the other was badly burned" (Human Rights Watch Report 2017).

The report cites the legislated secrecy of our offshore operations with those working for the Australian Government facing criminal charges and civil penalties if they disclose information about conditions for asylum seekers and refugees that contravene our common Australian and Muslim values as embodied in our international agreements on human rights.

### Counter-Terrorism Legislation Amendment Act (No. 1) 2016's "control orders" can detain suspected Muslim children as young as 14

The ICV understand the need to confront youth radicalisation, but find new powers introduced into Parliament in late 2016 to have a dampening effect on the freedom of religion for Muslim Victorians.

Like most Australians, ICV were caught-unawares by the Parliamentary Joint Committee on Intelligence and Security's inquiry for the *Counter-Terrorism Legislation Amendment Bill (No.1) 2015*. At a community roundtable hosted by the ECCV in 2016, ICV gave feedback on how to limit potential damage to Victoria's social cohesion as a result of the Bill which was passed into law that year.

Many Muslims and Non-Muslims today remain unaware of the Bill's poor safeguards for authorising and managing control orders of children aged 14; and permission for unprecedented intrusion and surveillance of any Victorian family, children, their friends, school and employers. We saw immediately that Muslim communities will shoulder a heavier burden of proof and endure more intrusion than others. While only a few children might come under the spot light, the damage the legislation will do is enormous to the multicultural and multi-faith communities.

ICV explained at the roundtable the following:

*[We] are not resourced to handle a niche market of 14 to 18 year olds. 46% of the Muslim population is under 25. That will create a siege mentality. It's important that the narrative from this Bill is about that nobody wants terrorists to carry out these plans. If that isn't so, then it becomes a young community under siege. It's like a chess game, the next move, and then Pauline Hanson will say something and then a redneck and it will get out of hand (ECCV 2016).*

We also clearly described how Victoria's Muslim community was neither consulted nor prepared for the consequences of this Bill and explained:

*There are all these organisations, but there is no consultation. If the Muslim community is the target group, why are we not being informed? It took the ECCV to bring this to our attention. There is no consultation. It is a big concern to us. Why were we not consulted? The Muslim community, we are not prepared, we are not resourced. I give you some stats. ...We have 46% of Muslims under the age of 14, a third of them children. We are a very young community. 14-25 are called "youth", more than 17 % of Muslims are in this age group, out of 500,000, that is 85,000 young people who will possibly be under the spotlight with this Bill. This will create a siege mentality. Being felt like "the other" will be exacerbated. So much for all your other law enforcement work. They will just say sorry, this is legislation (ECCV 2016).*

The ICV Recommends:

**Recommendation 7:**

Commonwealth Government contribute to the final report of this Inquiry by outlining their record and commitment to international human rights agreements, and especially Article 18 of the International Covenant on Civil and Political Rights (ICCPR).

**Recommendation 8:**

Australian Commonwealth Government review the new control orders in the *Counter-Terrorism Act* in the context of the International Convention on the Rights of the Child.



The ICV Recommends:

**Recommendation 9:**

New government funding for counsellors of Muslim parents of children affected by new control order for children. This will acknowledge the risks to mental health, employment, rental housing, poverty and education as a result of any unforeseen consequences of legislation which disproportionately affects Muslim youth.

4. Australian efforts, including those of Federal, State and Territory governments and non-government organisations, to protect and promote the freedom of religion or belief in Australia and around the world, including in the Indo-Pacific region.

### The ICV recognise all the supporters of Muslim Victorians

The ICV praise the UN's Special Rapporteur on freedom of religion Mutuma Ruteere for visiting Australia and speaking out on Islamophobia in Australia to the UN and the rest of the world.

As already discussed, the ICV recognise and support when the Australian Government intervenes to question the human rights records in other countries. However, as this submission makes clear, there are human rights issues which restrict Muslim's in Victoria and nationally to enjoy the same human right to freedom of religion or belief that other Australians currently enjoy.

We continue to support the work of Islamophobiawatch which helps log and report instances of discrimination. We have also supported 2 forums bringing together academics, counsellors and activists to speak about this important issue. The large crowds at both of these forums indicate that the community is very concerned about Islamophobia.

In 2001 the Government of Victoria enacted the *Racial and Religious Tolerance Act 2001*. The ICV has experience in the use of this Act which is applicable today to only the most extreme cases of religious vilification. Although it can be argued that it has proved weak in preventing the rise of Islamophobia in Victoria, the ICV commend Victoria's efforts to keep multiculturalism relevant and to find new narratives for diversity which the ICV recognise and support.

It has increased funding in its Community Resilience Unit (CRU) and the ICV have a strong and long-term relationship with Victoria Police which we want to continue with. However, the ICV strongly advocate to both State and Federal Governments to increase and improve the *quality* of their consultation with Muslim communities on the effect of their CVE/PVE research and community programs. As both the *Racial and Religious Tolerance Act 2001* and the RDA have proven ineffective in preventing Islamophobia, the ICV support all efforts to retain s18C.

We ask them to balance their considerable investment in CVE research and services with data gathering projects on Islamophobia's role on violations and abuses on Muslim Australians; and not only focus on their investment in CVE programs which require Muslim community organisations' support.

We advocate higher research and programs to address the rise of other non-Muslim extremism in Australia such as far-right groups.

These actions will increase the confidence of families, and Muslim youth in particular, that they are not being profiled for their ethno-religious profile. It will also strengthen the ICV to be a focused community representative that can better partner with government to protect freedom of religion and belief for all Australians of faith.

The ICV commend Gillian Triggs and all our interfaith partners and supporters who continue to stand with Muslim families while recognition of the human rights violations and abuses against Australian Muslims remain absent in government public policies and Australia's own *MEAA Journalist Code of Ethics*.

The Law Council of Australia and the ECCV have been the only two non-government organisations in Australia to support the ICV's opposition to the new control orders in the *Counter-Terrorism Act*. This has educated the ICV about the importance of working with the legal profession and legal associations given the disordered but damaging effects of counter terrorism legislation on Muslim Australians' freedom of religion or belief.

The ICV especially acknowledge the members of the wider Australian community who represent only themselves and their own families, sometimes are great personal risk, when reaching out to defend our Muslim families who face violations and abuse on our streets, in shops, in schools and workplaces based on our religion. These ordinary Australians, our neighbours, are our biggest supporters and we thank them for protecting our right to freedom of religion and belief.

The ICV Recommends:

**Recommendation 10:**

Australian Commonwealth Government adhere to its existing international human rights agreements.

**Recommendation 11:**

Australian Commonwealth Government review all current policies for refugees detained on Manus Island in Papua New Guinea (PNG) and Nauru by: a) speeding up the process; implementing permanent non-detention policies for asylum seeker children, permanent asylum to persons on bridging visas; and reduce reliance on resettlement agreements with countries such the US.

If you require further information please contact Nail Aykan, ICV Executive Director at email: [nail.aykan@icv.org.au](mailto:nail.aykan@icv.org.au) or Adel Salman, ICV Vice President at email: [adel.salman@icv.org.au](mailto:adel.salman@icv.org.au) and telephone: (03) 9354 9555.

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