Executive Summary

Dr William Jonas AM, the acting Race Discrimination Commissioner of the Human Rights and Equal Opportunity Commission (the Commission), launched the Isma**U** project in March 2003. The project was a response to increasing concerns expressed by Arab and Muslim organisations about the rise in anti-Arab and anti-Muslim prejudice in Australia.

These concerns were expressed against the backdrop of the September 11 2001 attacks in the United States and the Bali bombings of October 2002, as well as national and local events such as the growing numbers of asylum seekers from the Middle-East and Muslim countries and the trial, conviction and sentencing of gang rapists in Sydney in 2001-2002.

While the number of formal complaints of racial discrimination and racial hatred received by the Commission did not increase, in 2002 the Commission heard mounting anecdotal evidence from a range of Arab and Muslim community members and organisations about a rise in anti-Arab and anti-Muslim prejudice in Australia. The Isma**U** project was launched with a view to understanding and accounting for this discrepancy.

The aim of the Isma**U** project was to explore whether Arab and Muslim Australians were experiencing discrimination and vilification post-September 11. If so, what was the nature of these experiences and what were their impacts? How were Arab and Muslim Australians responding to such experiences and why weren't they reporting them through official complaint channels?

The Commission was also interested in finding out what was being done to address underlying prejudice towards and discrimination and vilification of Arab and Muslim Australians and what else Arab and Muslim Australians thought should be done in this area. The project involved three main components:

1. **National consultations** with Arab and Muslim Australians. A total of 1,423 people participated in 69 consultations in all states and territories around Australia between April and November 2003. Consultations involved group discussions on the following broad questions: *Have you (or the community group you represent) experienced discrimination and vilification? If so, what are those experiences? What is being done to fight anti-Arab and anti-Muslim prejudice and discrimination? What more could be done to fight anti-Arab and anti-Muslim prejudice and discrimination?*

2.   **Empirical and qualitative research** conducted by the researchers at the University of Western Sydney using questionnaires and follow-up interviews to learn more about Arab and Muslim Australians' responses to racism and abuse and their experiences and understanding of complaints processes. 1,475 self-complete questionnaires were distributed in New South Wales and Victoria between August and November 2003. The 25 multiple-choice and open-ended questions asked about people's experiences and responses to racism, abuse and violence. 186 people returned questionnaires. 34 of these agreed to take part in open-ended semi-structured interviews where participants were asked to expand on survey questions. The UWS research report is available on the Commission's website at: http://www.humanrights.gov.au/racial_discrimination/isma/research/index.html

3.   **An audit of strategies and initiatives** that seeks to address anti-Arab and anti-Muslim prejudice, discrimination and vilification. The Commission contacted over 100 local, state and federal government agencies and community groups and had over 50 meetings with representatives from these organisations to provide an overview of existing strategies and identify gaps. Information received from these organisations is summarised in Chapter 4 and is set out more extensively on the Commission's website at: http://www.humanrights.gov.au racial_discrimination/isma/strategies/index.html

This summary of the Isma**U** project is comprised of five chapters.

Chapter 1: provides background information about the Isma**U** project, the role of the Commission, the demography and history of Arab and Muslim Australians, federal and state anti-discrimination law, and the Commission's previous research and findings relating to religious discrimination and vilification and anti-Arab and anti-Muslim prejudice.

Chapter 2: summarises the experiences of Arab and Muslim Australians since September 11 who participated in the Isma**U** project.

Chapter 3: describes how Arab and Muslim Australians have been affected by and responded to these experiences.

Chapter 4: examines current strategies that seek to address anti-Arab and anti-Muslim prejudice.

Chapter 5: explores future strategies to help eliminate prejudice and discrimination against Muslim and Arab Australians.

It is important to note that the experiences outlined in this summary present the different perspectives of Arab and Muslim Australians who participated in the Isma**U** project. While participants used terms like discrimination and

vilification to describe their experiences, this does not necessarily amount to unlawful discrimination or vilification as defined in federal or state and territory anti-discrimination legislation. Nor was it the purpose of this project to verify every allegation of violence, discrimination or vilification. Rather, it was the Commission's aim to listen to Arab and Muslim Australians describe how they perceived and experienced prejudice, discrimination and vilification in order to gain insight into their understanding of the nature, causes and solutions to anti-Arab and anti-Muslim prejudice.

Summary of information provided by participants

The following summary is based on information drawn from the three major components of the Isma**U** project:

1.   The majority of participants in the Isma**U** project reported experiencing various forms of prejudice because of their race or religion. These experiences increased after international incidents such as the attacks of 11 September 2001 and the October 2002 Bali bombings, and were exacerbated by particular national and local events such as public debates over asylum seekers and the trial, conviction and sentencing of gang-rapists in Sydney in 2001-2002.

2.   These experiences ranged from offensive remarks about race or religion to physical violence.

3.   Most experiences described by participants were unprovoked, 'one off' incidents from strangers on the street, on public transport, in shops and shopping centres or on the roads. However, participants also reported experiencing different forms of prejudice from people known to them in the workplace, at school, universities or colleges and from neighbours. Discrimination in the provision of some government services, particularly police services, was also reported.

4.   Participants felt that those most at risk were readily identifiable as Arab or Muslim because of their dress, physical appearance or name. For example, Muslim women who wear traditional Islamic dress were especially afraid of being abused or attacked. Many have restricted their movements and reported becoming more isolated since September 11. Arab and Muslim youth felt that they were particularly at risk of harassment which has led to feelings of frustration, alienation and a loss of confidence in themselves and trust in authority. Many newly arrived Arab or Muslim migrants and refugees have reported that their experiences of prejudice have made it harder for them to negotiate the already difficult process of settling into a new country.

5.   These experiences are having a profound impact on Arab and Muslim Australians. The biggest impacts are a substantial increase in fear, a growing sense of alienation from the wider community and an increasing distrust of authority.

6.   Participants indicated that they were more likely to complain about these experiences to their families, friends or their local ethnic or religious community organisations than to police or government organisations. The reluctance to complain to police or government organisations was due to: fear of victimisation; lack of trust in authority; lack of knowledge about the law and complaints processes; the perceived difficulty in making a complaint and the perception that outcomes were unsatisfactory.

7.   The absence of consistent legal protection from religious discrimination and vilification across the country was of concern to participants. The lack of protection under NSW anti-discrimination law was of particular concern to Muslims in NSW, where the majority of Australian Muslims live.

8.   Participants identified lack of knowledge and misinformation about their history, culture and faith as the major underlying cause for the rise in prejudice against them and that this lack of knowledge and misinformation has been exacerbated by terrorism and an international climate of political tension between the Arab and Muslim world and western nations, including Australia.

9.   Participants also felt that biased and inaccurate reporting of issues relating to Arabs and Muslims is commonplace amongst some sections of the media and is extremely damaging. Survey respondents and interviewees also felt that increases in anti-Arab and anti-Muslim prejudice, discrimination and violence were linked to negative media portrayals of Arab and Muslims, especially on commercial television, talkback radio and in the tabloid press.

10.   Governments and community organisations have undertaken a range of both short-term crisis responses to eliminate discrimination and vilification of Arab and Muslim Australians and longer term strategies to address anti-Arab and anti-Muslim prejudice.

Recommendations

A major goal of the Isma**U** project was to engage members of Arab and Muslim communities, government and non-government organisations in constructive discussion about future strategies to eliminate anti-Arab and anti-Muslim prejudice and discrimination. While much has been done by community and government organisations to allay prejudice and discrimination against Arab and Muslim Australians, participants in the Isma**U** project identified six key areas for improvement and future action: improving legal protections; promoting positive public awareness through education; addressing stereotypes and

misinformation in public debate; ensuring community safety through law enforcement; empowering communities and fostering public support and solidarity with Arab and Muslim Australians. The Commission developed more specific recommendations from these broad areas following investigation of the kinds of initiatives which were already in place at a local, state and federal level across Australia. A full discussion of the issues raised below can be found in Chapter 5.

1. Legal protection

Ensuring that both Arab *and* Muslim Australians have adequate legal protection from discrimination and vilification is vital. Current legal protections against discrimination on the ground of religion or belief, at federal, state and territory level, lack consistency and uniformity with the result that whether someone can seek redress under anti-discrimination laws for religious discrimination or vilification depends on where the conduct complained of occurred in Australia.

A person who believes they have been discriminated against solely because of their religion has no legally enforceable rights if the alleged discrimination happened in NSW or South Australia. A person who believes they have been vilified because of their religion has no legally enforceable rights if the alleged vilification happened in the ACT, NSW, South Australia, Western Australia or the Northern Territory. The current lack of enforceable legal protection from acts of discrimination or vilification based solely on religion in NSW is particularly problematic as the majority of Muslim Australians live in that state (see appendix 3 for detailed data on Australian Muslims summarised from the 2001 national census).

At the federal level, the Commission has the power to inquire into and attempt to conciliate complaints that a person has been discriminated against on the basis of their religion in their employment or occupation, or if their human rights in relation to religious belief have been breached by the Commonwealth. However, these complaints do not give rise to any enforceable right or remedy.

The Commission has previously considered the lack of enforceable remedies at a federal level in its 1998 report *Article 18: Freedom of Religion and Belief* (Article 18 report). In the Article 18 report, the Commission expressed the view that Australia currently falls short of the internationally recognised human rights standards in the *International Covenant on Civil and Political Rights* and the *Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief.*

The Commission is of the view that the enactment of federal legislation that makes discrimination and vilification on the basis of religion unlawful, would provide greater consistency and uniformity in this area and would assist in Australia satisfying its international obligations in this regard.

Recommendation:

That a federal law be introduced making unlawful:

- **discrimination on the ground of religion or belief**

  Appropriate exemptions, such as those set out in the Article 18 report relating to the inherent requirements of the job and employment by religious institutions, should be considered and

- **vilification on the ground of religion or belief**

  It is acknowledged that the proposed legislation must make allowances for fair speech and fair reporting to ensure a balance between the competing rights of freedom of expression and the right to be free from vilification on the basis of religion or belief. Appropriate exemptions, such as those set out in the Article 18 report, should be considered.

It is also important for the Commission and other state and territory anti-discrimination agencies to continue working with Arab and Muslim communities to increase their knowledge about existing anti-discrimination laws and complaints processes. Informing Arab and Muslim communities about provisions which allow organisations to make complaints on behalf of individuals under a number of state and territory anti-discrimination laws is especially important.

2.   Education

Confronting negative stereotyping and misinformation about Arabs and Muslims through education is an important long-term solution to overcoming anti-Arab and anti-Muslim prejudice and intolerance. Consultation participants stressed the need for more broad based public education and for more targeted education campaigns aimed at specific groups such as young people, employers and service providers to help dispel myths and negative stereotypes about Arab and Muslim Australians.

In relation to the education of young people, while each state and territory education department develops and implements specific anti-racism policies and programs in accordance with broad national guidelines, such as the *Adelaide Declaration on National Goals for Schooling in the Twenty-First Century*, the implementation of these policies and programs is the responsibility of individual schools. Concerns were raised by several consultation participants that there is a lack of consistency in how racism is tackled in different schools.

In light of this, collaboration between federal, state and territory education authorities to promote more consistent implementation of anti-racism policies in schools could be fostered through the federal Ministerial Council on Education, Employment, Training and Youth Affairs (MCEETYA). MCEETYA is comprised of State, Territory, Australian Government and New Zealand Ministers with responsibility for the portfolios of education, employment, training and youth affairs. It is supported by a number of taskforces convened as needed to meet particular goals such as improving Indigenous education employment and training. Information provided by the MCEETYA Secretariat indicated that issues relating to anti-racism and cultural diversity in schools could be addressed by existing MCEETYA taskforces such as the Student Learning and Support Services Taskforce or the Teacher Quality and Educational Leadership Taskforce (or whatever the new configuration of these taskforces may be after a review currently being undertaken by MCEETYA).

Recommendation:

That MCEETYA consider referring these issues to the relevant taskforce for advice on best practice in implementing anti-racist education policies in schools with a view to ensuring schooling is free from discrimination based on culture, ethnicity, religion or race, and for an action plan to implement that best practice.

To ensure that teaching professionals are well prepared to administer anti-racism policies and programs and help promote respect for cultural and linguistic diversity, teachers should receive diversity training as part of their ongoing professional development. While in some states and territories induction programs for new teachers includes diversity awareness and anti-racism training, there appears to be no compulsory on-going training for established teachers. The MCEETYA taskforce on Teacher Quality and Educational Leadership (or its new configuration) could develop standards for anti-racism and diversity training aimed at improving the quality of teaching and learning in schools.

Recommendation:

That MCEETYA consider referring the issue of diversity training of teachers to the relevant taskforce for advice on an action plan for implementation, as part of its commitment to enhancing teacher quality.

3.   Public language

a)   Media

During the course of consultations and the independent research carried out by UWS, concerns were consistently raised by the participants about the reporting of issues relating to Arabs and Muslims. This issue has been the subject of vigorous public debate and analysis. Participants felt that biased and inaccurate reporting of issues relating to Arabs and Muslims is commonplace among some sections of the media and is extremely damaging.

Consultation participants saw the development and implementation of strategies to challenge stereotyping in the media as essential to achieving the broader goal of eliminating prejudice and discrimination against Arab and Muslim Australians. Suggestions for addressing these concerns included:

i)   Targeted information campaigns on media standards and complaint processes

Some consultation participants felt that there were few, if any, constraints or checks on the media in relation to reporting of issues relating to race and religion. However, the media are bound by the racial hatred provisions of the RDA and by racial and religious vilification laws in the states and territories where they exist. In addition to this, each of the media sectors has its own form of self-regulation which allows members of the public to make complaints to the relevant industry body. This includes industry codes of practice developed in accordance with the *Broadcasting Services Act 1992* (Cth) and registered with the Australian Broadcasting Authority, the Australian Press Council's Statement of Principles and reporting guidelines, and the Australian Journalists' Association Code of Ethics which binds members of the Australian Journalists' Association of the Media Entertainment and Arts Alliance.

Few consultation participants were aware of these bodies or avenues of complaint and it appears that raising awareness of the existence of these bodies and complaints processes would be an important step towards enforcing industry standards. Providing communities with better information about the relevant regulatory standards and avenues of complaint may be more appropriately handled by organisations responsible for administering these standards.

Recommendation:

That the relevant industry groups, the Australian Broadcasting Authority and the Australian Press Council consider undertaking information campaigns in relevant community languages and in a variety of formats to inform Arab and Muslim organisations and community members about their standards and complaint processes.

ii)   Constructive engagement between media and community representatives

Forging good relations between media and Arab and Muslim communities is vital to addressing concerns raised by participants about stereotyping and misinformation. Participants expressed a strong desire to see more varied and positive images of Arab and Muslim Australians in the Australian media and many felt that communities themselves should be more pro-active about providing media with positive stories and photo opportunities which show Arab and Muslim Australians contributing in positive ways to Australia. In addition, participants wanted more dialogue with media to allow them to explain the impacts of media reporting and commentary on their communities. In some cases, attempts made by community organisations alone to foster this dialogue have not succeeded. Instances where a third party, such as a government agency, has intervened and acted as intermediary between media and community organisations have been more successful in building relations and trust.

Recommendation:

That government agencies responsible for promoting multiculturalism consider facilitating consultation between media organisations and ethnic and religious community organisations, including Arab and Muslim groups, to improve mutual understanding.

iii)   Training for community leaders and journalists

Identifying and training community spokespeople was seen by many consultation participants as vital to challenging stereotypes. Participants stressed that it is important for community representatives to learn to speak up and participate more effectively in public debate – not just in specific discussions about religion or world politics, but in matters of general public interest like health care and education. The need for women as spokespersons was particularly acute. Some participants argued that the absence or rarity of female spokespersons for Arab and Muslim communities helped to reinforce negative stereotypes about Arab and Muslim women.

Participants also suggested that media themselves be educated to understand cultural and inter-racial issues as well as reporting standards established by anti-discrimination laws. Some participants suggested that anti-racism induction programs and ongoing staff training be made compulsory in all media organisations and in university journalism and media courses.

b) Police

All state and territory police services, with the exception of NSW Police, use the following four categories to describe alleged criminals, offenders, suspects, victims and missing persons by reference to their race: 'Aboriginal appearance', 'Caucasian appearance', 'Asian appearance' and 'Other appearance (to be specified)'. These four categories were recommended for use among all Australian police services in 1997 by the former National Police Ethnic Advisory Bureau (now called the Australasian Police Multicultural Advice Bureau (APMAB)).

The NSW Police did not adopt the recommended four descriptors, choosing instead to review their entire policy on descriptions of persons issued by police to the media in consultation with internal and external stakeholders. The review resulted in a revised policy, which includes use of only the following ethnicity-based descriptors: 'Asian appearance', 'Aboriginal appearance', 'Black/African appearance', 'White/European appearance', 'Indian/Pakistani appearance', 'Pacific Islander appearance', 'South American appearance' and 'Middle Eastern/ Mediterranean appearance'. In developing these descriptors, the NSW Police consulted with representatives from the then Ethnic Affairs Commission, the Ethnic Communities Council of NSW and various community groups in 1999. They also established policy guidelines to regulate the use of ethnicity based descriptors.

Many consultation participants felt that a significant cause of heightened prejudice occurred as a result of the description of criminal suspects and offenders by reference to their presumed ethnicity or ethnic appearance. The main objection to the use of ethnic descriptors raised by consultation participants was that they were seen as inflaming prejudice against whole communities making them accountable for the actions of individuals. In most examples cited by participants, it was the use of descriptors like 'Middle Eastern' by media and political commentators which aroused most concerns. The NSW Police cannot control how the media or politicians use ethnic labels to report and comment on crime. However, some participants have argued that by legitimising the public use of ethnic descriptors like 'Middle Eastern' for one purpose (catching alleged criminals), these terms become more acceptable in broader public debates about ethnicity and crime. These broader debates can inflame prejudice by suggesting there is a link between criminal behaviour and the ethnicity of offenders.

At a national level, APMAB has monitored the use of the four ethnic descriptors it recommends police use nationally. In 2003, APMAB conducted a scoping exercise to understand more about current practice in the use of descriptors in all police jurisdictions, to compare and contrast this practice with international practice and to make recommendations which will further support police work. The research found that many police were experiencing difficulties in ensuring the accurate use of descriptors and in managing the media's use of descriptors.

As one respondent noted, 'it is often the media themselves who take the information and present it in a manner that may be offensive.' Police also reported that the use of descriptors often elicits significant community concern and that, 'when used inappropriately, ethnic terms can offend members of the public adversely and affect the relationship between police and the community.' The report recommended development of a national and Australasian set of standards in training police to use descriptors in a consistent and culturally informed manner.

The Commission supports this recommendation and encourages the under-taking of further research on the issue of descriptors in order to provide a better understanding and a firm basis for the development of a national set of standards. Given the concerns raised by consultation participants in New South Wales about the specific use of the descriptor 'Middle Eastern', it may be appropriate to include in this research a specific review of the NSW policy of eight ethnicity based descriptors.

This research could be conducted either by NSW Police, APMAB, or an independent body. Importantly, it should involve representatives from affected communities, including Arab and Muslim communities, to provide a balanced analysis of the efficacy of descriptors to police, in terms of apprehension and conviction rates, alongside the perspectives of affected communities.

Recommendation:

That in any development of national standards concerning the use of descriptors by police, consideration be given to a review of the use of the ethnic descriptor 'Middle Eastern' which takes into account perspectives of affected communities.

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4.   Law enforcement

Much of the behaviour reported during the consultations and empirical research went beyond discrimination and vilification. Participants also described potentially criminal behaviour including stalking, assaults, property damage and threats of violence. However, many participants reported a general reluctance to seek police assistance. A number of reasons were given for this reluctance including scepticism about obtaining a useful outcome. Some of those who had reported incidents to police were dissatisfied with the police response and felt that police had not taken reported hate offences seriously.

To ensure that criminal behaviour with a racial or religious motivation is treated seriously and appropriately, the motivation for the offence and its significance to the victim needs to be acknowledged. There is inconsistency across the state and territory police services as to how, or if, they collect information about incidents that may have an element of racial or religious prejudice.

Sharing information about hate crimes across the state and territories has been identified as a priority by the Australasian Police Minister's Council (APMC). In December 2003, the APMC tasked the Australasian Police Multicultural Advisory Bureau (APMAB) to report on the development of mechanisms 'to improve police-police and police-community information sharing on the issue of racist violence'. The Commission suggests that establishing greater consistency in the collection of information about racially or religiously motivated incidents by police services across Australia is vital to improving information sharing between police and communities about racist violence.

Recommendation:

That APMAB, together with all state and territory police services, consider reviewing current systems for recording incidents motivated by racial or religious prejudice with a view to ensuring greater consistency in the collection of data across Australia.

Consultation participants whose complaints to police were dismissed because they did not meet the threshold for investigation under criminal law often felt unsupported and unsure of where else to turn for assistance. Better communication between police, community organisations and anti-discrimination agencies who may be able to assist when an incident of discrimination or vilification is not a criminal offence may be a solution. Providing more effective information sharing between these organisations could help support Arab and Muslim Australians who have experienced discrimination or vilification and increase the chances that a satisfactory outcome will result from reporting an incident.

Recommendation:

That officers of all police services have the necessary information to enable appropriate referral of victims of racial or religious discrimination or vilification to appropriate community or anti-discrimination agencies in the event their complaints do not meet the threshold for investigation under criminal law.

5.   Community action

Initiatives to eliminate prejudice and discrimination against Arab and Muslim Australians cannot be effective without community involvement in the development and implementation of such strategies. Governments should ensure that community organisations are properly consulted and adequately resourced to enable their participation in development and implementation of strategies to tackle anti-Arab and anti-Muslim prejudice. The issue of adequate resources is especially vital. Currently, many community organisations are struggling to meet their core social welfare or religious functions while helping members of their communities cope with the extra burden of discrimination and vilification.

In addition, consultation participants expressed strong views about the need for more effective community action by the Arab and Muslim community to tackle anti-Arab and anti-Muslim prejudice and discrimination. Participants called for stronger community leadership, improved networking between community groups and better education within communities as well as to the broader public about issues affecting Arab and Muslim Australians. Providing greater support for individuals who were seen to be particularly at risk of discrimination or vilification, (such as women, young people and newly arrived migrants and refugees) was also identified as a priority.

Recommendation:

That Muslim and Arab community leaders continue to promote harmony within their communities, build closer links to other religious and ethnic communities in Australia to foster mutual respect and tackle racism and work in partnership with government agencies and other non-government organisations to educate members of their communities about laws and complaint processes which provide access to services and protect against racial or religious discrimination.

6.   Public support

Strong, clear messages of support and solidarity from a range of national, state and local political and community leaders were seen as crucial to overcoming the sense of alienation and isolation identified by so many participants. Messages of support and inclusiveness should be delivered regularly by the most senior federal and state politicians, particularly during times of crisis, to protect Arab and Muslim Australians from any potential backlash. Participants felt that such messages should not single out Arab or Muslim Australians for 'special' treatment, but rather, should emphasise the importance and values of multiculturalism to Australian society.

Recommendation:

That political and community leaders at a federal, state and territory and local level, encourage Australians to uphold the principles of multi-culturalism including respect for the right of all Australians to express their own culture and beliefs and responsibility to support the basic structures and principles of Australian society that guarantee freedom and equality for all.