

# RESILIENT WOMEN PROJECT

Muslim Women and their Experiences of Prejudice



equipping Leadership *for* Mission



Uniting Church in Australia  
SYNOD OF VICTORIA AND TASMANIA



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This report recognises that gender, race and religion intersect to create multiple forms of discrimination and violence against Muslim women. It also recognises that preventing prejudice in all forms is bound to the struggles of Aboriginal and Torres Strait Islander communities and must address the ongoing impacts of colonialism, racism, and bigotry in this country.

The Uniting Church in Australia Synod of Victoria and Tasmania acknowledges the Australian Aboriginal and Torres Strait Islander peoples of this nation. We acknowledge the traditional custodians of the lands on which our company is located and where we conduct our business. We pay our respects to ancestors and Elders, past and present. The Uniting Church in Australia Synod of Victoria and Tasmania is committed to honouring Australian Aboriginal and Torres Strait Islander peoples' unique cultural and spiritual relationships to the land, waters and seas and their rich contribution to society.

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“The perils of being  
**Muslim in the West**  
equate to grief for the loss  
of innocent lives in Paris/  
Beirut/Palestine/Syria,  
experienced in tandem with  
acute anxiety about my  
own safety

**Always**

I leave the house vigilant in  
case of reprisals, knowing  
I may well be the **target**  
of someone else's angst for  
atrocities unrelated to me”

– Anonymous, 2015

## FOREWORD

The Resilient Women's Project, or RWP, was first initiated to raise awareness of a pervasive issue in our society – an issue that doesn't get the public airing or publicity it needs. The issue that I'm referring to is the physical or verbal abuse Muslim women receive in the public sphere. For the sake of this report we will refer to the abuse as prejudice, which is defined as the *"dislike, hostility, or unjust behaviour deriving from preconceived and unfounded opinions"*.<sup>1</sup> This RWP report acknowledges the complexity of prejudice and does its best to unpack it. I recognise that there are so many types of prejudice, such as Islamophobia and racism, and I also recognise prejudice can materialise in so many ways such as unfair treatment within the workplace and prejudice motivated crimes (otherwise known as hate crimes).

As you will see, there is much confusion around each of these terms; and, if an incident did occur, participants were unsure of to whom and what they can report. After five years of listening and learning to the stories shared, this report has been produced in an effort to shine a light on the experiences of Muslim women, engage with stakeholders, commend actions taken and make recommendations where gaps are found.

The forums were a means by which Muslim women could come together and share their stories with respectful

and supportive groups. Five valuable forums were held across Victoria Each of them was shaped and led by Muslim women, bringing together local service providers and community members. This not only served to raise awareness of the issues confronting each community, but also succeeded in strengthening networks and policy areas where service providers are at the front line, supporting Muslim women who have been subjected to prejudice.

The RWP started out as a way to bring women's stories to light and raise awareness of prejudice, however it quickly turned into something bigger than I had anticipated. The women we spoke to were not short of stories of prejudice, though, unfortunately, what we were short on was reporting statistics. So while I never set out for this the RWP to become an evaluation project, it has organically evolved into one, out of necessity. Whilst trying to understand the complexity surrounding the lack of reporting, in 2017 the RWP directed its focus to exactly that. If we could improve the rates of reporting, then we could truly see just how prevalent this problem is.

In my role as the Interfaith Community Development Officer for the Uniting Church Synod of Victoria and Tasmania, I have been in the privileged position of listening to, learning from and working with some of the most inspiring Muslim women. I went into this

project with the intention to be purely a facilitator, an ally and an advocate that is cognisant always of my own positionality. I wanted to be supportive of Muslim women with full awareness that Muslim women's voices and experiences are often marginalised by those who speak *for* them. I have not experienced the same sort of racial or religious prejudice as these women. My identity and belonging as a visibly white Australian woman has never been questioned, nor have I ever had to tirelessly reaffirm my humanity every time an attack is carried out in the name of my religion. In this respect my role was behind the scenes, a project officer representing the Uniting Church in Australia Synod of Victoria and Tasmania. I resourced the RWP and provided continuity, collected and analysed qualitative data and compiled this report. I took care never to speak over or speak for the women whose stories are the lifeblood of this project. I hope that this report will do justice to those women and the sacred stories they so generously shared.



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**Interfaith Community  
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Uniting Church of Australia  
Synod Victoria and Tasmania  
4 June 2019

<sup>1</sup> Lexico online dictionary, viewed 4 May 2019, <[www.lexico.com/en](http://www.lexico.com/en)>



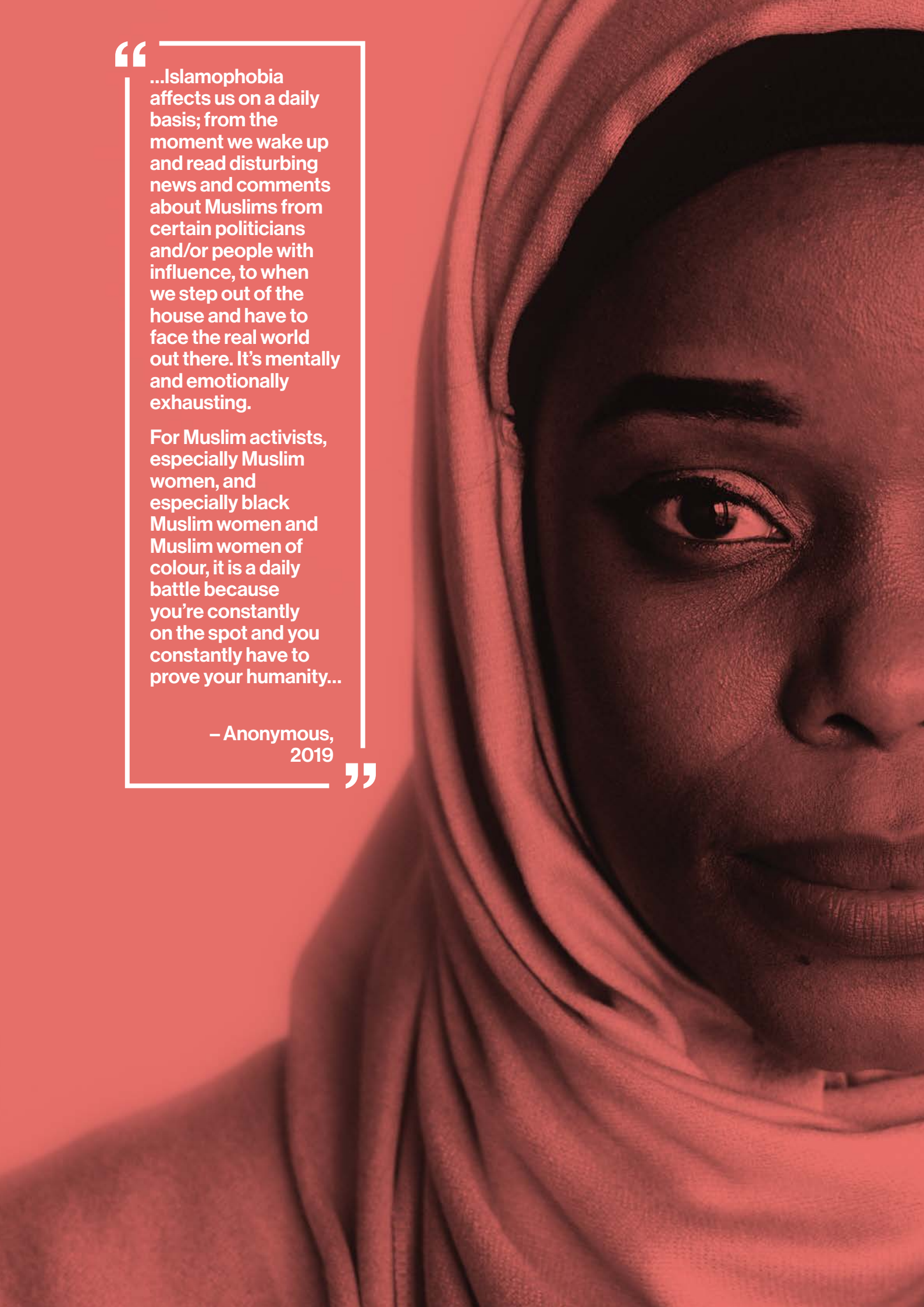
“

...Islamophobia affects us on a daily basis; from the moment we wake up and read disturbing news and comments about Muslims from certain politicians and/or people with influence, to when we step out of the house and have to face the real world out there. It's mentally and emotionally exhausting.

For Muslim activists, especially Muslim women, and especially black Muslim women and Muslim women of colour, it is a daily battle because you're constantly on the spot and you constantly have to prove your humanity...

– Anonymous,  
2019

”











## EXECUTIVE SUMMARY

The RWP addresses the complex patterns of Islamophobia and how it shapes prejudice against Muslim women in Victoria, Australia. Drawing on the data from forums and participatory action-orientated workshops held across Victoria, this report reflects upon the lived experiences of Muslim women as victims of prejudice and examines its unique impacts owing to the intersecting spaces Muslim women occupy.

The report is divided into two parts, with each section reflecting the discussions had in the five forums. These include: intersectionality; identity; effects of prejudice on the individual and family; the government; the media; and the notion of resilience. Part two delves into the reasons why underreporting is prevalent and attempts to address the problems around reporting incidents. This report began with the words and concerns of our participant's, shaping and grounding our exploration; we then endeavoured to unpack each area through extensive research and interviews.

In Part I, we explore how gender, race and religion intersect differently for Muslim women who are covered and/or women of colour and explore the impact upon their identity and belonging as a Muslim woman when faced with the accusations of being either oppressed or a terrorist. We look at the way that verbal, physical and on-line abuse suffered, works to physically and psychologically exclude Muslim women from daily life; and how this also creates additional challenges in education, securing full time employment and the workplace in general. Further to this, we look at the xenophobic dog whistling tactics found in certain aspects of both government and media, promoting an identity of Islam as foreign and promulgating the 'us versus them' trope. We see that abuse has continued, and in some cases, escalated after the Christchurch massacre, which then leads us to focus on the word 'resilient' and how we should reframe the more traditional and stoic understanding to include a more collectivist meaning – we need to build resilient communities that thrive, not just survive.

A collectivist approach is needed to respond to prejudice and the obstacles many Muslim women face when seeking justice.

In Part II, we delve into the reasons why there are high rates of underreporting of PMC and how the ambiguity surrounding the term 'prejudice motivated crime', coupled with the inadequate police response has created complex barriers to Muslim women accessing justice and support services. We try to unpack the difference between criminal and civil legislation and how that pertains to a victim; what constitutes a civil offence and what constitutes a criminal offence and how this determines who a victim will report to. We then examine

how judges have decided on the issue of prejudice when it is raised as a possible motive for a crime. With more time and resources, we would have been able to interview judges or magistrates as well as more members of Victoria Police. Their insights into this complex area would have been invaluable. We welcome and encourage any researcher committed to strengthening the work in this area to pursue this vital piece of research. I have no doubt that the Victorian government together with the Victorian Police can find significant and comprehensive alternatives to the current approach through learning from other systems and investigating what may be relevant and possible in Victoria. Further

coordinated work from Victorian Government and other service providers and community organisations can get better outcomes.

**Annexure A** includes an overview of VEOHRC and the role it plays as the primary avenue of reporting prejudice outside of the Victoria Police. We do not discuss other service providers who receive reports of prejudice in as much detail as discuss VEOHRC. We highly recommend the Quick Guide to Australian Discrimination Laws for a brief summary of the oversight roles of Australian Human Rights Commission (AHRC), Fair Work Commission (FWC) and Victorian Equal Opportunity and Human Rights Commission (VEOHRC).<sup>2</sup>

## RECOMMENDATIONS

### Community

**I.** We recommend the formation of a Network Against Prejudice (NAP) – a network where service providers and government representatives and other interested parties can connect with each other to share their work and identify opportunities for collaboration that promote innovative and holistic approaches on what is a complex issue. We envisage that prejudice will be interpreted broadly – to include all its manifestations and applications – such as hate crime, online hate speech and discrimination.

The best advocacy relies on a joint and committed effort

among those with expertise in this area.

**II.** We recommend that media organisations support its journalists by providing them with cultural intelligence and unconscious bias training.

We also recommend that media organisations have a dedicated cultural, religious and ethics committee to oversee, wherever possible, articles about culturally and linguistically diverse (CALD) or religiously diverse communities.

**III.** We recommend that schools implement policies and procedures to deal with complaints of prejudice and also offer support that suits the victim's prejudicial experience

and circumstances. We recommend that staff and students engage in cultural intelligence and unconscious bias training.

**IV.** We recommend that employers be proactive and implement practices that reduce the likelihood of prejudice experienced by employers and employees within the workplace. This includes cultural intelligence training, unconscious bias training and events appreciating diversity and inclusion.

### Victoria Police

**V.** We commend the Victoria Police and the measures they have taken to try and counter PMC and the ongoing community engagement.

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<sup>2</sup> *Quick Guide to Australian Discrimination Laws*, Australian Human Rights Commission, viewed 19 May, <[www.humanrights.gov.au/sites/default/files/GPGB\\_quick\\_guide\\_to\\_discrimination\\_laws\\_0.pdf](http://www.humanrights.gov.au/sites/default/files/GPGB_quick_guide_to_discrimination_laws_0.pdf)>



However, we highlight that more education within the force is necessary as it is not translating at a grassroots operational level. We recommend that Victoria Police expand their current training practices, which extends to cultural intelligence and unconscious bias training, so officers can better appreciate prejudice in all parts of their work with communities.

**VI.** We recommend that Victoria Police form a dedicated team that has the sole purpose of reviewing investigations that are underway to both assist in training of officers but also to analyse evidence and discern as to whether a prejudicial motive may exist. We make this recommendation because it could be that not all members of the police would be able to be sufficiently trained on picking up prejudice motive wherever it might exist in the early roll-out of training.

**VII.** We recommend that the data and statistics on prejudice motivated crimes be more transparent and be made available to the public.

**VIII.** We recommend that an online reporting tool be devised that incorporates a streamlined way to report criminal and civil prejudice motivated incidents on the basis of race, religion, gender identity, sexual orientation and disability. *True Vision* is a comprehensive online reporting tool which allows victims and bystanders to report incidents, explains what hate crimes and hate incidents are, and allows the user to find information about

people who can help and support the victim.<sup>3</sup> We see this tool as an example of how online reporting can assist the understanding and reporting of prejudice incidents.

## Government

**IX.** We recommend that the government push for stronger media regulations to ensure journalistic standards against Islamophobia and all forms of dog whistling are as strong as possible while upholding the right of freedom of the press.

**X.** We recommend that the Victorian government review the work that is currently being done in this area by its statutory bodies, its government departments and organisations funded by government departments through their own review as well as through its interaction with NAP.

**XI.** We recommend the Victorian government, make it within their practice that all Members of Parliament undergo cultural intelligence and unconscious bias training.

**XII.** We recommend that the Victorian government review the current laws that are in place and assess whether the protections against prejudice in the realms of criminal and civil law are adequate and propose amendments to strengthen them where necessary.

<sup>3</sup>

True Vision: Stop Hate Crime, *The National Police Chiefs* <[www.report-it.org.uk/more\\_information?style\\_colour\\_scheme](http://www.report-it.org.uk/more_information?style_colour_scheme)>

## THE RESILIENT WOMEN PROJECT

### Aims:

In 2014, the Uniting Church in Australia Synod of Victoria and Tasmania (UCA) launched the Resilient Women Project with the aim to respond to the increasing concerns among Muslim women around the issue of prejudice and explore the impact that prejudice has on the lives of the victims.

We aimed to facilitate a safe space that allowed for the sharing of personal and often traumatic stories using expressive art forms such as theatre and poetry; and to bring these stories to light.

Our aim was also to create collaborative opportunities through action-orientated round table discussions with police officers, council workers, support service providers, school and university students and staff, government employees, NGO's and CSO's, and people representing their faith communities, and/or organisations.

### Methodology:

We employed the use of community-based participatory action research (CBAR). A methodology which is grounded in the needs, issues and concerns of the community, directly engages with community knowledge in the processes and outcomes, and supports community engagement and action that leads to social change and transformation.<sup>4</sup> In keeping with the methodology of CBAR, the objectives of the project were not formulated

until the community engagement stage had occurred.

*“...I was really inspired that participants were full of energy to discuss, contribute and find the way to address violence. We have at least initiated the conversation and dialogue around violence against Muslim Women which is a great start.*

*I hope that this conversation will continue to produce ripple effect in creating respectful environment and ensuring social equality in Hume. It has created opportunities to establish new partnership to work around preventing violence and providing supportive environment of women who are experiencing violence... ”*

– Service provider,  
Maribyrnong forum 2014

Each forum was directed by a new, localised steering committee with knowledge of the area and the issues faced by the community. A localised steering committee meant that engaging with geographically relevant stakeholders was assured. To further inform our

“

*...I'm feeling hopeful. So many different organisations, cultures, backgrounds came together to talk about something serious. We are moving forward and acknowledging what everyone is saying. I appreciate it, knowing that we are not competing but enriching each other...*

”

– Service provider,  
Darebin forum 2017

understanding of the complex issues we were seeing, we also conducted anonymised interviews with individuals in the field of psychology, law enforcement, academia and human rights. We also conducted further in-depth interviews with Muslim women.

### Objectives:

After establishing a steering committee, which would consist of between four to ten people who were predominantly Muslim women and live or work in the area, council employees, religious leaders, and community workers, the objectives were then formulated. Objectives of the Maribyrnong, Hume and Dandenong forums were:

- i) For participants to have their personal experiences brought to light and recognised;
- ii) Understand the violence currently being experienced by Muslim women; and
- iii) To identify some practical tools and strategies to help overcome fear and the resultant violence against Muslim women.

<sup>4</sup> Burns, J, C Cooke, D, Y & Schweidler, C 2011, 2011 A Short Guide to Community Based Participatory Action Research, *Healthy City*, viewed January 2017, <<https://hc-v6-static.s3.amazonaws.com/media/resources/tmp/cbpar.pdf>>



The format of each forum differed, depending on the steering committee. The basic concept reflected the issues raised through key note speakers and a facilitator who would guide the round table discussions. Note takers sat at each table, recording the thoughts of the groups. We also provided note cards for anyone to record their stories if they did not feel comfortable speaking to the group.

We employed a relaxed a free flowing environment where participants were able to dip in or out of the conversations depending on their comfortability. We also encouraged networking opportunities through the use of interactive games.

In 2017 the RWP formed the steering committees for the Darebin and Casey forums. It was decided then that we would focus our direction on the lack of reporting and try to understand the complex reasons as to why women were not reporting incidents.

“...The forum was a good way to address this issue. In my table there were few people who did not know about this issue and it was the first time for them to hear about it and they were quite shocked...”

– Service provider,  
Casey forum 2017

During the Darebin and Casey forums we asked a series of questions to the community members and service providers who attended:

- i) Are you seeing an increase in reports of attacks on Muslim Women at your agency/in your community?
- ii) What is the process you have for dealing with a report?
- iii) Is a person designated to be responsible and respond to

this information?

iv) If not, should this change and how?

The overall focus of the project started broad then refined itself during its four-year evolution. This means that we came away with a large qualitative data set that was sorted by category. Each theme was then identified and the results have been attributed to the recommendations. Our data gathered from each forum also produced many heartbreaking accounts of prejudice suffered. Every story published in this report has been anonymised, however, their stories are fundamental as these are the words which ground the report in the everyday reality of our participants.

“...Participating in the Resilient Women forum was a privilege. The day itself was inspiring, emotional and pioneering in its ability to bring together community and local organisations to collectively address such a significant and overlooked issue. The forum provided a unique opportunity for Muslim women to be given a platform to be the leaders and voices in change, and rightfully acknowledged as the experts in their experiences. ‘Resilient Women’ perfectly embodied intersectional feminism and empowerment approaches. The day reinforced that we all have a role to play in preventing violence, racism and discrimination and listening to the stories of Muslim women is just the beginning. I am hopeful that the positive momentum of the forum can be carried on through much needed programs and actions in the near future...”

– Service provider,  
Casey forum 2017



## PREJUDICE IN AUSTRALIA - A BRIEF LITERATURE REVIEW

Prejudice is not new in Australia. Numerous inquiries have attempted to understand its prevalence, cause and impact.

### Prejudice According to Racial and Ethnic Identity

In 1990, the National Inquiry into Racial Violence was conducted by the Australian Human Rights Commission (HREOC).

It was the first comprehensive exposure of the problems of violence on the basis of racial and ethnic identity. The inquiry found that racism permeated the day-to-day lives of Aboriginal people and people from CALD backgrounds, such as Vietnamese and Arabic communities, either through direct acts of violence, intimidation and racist abuse, or through processes of discrimination.<sup>5</sup>

The VEOHRC conducted extensive consultations within the Muslim and African communities throughout 2017 and 2018. Their findings concluded that racism is a significant issue, there are

barriers preventing access to and connection with VEOHRC and many people do not know what their rights are and how to find help when an incident occurs.<sup>6</sup>

### Prejudice According to Religion

The HREOC report also examined the increase in hostile acts against diverse communities including Australians of Arabic background or Muslim faith. Pertaining to those of Arabic background and Muslim faith specifically, it found that since August 1990, the Gulf crisis caused considerable concern in the community and numerous incidents of violence against Muslims and Arabs in particular.<sup>7</sup>

This was followed by a National Inquiry into Freedom of Religion and Belief (1997 – 1998). The inquiry found significant hostility toward Muslims or those perceived to be Muslim. Muslim communities across the country had been discriminated against, their religion ridiculed and their mosques targeted.<sup>8</sup>

### Prejudice According to Gender

Women, regardless of their cultural background, are even more likely to become vulnerable to prejudice and violence when they can be 'othered'.<sup>9</sup> Muslim women are often constructed as racialised, exotic 'others' who do not fit the Western ideal of womanhood and often positioned as either oppressed or a terrorist.<sup>10</sup>

The HREOC report also paid due attention to the impact of this hostility toward Muslim women and recognised that Muslim women bore the brunt of this violence. Muslim women who don the headscarf are particularly vulnerable to abuse.<sup>11</sup>

The Isma Project and report entitled *Listen: National consultations on eliminating prejudice against Arab and Muslim Australians* was launched in 2003, by Dr William Jones AM, the then-acting Race Discrimination Commissioner of HREOC. This report found that the impact of racial and religious discrimination against Arab

<sup>5</sup> Human Rights and equal Opportunity Commission (HREOC) 1991, *Report of the National Inquiry into Racist Violence In Australia*, Human Rights Australia, NSW, viewed 3 February 2018, <[www.humanrights.gov.au/sites/default/files/document/publication/NIRV.pdf](http://www.humanrights.gov.au/sites/default/files/document/publication/NIRV.pdf)>

<sup>6</sup> Victorian Equal Opportunity & Human Rights Commission (2019), *Multicultural and Multifaith Action Plan*, Victorian Equal Opportunity & Human Rights Commission, viewed 20 May 2019 <<https://humanrightscommission.vic.gov.au/home/about-us/action-plans/item/1769-multicultural-and-multifaith-engagement-action-plan>>

<sup>7</sup> Human Rights and equal Opportunity Commission 1998, *Article 18 Freedom of religion and believe*, Human Rights Australia, NSW, viewed 3 February 2018, <[www.humanrights.gov.au/sites/default/files/content/pdf/human\\_rights/religion/article\\_18\\_religious\\_freedom.pdf](http://www.humanrights.gov.au/sites/default/files/content/pdf/human_rights/religion/article_18_religious_freedom.pdf)>

<sup>8</sup> Human Rights and equal Opportunity Commission 1998, *Article 18 Freedom of religion and believe*, Human Rights Australia, NSW, viewed 3 February 2018, <[www.humanrights.gov.au/sites/default/files/content/pdf/human\\_rights/religion/article\\_18\\_religious\\_freedom.pdf](http://www.humanrights.gov.au/sites/default/files/content/pdf/human_rights/religion/article_18_religious_freedom.pdf)>

<sup>9</sup> Crenshaw, K 1994, 'Mapping the margins: Intersectionality, identity and violence against women of colour', *Stanford Law Review*, vol. 43, no. 6, 1991, pp. 1241–1299

<sup>10</sup> Perry, B 2014 'Gendered Islamophobia: hate crime against Muslim women', *Social Identities*, vol. 20, no. 1: 74–89.

<sup>11</sup> Human Rights and equal Opportunity Commission 1998, *Article 18 Freedom of religion and believe*, Human Rights Australia, NSW, viewed 3 February 2018, <[www.humanrights.gov.au/sites/default/files/content/pdf/human\\_rights/religion/article\\_18\\_religious\\_freedom.pdf](http://www.humanrights.gov.au/sites/default/files/content/pdf/human_rights/religion/article_18_religious_freedom.pdf)>



and Muslim Australians was intensely felt by Muslim women.<sup>12</sup>

More recently, the Australian Muslim Women's Centre for Human Rights released its report entitled *Race, Faith and Gender: converging discriminations against Muslim women in Victoria: the ongoing impact of September 11, 2001*.<sup>13</sup> It examined the intersectional impacts of violence and discrimination against Muslim women owing to their race, religion, and gender.

The Islamophobia Register, established in 2014, provided a platform for incidents of Islamophobia to be reported. The *Islamophobia in Australia* report confirmed that Muslim women bore the brunt of Islamophobia and prejudice.<sup>14</sup>

After surveying 243 incidences of PMC and violence involving physical, verbal and online attacks, the report found in cases where the gender of the victim was known, 67.7 per cent were female. Nearly three quarters of abusers were male. It also found a clear relationship between Islamic terrorist attacks and an increase in recorded PMC incidents. According to the study, there was a three-fold increase in the number of incidents following the Federal Government's short-lived 2014 plan to ban women wearing full-face coverings from the public gallery in Parliament.<sup>15</sup>

There are several intersecting elements that converge to create the complexity around Islamophobia specific to women. Being a woman just in itself can create a vulnerability to many socio-political inequalities, however, when these intersect with race, religion and even class, disability and sexuality we see the diverse and complex ways inequality can manifest. We now turn to examine this in more detail.



<sup>12</sup> Human Rights and Equal Opportunity Commission 2004, *Isma – Listen: National consultations on eliminating prejudice against Arab and Muslim Australians*, Human Rights Australia, NSW, viewed 6 February 2018 <[www.humanrights.gov.au/our-work/race-discrimination/projects/isma-listen-national-consultations-eliminating-prejudice](http://www.humanrights.gov.au/our-work/race-discrimination/projects/isma-listen-national-consultations-eliminating-prejudice)>

<sup>13</sup> Islamic Women's Welfare Council of Victoria (IWWCV) 2008, *Race, Faith and Gender: converging discriminations against Muslim women in Victoria: the ongoing impact of September 11, 2001*, viewed 9 November 2017 <[www.australianmuslimwomen.org.au/uploads/3/9/5/0/3950888/iwwcv\\_race\\_faith\\_report.pdf](http://www.australianmuslimwomen.org.au/uploads/3/9/5/0/3950888/iwwcv_race_faith_report.pdf)>

<sup>14</sup> Islamophobia Register Australia 2014, *Islamophobia in Australia*, viewed 9 November 2017 <[www.deakin.edu.au/data/assets/pdf\\_file/0006/1075164/Islamophobia.pdf](http://www.deakin.edu.au/data/assets/pdf_file/0006/1075164/Islamophobia.pdf)>

<sup>15</sup> Islamophobia Register Australia 2014, *Islamophobia in Australia*, pp 30, viewed 9 November 2017 <[www.deakin.edu.au/data/assets/pdf\\_file/0006/1075164/Islamophobia.pdf](http://www.deakin.edu.au/data/assets/pdf_file/0006/1075164/Islamophobia.pdf)>



“

...There appears to be a consistent theme of Muslim women being subjected to victimisation on public transport. I can recount numerous examples where swiping remarks are made where people say all sorts of things about your faith and about being a woman. For example: these guys on the tram once where there were three of us on the tram and a group of young men saying “which one of these girls should we rape tonight...

– Interview,  
2018

”



## PART I: RESILIENT WOMEN'S STORIES OF PREJUDICE

### 1. The Identity of a Muslim Woman

To understand the prejudice experienced by Muslim women, it is necessary to understand the multiple roles they occupy, with particular attention to gender, race, and religion.<sup>16</sup>

Gender, race and religion intersect differently for Muslim women who are covered and/or women of colour. Women who are visibly recognisable in their religion are uniquely vulnerable to gendered violence. Perry acknowledges that studies from the US, UK, and Australia show women are disproportionately affected by religiously-motivated crimes and although the intent behind the act of violence is the same for Muslim men and women, it is the intersection of gender and the specific gendered constructs which reify discriminatory stereotypes and render Muslim women more vulnerable to PMC.<sup>17</sup>

Prejudice attitudes towards Muslim women is explored by Bullock and Jafri through the three 'personas' or gendered constructs which Muslim women are subjected to: the first of these is the mysterious and sexualised 'harem belly dancer' from the Orient; next we see the 'oppressed Muslim women' who is forced to wear the hijab and unable to drive; lastly there is the 'militant

Muslim woman', the jihadist shown with gun and hijab.<sup>18</sup>

The 'orientalised' juxtaposed with the 'oppressed' Muslim woman is aptly described with a quote from Tasneem Chopra shared in the Griffith Law Journal.

“...Several years ago, as the Chair of the Australian Muslim Women's Centre for Human Rights, I was being interviewed for a community newspaper in relation to the escalation of federal anti-terror legislation. I explained how these laws may further isolate women who experience a sense of oversurveillance by the State, forcing them to retreat further from accessing welfare and settlement services. A photographer then arrived seemingly agitated about taking the perfect picture for the story.

She zoomed in for an extraordinary number of close-ups, well in excess of the single frame needed. Feeling uncomfortable, I motioned to wrap up when she blurted out 'could you lift up your head scarf that's hanging around your neck and drape it across your face, just showing your eyes?' I was momentarily dumbstruck.

Here I was attempting to represent the issue of Muslim women's disempowerment, only to have the visuals for my narrative fetishised by the media. I declined her suggestion upon realising the insidious impact of oriental stereotyping of Islam, Muslims, and Muslim

women rooted in the mind-set of mainstream media...<sup>19</sup>”

Experiences like these are often contrasted with the 'oppressed' persona; the Muslim woman in need of saving. Her body becomes a site of 'unveiling' where the hijab is ripped off her head, symbolising the metaphorical and physical “superiority of the West over Eastern backwardness”.<sup>20</sup>

The veil leaves the realm of its original spiritual practise and becomes part of the corporeal; a bodily site where Muslim women can be punished for not conforming to Western standards of femininity yet at the same time the veil is seen as a symbol of hyper-patriarchy and oppression from which Muslim women need saving.

“...I remember clearly the day when one of my workmates asked the loaded but innocent question “did your father make you wear it?” Innocent, because it was a question born out of genuine concern and sympathy; loaded, because it carried with it a range of assumptions stemming from my Pakistani and Muslim background. It is very easy to brush this under the carpet. It is also quite easy to say that such assumptions are understandable, given the media perpetuating stereotypes galore. In simple and honest terms though, it really is not okay. It is emotionally exhausting to watch keyboard

<sup>16</sup> Perry, B 2014 'Gendered Islamophobia: hate crime against Muslim women', *Social Identities*, vol. 20, no. 1, pp 74-89.

<sup>17</sup> Perry, B 2014 'Gendered Islamophobia: hate crime against Muslim women', *Social Identities*, vol. 20, no. 1, pp 74-89.

<sup>18</sup> Perry, B 2014 'Gendered Islamophobia: hate crime against Muslim women', *Social Identities*, vol. 20, no. 1, pp. 80 - 81.

<sup>19</sup> Chopra, T 2015, 'Beyond Burqas, Bombs and Bogeymen: Australian Muslims and the Media', *Griffith Law Journal*, vol. 3, no 2, pp 324-336

<sup>20</sup> Perry, B 2014 'Gendered Islamophobia: hate crime against Muslim women', *Social Identities*, vol. 20, no. 1, pp 82

*warriors wage wars in the name of protecting my 'right to be free' as a woman, not once pausing to consider what I may have to say on the matter... ”*

–Interview,  
2018

Perry argues *“that identifiable Muslim women are also seen as the threatening other in some contexts; not someone who needs saving, but from whom the nation needs saving”*.<sup>21</sup> The hijab is on the one hand taken as a sign of oppression and submissiveness yet at the same time it is a symbol of Islamic aggression.

*“...I was called a terrorist when followed by car and intimidated by someone tailgating me... Sworn at, constant stress and dirty looks makes me feel unsafe, different, not accepted... ”*

– Participant  
Casey forum 2017

*“...Because of my appearance I was accused of being a part of ISIS and people would yell, “where’s your knife” to me and that made me really upset... ”*

– Participant  
Dandenong forum 2017

Thus, if Muslim women are not seen as oppressed, they are represented as dangerous ‘agents’ of terrorism.<sup>22</sup> With this narrow understanding in mind, popular commentary continues to pay almost exclusive attention to violence against Muslim women perpetrated by their partners, brothers, and other male family members as not only

a marker between West and Islam, between ‘progress’ and ‘backwardness’, between ‘equality’ and ‘oppression’ of women, but also as an inherent characteristic of Muslim culture.<sup>23</sup>

*“...We were going through a lot in my homeland of Afghanistan as well as going through migration and coming here to start a new life. I have been here now for 18 years. Leaving the war and Taliban regime – my husband was facing a lot of problems and we left for safety reasons. My daughter was two years old at the time. I felt like there was no hope and was fearful. When we decided to leave, you always have to have hope for a better future.*

*We were excited to come to another country – coming to Australia was like winning the lottery. I am here today because it is such a great place but we are always labelled ‘Muslim women’ and we are always labelled both ‘oppressed’ and ‘terrorist’ at the same time. I don’t feel like I belong here when I hear such hurtful comments but despite the victimisation there have always been people to support and encourage us... ”*

–Participant,  
Casey forum 2017

“

*...People shout out “terrorist!” at me all the time...*

”

– Participant,  
Hume forum 2017

A search of the internet reveals literature which almost exclusively focused on private rather than public violence against Muslim women, pinpointing the need to protect Muslim women from their ‘violent and hyper-patriarchal men’. The white perpetrator yet again remaining invisible.<sup>24</sup>

Ironically, in the case of public violence, the presumptive victims of perceived oppression have also become the victim of prejudice-motivated violence.

Perry argues *“that it is a playing out of a victim-blaming scenario, wherein Muslim women are punished for succumbing to patriarchal pressures to remain concealed”*.<sup>25</sup> Again, they are ‘not like our women’ but passive and yielding. Nowhere is this more evident than in attacks where hijabs are torn off. It is the very vulnerability for which they are degraded, which is exploited by perpetrators.<sup>26</sup>

Participants provided numerous examples of incidents where their hijabs had been a source of verbal and physical violence.

<sup>21</sup> Perry, B 2014 ‘Gendered Islamophobia: hate crime against Muslim women’, *Social Identities*, vol. 20, no. 1, pp 88

<sup>22</sup> Freedman, J 2007, ‘Women, Islam and rights in Europe: Beyond a universalist/culturalist dichotomy’, *Review of Internationalist Studies*, vol. 33, No. 1, pp. 168-182

<sup>23</sup> Razac cited in Perry 2014, pp. 4

<sup>24</sup> Perry, B 2014, ‘Gendered Islamophobia: hate crime against Muslim women’, *Social Identities*, Vol. 20, No. 1, pp. 82.

<sup>25</sup> Perry, B 2014, ‘Gendered Islamophobia: hate crime against Muslim women’, *Social Identities*, Vol. 20, No. 1, pp. 83.

<sup>26</sup> Perry, B 2014, ‘Gendered Islamophobia: hate crime against Muslim women’, *Social Identities*, Vol. 20, No. 1, pp. 83.



“...One day while my friend was at the local shopping centre (Fountain Gate) with her elderly mother, a young male came over and pulled her mother's hijab off. She was distraught and ran after the man, so did some onlookers but he was able to get away. The situation was reported but nothing came of it...”

– Interview,  
2018

“...This guy who was so well dressed, wouldn't think anything of him on an outward appearance, he was standing there and picked up his phone – didn't dial anyone – just picked up his phone and started pretending to talk on it...and he is standing at the tram stop and goes: “can you believe it, mate, I am the only person at this tram stop who is an Aussie and we are currently being taken over by immigrants,” and next thing you know he is talking about taking jobs and all that... and he goes “I can't understand why the government keeps bringing these terrorists in.

I don't feel safe in my own country. I need job security and they are all just here to kill us anyway”. So he keeps going and starts verbally attacking other people at the tram stop and then he goes “on my left I have this towel head next to me who has a bomb under her headscarf because that is what they do. She is probably going to blow us all up...”

–Interview  
2018

Such attacks have a significant symbolic impact on Muslim women and the broader Muslim community. There is also an impact on the community at large, when we take into account the potential

loss of what that person could do or achieve, had they not been marginalised and were instead able to flourish.

As a result, many Muslim women have opted to mitigate any potential prejudicial violence by keeping a low profile and becoming less visible by removing their coverings.<sup>27</sup>

“...My children and husband are Muslim and I am constantly worried about them being subjected to violence. My daughter is now taking her head scarf off for fear of violence. It makes me feel powerless and anxious. It is a growing problem and I can't control this...”

– Participant,  
Dandenong forum 2015



<sup>27</sup> Allen, C 2010, *Islamophobia*, University of Birmingham, UK, Asghate.

<sup>28</sup> Mythen, G, Walklate S and Khan 2009, 'I'm a Muslim, but I am not a terrorist: Victimisation, risky identities and the performance of safety', *British Journal of Criminology*, vol. 49, no. 6, pp. 736-754.



“

...I am a Muslim woman. I go out for a walk around the block. On several occasions, I have this Australian white man come behind me. He has a big dog. He tells the dog to 'go and chase her'. This is really frightening for me as I fear dogs. I don't go out for a walk anymore and I don't share this with my husband because he will not let me leave the house. I have not reported this to the police because I fear the police...

– Participant,  
Dandenong forum  
2015

”



## 2. The Effects of Prejudice on a Muslim Woman

Victims of Prejudice may experience devastating and long term impacts including emotional, psychological, behavioural, physical and financial effects.<sup>29</sup>

Prejudice does not only have an impact upon the individual victim, it also impacts families and communities “*sending a powerful message of intolerance and discrimination that can have a general terrorising effect on all members of the target group*”.<sup>30</sup>

There is an exaggerated display of a broader spectrum of discriminatory acts, which not only threaten the safety and cohesion of diverse communities, also threaten our democratic structures underpinning our society.<sup>31</sup> Throughout the forums we heard how participants lost their confidence as a result of the recurring experiences of targeted hostility.

Many used terms such as feeling ‘depressed,’ ‘unwanted,’ and like they ‘didn’t belong,’ highlighting the immediate effect of prejudice,

which is to undermine victims’ sense of attachment and security, whilst the longer-term impact is to create fear about living in a particular locality.<sup>32</sup>

In this regard, geographical separation is created in which Muslim women are made to feel unwelcome and vulnerable to attack.<sup>33</sup> Feelings of anxiety, vulnerability, and insecurity were heightened in participants who had experienced repeated attacks.

The threat of prejudice on individual victims can have a long-lasting and debilitating effect. Participants reported feeling like social outcasts, fearing to leave their homes, and being fearful for their family members.

Driving this was the fear of being repeatedly attacked, particularly on the street, in parks, in shopping centres, and on public transport. This fear was exacerbated particularly after the reporting of both international and domestic incidents of terror by the mainstream media. Participants reported how after such press there was an expectation of increased incidences of victimisation.

Support service providers and liaison officers alike reported how Muslim women were cancelling appointments because of perceived risk.

Muslim women were nervous to be out in public, in the aftermath of unfavourable news reporting of overseas and domestic ‘terror’ incidents. In order to mitigate any potential abuse and victimisation, Muslim women would stay at home for a couple of days until the ‘dust settled’, so to speak.

“...I have [a] sugar problem so I need to go out on regular walks. But now I don’t because I fear being attacked. They drive past screaming foul language and spitting. This is not good for my health because I can’t exercise anymore...”

– Participant  
Dandenong forum 2015

The enactment of geographical separation had a significant impact on participants psyche, or the way in which participants perceived their environment outside of their ‘comfort zones’.<sup>34</sup>

Zempi and Chakroborti argue that ‘rather than risk the threat of being attacked, many victims choose to retreat to

<sup>29</sup> Chakroborti, N, Garland, J, and Hardy, S 2014, ‘The Hate Crime Project’, Leicester, University of Leicester; Garland J and Chakroborti N 2006, ‘Recognising and responding to victims of rural racism’, *International Review of Victimology*, vol. 13, no. 1, pp. 49-69;

Herek, G, Cogan, J and Gillis, R 2002, ‘Victim experiences in hate crimes based on sexual orientation’, *Journal of Social Issues*, vol. 58, no. 2, pp. 319-339;

Levin, J and McDevitt 1993, *Hate Crimes: The Rising Tide of Bigotry and Bloodshed*. New York, Plenum;

Williams, M and Tregidaga, J 2014, ‘Hate crimes victimisation in Wales: Psychological and physical impacts across seven hate crime victim-types’ *British Journal of Criminology*, vol. 54, no. 4, pp. 946-967.

<sup>30</sup> Sentencing Advisory Council (2009).

<sup>31</sup> Boyd, EA, Berk, RA and Hammer, KM 1996 ‘Motivated by hate or prejudice: categorisation of hate motivated crime in two police divisions’, *Law and Society Review*, vol. 38, no. 4, pp. 819-850.

<sup>32</sup> Bowling, B 2009, ‘Violent racism: Victimisation, policing and social context’ In Williams B and Goodman-Chong H (eds) *Victims and Victimisation: A Reader*: 45-57. Maidenhead: Open University Press.

<sup>33</sup> Zempi, I and Chakroborti, N 2015, ‘They Make Us Feel Like We’re a Virus’: The Multiple Impacts of Islamophobia Hostility towards Veiled Muslim Women, *The Author(s)*, vol. 4, no. 3, pp. 48.

<sup>34</sup> Atkinson C, Hopkins P and Kwan M 2007 ‘Geographies of Muslim Identities: Diaspora, Gender and Belonging’ Aldershot, Ashgate, pp. 189-200.

their 'own' communities and as a result become reclusive'.<sup>35</sup> Having to retreat, significantly impacts a victim's behavioural and life decisions, restricting their freedom of movement and forcing them to go with the 'safe' option. Perry and Alvi contend that the potential for future victimisation creates invisible social and geographical boundary lines, across which members of the Muslim community are not 'welcome' to step.

From this perspective, such victimisation and prejudice acts as a form of emotional terrorism on the basis that it segregates and isolates Muslim women, particularly in terms of restricting their freedom of movement in the public sphere and changing their patterns of social interaction.<sup>36</sup>

### 3. The Effects of Prejudice on a Muslim Woman's Family

Whilst Muslim women bear the brunt of prejudice and violence participants also spoke of the devastating impacts on their immediate family members. Repeated attacks coupled with the fear and anticipation of future attacks has also affected the lives of participant's families.

Participant's children, in particular, often witnessed such abuse directed toward their mothers, grandmothers, sisters and aunts.

The *Islamophobia in Australia Report* found that there were a significant number of reported incidents which involved the presence of young children out with their mothers; the report also found that there were significant numbers of teenagers being harassed in schools.<sup>37</sup>

Similarly, a literature review undertaken by VicHealth found that children and young people are particularly vulnerable to the harmful effects of raced-based discrimination.<sup>38</sup>

“ ...Being dark skinned with a white father, I felt there was an 'underlying' racism targeted towards me. Looks, thoughts, feelings of where do I really belong.

Also there were two incidents as a child where someone refused to be served by me at a shop and secondly where a swastika was painted on my fence at home. The fear and the fear of being different has stayed with me! Also my mum's experience of racism in the 1970's has stayed with me too! This fear resurfaced strongly when I had my own children and now I fear for them in the same way today!...”

– Participant,  
Dandenong forum 2015

Such effects can be detrimental to the social, health and economical outcomes of individuals, communities and societies.<sup>39</sup>

Witnessing such abuse can be quite confusing and

upsetting for young children, and can play a part in their developing identity and world view, which would be more likely to lead to feelings of disenfranchisement and mental health issues. It has resulted in young Muslim girls in particular choosing not to wear a headscarf. Participants had profound concerns about the safety and wellbeing of their children, both daughters and sons.

Some participants also shared their fears of radicalisation of their sons, who have witnessed prejudice and violence directed toward female members of their families.

“ ...Women worry about their sons – and radicalisation in particular. We feel powerless to help them...”

– Participant,  
Casey forum  
2017

<sup>35</sup> Zempi, I and Chakroborti, N 2015 'They Make Us Feel Like We're a Virus': The Multiple Impacts of Islamophobia Hostility towards Veiled Muslim Women', *The Author(s)*, vol. 4, no. 3, pp. 44.

<sup>36</sup> Perry, B and Alvi, S 2012 'We are all vulnerable: the terrorism effects of hate crime', *International Review of Victimology*.

<sup>37</sup> Iner, D 2017, *Islamophobia in Australia Report*, Charles Sturt University, viewed 15 November 2017, <[www.deakin.edu.au/data/assets/pdf\\_file/0006/1075164/Islamophobia.pdf](http://www.deakin.edu.au/data/assets/pdf_file/0006/1075164/Islamophobia.pdf)>

<sup>38</sup> VicHealth 2014, *Racism and its links the health of children and young people*, VicHealth, viewed 27 May <[www.vichealth.vic.gov.au/media-and-resources/publications/racism-and-young-people-research](http://www.vichealth.vic.gov.au/media-and-resources/publications/racism-and-young-people-research)>

<sup>39</sup> Karlsen cited in *ibid*: pp 2



“

...I was walking with my daughter through [the] carpark. A lady who was walking with her children passed me [and] started picking on me. “Why am I wearing hijab? It is Australia” and stared swearing at me. I felt bad as my daughter was with me. and we were supposed to have a good time...

– Participant,  
Casey forum 2017

”



“

...I was the only female. I was also the only Muslim in my class [at university]. I had to develop more of a thick skin at university because the guys would feel extremely sorry for me. They did not think I was good and completely excluded me from conversations because I was not like them. So that constant exclusion for various reasons including faith, gender, or profession makes you constantly feel like you are on the outskirts and you constantly have to redefine who you are...

– Interview,  
2018

”



The emotional, psychological, and behavioural harms associated with prejudice are not restricted to victims and their families; rather, the harms extend to the wider Muslim community. According to Perry, hate crimes can be used as a mechanism through which the victim is punished for their inappropriate identity performance.<sup>40</sup>

In the case of this report, identifiable Muslim women or women of colour are punished for not conforming to an 'appropriate Australian identity'. Hate crimes intend to remind the community of the appropriate alignment of 'us' and 'them'.

From this perspective, Islamophobic victimisation is directed toward the collective and not simply the individual victim.<sup>41</sup>

#### **4. The Environment of Prejudice – Community, Politics and the Media**

##### **The Environment of Prejudice in our Community**

During the forums, participants expressed the challenges they faced in the community. In particular prejudice and discrimination is a serious issue for Muslim women attempting to attain employment. In 2010 the United Nations Committee

on the Elimination of Racial Discrimination commented on the ongoing discrimination felt by African, Asian, Middle Eastern and Muslim communities. For Muslim communities, discrimination was particularly felt in the workplace. This is despite the attainment of high levels of education: Australian Muslims are more likely than the general Australian population to have completed Year 12 and gone onto further study such as undergraduate and postgraduate qualifications.<sup>42</sup>

In a study conducted by Booth, Leigh and Varganove candidates who submitted their CV with a Middle Eastern/Muslim sounding name were 14 per cent less likely to be employed compared to 12 per cent Chinese and 10 per cent for those with Indigenous names.<sup>43</sup> For women in particular, they felt that their appearance was a barrier and a site of prejudice: "so many times when I get a job over the phone, and they ask me for interview I could see the reaction when they see me wearing this scarf. They slam the door in my face".<sup>44</sup> During the forums we heard the many challenges women faced in education, securing full time permanent employment and the workplace generally.



*...This year I had my Tafe classes at Frankston I took this bus from Hampton Park "893" up to Dandenong. So, from there I took "901" bus to Frankston it took me nearly 1.40 minutes. One day from Frankston I took the "901" to get back home. Suddenly one woman took the same bus and she saw me and began to scream at me and tell me I am "fucking Muslim". I have to go back to where I came from and she needed to join the Australian army to protect Australians from fucking Muslims. I was so scared I didn't know what I should do...*



**– Participant  
Casey forum 2017**

<sup>40</sup> Perry, B 2014, 'Gendered Islamophobia: hate crime against Muslim women', *Social Identities*, Vol. 20, No. 1, pp. 74-89.

<sup>41</sup> Weinstein cited in Zempi, I and Chakroborti, N 2015 "They Make Us Feel Like We're a Virus": The Multiple Impacts of Islamophobia Hostility towards Veiled Muslim Women', *The Author(s)*, vol. 4, no. 3, pp. 44.

<sup>42</sup> Lovat, T, Nilan, P, Hamed Hosseini, SA, Samarayi I, Mansfield M 2013 'Discrimination in the Labor Market: Exposing Employment Barriers among Muslim Jobseekers in Australia', *Macrothink Institute, University of Newcastle*, vol. 1, no. i. pp 54;

Haasan, R 2015 'Australian Muslims a demographic, social and economic profile of Muslims in Australia 2015 Australian Muslims: A Demographic, Social and Economic Profile of Muslims in Australia 2015', *International Centre for Muslim and non-Muslim Understanding*, University of South Australia

<sup>43</sup> Lovat, T, Nilan, P, Hamed Hosseini, SA, Samarayi I, Mansfield M 2013 'Discrimination in the Labor Market: Exposing Employment Barriers among Muslim Jobseekers in Australia', *Macrothink Institute, University of Newcastle*, vol. 1, no. i. pp 54;

<sup>44</sup> Lovat, T, Nilan, P, Hamed Hosseini, SA, Samarayi I, Mansfield M 2013 'Discrimination in the Labor Market: Exposing Employment Barriers among Muslim Jobseekers in Australia', *Macrothink Institute, University of Newcastle*, vol. 1, no. i. pp 63;



*...I was confronted by an older male as I was getting my morning coffee. [He said] “you know Muslim men can’t control their sexual desires and as a result of that you have to be oppressed and wear that thing over your head” and kept going along the same ilk for some time. By this point I was shaking because I don’t know what to say and didn’t want to start a confrontation.*

*He continued, “you are already changing your religion and morphing it and you already don’t understand what you think your religion is meant to be, I can guarantee you that in the next couple of years Islam would be wiped out and I am going to ensure that I am the one that helps make that a reality”. I reported the incident to my manager and he was placed in a different part of the office. The thing that upset me most is that he had a history of being extremely sexist so a lot of women have reported him for saying a lot of vile things, and this guy is still working in workplaces today...*

– Interview  
2018

Muslim women in the workforce are not immune to this type of discrimination, no matter their level of employment or recognition of service. Senior Constable Maha Sukkar, a key speaker at our forum in Casey, has been with Victoria Police for 14 years and in 2018 was inducted into the State’s Honour Roll of Women. Originally from Lebanon, she is well-known for her work as a multicultural liaison officer and her leadership within Victoria’s immigrant communities. She was also a target of abuse when Victoria Police’s Facebook page posted a photo of her; receiving

hundreds of violent, sexist, racist and Islamophobic threats and slurs (all of which were quickly deleted for breaching the Victoria Police’s social media terms of use). She said her detractors only strengthened her resolve to improve cross-cultural understandings.

*“...I believe in freedom of speech but there is a line to draw when it comes to calling me a terrorist or encouraging people to physically attack me.*

*I think the fact that I was wearing a hijab on my head triggered the whole thing. If you don’t know it and don’t understand it, let me explain it. Get to know me*

*before you judge me... you read the negative comments but you always turn around and say, yes, that’s negative, but I will work harder to change their minds...<sup>45</sup>”*

During the Casey Forum Senior Constable Sukkar also spoke of her challenges in joining Victoria Police as the first female police officer to wear a hijab on duty. She shared not only the challenges she faced as a woman but as a Muslim woman

*“...When I decided to join Victoria Police – a lot of people said “why don’t you take off the hijab,” “why do you want to go through hell,” “why do you want to go through all these problems,” “take the hijab off and it’s going to be easy – once you are inside put it back on”. I said “no way, why change my identity to suit someone else?...”*

– Maha Sukkar,  
Key note speaker Casey  
forum

On the evidence of our forums, prejudice and hostility is ‘part and parcel’ of veiled Muslim women’s everyday lives. This internalisation and normalisation places the onus of coping on the victim instead of addressing the systemic violence and inequality which perpetuates prejudice behaviour. As one of our participants noted:

*“...As a Muslim woman the scars that you have through this process are not physical or tangible, you don’t have battle marks around it, but it is entrenched within us so much so that we have developed a world where we have normalised behaviour against us thinking it is just another thing we just have to*

<sup>45</sup> Sukkar, M cited Prytz, A. 2018 ‘There’s a line to draw’: Muslim officer rises above online abuse’, *The Age*, viewed on 22 March 2018 <[www.theage.com.au/national/victoria/there-s-a-line-to-draw-muslim-officer-rises-above-online-abuse-20180322-p4z5kq.html](http://www.theage.com.au/national/victoria/there-s-a-line-to-draw-muslim-officer-rises-above-online-abuse-20180322-p4z5kq.html)>



*deal with. It's just my normal. It's unfair that my normal needs to be like this... ”*

– Interview,  
2018

Whilst we have examined predominantly physical and verbal prejudice, the experiences of Senior Constable Sukkar highlight the need to acknowledge and examine the prevalence of online attacks.

This is an area which needs urgent attention. Unfortunately, this report was not able to explore the increasingly vile and hate filled world of cybey-hate, which many Muslim women have experienced. With individuals, organisations and the media increasingly turning to online platforms we need to reevaluate the expanding concept of freedom of speech and how to utilise social media responsibly.

### **The Environment of Prejudice in our Political Landscape**

According to Poynting and Noble, 'dog whistling' has been a practice used throughout our political and journalistic rhetoric to promulgate xenophobia and insecurities amongst certain segments of our community.<sup>46</sup>

The notion of 'dog whistling' involves sending a message, which, like a dog whistle, calls clearly to those intended yet remains unheard by others. A prime example of dog whistling politics is John Howard's well-worn slogan, "*we decide who comes to this*

*country and the circumstances in which they come*". This now iconic statement was heralded as a rational commentary on national sovereignty and border security. However, the inaudible pitch called to those who felt marginalised and disenfranchised by the local effects of the economic restructuring of globalisation.

Many people whose insecurity and animus toward migrants themselves and immigration as a concept felt the nostalgic pull of their 'relaxed and comfortable' past not only slipping away but being stolen by the cosmopolitan, the politically correct elites and a new multicultural Australia.

This new multicultural Australia was called a 'flood' of Asian and Middle Eastern immigration or 'boat loads' of refugees, and seen as pandering to migrant Australians and privileging Aborigines at the disadvantage of white 'battlers.'

This message thus silently yet successfully promised barriers to protect them from the inassimilable, irreconcilably different races and cultures without having to explicitly state the underlying message.<sup>47</sup>

*“...In 2017, Peter Dutton made it very clear that he thought being a practising Muslim was incompatible with one's Australian identity, and even expressed regret that in the 1970's, many Lebanese refugees were settled in Australia, saying he did no more than speak the "prima facie truth" about ethnic communities. This sends a terrible message to young Muslims who are already struggling with an identity crisis and feeling "othered" by our leaders. Our political leaders have a huge responsibility to refrain from making hateful, irresponsible statements that then become the standard by which a minority community's actions are measured... ”*

– Interview,  
2018



<sup>46</sup> Poynting, S & Noble, G 2003 'Dog-Whistle' Journalism and Muslim Australians since 2001', Media International Australia incorporating Culture and Policy, no. 109

<sup>47</sup> Poynting, S & Noble, G 2003 'Dog-Whistle' Journalism and Muslim Australians since 2001', Media International Australia incorporating Culture and Policy, no. 109

The iconic statement by John Howard, spoken eighteen years ago, was iterated again earlier this year as a “*simple affirmation of our sovereignty*”, by Amanda Vanstone in an opinion piece in The Sydney Morning Herald.<sup>48</sup> Vanstone wrote this article sixteen days after a white supremacist massacred 51 Muslims while attending Jumma prayer at the Al Noor Mosque and the Linwood Islamic Centre, in Christchurch.

It was also sixteen days after Queensland Senator Fraser Anning tweeted in reaction to the massacre “*the real cause of bloodshed on New Zealand streets today is the immigration program which allowed Muslim fanatics to migrate to New Zealand in the first place*”.<sup>49</sup>

The title of Vanstone’s article told the Australian people that “*it is not wrong to worry about immigration in the wake of terror*”. Looking at these two examples, we can see how political rhetoric dances between the implicit and explicit.

Using political platforms to promote fear can be seen in Pauline Hanson’s 1996 and 2006 infamous maiden speeches. In 1996, Hanson told us that “*we were in danger of being swamped by Asians who were bringing in their own culture and religion, forming ghettos and not assimilating*”.<sup>50</sup> Hanson also told us that “*if I can invite whom I want into my home, then I should have a say in who comes into my country*”.<sup>51</sup>

By 2006, it is no longer Asians but Muslims who are “*antisocial, violent, misogynistic*” and that “*in general Australians are more fearful*”.<sup>52</sup> Hanson makes these claims while resisting the attempts of others to elucidate and educate her ill-informed views of Islam and Muslims. Islam, we have been told, is a disease that “*needs to be vaccinated against*”<sup>53</sup>; we have been told that there should be a ‘final solution’<sup>54</sup> to deal with Islam; and we have been told that it was a mistake to let Muslims come to this country in the 1970s.<sup>55</sup>

The accumulative effects of implicit and explicit xenophobic attitudes towards Muslims, panders to the most primal instincts of fear and tribalism, whilst also promoting a false account of Muslims as the foreigner, the migrant, the ‘other’; ignoring the fact that Muslims have, for the last three centuries traded, interacted and intermarried in Australia.<sup>56</sup>

“*...The xenophobic rhetoric from the political leaders and media agencies needs to be challenged. There shouldn't be a platform for bigots...*”

– Participant, Footscray forum 2014

Vanstone writes that Islamophobia exists, however, she argues that it exists only because of radical Islamists and denies that Islamophobia is “*rooted in racism*”. Islamophobia, according to Vanstone, is borne out of “*concern, apprehension or fear*”, and whilst those highly charged emotions do play into Islamophobia we need to acknowledge that racism and

<sup>48</sup> Vanstone, A 2019, “It’s not wrong to worry about immigration in the wake of terror”, The Sydney Morning Herald, viewed 31 March 2019, <[www.smh.com.au/politics/federal/it-s-not-wrong-to-worry-about-immigration-in-the-wake-of-terror-20190329-p518w9.html](http://www.smh.com.au/politics/federal/it-s-not-wrong-to-worry-about-immigration-in-the-wake-of-terror-20190329-p518w9.html)>.

<sup>49</sup> Baker, N 2019, “Outrage as Fraser Anning blames NZ attacks on ‘Muslim Immigration’”, SBS, viewed 3 June 2019, <[www.sbs.com.au/news/outrage-as-fraser-anning-blames-nz-attacks-on-muslim-immigration](http://www.sbs.com.au/news/outrage-as-fraser-anning-blames-nz-attacks-on-muslim-immigration)>

<sup>50</sup> Caluya, G 2010, “Domestic belongings: Intimate security and the racial politics of scale”, The Centre for Postcolonial and Globalization Studies, *The Hawke Research Institute, University of South Australia*, viewed 4 June 2019, <[www.academia.edu/1504761/Domestic\\_belongings\\_Intimate\\_security\\_and\\_the\\_racial\\_politics\\_of\\_scale](http://www.academia.edu/1504761/Domestic_belongings_Intimate_security_and_the_racial_politics_of_scale)>

<sup>51</sup> Caluya, G 2010, “Domestic belongings: Intimate security and the racial politics of scale”, The Centre for Postcolonial and Globalization Studies, *The Hawke Research Institute, University of South Australia*, pp 204, viewed 4 June 2019, <[www.academia.edu/1504761/Domestic\\_belongings\\_Intimate\\_security\\_and\\_the\\_racial\\_politics\\_of\\_scale](http://www.academia.edu/1504761/Domestic_belongings_Intimate_security_and_the_racial_politics_of_scale)>

<sup>52</sup> Transcript: Pauline Hanson’s 2016 maiden speech to the Senate, viewed 3 June 2019, <[www.abc.net.au/news/2016-09-15/pauline-hanson-maiden-speech-2016/7847136](http://www.abc.net.au/news/2016-09-15/pauline-hanson-maiden-speech-2016/7847136)>

<sup>53</sup> Remeikis, A 2017, “Pauline Hanson says Islam is a disease Australia needs to ‘vaccinate’”, *Sydney Morning Herald*, viewed 31 March 2019, <[www.smh.com.au/politics/federal/pauline-hanson-says-islam-is-a-disease-australia-needs-to-vaccinate-20170324-gv5w7z.html](http://www.smh.com.au/politics/federal/pauline-hanson-says-islam-is-a-disease-australia-needs-to-vaccinate-20170324-gv5w7z.html)>

<sup>54</sup> Karp, P 2018, Australian senator who called for ‘final solution’ to immigration expelled from party, *The Guardian*, viewed 31 March 2019, <[www.theguardian.com/australia-news/2018/oct/25/australian-senator-who-called-for-final-solution-to-immigration-expelled-from-party](http://www.theguardian.com/australia-news/2018/oct/25/australian-senator-who-called-for-final-solution-to-immigration-expelled-from-party)>

<sup>55</sup> Anderson, S 2018, “Peter Dutton suggests Fraser government made mistake by resettling Lebanese refugees”, ABC, viewed 31 March 2019. <[www.abc.net.au/news/2016-11-21/peter-dutton-fraser-made-mistake-resettling-lebanese-refugees/8043624](http://www.abc.net.au/news/2016-11-21/peter-dutton-fraser-made-mistake-resettling-lebanese-refugees/8043624)>

<sup>56</sup> Stephenson, P 2011, “Long history with Islam gives Indigenous Australians pride”, *The Conversation*, viewed 27 May 2019, <<https://theconversation.com/long-history-with-islam-gives-indigenous-australians-pride-3521>>



colonialism also play a part.<sup>57</sup> For women living in Australia, intimate partner violence is the leading cause of disability, illness and death, more so than any other risk factor.<sup>58</sup>

In 2019, 63 women were killed by a current or former partner, yet these deaths do not illicit the same amount of fear and outrage that terrorism does.<sup>59</sup> If Islamophobia is rooted in 'self-preservation', as Vanstone writes, then how do we make sense of the disconnect between the real, everyday danger many Australian women face in their very own home, and the threat of terrorism? That is not to say that terrorism is not a threat; there are people committing atrocious acts in the name of Islam, which should be, and is condemned. We also see and should condemn atrocious acts carried out in the name of Christianity, Buddhism, Hinduism, Judaism etc. However, Vanstone's statement denies the nuance of Islamophobia, removing any culpability from governments and media past and present; from their rhetoric, actions, complicity in and traumatic effects of colonialism,

promulgating xenophobia and using fear as a political tactic.

“...I know of too many people who have been impacted first-hand by the anti-terror laws - they've perpetuated a witch-hunt that is not helping the imaging of the government or the police, especially in the Muslim community. The acts and policies are causing a divide of “them vs us”. There needs to be more open dialogue and genuine display of desire to get to know each other...”

– Interview  
2016

Writing in The Guardian Joumanah El Matrah, CEO of the Australian Muslim Women's Centre for Human Rights, shares her insights into the double bind Muslims face.

“...The number of tokenistic food and film festivals we host, or the numbers of extravagant iftars we invite our politicians to should not determine our viability as a minority group. If in general, a community is not to be judged by the actions of one person, why is this precept not applied to Muslims, who have to come out en masse and visibly condemn a terrorist attack to prove their “Australianness” and to protect their women and children from racial abuse? Why must we smile, bow, and scrape to be accepted and be deemed harmless?...”

– Interview  
2016

<sup>57</sup> Vanstone, A 2019, “It’s not wrong to worry about immigration in the wake of terror”, *The Sydney Morning Herald*, viewed 31 March 2019, <[www.smh.com.au/politics/federal/it-s-not-wrong-to-worry-about-immigration-in-the-wake-of-terror-20190329-p518w9.html](http://www.smh.com.au/politics/federal/it-s-not-wrong-to-worry-about-immigration-in-the-wake-of-terror-20190329-p518w9.html)>.

Kumar, D 2018, ‘Expanding the Definition of Islamophobia: Ideology, Empire and the War on Terror Countering the Islamophobia Industry Toward More Effective Strategies’, *The Carter Centre*, Atlanta, pp. 62

<sup>58</sup> Family, domestic and sexual violence in Australia, *Australian Government*, viewed 2 June 2019, <[www.aihw.gov.au/reports/domestic-violence/family-domestic-sexual-violence-in-australia-2018/contents/summary](http://www.aihw.gov.au/reports/domestic-violence/family-domestic-sexual-violence-in-australia-2018/contents/summary)>

<sup>59</sup> Counting Dead Women: The project keeping toll of Australia’s hidden ‘epidemic’ 2019, viewed 1 June 2019, <[www.sbs.com.au/news/counting-dead-women-the-project-keeping-toll-of-australia-s-hidden-epidemic](http://www.sbs.com.au/news/counting-dead-women-the-project-keeping-toll-of-australia-s-hidden-epidemic)>

<sup>60</sup> El Matrah, J 2018, “Australian government’s strategy of vilifying Muslims can be used against all of us”, *The Guardian*, viewed 31 March, <[www.theguardian.com/commentisfree/2018/dec/31/the-governments-strategy-of-vilifying-muslims-can-be-used-against-all-of-us](http://www.theguardian.com/commentisfree/2018/dec/31/the-governments-strategy-of-vilifying-muslims-can-be-used-against-all-of-us)>

<sup>61</sup> El Matrah, J 2018, “Australian government’s strategy of vilifying Muslims can be used against all of us”, *The Guardian*, viewed 31 March, <[www.theguardian.com/commentisfree/2018/dec/31/the-governments-strategy-of-vilifying-muslims-can-be-used-against-all-of-us](http://www.theguardian.com/commentisfree/2018/dec/31/the-governments-strategy-of-vilifying-muslims-can-be-used-against-all-of-us)>

<sup>62</sup> Carland, S 2016, “The most troubling thing about Pauline Hanson’s view of Muslims? The facts no longer matter”, *The Guardian*, viewed 31 March, <[www.theguardian.com/commentisfree/2016/jul/19/the-most-depressing-thing-about-pauline-hansons-view-of-muslims-the-facts-no-longer-matter](http://www.theguardian.com/commentisfree/2016/jul/19/the-most-depressing-thing-about-pauline-hansons-view-of-muslims-the-facts-no-longer-matter)>

### The Environment of Prejudice in our Media

During the RWP forums, participants viewed the media as a Catch-22. The media was potentially an important way to promote the normal and positive stories regarding Islam and its place in Australia, yet there was also an acute awareness of the media as a repository of negativity and disseminator of anti-Muslim imagery. This is understandably a point of tension where participants want to engage with the media, however, it is also understood that the media play a role in fuelling Islamophobic and xenophobic sentiments; and when doing so, provides legitimacy towards the fear, hatred and in some cases violence towards Muslims. Whilst discussions revolved around the role of the media at each forum, participant's personal experiences confirmed that they perceived a correlation between negative media coverage and a rise in violent and criminal incidents.

“*...After the Paris attack, people now roll down their windows and yell out obscenities and stick their fingers up at me, so I am afraid to go out. I can't speak to my husband as he will not want me to go in public and be unsafe. I have not reported any of this to police as I am fearful. I have depression and if I stay home I get worse and if I tell my husband I won't be able to go out – so I am not winning...*”

– Interview, 2018

A report on Radio National's Background Briefing by Hagar Cohen entitled *From bias to brutality: How Australia is failing minority groups* looks at hate crimes in Australia and finds that there has been a rise in incidents since the Christchurch attack. Ali Kadri, the spokesperson for the Islamic Council of Queensland, is interviewed and reports that there has been a doubling in incidents and that the type of incident has increased in animosity. Kadri explains that incidents have gone from abusive and threatening letters, to car windows being smashed, beer bottles being through into Mosques and people trying to break in. One man allegedly crashed his car into the gates of the Baitul Masroor Mosque when Friday prayer was in session. Although he was heard shouting Islamophobic slurs, when subsequently arrested, he was only charged with one count each of wilful damage, committing public nuisance, and driving a motor vehicle while suspended.<sup>63</sup>

There have been a number of inquiries into the role of the media fuelling Islamophobia in this country; for example the Anti-Discrimination Board of New South Wales report entitled “*Race for the Headlines, racism and media discourse*”<sup>64</sup> and the University of Technology Sydney, All Together Now report *Who watches the media?*<sup>65</sup>

Race-related reporting in Australian mainstream media. These found that the media is complicit in exacerbating Islamophobic attitudes through the use of covertly-promoted stereotypes as “truth”. Who Watches the Media also acknowledged the use of fear, which was found to be the most utilised tool to incite racial discrimination, assisting in propagating the ‘us versus them’ trope, one that is strongly felt by participants.<sup>66</sup>

“ [We need]...More positive portrayals of Muslim women and men in the media. Influential people visibly identifying as Muslim in the media...”

– Participant, Footscray forum 2014

The images used to depict Muslim women in the media have often reinforced the subordinated stereotype of the religiously oppressed and passive ‘other’. As discussed above, these stereotypes are played out in the public as the underpinnings of anti-Muslim

<sup>63</sup> Hagar, C 2019, From bias to brutality: how Australia is failing minority group, podcast 5 May, accessed 6 May 2019, <[www.abc.net.au/radionational/programs/backgroundbriefing/hate-crimes-rising-minority-groups-say/11059378](http://www.abc.net.au/radionational/programs/backgroundbriefing/hate-crimes-rising-minority-groups-say/11059378)>

<sup>64</sup> McCausland, R 2003, “Race to the Headlines, racism and media discourse”, *Anti-Discrimination Board*.

<sup>65</sup> University of Technology Sydney 2017, “Who watches the media? Race-related reporting in Australian mainstream media”, *All Together Now*, viewed 14 September 2018, <<https://alltogethernow.org.au/wp-content/uploads/2017/12/ATN-Who-Watches-The-Media-FINAL.pdf>>

<sup>66</sup> University of Technology Sydney 2017, “Who watches the media? Race-related reporting in Australian mainstream media”, *All Together Now*, viewed 14 September 2018, <<https://alltogethernow.org.au/wp-content/uploads/2017/12/ATN-Who-Watches-The-Media-FINAL.pdf>>



violence being spurred on by the invocations of negative images and stereotypes associated with Muslims. Like Tasneem Chopra's experience with the photographer who asked her to cover her face with her scarf, leaving only her eyes visible. Muslim representations in the media are not only reductive, there are also very few positive stories illustrating any sense of normalcy.

Australia's print and online media regulator, the Australian Press Council (APC), stipulates guidelines for reporting on asylum seekers, religious terms in headlines, and the reporting of race. *Who Watches the Media's* qualitative analysis over a six-month period brings to attention 62 breaches of the APC guidelines seen in online current affairs TV programs and newspapers in Australia.

The Daily Telegraph, Herald Sun and The Australian demonstrated examples of overt racism when writing about Muslims, Islam, asylum seekers, and other immigrants.

The APC guidelines state that "...publications should not place gratuitous emphasis on the race, religion, nationality, colour, country of birth, gender..."<sup>67</sup>

“...It gets tiring. Muslims comprise only 2.6% of the population of Australia, but based on media reporting, one need not

be blamed for thinking that we were “taking over the country”. Irresponsible news stories that glorify the narrative of the angry Muslim, and the pitiful hijab-clad female do not do anything to help mitigate the rising incidences of Islamophobia. Muslims are usually portrayed as helpless refugees fleeing war and terror, or as evil free loaders inflicting misery upon the first-world countries that have so generously accommodated them...”

## 5. Resilient Woman, Resilient Communities

Resilience is often attributed to being able to handle a stressful situation when threats are made to a person's wellbeing, or, seeing someone functioning positively after a traumatic event. Recent scholarship advancing debates on how we define resilience has suggested that resilience is better understood as the capacity to do well and thrive in spite of exposure to acute trauma or sustained adversity.<sup>68</sup> Both individual and community level resilience are often understood as the capacity to ‘bounce back’ or recover from adversity.<sup>69</sup>

In the past we have understood resilience to be static in nature, constituting the individual's personality traits with little thought as to how cultural context impacts the way resilience is manifested.<sup>70</sup> Moving away from this historic

representation of resilience is an important factor for this project, as we seek to understand the broader implications of terming individuals and communities as resilient and placing the onus of coping on the victim instead of addressing the systemic violence and inequality which perpetuates prejudiced behaviour.

“... I experience racism everyday where I live in Pakenham. Whether it is getting mistreated in shops or getting served in cafes or using public transport. This makes me feel so sad and wonder what I have done to them and why is my money not important? Makes me wonder if it because [of] my colour, or appearance?...”

– Participant,  
Dandenong forum 2015



<sup>67</sup> University of Technology Sydney 2017, “Who watches the media? Race-related reporting in Australian mainstream media”, *All Together Now*, pp 37, viewed 14 September 2018, <<https://alltogethernow.org.au/wp-content/uploads/2017/12/ATN-Who-Watches-The-Media-FINAL.pdf>>

<sup>68</sup> Liebenberg, L, Ungar, M and Van de Vijver, F 2012, ‘Validation of the Child and Youth Resilience Measure – 28 (CYRM-28) Among Canadian Youth’, *Research on Social Work Practice*, vol. 22, pp. 219-226

<sup>69</sup> Mohaupt, S 2009, ‘Review Article: Resilience and Social Exclusion’, *Social Policy and Society*, vol. 8, pp. 63-71; Longstaff, PH, Armstrong, NJ, Perrin, K et al 2010, ‘Building Resilient Communities: A preliminary framework for assessment’, *Homeland Security Affairs*, vol. 1, pp. 1-23

<sup>70</sup> Kirmayer, LJ, Sehdev, M, Whitley, R, Dandeneau, SF & Issac, C 2009, ‘Community Resilience: Models, Metaphors and Measures’, *International Journal of Indigenous Health*, vol. 5, no. 1, pp. 62-117

When speaking about resilience in the context of Australia, we must recognise the plurality and intersectionality within various cultural contexts and how this translates to an individual and community understanding. Research on resilience has moved from an individualist to a community or collectivist way in how it is understood. It is now more commonly seen as context-dependent.<sup>71</sup>

If we took a broad view of the Australian cultural script on resilience, we would see that it is steeped in stoicism. We do not respond well to whingers and complainers and have been known to tell someone who is upset to 'toughen up' and 'get over it'. The ANZACS, the Aussie battlers, and the pioneers have lived in our collective memory, creating and internalising a particular script that leaves little room for anything 'other'. A resilient person is someone who just gets on with it, not someone who resists the structural injustices complicit in prejudice-motivating behaviour.

“...It's become so part of my every day that it's... I don't see it as resilience, I just see it as my normal and I've come to a point where it's unfair that my normal needs to be like this.

People, even when I spoke publicly, the criticism I got was “stop crying about it, everyone deals with shit and so did you, suck it up, you don't need to talk about it”.

Same with talking about women in the workforce: “stop sitting on your pedestal or podium trying to rant and rave about women, when we have work to do, when we don't

*need to be talking about these things... ”*

– Interview,  
2018

Whilst participants had been subjected to high levels of victimisation on the grounds of gender, race, and religion, many of our participants had not taken on the cloak of 'victim' but rather engaged in a range of activities to address the violence against them.

Of significant note was the growing discomfort and resistance to the common understanding of 'resilience' which, as stated above, places the onus of responsibility for overcoming such adversity upon an individual.

Participants recast our gaze toward resilient communities – together we are stronger. Moving away from an individual's ability to endure, we were forced to ask ourselves, *what are resilient communities; what would it take to build them?* If there is anything this project has taught us, it is that there is strength and resilience to be found within the context of solidarity and social cohesion, which involves government, civil society and diverse communities working together for safety and equality.

Further discussions need to take place, in all levels of society, around how we can achieve transformational change so that people do not have to purely exist; they can live their life free from fear, free from animosity, free to walk unencumbered down the street and truly feel the sense of belonging that is fundamental to a healthy society.

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<sup>71</sup> Ungar, M 2008, 'Resilience Across Cultures', *The British Journal of Social Work*, Volume 38, Issue 2, pp. 218–235









“

...What can police do to create a space to report and support victims – I have been in situations where I have been made to feel like I am on trial – I don't want to talk because they treat me like shit – how can I talk to someone else? – I still haven't seen it done well when it comes down to reporting sexual assault or hate crimes...

– Participant,  
Casey forum 2017

”



## PART II: RESPONSE OF SERVICE PROVIDERS

In this part of our report we examine the pathways open to Muslim women who have suffered prejudice on account of their faith and gender. Drawing on the data from the five forums held across Victoria, our interviews with members of the Victoria Police and analysis of secondary sources, we explore the challenges around underreporting of prejudice motivated crime as explained to us by Muslim women. We also:

- i. Analyse the gaps that exist within the current practice and response of Victoria Police officers when a report of prejudice is made;
- ii. Examine how judges have decided on the issue of prejudice when it is raised as a possible motive for a crime and a ruling on the *Racial and Religious Tolerance Act 2001 (Vic)*;

### 6. Barriers to Reporting

Through our consultations across the five forums, we found that barriers to reporting consisted of issues such as Muslim women:

- Not knowing that you can report an incident;
- Not knowing that you can bring a support person or family member;
- Not knowing that you can use an interpreter for those with limited English;
- Being afraid to report because of the risk of retaliation from the alleged perpetrator;

- Being afraid to report because of being re-traumatised when telling their story;
- Not reporting because they feel there is a level of prejudice within the police and that they were the ones 'on trial';
- Not reporting because they were not willing to put themselves through the difficulty of reporting when there is little in the way of outcomes;
- Not reporting because there is a sense of ambiguity around the process of reporting and around the terminology 'Prejudice Motivated Crimes'; and
- Not reporting because they feel the prejudice they receive is normalised. It is a part of their everyday with a sense of futility.

“...I wouldn't have the courage to talk to anyone because I feel extremely sad about what I've experienced...”

–Participant,  
Darebin forum 2017

“...Need reporting to show action, something needs to happen...”

–Participant,  
Darebin forum 2017

“

...People give up hope and deal with it. They don't want to report. What's the point?...”

”

–Participant,  
Darebin forum 2017

Throughout the Darebin and Casey forums, service providers expressed an increase in Muslim women reporting an incident of prejudice incidents. Service providers particularly mentioned the lack of information and knowledge around victim's rights and how best to report incidents of prejudice. In speaking to both communities affected and Victoria Police the reoccurring theme is the differing or lack of understanding as to what constitutes Prejudice Motivated Crime. Victoria Police reiterated that women should report all abuse, verbal or physical to police, even if the perpetrator is unknown.

Civil society has an important role to play in enacting change through sustainable police-community partnerships. Service providers can serve as a third party – key to building community confidence in reporting prejudice and violence experienced by Muslim women. Research suggests that Muslim women are more confident to report victimisation to civil society organisations than they are to police.<sup>72</sup>

<sup>72</sup>

Asquith, N 2012. 'Vulnerability and the art of complaint making', in Bartkowiak-Theron I. and Asquith, N (eds), *Policing Vulnerability*, The Federation Press, Sydney, pp 165-180 and Chakroborti, N and Garland, J 2015. *Hate Crimes: Impact, Causes and Responses*, Sage Publications. London.

## 7. Victoria Police and PMC

“...I guess the process around reporting – as far as we can ascertain it, is quite ambiguous and not every officer will know what to do. That’s what we have found talking to people – the whole notion of PMC is quite ambiguous anyway and is not defined clearly so there are certain reasons why women don’t report...”<sup>73</sup>”

In 2010, Victoria Police released its PMC strategy after a series of attacks against Indian students in Melbourne the year before. These attacks drew much national and international condemnation from the way Victoria Police handled the incidence, with a concentration on how Indian students can stay safe; instead of acknowledging and dealing with the prejudice nature of the crimes. Australia has many legislative initiatives regarding the promotion of multicultural, human rights and principles of equality and anti-discrimination, however, there are very few hate crime policies in place. In fact, the only jurisdiction to have put in place a specific and comprehensive policy on hate crimes is Victoria.<sup>74</sup>

The release of the 2010 PMC Strategy sought specifically to: increase Victoria Police’s understanding of PMC; reduce the incidence of PMC; and increase community confidence to report PMC.<sup>75</sup> The Strategy lists five ways to meet these objectives by: working in partnership with the community; treating all victims with dignity and respect; responding to reports of prejudice motivated crime in a timely and professional manner; supporting victims and facilitating referrals to support services; and thoroughly investigating all reports of prejudice motivated crime, making every effort to hold offenders accountable.<sup>76</sup>

<sup>73</sup> Transcript of interview with senior constable of Victoria Police – 22 February 2018

<sup>74</sup> Maher, J, Mason, G & McCulloch, J 2014, 'Policing Prejudice Motivated Crime: A Research Case Study. 10.1332/policypress/9781447308768.003.0015, pp. 2

<sup>75</sup> Maher, J, Mason, G & McCulloch, J 2014, 'Policing Prejudice Motivated Crime: A Research Case Study. 10.1332/policypress/9781447308768.003.0015, pp. 2

<sup>76</sup> Victoria Police Prejudice Motivated Crime Brochure < [https://content.police.vic.gov.au/sites/default/files/2019-01/PMC-DL\\_P3.pdf?\\_ga=2.51488169.1287986295.1559457062-1852416885.1559350726](https://content.police.vic.gov.au/sites/default/files/2019-01/PMC-DL_P3.pdf?_ga=2.51488169.1287986295.1559457062-1852416885.1559350726)>





Despite the introduction of the Strategy, recent research finds that the Strategy has had “*little influence on reporting behaviour*”.<sup>77</sup> Drawing on the data from the five forums held across Victoria, participants recognised both an increase in incidents as well as an increase in reporting despite underreporting being a persistent issue.

Someone who has suffered prejudice on account of their gender and religion, may lose confidence in the justice system if uniform police officers lack the ability, capacity, skills and expertise to gather the evidence that a court may need to find, beyond a reasonable doubt, that a crime was motivated by prejudice.

“*...We think there is a gap at the moment. Some of our people don't clearly understand what PM means – they think that they are investigating a completely different crime to what has actually occurred and they are not. They are investigating the same crime as they would normally but there is a level of intent by the offender at the time of committing the offence that could possibly change the outcome in a Court proceeding. So the judge or magistrate has to consider at the time of sentencing that a crime was committed with a level of prejudice because of race, colour, sexual orientation, gender etc...*”<sup>78</sup>

Understandably, a police officer's first instinct and primary objective is to collect evidence that a crime has been committed.

The underlying motive may be a secondary consideration, if it is a consideration at all.

As it stands, we argue that the current practice of Victoria Police means that the courts are most likely to find the existence of a prejudicial motive on the off chance that a police officer(s) has so meticulously and comprehensively searched, analysed and collated evidence that a motive may accidentally reveal itself to prosecutions and the court.

“*...We need to do more work on our police officers. Remember you have the right to feel safe talking to a police officer whether male or female. If you are not happy, it is your right to ask to speak to a Sargent. Like anything else, every time you speak to someone, write down their name. Every police station should be safe and not feel like you are interrogated. If you find this scary call the Multicultural Unit and I will find someone for you to talk to...*”<sup>79</sup>

There may be a lack of community trust and confidence in policing because of ‘definitional mismatches’. Such divergences in narrative create fundamental challenges for police organisations and the pursuit of social justice.<sup>80</sup>

Muslim women need to know that their reports will be taken seriously. There must be confidence that a member of the police would be respectful and sensitive to the sanctity of a person's story so as to record the report, without

<sup>77</sup> Mason, G, Maher, JM, McCulloch J, Pickering S, Wickes, R and McKay, C 2017 ‘Policing Hate Crime: Understanding Communities and Prejudice’, *Routledge Frontiers of Criminal Justice*, pp: 128.

<sup>78</sup> Transcript of interview with Senior Constable of Victoria Police, February 2018

<sup>79</sup> Transcript of keynote speaker at Casey forum Leading Senior Constable Maha Sukkar, November 2017

<sup>80</sup> Mason, G, Maher, J, McCulloch, Pickering, S, Wickes, R & McKay, C 2017, ‘Policing Hate Crime: Understanding Communities and Prejudice’, Routledge

any preconceived notions of prejudice in their heads and treat the report just as they would any other. It may be that a police officer does take the report seriously and handles it with the appropriateness required, but the issue is that this has not been communicated clearly and transparently to the victim.

“... I think this is one of our biggest challenges – [that] prejudicial motivation doesn't add another layer of complexity to the investigation the officers carry out. What they [officer] do need to do is identify the circumstances of the incident and look at it holistically and indicate that there was some level of prejudicial motivation involved in the commission of the offence. So it doesn't change what they have to do practically, doesn't change their investigation, doesn't change anything for them...”<sup>81</sup>”

Victoria Police need to improve their data systems to ensure that data is collated regularly and comprehensibly and that the data be conveyed to the benefit of not only Muslim women, but also to the benefit of the wider community, so that it may enhance policy and procedure in the space of prejudice motivated crime.

Data collected by Victoria Police represents 'official' crime data. Such data has the capacity to paint a picture of a specific problem and provide intelligence about its nature and distribution. Our government rely on such

data to establish policies and allocate resources. Thus, the importance of robust and reliable police data on PMC and violence against Muslim women is essential. In Victoria, this data is rare, there remains a lack of empirical evidence that illustrates the prevalence of PMC against Muslim women. Virtually everything we know about PMC comes from victimisation studies conducted by community organisations and academics of from inquiries by service providers and community organisations.

Police data can provide an invaluable source of information about the patterns of PMC and violence against Muslim women, information on the psychology of would be offenders, as well as information on reporting practices and recording decisions.

Very little reliable information about suspects and offenders is available. Such data would also enable the collection of information related to offender demographics providing some insight into the motivations of offenders. Understanding whether offenders are sole perpetrators or linked to organised hate groups is vital in addressing the problem.

Participants also spoke about their lack of awareness and their rights as victims pursuant to the *Victims Charter 2006 (12 principle)*.<sup>82</sup> Many participants were not aware of the obligations of Victoria Police

to keep victims informed of any arrests, prosecution or outcomes. This also reinforced the assumed perception that there was nothing Victoria Police could do. The long process of getting from victims reporting a crime to the prosecution of the offender may have implications for victims' reporting behaviour. Victims that have reported PMC may also decide against reporting the next time they are victimised if the outcome is not what they had imagined and if the process is too long. Also, if too much time elapses before a verdict decision, the victim may feel abandoned by the legislative process and may decide against reporting such crime in future.<sup>83</sup>

“...There is nothing more inaccurate than saying that there is nothing we can do. At the very least we can take a report put your name onto a form and take down your version of what it is happening and look at it to determine whether it is a crime or not; which is better than turning you around at the door and saying there is nothing we can do – Sorry...”<sup>84</sup>”

We commend Victoria Police for the tireless work of community liaison officers in their recognition of PMC as a serious impediment to community safety; and how that underpins a sense of identity, belonging and harmony. There is continual work needed in the area of community education and building trusted relationships.

<sup>81</sup> Transcript of interview with Senior Constable of Victoria Police, February 2018

<sup>82</sup> Victims Charter Act, 2006, viewed 4 September 2018, <[www.legislation.vic.gov.au/domino/Web\\_Notes/LDMS/LTObject\\_Store/LTObjSt6.nsf/DDE300B846EED9C7CA257616000A3571/708C1624FE7C8EB9CA257981000DA419/\\$FILE/06-65aa011%20authorised.pdf](http://www.legislation.vic.gov.au/domino/Web_Notes/LDMS/LTObject_Store/LTObjSt6.nsf/DDE300B846EED9C7CA257616000A3571/708C1624FE7C8EB9CA257981000DA419/$FILE/06-65aa011%20authorised.pdf)>

<sup>83</sup> Stobbs cited in Wiedlitzka, S 2016, 'The Legislative Context of Prejudice Motivated Victimisation: Perceptions of Police Legitimacy and Citizen Decisions to Report Hate Crime Incidents' *The University of Queensland*, pp 28

<sup>84</sup> Stobbs cited in Wiedlitzka, S 2016, 'The Legislative Context of Prejudice Motivated Victimisation: Perceptions of Police Legitimacy and Citizen Decisions to Report Hate Crime Incidents' *The University of Queensland*, pp 28



We similarly commend the training that Victoria Police has provided to its staff, nonetheless, we have seen in some instances that what is portrayed as a priority has failed to materialise in the realm of reporting. We argue that as training may improve the practice of all frontline uniform members, it would also be useful to have officers who have the portfolio of specifically managing prejudice.

“...As an organisation we are committed to reducing crime and increasing public safety, as well as improving the community's perception of safety and confidence in Victoria Police. Reducing prejudice motivated crime is a key priority for us. We recognise the diversity of our community and are committed to providing an equitable, accessible and responsive policing service to each individual community within Victoria...<sup>85</sup>”

## 8. Victorian Courts and Prejudice

Victims of PMC are remiss to report to police for a variety of reasons. We were told in our forums that not knowing legal rights is one factor in the decision of a victim to not report. We feel that to fully understand legal rights it is important to understand the system that exists to create, uphold and enforce them first. In this section we will look at the legalities around prejudice, but first we have to take a step back and look at the system as a whole.

The victim may view the court as having made an erroneous

decision on the question of whether a crime was motivated by prejudice or not – a question that a judge must consider when sentencing an offender. The victim may feel – *“if that's how the courts treated prejudice there, then they'll probably do the same for me”*.

The impact of those judicial decisions can also depend on someone's understanding of our legal system; so we will go into the legal system briefly, before examining those court decisions.

In Australia, the parliament (or legislature) writes the laws (or legislation), the police (as a public service of the executive) upholds them to

ensure they operate and the courts (or judiciary or judges/ magistrate) enforce them.<sup>87</sup> Depending on what offence has been committed, will influence who a victim can seek justice through.

In our common law system, the courts can make laws to fill a gap left by the parliament. This means that there are two types of laws: the statute law which is parliament made and the common law which is judge made (or otherwise known as case law because it derives from law made by judges in case). This system can be hugely beneficial when a case is before a judge and there is no legislation applicable to the case before a judge.

“...A woman walks into a police station and says a guy just walked up to me in the street and tried to rip my hijab off my head and said “F\*\*\* off back to your own country”. The offense is an assault, but for our reporting it is a PMC. So we would record that as PMC because of the actions of that person.

*Once we find that person they will be charged with an assault against that women. When it goes to court, what we allege in our summary to the judge, is that this assault occurred because of the witness's accounts; victims accounts; and what other evidence we have gathered. Because of the language that this person used in committing the assault, there is a level of prejudice motivation.*

*Then the judge has to consider that in sentencing and adds an extra penalty. If the judge decides that this was motivated by prejudice, then you are going to get an extra amount of sentencing at the end...”<sup>86</sup>*

<sup>85</sup> Transcript of keynote speaker at Darebin forum, Inspector Kelly Lawson, September 2017

<sup>86</sup> Transcript of interview with Senior Constable of Victoria Police, February 2018

<sup>87</sup> Australian Government, viewed 8 September 2019, <[www.australia.gov.au/about-government/how-government-works/australian-government](http://www.australia.gov.au/about-government/how-government-works/australian-government)>

For example, there was no Victorian legislation on prejudice motivated crime prior to 2009, but Victorian courts filled that gap prior by establishing and then maintaining the practice of considering offences motivated by anti-social attitudes (one of those anti-social attitudes including racially motivated attack ) to have a high degree of moral culpability.<sup>88</sup>

After that legislation came into effect in 2009, judges had to no longer continue sentencing along the line of common or case law, they had to follow the newly introduced statute law on the topic. This is because statute law always overrules common law when they both apply to the same case.

One may then ask: *If courts can make these laws, does this mean that any judge can make any law at any time?*

The short answer to this is no, and the reasons for this are many. The main reason, other than the fact that statute law trumps common law, is that a judge is bound by precedent.

The legal principle of precedents means that a judge must make a decision on an issue that is consistent with a past decision made by a judge.

A judge is not bound by precedent if the facts of the case before them are different, or if the past decision was made by a judge from a lower court for example, a High Court judge is not bound by a decision on a legal issue made by a Magistrates Court judge.

We have provided a brief summary of the common law system to illustrate to the layperson that courts possess more judicial power than most would think. This works in favour of victims of PMC, to fill gaps that should have been filled by parliament; or it may work against victims of PMC, if courts have filled gaps but the manner in which they have done so may be erroneous.

For example, a judge may incorrectly decide on how to interpret the legislation on prejudice motivated crime and that decision may become a precedent. This means that subsequent decisions must be consistent with this precedent until the interpretation of the legislation comes before a higher court, or until there is legislative change.

However, how does a police report eventually get to the court? We are not able to easily and thoroughly explain the journey from police report to a judge's sentencing decision because the journey and its twists and turns depend on a complex set of factors.

In our analysis, we will focus on the sentencing outcome that arises out of a victim's PMC police report while acknowledging that a victim's report may not even lead to an alleged perpetrator being sentenced. One example among many could be that after receiving a report, police's subsequent investigation couldn't give them a strong enough basis for charges to be laid.

We know, as it was also made clear to us by members of

the Victoria Police that we interviewed or heard from as speakers, that a victim may make a report to a police officer and may find that the prejudice they suffered is not attached to a criminal act – rather the prejudice is the criminal act, in and of itself.

In another scenario, a victim may make a report to learn that their prejudice has no connection to the police – as neither a crime or a motivator. In which case the police should direct the person to an authority who can enforce their civil law rights such as VEOHRC (see Annexure ).

We write this section for the scenarios where PMC is raised at the time of sentencing an offender in court. We review some court decisions not to argue that perpetrators should be punished in an arbitrary way with minimum statutory penalties, but to encourage courts to reason the existence of motive in a way that is thorough, consistent and in line with best practice jurisprudence. The focus is not punishing perpetrators, but restoring and boosting the resilience of a victim of a prejudice motivated crime.

In July 2009, the Victorian Parliament amended the *Sentencing Act 1991 (Vic)* through inserting the provision of s5(2)(daaa), means that a court in the sentencing process “*must consider whether an offence was motivated (wholly or partly) by hatred for or prejudice against a group of people with common characteristics with which the victim was associated or with which*

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<sup>88</sup>

Brown [1977] Crim LR 622; Pilgrim (1983) 5 Cr App R (S) 140; Palmer 13/9/1996 CA Vic; Chong [2008] VSCA 119



“

...You get your swiping remarks; people saying all sorts of things about faith and being a woman. Another incident is where I was sexually assaulted on the Route 96 or 86 tram, whichever one goes down Bourke Street, I cannot remember the exact number now. This guy groped me on the packed tram repeatedly. I was hesitant to report the incident to police. In hindsight I should have, as six months later I found out that this guy had assaulted six other women in that time frame and was known to police. These things should not be normal. I should not have to go into public spaces and have to listen to that and think that my nieces and nephews and young kids have to come into a world like this. It is something I have accepted for far too long...

– Interview,  
2018

”



the offender believed the victim was associated". The amendment was guided by the advice of the Sentencing Advisory Council, which was set up 2004 to help bridge the gap between the community, the courts and the government by providing advice, education and information on sentencing.<sup>89</sup>

The Sentencing Advisory Council was of the view that the provision should not contain an exhaustive list of groups, because "the courts are best placed to identify and develop the groups to which the aggravating factors should apply on a case by case basis".<sup>90</sup> However, the Amendment Bill's Explanatory Memorandum provides some examples for guidance such as: "groups characterised by religious affiliation, racial or cultural origin, sexual orientation, sex, gender identity, age, impairment (within the meaning of the Equal Opportunity Act 1995 (Vic) or homelessness".<sup>91</sup>

The broad interpretation available to courts does not

rule out intersectionality, that someone such as a Muslim woman may belong to different groups with common characteristics – such as a groups with a certain faith, and another group of a certain gender.

Also this broad wording of the provision gives the judge reasonable discretion, without specifying a specific sentence or quantifying the aggravation.<sup>92</sup> The provision appears to be well drafted, however, we feel that the way it has been applied ought to be improved.

Despite the fact that section 5(2)(daaa) of the Sentencing Act specifies that motivation can be whole or partial, racial motivation tends to only be found in cases that lack strong evidence of an alternative motive.<sup>93</sup>

According to Mason and Dyer, courts consider three forms of evidence for motive – 'group hostility': derogatory and hostile comments about the victim's group, serious violent conduct and psychological evidence, and other features of 'typical' hate crimes'.<sup>94</sup>

If motive can manifest itself in so many ways, it is concerning to learn that not even partial motive was found in the cases of *DPP v RSP*<sup>95</sup> and *R v Rintoull*.<sup>96</sup>

In the former, the offender racially abused party guests before injuring four people. However, it was held that the "offending was motivated by alcohol consumption and poor anger management."<sup>97</sup>

In the latter, one offender made several derogatory remarks in communicating with emergency services<sup>98</sup>, conversations with a girlfriend of one of the accused<sup>99</sup>, and through explicit graffiti on the wall of the accused.<sup>100</sup>

One of those remarks being "I guess I'll go and take my anger out on some n\*\*\*\*s". Despite what some may argue as an obvious indication of prejudice, Curtain J decided that because an offender had shown an act of goodwill to a boy who was also African, on the Sunday previous, Curtain J felt that they he was not satisfied beyond reasonable

<sup>89</sup> Sentencing Advisory Council 2019, Establishment and functions, viewed 2 June 2019, <[www.sentencingcouncil.vic.gov.au/about-us/establishment-functions](http://www.sentencingcouncil.vic.gov.au/about-us/establishment-functions)>

<sup>90</sup> 'Sentencing for offences motivated by hatred or prejudice', Sentencing Advisory Council, July 2009

<sup>91</sup> Sentencing Amendment Bill 2009, Explanatory Memorandum Clause 3

<sup>92</sup> Gail Mason and Andrew Dyer, "A Negation of Australia's Fundamental Values: Sentencing Prejudice Motivated Crime" [2013] 36 *Melbourne University Law Review* 871 877.

<sup>93</sup> Gail Mason and Andrew Dyer, "A Negation of Australia's Fundamental Values: Sentencing Prejudice Motivated Crime" [2013] 36 *Melbourne University Law Review* 871, 885.

<sup>94</sup> Gail Mason and Andrew Dyer, "A Negation of Australia's Fundamental Values: Sentencing Prejudice Motivated Crime" [2013] 36 *Melbourne University Law Review* 871 887.

<sup>95</sup> *DPP (Vic) v RSP* [2010] VSC 128.

<sup>96</sup> [2009] VSC 617 (18 December 2009).

<sup>97</sup> *DPP (Vic) v RSP* [2010] VSC 128 at [21].

<sup>98</sup> "You, Rintoull, rang "000" and asked to speak to the police...you talked about the problems the Sudanese were causing in Noble Park and you asked the police if they were going to do something about the problem because if not you might do something about it yourself." *R v Rintoull & Sabatino* [2009] VSC 617 (18 December 2009), Curtain J at [66]-[67].

<sup>99</sup> "You showed her an article in the local newspaper which, under the headline "Bronx fear", had referred to problems with as the paper described it, "Recalcitrant migrants" and you told her that Noble Park was turning into the Bronx... you were overheard by Shandell Laurie to say, "I guess I'll go and take my anger out on some n\*\*\*\*s...she heard you, Rintoull, say, "I bashed a n\*\*\*\*r and I think he's dead." *R v Rintoull & Sabatino* [2009] VSC 617 (18 December 2009), Curtain J at [70] – [77].

<sup>100</sup> "Rintoull, sprayed on one of the lounge room walls the words "Fuck da niggas." *R v Rintoull & Sabatino* [2009] VSC 617 (18 December 2009), Curtain J at [74].



doubt that there was a racial motive behind the attack.

“ ...To say that this killing was racially motivated is to deny a complex set of factors... your actions on the previous Sunday when you had twice taken food to the homeless African boy living in the abandoned house is not consistent with your actions on this night being racially motivated, and in these circumstances I am not satisfied beyond reasonable doubt that your actions were so racially motivated and that racism per se was a motive for the attack...<sup>101</sup> ”

We argue that this decision sets a troubling precedent, where a judge can decide that an offender was not motivated by prejudice beyond reasonable doubt, if the offender were to behave kindly and without prejudice when interacting with one person, who is from the same group of people with common characteristics that the victim is from.

Any person who wishes to report a prejudice motivated crime may be disheartened to do so. Because this decision shows that a person can be found not to be racially motivated, despite their words and actions before the criminal act, which in the case of Rintoull, involved saying “I guess I’ll go and take my anger out on some n\*\*\*\*s” and spraying graffiti that says “fuck da n\*\*\*\*s” among other things.<sup>102</sup>

In this particular case, we argue, that even with the high standard of proof of beyond reasonable doubt, we feel that Curtain J erred and that Rintoull was racially motivated to commit a crime. Because of the specificity of the language Rintoull used before and after the offence and also because of the likelihood that even though an act of goodwill may have been done, we would argue that, it is beyond reasonable doubt that the act of goodwill does not erase all hints of any prejudicial motive that could have partially or wholly motivated the criminal act.

Above are just two examples of cases which have looked at PMC and although this report was not able to go into all possible case law databases to search for more cases that considered the application of PMC, we acknowledge that it offers a quick insight into the mindset of a judge when examining prejudice to determine the role it might have played in a criminal act.

The *Sentencing Act 2009* (Vic) is just one of many relevant pieces of legislation in the space of prejudice.

In the example below we present a case where a judge ruled that there was vilification under the *Racial and Religious Tolerance Act 2001* (Vic).

In 2017, a Melbourne Magistrate convicted Blair Cottrell, Christopher Shortis and Neil Erikson of inciting religious vilification of Muslim people under the *Racial and Religious Tolerance Act 2001* (Vic).

In 2015, at the height of the Bendigo Mosque tensions in Victoria, these three men uploaded a video to the United Patriot Front’s Facebook page, where they staged a ‘mock’ beheading of a mannequin with a toy sword, spilling fake blood over the footpath. They did it as an act of protest against plans to build a mosque.

The Court found that it was vilification, because they were suggesting that building a mosque would bring terrorists to Bendigo, and this act of imputing terrorism to Islam was seeking to stir up feelings of revulsion towards Muslims and were subsequently fined two thousand dollars each.<sup>103</sup>

“ ...The conviction of these men sends a strong message that racial and religious vilification is not only unacceptable in our society, it is also against the law ...<sup>104</sup> ”

<sup>101</sup> [2009] VSC 617 (18 December 2009), Curtain J at [107]

<sup>102</sup> *R v Rintoull & Sabatino* [2009] VSC 617 (18 December 2009), Curtain J at [70] – [77].

<sup>103</sup> Oaten, J 2017, “Far-right nationalists found guilty of inciting serious contempt for Muslims after mock beheading video” *The Age*, viewed 4 June 2019, <[www.abc.net.au/news/2017-09-05/three-men-found-guilty-of-inciting-serious-contempt-for-muslims/8874804](http://www.abc.net.au/news/2017-09-05/three-men-found-guilty-of-inciting-serious-contempt-for-muslims/8874804)>

<sup>104</sup> Hilton, K 2017, Convictions under racial and religious vilification laws show no place for religious hatred in Victoria, *Victorian Equal Opportunity and Human Rights Commission*, viewed 4 June 2019, <[www.humanrightscommission.vic.gov.au/home/news-and-events/commission-news/item/1621-convictions-under-racial-and-religious-vilification-laws-show-no-place-for-religious-hatred-in-victoria](http://www.humanrightscommission.vic.gov.au/home/news-and-events/commission-news/item/1621-convictions-under-racial-and-religious-vilification-laws-show-no-place-for-religious-hatred-in-victoria)>



“...We need to change the way we see resilience as being the onus of the victim and look at the structures that perpetuate prejudice and bar victims from justice; we must examine our systems critically. Let us be better at trying to understand, not just the ‘other’, but most importantly, ourselves. We all have a right to live free from fear and to flourish...

– April Kailahi,  
2019”



## PART III: CONCLUSION

The Resilient Women Project has been an immense undertaking. It has involved over sixty people who have helped shape it from its infancy. The RWP began in a city café where over a cup of coffee three friends and old university colleagues shared their personal stories of normalised, everyday prejudice – seemingly invisible to the wider community. It was from that conversation this project was born. I would like to thank Amona Hassab and Nafisa Yussf for the coffee that changed the way I wanted to do my job as an ‘interfaith’ worker. Amona, Nafisa and I planned the first forum in a month. It was a hit and from there the project evolved into what it is today.

The issue of prejudice is complex and has many faces, for Muslim women it is Islamophobia, racism, discrimination, orientalisation, misogyny and colonisation. This report could never attempt to address every complexity with the integrity it deserves, however, I hope that we have gone some way into tackling the intersecting layers that comprise the lived experiences of our participants. A fundamental sense of one’s own identity and belonging is essential to community and familial harmony.

Prejudice, in its many forms is not new to Australia. As I write the conclusion to this report, I am reminded of the artists from South Australia’s remote Aboriginal Anangu Pitjantjatjara Yankunytjatjara (APY) Lands who created artwork for Adelaide’s Islamic community in remembrance of the Christchurch massacre.

Two communities who have suffered great injustices. Two communities who are finding solace together, amongst a world that sees them as the ‘other’.

The stories shared over the five forums show that an attack on one is an attack on all. The feelings of depression, loss of belonging, isolation, anxiety and insecurity reach further than just the individual. It affects her family, work, study and community. When a woman hears or reads the xenophobic words of our politicians, the ones who are tasked to set and uphold the standards of our society, it is no wonder many Muslims were unsurprised by the Christchurch massacre.

The accumulative effects of implicit and explicit xenophobia, the narrowly defined identity prescribed to Muslim women, and the excessive use of fear in the media, impact upon the lived experiences of women. We need to change the way we see resilience as being the onus of the victim and look at the structures that perpetuate prejudice and bar victims from justice; we must examine our systems critically. Let us be better at trying to understand, not just the ‘other’, but most importantly, ourselves. We all have a right to live free from fear and to flourish.

Through my years in this project, I have encountered so many heartbreaking stories, yet I have also seen strength, determination and resilience in the darkest of places. There is a brighter future ahead. I feel hope when I listen to and speak with the many who are actively fighting for a better, more just society.

Resilient communities need a collective approach and over the course of RWP, seeing the strengths and passions of people and organisations, I am certain that a unified effort is possible. I hope that this report shines a light on the damaging effects of prejudice and encourages collaboration across all levels of society so that we all can truly thrive, not just survive.

“

...This report has many contributors and I give my thanks to each and every one. In particular, I'd like to express my gratitude to the financial assistance from Department of Premier and Cabinet through the community resilience grant round of 2016. I also want to acknowledge and thank the many remarkable women who shaped and directed each forum as well as our partnering organisations. And lastly, my gratitude to those who worked tirelessly behind the scenes in their many and varied roles and responsibilities...

”







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## DEFINITIONS

### What do we Mean by Islamophobia?

According to *Countering the Islamophobia Industry report*, released from the Carter Centre, the definition of Islamophobia is defined in three parts: Private Islamophobia; Structural Islamophobia; and Dialectical Islamophobia.<sup>105</sup>

Private Islamophobia is defined by fear, suspicion, and targeting of Muslims by individuals. Limited to non-State actors, private Islamophobia is usually seen through the use of racial and religious slurs, mass rallies or protests, or, as shown in this report, direct violence against Muslims.<sup>106</sup>

Structural Islamophobia is defined through the fear and suspicion of Muslims, enacted structurally through institutional policies. An example of this is government agencies and the implementation of policies, which from the outside look neutral, however disproportionately affect Muslims, limiting their civil liberties.

Such policies are built upon the presumption that Muslim identities are tied up with a threat to national security and that Islam and the west are antithetical. It is our opinion that Islamophobia is fed by discriminatory and divisive political discourse around the 'war on terror', 'border control', and 'national security' which shape public perceptions and sentiments creating an enabling environment which legitimises public hostility toward Muslim communities and Muslim women in particular.<sup>107</sup>

Dialectical Islamophobia is defined through the legitimisation of prevailing misconceptions through state policies.

Unlike prejudice, Islamophobia dictates the (opposed) implicit guilt of Muslim citizens from individual actors, which is then reinforced through Countering Violent Extremism (CVE) policies, where the (always) Muslim citizen is deemed as alien, inassimilable, and prone to extremism.

This in turn legitimises fear, suspicion, misconceptions, and reductive tropes emboldening private hostility and violence toward Muslim citizens.<sup>108</sup>

### What is Prejudice Motivated Crime (PMC)?

PMC loosely "*signifies crime that is motivated or otherwise fuelled by bigotry, bias, hostility, prejudice, or hatred towards members of particular groups and communities*".<sup>109</sup>

It includes harassment, threats, verbal abuse, destroying or damaging property, and in more serious cases, physical violence.<sup>110</sup> PMC is the term used in Victoria, whereas other states use the terms bias, targeted and hate crimes.

### What is Cultural Intelligence Training?

CI works to encourage a level of interest and confidence in multicultural interactions, as well as enhancing knowledge and understanding of the similarities and differences of among cultures. CI develops your ability to relate and work in a multicultural context while also providing greater awareness of your ability to plan for multicultural interactions.<sup>111</sup> Methods centred on cultural competence and cultural awareness are still often premised on the 'other' having to assimilate. Instead CI teaches the participant to self-regulate, monitor and be culturally self-aware.

### What is Unconscious Bias?

Unconscious bias is a prevalent problem that consists of social stereotypes being formed about certain groups of people outside one's own conscious awareness. Everyone holds unconscious beliefs about various social and identity groups and can often be exacerbated during times of stress. These biases stem from one's tendency to organize social worlds by categorizing.<sup>112</sup>

<sup>105</sup> Beydoun, K A 2018, 'Islamophobia: Toward a Legal Definition and Framework: Countering the Islamophobia Industry Toward More Effective Strategies', The Carter Centre, Atlanta, pp. 30-35

<sup>106</sup> Beydoun, K A 2018, 'Islamophobia: Toward a Legal Definition and Framework: Countering the Islamophobia Industry Toward More Effective Strategies', The Carter Centre, Atlanta, pp. 30-35

<sup>107</sup> Beydoun, K A 2018, 'Islamophobia: Toward a Legal Definition and Framework: Countering the Islamophobia Industry Toward More Effective Strategies', The Carter Centre, Atlanta, pp. 30-35

<sup>108</sup> Beydoun, K A 2018, 'Islamophobia: Toward a Legal Definition and Framework: Countering the Islamophobia Industry Toward More Effective Strategies', The Carter Centre, Atlanta, pp. 30-35

<sup>109</sup> Mason, G, Maher, JM, McCulloch J, Pickering S, Wickes, R and McKay, C 2017 'Policing Hate Crime: Understanding Communities and Prejudice', *Routledge Frontiers of Criminal Justice*, pp: 4

<sup>110</sup> Victoria Police n.d., Prejudice and Racial Religious Vilification, viewed 3 February 2018, <[www.police.vic.gov.au/prejudice-and-racial-and-religious-vilification](http://www.police.vic.gov.au/prejudice-and-racial-and-religious-vilification)>

<sup>111</sup> Cultural Intelligence Centre, viewed 4 May 2019, <<https://culturaliq.com/about-cultural-intelligence/>>

<sup>112</sup> Unconscious Bias, University of California, San Francisco, viewed 4 May 2019, <<https://diversity.ucsf.edu/resources/unconscious-bias>>



## ACRONYMS

**AHRC** Australian Human Rights Commission (previously known as Human Rights and Equal Opportunity Commission)

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**APC** Australian Press Council

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**CALD** Culturally and Linguistically Diverse

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**CSO** Civil Society Organisation

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**FWC** Fair Work Commission

---

**HREOC** Human Rights and Equal Opportunity Commission (now known as Australian Human Rights Commission)

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**NGO** Non - Government Organisation

---

**PMC** Prejudice Motivated Crime

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**RWP** Resilient Women's Project

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**VEOHRC** Victorian Equal Opportunity and Human Rights Commission

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**Vic Pol** Victoria Police









## ANNEXURE “A” - VICTORIAN EQUAL OPPORTUNITY AND HUMAN RIGHTS COMMISSION

The Victorian Equal Opportunity and Human Rights Commission (VEOHRC) is an independent organisation that can hear and resolve complaints from individuals under the *Equal Opportunity Act 2010* (Vic) and the *Racial and Religious Tolerance Act 2001* (Vic).

The *Equal Opportunity Act 2010* (Vic) states that discrimination, sexual harassment and victimisation are against the law in areas of public life, such as employment, education, accommodation, and providing goods and services.

The *Racial and Religious Tolerance Act 2001* (Vic) makes racial and religious vilification against the law. Racial and religious vilification is behaviour that incites or encourages hatred, serious contempt, revulsion or severe ridicule against another person or group of people because of their race or religion.

VEOHRC provides core services to Victorians including a free telephone Enquiry Line, a free, fair and timely dispute resolution service, information, education, training and consultancy services and community engagement

VEOHRC can hear and work to resolve complaints on the grounds of harassment, discrimination, vilification, bullying and/or intimidation.

Some scenarios include: somebody making a joke about Muslim women's head scarf or the way she is dressed, excluding an applicant from consideration for hire simply because they have a name associated with Islam, a person sharing an anti-Islam cartoon against Muslim community on Facebook, a person constantly excluded from team activities because of their religious beliefs, a person receives a threatening text message on the phone or Facebook.

In any circumstance of this nature, it is recommended that a victim of prejudice call VEOHRC.<sup>113</sup> However, we urge you to first consider the Victoria Police for criminal matters or whenever in doubt about the incident.

A complaint can be made in any language and the Commission can arrange a free interpreter in your language or a sign language interpreter, if required. We can also help you draft your complaint if you need assistance.

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<sup>113</sup> The Enquiry Line can be contacted by calling **1300 292 153** or **(03) 9032 3583** on weekdays from 9am to 4.30pm (closed between 12.30–1.30pm), emailing [enquiries@veohrc.vic.gov.au](mailto:enquiries@veohrc.vic.gov.au), a complaint can be lodged via [www.humanrightscommission.vic.gov.au](http://www.humanrightscommission.vic.gov.au)

