

Reference: ADCQ Message of Support to the Muslim Community

16 September 2014

Good afternoon

**RE: MESSAGE OF SUPPORT FOR MUSLIM MEMBERS OF OUR
COMMUNITY EXPERIENCING RELIGIOUS VILIFICATION**

As Queensland's Anti-Discrimination Commissioner I am concerned at the levels of public religious and racial vilification and abuse that is being experienced by members of the Muslim faith in our community. I am aware that many Muslim people, and people presumed to be Muslim because of their appearance, have become targets for hostility and violence when going about their daily lives. We need as a community to stand together in these difficult times.

The Anti-Discrimination Commission is here to support community members who experience or are exposed to religious or racial hatred. Below, I have set out some information about vilification, including how to make a formal complaint under the *Anti-Discrimination Act*.

There is also a way of letting the Commission know of incidents of vilification and hostility without making a complaint by using the 'Let Us Know' webpage. If people have experienced an incident in a public place, we want to collate these stories, so as to better inform relevant public officials on this highly concerning issue for our community.

Public Acts of religious and racial hatred are against the law

Each of you would be well aware that under the *Anti-Discrimination Act 1991*, public acts of religious and racial hatred are against the law. Under the Act, vilification is a public act which incites hatred towards, serious contempt for, or severe ridicule of persons on the ground of the race or religion of the person or members of the group. Public acts can include any form of communication to the public and can also be any conduct that is observable by the public, including actions, gestures and the wearing or display of clothing, signs, flags, emblems or insignia.

To ensure the right to freedom of speech is not unduly restricted, if the public act is done **reasonably and in good faith**, for academic, artistic, scientific or research purposes or for other purposes in the public interest, including discussion and debate, then the public act is not unlawful.

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Freedom of speech is a fundamental right and public discussion done reasonably and in good faith is part of our democracy. However, public acts that incite hatred towards a group of people on the basis of their religion or race can undermine an inclusive community. If public comments are not made reasonably and in the public interest, they will breach the Act.

Right to make a complaint

In Queensland, a person who feels they have been vilified due to their religion or race can make a written complaint to the Anti-Discrimination Commission Queensland. When a complaint is lodged with the Commission it is assessed to see if it falls within the Act. In order for the ADCQ to deal with the matter as a civil complaint of religious or racial vilification the person making the complaint needs to be able to identify, or be able to provide relevant information to identify the perpetrator of the vilification. More details about how to make a complaint can be found here. <http://www.adcq.qld.gov.au/complaints/vilification>

More serious racial and religious vilification involving threats of physical harm to people or property may lead to a criminal prosecution resulting in 6 months imprisonment and financial penalties for individuals or organisations. Such matters are pursued by the Queensland Police Service. If a person's safety or if property is at risk the police should be contacted immediately.

Let Us Know

Often people who experience vilification do not wish to make a formal complaint, or cannot pursue a formal complaint because they cannot identify the perpetrator of the vilification. However, they may still wish to let a public agency like the Anti-Discrimination Commission know details of what they are experiencing. We have a dedicated '**Let Us Know**' page. The purpose of this page is to give the Commission a better understanding of the extent of hostility and abuse being faced by Muslim people. <http://www.adcq.qld.gov.au/human-rights/let-us-know>

If you have any suggestions on other ways the Commission can support members of our community of the Muslim faith, I would be very pleased to hear from you. We can be contacted on 1300 130 670 or via email info@adcq.qld.gov.au

Yours sincerely



KEVIN COCKS AM
Anti-Discrimination Commissioner
Queensland