



Australian Bahá'í Community

27 April 2024

Mr Simon Tutton

Policy Manager

NSW Law Reform Commission

Dear Mr Tutton,

The Australian Bahá'í Community would like to extend its gratitude for the opportunity to make a submission to the NSW Law Reform Commission's review of section 93Z of the Crimes Act 1900 (NSW).

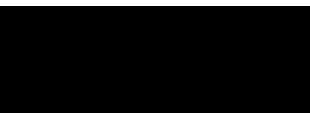
Legislative mechanisms such as section 93Z that aim to protect individuals and minority groups against hate speech and violence are vital, and it is the view of the Australian Bahá'í Community that these mechanisms, when complemented by community education and spaces for discourse between community leaders and members and leaders of religion, can play a significant role in contributing to the achievement of greater degrees of unity and social cohesion, thereby promoting the security and peace of our diverse Australian community.

The enclosed submission consists of recommendations which draw on insights gained by the Australian Bahá'í Community in its efforts to build vibrant communities as well as practical experience of Bahá'ís in Iran and elsewhere, whose rights to freedom of religion or belief have been violated and who have been subjected to extreme forms of hate speech as well as acts of violence resulting from repeated instances of incitement to violence against them.

We hope this submission proves useful to the review and once again appreciate the opportunity to submit a formal response.

Kind regards,

Parviz Deamer



Director

Office of External Affairs

Australian Bahá'í Community



Australian Bahá'í Community

Submission by the Australian Bahá'í Community to the NSW Law Reform Commission

The Australian Bahá'í Community welcomes the opportunity to make this submission to the NSW Law Reform Commission with respect to its review of section 93Z of the Crimes Act 1900 (NSW). This submission will address the following points of the terms of reference:

1. the impact of racial and religious vilification on all parts of the NSW community;
4. the impacts on freedoms, including freedom of speech, association and religion;
5. the need to promote community cohesion and inclusion;

The Australian Bahá'í Community was established in 1920 and its membership reflects the ethnic and cultural diversity of modern Australia. The Bahá'í Faith is a worldwide religion, founded 180 years ago, with more than five million members around the globe. Bahá'ís work together with others for the development of a peaceful, just and sustainable world civilisation. This work is based on the teachings of Bahá'u'lláh (1817-1892), the Founder of our religion.

This submission makes recommendations which draw on insights gained by the Australian Bahá'í Community in its efforts to contribute to social transformation as well as practical experience of Bahá'ís in Iran and other places, whose rights to freedom of religion or belief have been, and continue to be, violated and who have been subjected to extreme forms of hate speech and vilification as well as violence resulting from repeated and documented instances of incitement to violence, in the absence of any legal recourse. This lived experience of our community highlights the need for robust legislative mechanisms to protect individuals and minority groups from serious racial and religious vilification, hate speech and violence. It is the view of the Australian Bahá'í Community that these legislative mechanisms, when complemented by community education and the promotion of appropriate public spaces for discourse between members and leaders of religion and communities, can play a significant role in contributing to the achievement of greater degrees of unity and social cohesion.

Legislative Mechanisms that Aim to Address Serious Racial and Religious Vilification

Legislation such as section 93Z of the Crimes Act 1900 (NSW), which aims to address serious racial and religious vilification and prohibits incitement to hatred or violence, is an important element of the protections afforded by the law in Australia for religious and minority groups, and as such the Australian Bahá'í Community wishes to express its in-principle support for this type of legislation.

The freedom to hold religious beliefs of one's choosing and to practice them in safety, without fear of harassment or violence, is central to human development. Freedom of religion is about far more than the right to wear a certain item of clothing, or to walk into a given building to gather and pray. At its heart, it is ultimately an expression of the freedom to investigate truth and reality: to be able to explore – without prejudice, harassment, fear, or violence – the deepest questions of self and society, to live in accordance with the truths of which we become persuaded, and to accord full respect to the efforts of others to do the same. Freedom of religion therefore speaks to the most fundamental aspects of what it means to be a human being.

Unfortunately, members of our international community, notably those residing in Iran, have long suffered such a denial, and have been subjected to persecution at all levels, including extreme forms of hate speech, as well as acts of violence resulting from repeated and documented instances of incitement to violence against them. As part of a worldwide religious community which regards the human conscience as sacred and upholds the individual's independent search for truth, Bahá'ís believe freedom of religion has a special place in safeguarding the dignity of the human being. In light of this, and considering the experience of Bahá'ís in Iran, the vital importance of legislative mechanisms that directly or indirectly protect freedom of religion becomes apparent.

The Australian Baha'i Community has in the past advocated for enhanced legislative mechanisms at the State and Commonwealth level that aim to enshrine constitutional protection for freedom of religion in Australian law. We have also advocated for the enactment and enhancement of robust anti-discrimination legislation that promotes freedom of religion or belief, as well as expressing support for legislative mechanisms such as section 93Z that seek to address serious racial and religious vilification.

On balance, we are of the view that section 93Z strikes the right note between protection of the rights of individuals to freedom of speech and belief, and the protection of minority groups from hate speech and violence, and that this balance is conducive to the maintenance of order and security in multicultural and diverse Australia.

Complementary Measures Addressing Racial and Religious Vilification and Promoting Community Cohesion and Inclusion

Community Education

Although legislative measures are important, any long-term preventive strategy to address hate speech or incitement to violence based on prejudice must ultimately be rooted in efforts in community education, equipping children and adults alike with skills and opportunities to learn about other systems of belief. Education is not only the shortest route out of poverty; it is also the shortest route out of prejudice. Within a culture of education, people who can read the writings of their own religion as well as those of others, who are free to question and discuss, and who are able to participate in the generation and application of knowledge will be better prepared to counter the forces of ignorance and fanaticism, and ultimately to uphold freedom of religion for all.

The goal of educational programs should be not only the acquisition of knowledge, but also social transformation, through the fostering of spiritual and moral qualities such as compassion, trustworthiness, service, justice, and respect for all. Education that instils in hearts and minds an awareness of and sensitivity to the human rights and equality of all persons constitutes an essential tool for preventing and reducing all forms of discrimination. After all, individuals are respected – or discriminated against and targeted– by other individuals, even if they are acting in an official capacity. Accordingly, it is essential that governments put in place, and provide adequate resources for, educative programs that touch the hearts, and elevate the behaviour, of all members of the community.

Such educational programs should, in the first instance, emphasise the oneness of humanity and equality of all people regardless of colour or belief. They should enable Australians at the individual level to develop a mutual regard for the essential humanity and dignity of each other and recognise that we are all part of one human family. In the Bahá'í view, respect for different religions and cultures can only be achieved if we are able to perceive, underlying our many variations, our essential unity as one human race. Mutual respect will not come about through separatism or antagonism, but by recognition of our common humanity and the importance of societal unity that embraces diversity.

Inter-faith and intercultural engagement

Interaction with people of different faiths is particularly important to strengthen appreciation of diverse religious traditions, as well as helping individuals to recognise the shared humanity of all people. Without such interaction, other religions remain shrouded in mystery, and it is easy for them to become the object of ignorant fears and misunderstanding. Accordingly, we would welcome further government

support for inter-faith and inter-cultural initiatives at local, state and national levels as a pro-active strategy for promoting freedom of religion and reducing the appeal of religious extremism. At the state level, we commend the NSW Government for the creation of an advisory body in the Faith Affairs Council, a body on which many major faith communities are represented and which advises government on religious and inter-religious issues. Continuing to increase collaboration between governments and the various communities that reside in the state, a collaboration characterised by a sense of ownership and partnership in a shared endeavour to strengthen social cohesion for the benefit of all, will go a long way in fostering environments where the rights of individuals and groups can be upheld. Governments at all levels are encouraged to lend their support to, and be partners in, the creation of spaces for interreligious and intercultural dialogue, where all voices can be listened to with respect and understanding.

Role of Religious Leaders

Religious communities have historically played a significant and ongoing role in promoting human rights, including teaching the fundamental moral equality of all human beings. We believe it is particularly important that people of faith and their religious communities continue to be engaged in actively supporting human rights.

In a world harassed by violence and conflict in the name of religion, leaders of religious communities bear particular responsibility for guiding their followers towards a peaceful coexistence and mutual understanding with those who think and believe differently. The role of religious leaders is vital as partners – in word and deed – in the creation of a culture of respect for human dignity and freedom of conscience, religion, or belief. If they are to be worthy partners in the construction of a more just and peaceful society, religious leaders must unhesitatingly raise their voices against the violation of human rights, against all forms of violence and fanaticism, and against the denial of equality perpetrated in the name of religion. They must examine the ways in which their words, their actions, or their silence may have enabled discrimination. They must account for the ways in which their guidance and example may be stifling the exercise of those intellectual faculties that are key qualities of humankind. They should actively encourage their followers in the pursuit of knowledge and peaceful dialogue, as this is the best counter to fanaticism. By eliminating ignorance of other religions, the latent causes of intolerance can be addressed. The Australian Bahá'í Community pays special attention to this in its educational programs for children, youth and adults, its close association with other faiths in inter-faith activities, and its publications and public statements such as this one.

Although inter-religious relations have generally been harmonious in New South Wales, in light of recent events both locally and internationally, it would be unrealistic to believe that we are immune to the religious extremism that has, in so many parts of the world, demonstrated itself to be a major obstacle to community cohesion and to advancing the processes that contribute to peace. The Australian Bahá'í Community believes that religious extremism needs to be acknowledged as a real danger to society and forcefully condemned by government and religious leaders alike. Religious leaders also bear a great responsibility for the prevention of inflammatory statements and practices in connection with religion and for the promotion of tolerance, mutual respect and peaceful behaviour.

* * *

In summary, the experience of the Australian Bahá'í Community highlights the need for robust legislative mechanisms such as section 93Z to protect individuals and minority groups from serious racial and religious vilification, hate speech and violence. It is our view that these legislative mechanisms, when complemented by community education and the promotion of appropriate public spaces for discourse between community leaders and leaders of religion, can play a significant role in contributing to the achievement of greater degrees of unity and social cohesion in the New South Wales community. The Australian Bahá'í Community, with its long experience in inter-faith activity, community education programs that promote unity in diversity and the establishment and promotion of spaces for public discourses, stands ready to assist to help further this process. We thank the New South Wales Law Reform Commission for the opportunity to provide this submission and we look forward to learning of the outcomes of the review.

Australian Bahá'í Community
April 2024