



# AUSTRALIAN JEWISH DEMOCRATIC SOCIETY

a progressive voice among jews, a jewish voice among progressives

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9 April 2023

## **Nazi Symbols Bill Criminal Code Amendment (Prohibition of Nazi Symbols) Bill 2023**

### **Written Questions on Notice for the Australian Jewish Democratic Society, 2 May 2023**

**The Online Hate Prevention Institute recommended that the bill be amended so as to make it an offense for a person to publicly display a symbol 'in a manner that glorifies or promotes a Nazi or Neo-Nazi group, movement, or ideology' (Online Hate Prevention Institute, Submission 22, p. 3). Please provide your views on the impacts such a change would likely have on the proposed bill.**

Dear Committee Secretariat,

In the opinion of the AJDS, there are problems with the suggested amendment:

- 1) To prove intent on the part of the person/group displaying (whether in person or online).
- 2) Defining what is an "offensive symbol" that glorifies or promotes a Nazi or Neo-Nazi group, movement, or ideology, given that any number of symbols including symbols can be invented and appropriated as either physical objects or online media/memes and so on. Legislation can become quickly out of date.
- 3) What about music (neo-Nazi punk music) or chants. Defining what is an offensive gesture, or offensive music – the music itself, lyrics (that can coded), forms of dance- given that new ones can be invented?
- 4) As we have suggested, there is a danger that banning/fining or jailing people, provides material for the amplification of grievance, particularly by social media. Despite the Frederick Tobin case (Adelaide Institute - Holocaust denial group), while having some relevance, it predates the explosion in hateful materials via social media in social media.

Tobin was also the cumbersome prosecution of one person that took a long time and there are other such cases. As we see with anti-vaxxers and sovereign citizens, we are dealing with widely distributed people and networks, locally and internationally. Policing and successfully prosecuting this territory in a short period of time is very difficult and it provokes a backlash via well-resourced media amplifiers or social media sites.

- 5) The suggested OHPI amendment still excludes other nationalist racist & violent movements which, strictly speaking, may not be neo-Nazi, but are on the spectrum of violent racist ethno-nationalism. Such groups have or continue to advocate action against other groups in the community and are of security concern.
- 6) For example, nationalist groups from the former Yugoslavia, or people associated with the anti-Muslim Hindutva movement and the Rashtriya Swayamsevak Sangh (RSS) which is active in Australia and associated with the current government of India. There have been local acts of disorder (for example at sporting events in the case of former groups), or attacks on non-Hindu Indians in the case of the latter. Unfortunately, both the current and former Prime Minister have been pictured unintentionally wearing the scarf associated with the movement, though the use of the Hindu Swastika is not problematic (the photo below). Obviously, they had no ill-intent, but these illustrate a problem with legislative solutions when it comes to dealing with political movements whose motives can be read in multiple ways. (Refer to the article from the Saturday Paper)
- 7) We also note the problem of hatred and violence or incitement to violence against of other groups such as transgender people in which Nazis are involved. Nazi symbols or do not have to be necessarily displayed for neo-Nazi groups to be involved or manipulating others. This is happening with local government protests over the presence of transgender people at events. Further, it may well be claimed that activity is being conducted not for Nazi ideological reasons, but in defence of the traditional two-genders or the family. We are certainly seeing this coming out in current protests and involvement by neo-Nazis where free speech activity by others (despicable as it may be) is aligning with neo-Nazi activity. The proposed legislation is inadequate for dealing with a complex social and political problem that is better covered by political parties' processes to police their own, human rights bodies or criminal law when necessary.
- 8) Consequently, as we have already suggested, in a diverse society that has less and less direct connection to the Holocaust, but connection to other group hatred and violence, a focus on banning Nazi-related symbols and ideology is too narrow. This problem demands solutions that go beyond bans, including work with the political class, the media, and schools, and local communities, to stamp out hatreds.

We are available for further discussion of these matters should you wish this to be the case.

Yours sincerely

Dr Larry Stillman / Harold Zwier

For the AIDS Committee

## Scott Morrison and Anthony Albanese pictured wearing scarves bearing symbol used by Hindu ultra-nationalist group VHP India

ABC Investigations / By Meghna Bali and Ariel Bogle

19 May 2022 at 3:08pm



<https://www.thesaturdaypaper.com.au/news/politics/2022/08/20/the-rise-far-right-hindu-nationalism-australia>

# The Saturday Paper

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**NEWS**

Far-right Indian nationalism is spilling into Australia, with sections of the Indian diaspora responsible for hate crimes against Sikhs and Muslims. Political leaders are being asked to be more aware of the danger. By *Santilla Chingaipe*.

## The rise of far-right Hindu nationalism in Australia



Anthony Albanese wears a scarf bearing the logo of a far-right Hindu nationalist group.

CREDIT: AAP IMAGE / LUKAS COCH

Meera asks not to use her real name. She is worried about retribution. Already, her small business in Melbourne has been the subject of harassment and abuse from far-right Indian nationalist groups. “It’s been awful,” she says. “We were getting abusive calls and reviews. We got over 3000 one-star reviews in three days, abusive emails.”

Meera says people affiliated with the so-called Hindutva movement made certain demands of her business, with which she refused to comply. After that “they started posting our personal photos on Facebook groups. Very important Facebook groups like ‘Indians in Melbourne’ who have over 90,000 to 100,000 Indian people following - basically our direct customers.”

Meera reported the matter to police, but the abuse continues. “Business has gone slow ... I’m getting threats saying that ‘we’ll find each and every member of your family and beat them up’.”

This week marks 75 years since India became independent from British Colonial rule. One of the post-independence ideals of which many Indians are proud is religious tolerance. But in the years since Prime Minister Narendra Modi’s ruling Bharatiya Janata Party (BJP) came to power, there’s been an increase in Hindu nationalism. This has reportedly led to an increase in violence against those who go against this ideology. There are fears violence might make its way to Australia.

*“We know that violence doesn’t perpetuate overnight. It happens through hate-mongering; it happens through fear-mongering — and when no action is*

**Santilla Chingaipe** is a journalist and documentary filmmaker.

August 20, 2022

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*taken, that's when violence and assaults take place on the streets."*

"There have been forms of Hindu nationalism around maybe since the early 20th century, but a specific form of Hindu nationalism which is espoused by the ruling regime in India is a Hindutva version..." Dr Priya Chacko, of the University of Adelaide, says. "[The] concept of India was that it was a land of Hindus and that Muslims and Christians were invaders. So, to be Indian, you had to be Hindu and you had to follow a religion that was from the soil of India, which is Hinduism or Buddhism or Sikhism and so on. But Muslims and Christians were considered foreigners. So that's the basic ideology that underpins the governing practices of the current government in India."

India is a secular liberal democracy, with most Indians identifying as Hindus. But Chacko argues that Hindutva differs from Hinduism because it isn't a religion but rather a political ideology. She says it's worrying that this ideology has made its way to Australia. "The thing about Hindutva is that it's exclusionary toward minorities, but it's also patently anti-democratic because there's this focus on unity. Anything that dissents from the vision that is espoused by the ruling party is considered dissent and disunity and has to be marginalised."

Chacko adds that religious minorities aren't the only ones being targeted by this ideology in India. "You see left-wing academics being persecuted because they have different ideas about what constitutes justice in India; they're thrown in jail, arbitrarily on made-up charges and things like that."

According to the latest Australian Bureau of Statistics data, there are more than 700,000 India-born people in Australia. This community is becoming increasingly influential. Both Anthony Albanese and Scott Morrison courted the Indian diaspora communities during the recent federal election campaign.

They attended separate events where they took part in cultural activities that included being draped with orange scarves. But these weren't just ordinary scarves - they carried the logo of a far-right Hindu nationalist group, the Vishva Hindu Parishad (VHP), which was named by the CIA as a "religious militant organisation" in its 2018 World Factbook. Formed in India in the 1960s, the VHP is an affiliate of the Rashtriya Swayamsevak Sangh (RSS), a far-right Hindu nationalist organisation that aims to create an ethnic Hindu-majority state.

Chacko says the VHP and RSS are "quite radical groups" that have been associated with violence in India, and this should have made Australian politicians wary of being linked to them.

"The VHP and RSS, their activists were responsible for tearing down a mosque in 1992, which led to violence, which led to the killing of 2000 people who were mostly Muslim," Chacko says. "Politicians should know this sort of thing - we can Wikipedia it. It's not hard to find this information. It's odd that there's so much ignorance about this stuff in Australia."

Peter Varghese, who was Australia's high commissioner to India from 2009 to 2012 and is now chancellor of the University of Queensland, says the incidents involving the VHP scarves underlines the importance of political leaders being aware of who they are meeting from across Australia's multicultural communities.

"In all of our migrant communities, there's going to be a whole range of factions and groupings and it's easy to sort of stumble into them if you're not familiar with them."

Waseem Razvi, a community activist based in Melbourne's outer south-west, says

much of the tension between those affiliated with Hindutva ideology and other members of the community began in 2020 following the farmers' demonstrations in India. The farmers, from mostly Sikh communities, were protesting over Modi government laws that they argued would ruin their livelihoods.

Razvi says the protests were supported by some in the Indian community in Australia. "That started to have a bit of heat between hate groups here and the Indian Sikh community."

Razvi says a Sikh was seriously assaulted in one incident, which reportedly took place at Harris Park in Sydney's west. A Hindu Indian student was arrested by New South Wales police and charged with several counts of assault occasioning actual bodily harm, and damage to property. He was later deported to India, with the then Immigration minister, Alex Hawke, tweeting that moves to undermine Australia's social cohesion wouldn't be tolerated. "I thank community leaders who have worked to build cross-community unity and resilience against attempts by a small minority to incite discord and disharmony, demonstrating the importance and benefit of our nation's strong social cohesion." Despite this, according to Razvi, the student was welcomed as a hero in India for his role in the hate crimes.

"This person received a warm welcome at the airport by the same hate groups back in India," Razvi says. "There was a large procession supporting him for assaulting another person from an Indian background who was supporting farmers."

Razvi says there are growing concerns that abuse and harassment online may spill over into the real world. "We know that violence doesn't perpetuate overnight. It happens through hate-mongering; it happens through fearmongering and then the extremist ideas flourish, and when no action is taken, that's when violence and assaults take place on the streets."

Razvi, an Indian Muslim, says tensions escalated again when an Indian MP from the ruling BJP party, Tejasvi Surya, visited Australia in May this year. Surya spoke at a few events, while some were cancelled after protests by academics and student and religious groups because of Surya's links with the far right.

"While he was doing this, there was a lot of online hate, violence and false accusations on Facebook pages. So this hate-mongering has started here in Australia on Australian Facebook pages of the host. This clearly shows that this individual and this ideology that he is bringing ... are perpetuating this hate here in Australia."

Peter Varghese says there is a diversity of views within the Indian diaspora community.

"In a diaspora of 700,000 Indians, there would be some who are very committed to the Hindutva agenda and some who are opposed to it, and I don't think that in and of itself is a problem," he says. "These issues become a problem only if people act in ways that are unlawful and they act in ways that are coercive or they are intimidating others. Their right to hold onto their beliefs, I think is something that in Australia we would protect and defend as long as they don't engage in intimidation or violence."

In a letter addressed to the Australian Federal Police commissioner this month, and seen by *The Saturday Paper*, the Australian Federation of Islamic Councils requested an investigation into Hindutva-linked hate groups, saying, "Despite the widespread community concerns, Australian law enforcement agencies have to date not been able to effectively address the threat posed by Hindutva Hate Groups to our internal security and democratic institutions."

A spokesperson for the Australian Federal Police said the agency had a strong and enduring relationships with diaspora communities in Australia. “If members of the public have information on possible foreign interference or the urging of violence towards sectors of the Australian community, please report the incident to the National Security Hotline.”

A spokesperson for VHP Australia said allegations against one or two people were being used against all Hindu Australians. “We are an incorporated Australian charity which has been serving the Australian community for more than 33 years. We don’t support any sort of violence or hate speech for any reason.”

While authorities work to determine if the threat posed by Hindutva ideology on Australian soil is of concern, experts such as Priya Chacko are calling for greater awareness by government officials and policymakers about the complexities and potential flashpoints involving the Indian community.

“And just some sensitivity and understanding that the groups that are prominent in the community now – who are vocal, who have money – are not necessarily representative and often represent an ideology which promotes division and hatred in the Indian community,” Chacko says.

“Not being aware of this stuff means that Muslim Indians in Australia are marginalised as well as Christian Indians. Dalit Muslims are being marginalised. I would want the government at the very least to be aware of this sort of stuff before they engage with these sort of groups and uphold them as representatives of the Indian community.”

*This article was first published in the print edition of The Saturday Paper on August 20, 2022 as "A fight for soil and soul".*

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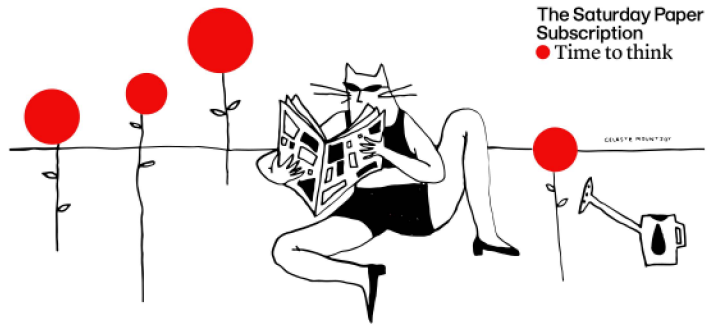


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