
The Parliament of the Commonwealth of Australia

Second Interim Report: freedom of religion and belief, the Australian experience

**Inquiry into the status of the human right to freedom of religion or
belief**

House of Representatives
Joint Standing Committee on Foreign Affairs, Defence and Trade

April 2019
Canberra

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ISBN 978-1-74366-953-2 (Printed version)

ISBN 978-1-74366-954-9 (HTML version)

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Foreword

Freedom of religion or belief is one of the cornerstones of human rights and as such, the significance of freedom of religion or belief in our community cannot be overestimated. It goes to the core of human individuality and identity. Around the world it is clearly evident that when this right is denied it affects social cohesion, democratic practice, and stability of societies; and can lead to division and conflict.

The right of individuals to believe in, and a society's tolerance towards, differing religions or beliefs is a fundamental component of any healthy democracy, along with the respect for all other human rights upon which democratic societies are based.

Striking the balance between these human rights and giving everyone the opportunity to pursue their faith whilst respecting the human rights of others in society is not an easy task for societies to accommodate, or for governments to achieve, but the importance of doing so is evident; both from the overseas experience and from the evidence from everyday Australians put before this inquiry.

The Second Interim Report of the Human Rights Sub-Committee's Inquiry into the Status of the Human Right to Freedom of Religion or Belief provides a snapshot of the current domestic experience of Australians in the practise and exercise of freedom of religion or belief.

While there is much community debate surrounding the manifestation of beliefs, and religion's role within society, the Sub-Committee has found that the right to believe in whatever faith you choose is something that Australian people take seriously and hold dearly. Our successful multicultural society is based on mutual understanding and respect, which cannot exist and grow without this fundamental right.

This interim report examines some of the perceived problems associated with the reconciling of the exercise of freedom of religion with other human rights, especially principles of freedom of speech and expression and the principles of non-discrimination and fair treatment.

The report examines some of the proposed solutions that have been advanced in the context of vigorous community and political debate. In this the Sub-Committee was cognizant of the findings and recommendations of the Australian Government's Religious Freedom Review and the Government's response to this review, which are summarised in this interim report.

The Sub-Committee recommends that, as a first step in legislative reform, the Australian Government, in consultation with the states and territories, develop and introduce or amend as necessary, legislation to give full effect to Australia's obligations under Article 18 of the Universal Declaration on Human Rights and Article 18 of the International Covenant on Political and Civil Rights.

The Sub-Committee would like to extend its warm thanks to all those individuals and organisations who have taken the time to make submissions or appear before the committee at public hearings. These contributions have been invaluable to this inquiry.

The Sub-Committee's work in this important field is not yet complete. Accordingly this Second Interim Report further recommends that its inquiry be continued in the 46th Parliament so that the international situation concerning freedom of religion and belief can be further examined, including Australia's efforts to protect and promote respect for this vital human right around the world.

Addendum

This report was completed prior to the Christchurch terrorist attack that took place on 15 March 2019. The message of tolerance and acceptance of all peoples' right to practice their religion or belief is even more apparent in light of these events. The Sub-Committee wish to acknowledge this abhorrent attack, and send their condolences to all those affected by this tragedy.

The Hon Kevin Andrews
Chair



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Terms of reference

The Committee shall examine the status of the freedom of religion or belief (as recognised in Article 18 of the International Covenant on Civil and Political Rights) around the world, including in Australia. The Committee shall have particular regard to:

1. The enjoyment of freedom of religion or belief globally, the nature and extent of violations and abuses of this right and the causes of those violations or abuses;
2. Action taken by governments, international organisations, national human rights institutions, and non-government organisations to protect the freedom of religion or belief, promote religious tolerance, and prevent violations or abuses of this right;
3. The relationship between the freedom of religion or belief and other human rights, and the implications of constraints on the freedom of religion or belief for the enjoyment of other universal human rights;
4. Australian efforts, including those of Federal, State and Territory governments and non-government organisations, to protect and promote the freedom of religion or belief in Australia and around the world, including in the Indo-Pacific region.

The inquiry should have regard to developments since the Committee last reported on Australia's efforts to promote and protect freedom of religion or belief in November 2000.

