

Secular Party of Australia submission



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Committee Secretary
Joint Standing Committee on Foreign Affairs, Defence and Trade
Parliamentary Inquiry into the status of the human right to freedom of religion or belief.
Email: religionorbelief@aph.gov.au.

1 February 2017

Dear Sir/Madam

The Secular Party of Australia is committed to freedom of religion and belief in Australia. Fundamental to these freedoms is the ability to make free and informed choices with respect to religion, and that these choices be free of coercion, as specified in Article 18 of the International Covenant on Civil and Political Rights. A prerequisite for such freedom of choice is the ability to freely discuss the merits and veracity of any aspect of any religious belief. Without such freedom of speech, freedom of thought and conscience regarding religion cannot be truly exercised.

The Secular Party holds that freedom of choice in religion is particularly relevant regarding children. The National Goals for Schooling state, in part, that schooling should develop the capacity of students “to make rational and informed decisions about their own lives”. It is most important therefore, that 18.4 of the ICCPR (which is not elaborated in the Universal Declaration of Human Rights), should not be interpreted in any way as to a right to indoctrinate children in schools, thereby negating 18.1, 18.2 and 18.3. Any attempt to impose a religion on children in schools should be seen as a form of coercion in religion and as a limitation of freedom of religion. The goals of education require the free development of critical thinking, without the limitations of the imposition of a particular religious doctrine.

The Secular Party strongly espouses that religion is a private, individual matter and religion should not impact the public sphere. No-one should be unreasonably forced to comply with the strictures of someone else’s religion.

Australia must adhere to some basic principles in order to protect freedom of religion and belief in Australia.

- There cannot be freedom of religion for Australians without Australians also having the right to be free *from* any or all religion.
- Granting special privilege to religious organisations, or to individuals based on their religion, is incompatible with a secular government or society.
- The human right to freedom of speech safeguards the freedom to express belief.

- Fully secular government is the only rational option in a society like Australia, which has so many competing religions and so many mutual incompatible beliefs and unbelief.

Globally and in Australia, we have seen a violation of these principles.

Internationally, there has been the impact of non-secular practice and governance with the following illustrative examples.

- Saudi Arabia declares atheists are terrorists¹ (violation of the right to freedom from religion).
- A death list of 84 secular bloggers made in Bangladesh with subsequent murder of ten² (violent violation of freedom of speech on the basis of religious belief).
- The murders and persecution of Rohingya Muslims in Myanmar results in a displaced population³ (persecution of population group based on religious affiliation).
- The Vatican influencing the United Nations policy on birth control and abortion⁴ (imposition of one religion's religious practice on all).
- Germany has compulsory tithing via its tax system⁵ (special religious privilege).

Internationally, the impact of religion on human rights provides the following illustrative examples.

- Indonesia imposes the death penalty on Australian drug traffickers (holy book law making a human rights violation more acceptable).
- Saudi Arabia uses inhumane punishments such as beheading, limb amputation or lashing (holy book law making a human rights violation more acceptable).
- Jihadist attacks in Western countries are increasing such as Charlie Hebdo and the ISIL inspired (holy book law making a terrorist attacks more acceptable).

Locally, the following are examples of the failure in Australia to govern secularly.

- Parliaments around Australia continue to open with prayer (favouring one religion over others or none).
- The failure of government to legislate for voluntary euthanasia (imposition of one religion's religious practice on all).
- The failure of government to legislate for same sex marriage (imposition of one religion's religious practice on all).
- Governments in Australia are providing funding to religious schools.
(segregation of school children based on parental religion)
- 'Advancing religion' continues to be charity subtype for charitable purposes.
(special religious privilege)
- The tolerance by government of religious exemptions is resulting in denial of services. e.g. denial of contraception and abortion services (special religious privilege).

- The tolerance by government of religious exemptions is resulting in discrimination. e.g. discrimination against homosexual and transsexual employees in religious schools (special religious privilege).
- The High Court ruling in 1982 has narrowed the interpretation of Section 116 of the constitution. Australia has increasingly less separation of 'church and state' governance with chaplain funding in state schools and increasing religious school funding (special religious privilege and denial of freedom from religion).
- The increasing outsourcing to religious organisations of Government funded health services is increasing sectarianism in Australia (failure of separation of Church and State).
- Favourable fees to clergy for marriage ceremonies compared to marriage celebrants (special religious privilege).

Locally there has been the impact of religion on human rights with the following illustrative examples.

- The Catholic Church continues to claim special privacy privilege of sanctity of the confessional while the confessional is a mechanism for the spread of paedophilia in Catholic Church clergy. Father Frank Brennan has stated publically that he will defy any law that shall require mandatory reporting of such crimes revealed in the confessional.
- Islamic organisations have called for blasphemy laws in Australia. There are already adequate Federal and State laws against incitement to violence, discrimination, defamation, slander and libel. There is no need to specially privilege religion by reducing the right to freedom of speech. The Grand Mufti of Australia has called for Section 18c of the *Racial Discrimination Act* to be expanded to cover religion. Firstly, religion is not a race. Unlike race, colour or national or ethnic origin, which is not a matter of choice, religion is—or should be—a matter of choice. This would make 18c a blasphemy law resulting in the stifling of free speech and valid criticism.
- The ACT parliament has legislated to make vilification on the grounds of religion illegal. This limits freedom of speech and introduces a blasphemy law.

Some elected members of parliament have failed to discharge their duties in a secular manner by promoting their religious beliefs and practices ahead of their constituents' interests.

- Based on their religious beliefs, politicians such as Cory Bernardi and George Christensen have advocated against removing discriminatory laws that unfairly persecute homosexual and transgender constituents (discrimination based on religion).

Religious organisations frequently claim to represent religious individuals but make claims that do not reflect the beliefs or practises of their adherents. These organisations often receive undue and uncritical deference from the media and politicians.

- The Catholic Church in regard to contraception and same-sex marriage
- The ACL's appearance on the ABC's Q&A and having access to prime ministers.
- The Catholic Church's undemocratic structure to decision-making.

Many religious organisations have, as part of their doctrine and holy books, a bias against minority groups in society.

- Islam defends discriminatory notions, such as that a women’s word in a court of law is worth only a half of a man’s word.
- Catholicism actively counsels against homosexuality and lacks gender equality within its hierarchical structure.

WHAT NEEDS TO BE DONE?

To protect the freedom of religion or belief and freedom from religion, we expect the Federal government to:

- Make sure there is a level playing field.
 - Recognise those of no religion or unbelief in all government literature, including this inquiry. It should have been titled “Inquiry into the status of the human right to freedom of religion/from religion or belief/unbelief.
 - Remove the monetary incentives from government to religious organisations by removing ‘Advancing Religion’ charitable subtype.
 - Remove special tax treatment of religious businesses. Tax exemption for religious activity is effectively a compulsory tithing on all Australians. The Secular Party recognises that genuine charity by religious organisations should receive the same tax treatment as all charities. Secular organisations do not attract the same special tax-exempt status, and this is clearly discriminatory. Many religious organisations in Australia have become very wealthy on taxpayers’ gifts of money. This is a source of great resentment, and it is not conducive to society harmony.
 - It is not necessary for secular society to always accommodate the wishes of groups of religious believers.
 - There is no reason to presume that religious leaders have more expertise in issues of ethics or morality than the non-religious.
- Government has to be neutral and to be seen to be neutral
 - Make secular governance implicit and explicit as a principle.
 - Stop funding school chaplains, which necessarily sees the appointment of chaplains from one religious faith in many schools. Employ secular trained counsellors instead.
 - Parliamentarians should declare their support for separation of church and state.
 - Parliament should be symbolic of the principle of separation of church and state and should ban all religious activity in its precinct, such as the opening of parliament with prayer, Bible studies and breakfast prayer meetings. These should be conducted outside the parliamentary precinct and in private time.

- The High Court decision in 1982 went against the spirit of section 116 of the constitution, and the constitution should be amended to make separation of church and state an unambiguous value of good governance.
- Remove the use of religious exemptions as an excuse not to provide services in institutions receiving public funding, e.g. abortions in hospitals and promotion of sound contraceptive practice.
- Remove the use of religious exemptions as an excuse to discriminate against individuals in society.

To promote human rights:

- Government must legislate to remove exemptions for religious organisations to discriminate against individuals based on religion, sexual orientation or gender.
- Government must not fail to be critical of and act on any abuse of human rights perpetrated and promoted by religious organisations. Government and media must cease special treatment and shirking responsibilities in dealing with religious organisations.
- Government must not give money to any school that fails to protect children from indoctrination into religious practice until they are of an age that they can make their own decisions on faith and belief.

To promote religious tolerance:

- Education programmes promoting secular governance and society as a level playing field between the religious and non-religious and the recognition of universal human values.
- Government must promote inclusiveness.
 - Government to remove funding for religious schools, to remove incentives for segregation of school children
 - Government to increase support for secular government schools
- Remove doctrinal religious instruction by outside religious people from schools and replace it with an education programme covering the history of religions and ethics education by professional school teachers, to promote understanding of all religions and beliefs.
- Legislate for full financial disclosure of all religious organisations receiving public funding.

To promote human rights:

- Champion the rights of children to be free of religious indoctrination in all Australian schools.
- Avoid limiting freedom of speech with blasphemy laws by stealth under misleading guises.

IN SUMMARY

Previous submissions by religious organisations and individuals to the committee have been about keeping or increasing religious privilege, and not about religious freedom. The right to religious freedom implies the right to freedom *from* religion. Special privilege granted to the religious over the non-religious is incompatible with this freedom.

Society in Australia rightly celebrates, and has benefited from, diverse cultures, and there is no intrinsic reason for this to not occur harmoniously and without division. Religious differences involve competing truth claims with an inherent tendency to conflict. Therefore governance in Australia must become more secular to avoid this potential for conflict.

Yours sincerely

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¹<http://www.independent.co.uk/news/world/middle-east/saudi-arabia-declares-all-atheists-are-terrorists-in-new-law-to-crack-down-on-political-dissidents-9228389.html>

²<https://www.theguardian.com/world/2016/apr/07/secular-activist-who-criticised-islamism-hacked-to-death-in-bangladesh>
https://en.wikipedia.org/wiki/Attacks_by_Islamic_extremists_in_Bangladesh

³<http://www.independent.co.uk/news/world/asia/burma-rohingya-muslims-crimes-against-humanity-rape-murder-accusations-aung-san-suu-kyi-a7446766.html>

⁴<http://www.nytimes.com/1994/06/15/world/vatican-fights-un-draft-on-women-s-rights.html>

⁵<http://www.telegraph.co.uk/news/worldnews/europe/germany/11380968/Compulsory-income-tax-on-Christians-drives-Germans-away-from-Protestant-and-Catholic-churches.html>