



AUSTRALIAN CATHOLIC UNIVERSITY

10 February 2017

Committee Secretary  
Joint Standing Committee on Foreign Affairs, Defence and Trade  
PO Bo 6021  
Parliament House  
CANBERRA ACT 2600

By email: [religionorbelief@aph.gov.au](mailto:religionorbelief@aph.gov.au)

Dear Committee Members,

Please find enclosed a submission from Australian Catholic University (ACU) for the Inquiry into the status of the human right to freedom of religion or belief.

I am grateful to the Joint Standing Committee on Foreign Affairs, Defence and Trade for the opportunity to make a contribution to this Inquiry.

Freedom of religion and belief is of major interest to ACU; to our many students and staff, their families and communities; and to our national and international partners. The present time is an appropriate time for considering the status of this important human right.

I am pleased to make myself available if the Committee requires further information or input from myself and/or the university.

Yours sincerely,

Professor Greg Craven  
**Vice-Chancellor and President**

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**Australian Catholic University (ACU)  
Submission to the Human Rights Sub-  
committee, Joint Standing Committee on  
Foreign Affairs, Defence and Trade  
Inquiry into the status of the human right  
to freedom of religion or belief**

**February 2017**



**AUSTRALIAN CATHOLIC UNIVERSITY (ACU) SUBMISSION TO THE HUMAN RIGHTS  
SUB-COMMITTEE, JOINT STANDING COMMITTEE ON FOREIGN AFFAIRS, DEFENCE  
AND TRADE INQUIRY INTO THE STATUS OF THE HUMAN RIGHT TO FREEDOM OF  
RELIGION OR BELIEF**

**February 2017**

**TABLE OF CONTENTS**

Executive Summary.....	3
Freedom of religion and belief is a universal human right.....	4
Freedom of religion and belief is a basic feature of the human search for truth and meaning .....	4
Freedom of religion and belief in a modern liberal democracy .....	5
Violations of freedom of religion and belief .....	6
The Catholic Church’s commitment to freedom of religion and belief .....	8
Catholic collaboration and leadership to protect freedom of religion and belief.....	9
Australia’s contribution to freedom of religion and belief.....	10
Appendix A - Australian Catholic University (ACU) Profile .....	12



## EXECUTIVE SUMMARY

The following submission highlights three main points:

1. Freedom of religion and belief is a fundamental right to be protected.
2. The law in Australia needs to mature further to protect this right in light of contemporary circumstances.
3. Religion provides a range of goods and merits protection and respect, but it is not above other goods and is no excuse for violence, intimidation, or the removal of other human rights.

In light of these key principles, the following matters are given particular attention:

Freedom of religion and belief is protected by international instruments such as the UN Declaration of Human Rights, to which Australia is a signatory, the Australian Constitution, federal, state and territory laws and our shared Australian culture of inclusion and respect.

The status of freedom of religion and belief can be fragile and requires constant vigilance and political investment in the face of international trends, especially if antipathy or even hostility is directed towards those who practice a faith.

Australia is a successful liberal democracy with the hallmarks of a tolerant, multicultural, pluralistic, free and respectful society. Religion can be one of the great supporters of a strong democratic culture but it requires protection and respect.

The Australian Human Rights Commission should address religious liberty as a fundamental human right rather than as a second-order matter.

It is in the interests of governments and parliaments to give thoughtful consideration to the consequences of any proposed legislation upon human rights, whether the impact is on religious minorities or larger religious groupings.



*Freedom of religion and belief is a universal human right*

Freedom of religion and belief is a fundamental human right and a defining foundational feature of any free, just and equal society. It is a human right to which Australians have been committed since Federation and is enshrined in our Constitution, federal, state and territory laws and international covenants to which Australia is a signatory. Moreover, this commitment is reflected in the social life and culture of the nation.

In no circumstances does religion or religious beliefs provide an excuse for bigotry and it is not an excuse for violence or intimidation of any kind. Indeed, just as religion should not be used as a justification for intolerance, neither should progressive or secular values be used to repress the rights of those who may hold certain good faith beliefs or to diminish their rights and dignity.

In particular, a society or legislature should be careful about enshrining values that are contested or in fashion over against the long-standing rights of citizens and civil society, who hold to ancient religious traditions that have contributed much to the history of Western culture and the world. In Australia the Judeo-Christian tradition has helped to shape some of our most cherished values and institutions, including the rule of law, democratic process and freedom of speech.

This human right is one in which the Australian Catholic University is deeply invested, on behalf of our students, staff and partners. The University shares the commitment of the Catholic Church in Australia to its maintenance, protection, civic care and to the status of human rights in the global community.

In some ways we live in a more complex time than when the *Universal Declaration of Human Rights* (UDHR) was adopted in 1948, which was itself a period of competing ideas and post-war rivalries. We live in a time of renewed global instability and, in light of technological and scientific advances of the past 50 years, a broadening range of social and family arrangements and the markedly more culturally diverse context of contemporary Australia, the law needs to mature further.

Article Two of the *Universal Declaration of Human Rights*, to which Australia is a signatory, states that religion is a category in which all human beings share a right to freedom. This is echoed in Article 16 and again in Article 18 (in which freedom of belief is linked profoundly to religious freedom, alongside freedom of “thought, conscience and religion”, including the right to change religion and belief and to manifest such beliefs in “teaching, practice, worship and observance”).

In the 1966 UN *International Covenant on Civil and Political Rights* (ICCPR), all parties (of which Australia is one) undertake to respect and ensure individuals’ rights, including those pertaining to religion.<sup>1</sup> The ICCPR cements this further in its regard for the rights of parents to be at liberty to ensure the “religious and moral education of their children in conformity with their own convictions”.<sup>2</sup> The rights to freely believe according to one’s conscience and to live according to religious belief intersect with the rights of parents, children, families and whole communities.

Australia is a country that welcomes individuals and families regardless of their religion. It welcomes religious difference, provides protections for religious and non-religious belief and successfully balances religious freedoms with other human rights.

*Freedom of religion and belief is a basic feature of the human search for truth and meaning*

Although freedom of religion and belief is a fundamental human right it does not sit above other human rights. Respect for the fundamental rights of others is the major limiting factor on religious freedom and all

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<sup>1</sup> United Nations, *International Covenant on Civil and Political Rights*, 1966, Part II, Art 2, 1

<sup>2</sup> *Ibid*, Article 18 (4).



other important rights. Religious freedom is not an excuse for violence and intimidation or the violation of other human rights.

The right to hold a belief, religious or otherwise, is not a licence to exercise power over others or to infringe on other human rights and consequently must be considered a shield rather than a sword. Freedom of religion and belief recognises the capacity and right of human persons to seek answers to fundamental questions – *Who am I? Where do we come from? Where are we going? Why do we exist? What is it to live? Who or what is God?* Every human person and culture confronts these questions by the fact of living a self-conscious and self-determining life.

Pope John Paul II linked this freedom to what is common among all people:

...a cursory glance at ancient history shows clearly how in different parts of the world, with their different cultures, there arise at the same time the fundamental questions which pervade human life: Who am I? Where have I come from and where am I going? Why is there evil? What is there after this life? These are the questions which we find in the sacred writings of Israel, as also in the Veda and the Avesta; we find them in the writings of Confucius and Lao-Tze, and in the preaching of Tirthankara and Buddha; they appear in the poetry of Homer and in the tragedies of Euripides and Sophocles, as they do in the philosophical writings of Plato and Aristotle. They are questions which have their common source in the quest for meaning which has always compelled the human heart. In fact, the answer given to these questions decides the direction which people seek to give to their lives.<sup>3</sup>

Human life requires the freedom to engage in this search for fundamental and ultimate meaning, always with respect for the rights of others.

Deeply-held beliefs and convictions, especially those arising from long-standing and respected religious traditions, should be respected unless they infringe the fundamental rights of other people. Without this respect, the full dignity of the human person and his/her right to share peaceful beliefs in their families and communities, is undermined.

Religion contributes to a number of important goods in society. Three of these to which ACU is particularly committed include education, health and freedom of speech. As an academic institution, ACU provides a place for training, learning and formation of students who work in education and health, especially in Catholic agencies and institutions and which benefit Australian society in significant ways. Also as a university, freedom to hold and form one's beliefs, whether religious or non-religious, is deeply valued.

Along with religious freedom, other universally-acknowledged rights such as freedom of conscience, thought, opinion, expression, privacy, equality before the law, recognition of personhood and the right to engage in one's cultural and religious community, arise from respect for the dignity of the human person and our nature as creatures who seek meaning and shape our lives in accordance with what we believe to be the truth.<sup>4</sup>

### *Freedom of religion and belief in a modern liberal democracy*

Constraints on the freedom of religion and belief in parts of the world today are a cause for alarm. They threaten not only the freedom to worship publicly and in community, but also the freedom to live one's life and beliefs in the integrated context of one's personal, family, social, cultural and work life.

Democracies need to continually build and renew strong support for the following principles:

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<sup>3</sup> John Paul II, *Fides et Ratio: On the Relationship between Faith and Reason* [Encyclical Letter], Rome: Libreria Editrice Vaticana, 1998,

[http://w2.vatican.va/content/john-paul-ii/en/encyclicals/documents/hf\\_jp-ii\\_enc\\_14091998\\_fides-et-ratio.html](http://w2.vatican.va/content/john-paul-ii/en/encyclicals/documents/hf_jp-ii_enc_14091998_fides-et-ratio.html)

<sup>4</sup> United Nations Declaration of Human Rights, <http://www.un.org/en/universal-declaration-human-rights/>.



- (1) That the dignity of the human person is to be affirmed in the decision-making and actions of the state.
- (2) That central to a liberal democratic state is a concern for justice and the common good.
- (3) At the heart of this is the well-being and fulfilment of the individual. The state exists for the good of its citizens and the communities to which they belong.

Since the democratic state exists for the purpose of promoting the well-being of all its citizens it needs to ensure space for religious views. Freedom of speech and thought mean that a full range of arguments and beliefs should find a place in the public space and be subject to scrutiny and counter-argument. Any constraint on religious voices weakens democracy and the universal rights that all individuals are entitled to enjoy.

### *Violations of freedom of religion and belief*

The causes of violations and abuses of freedom of religion and belief around the world are difficult to summarise comprehensively. As the report *Conviction with Compassion* notes, many episodes and stories of violations and abuses derive from inter-ethnic and inter-religious conflicts and are exacerbated by government collusion or inaction. That report also utilised the language of a 1987 Report by the UN Special Rapporteur on Religious Intolerance, which concluded that the major causes of violations of the Universal Declaration or Human Rights in terms of freedom of religion and belief were “intolerance and discrimination”.<sup>5</sup>

The Special Rapporteur lists the following specific areas of concern:

- non-discrimination in matters of religion and belief;
- the principle of toleration in matters of religion and belief;
- freedom of thought, conscience and religion or belief;
- the freedom to manifest religion or belief;
- the freedom to dispose of religious property;
- the physical integrity and health of religious persons and the faithful; and
- the basic human rights of women, through the imposition of religious laws.

Sadly, the Rapporteur, Heiner Bielefeldt, cannot offer a happier picture of the state of freedom of religion and belief in his 2016 report, in which he “repeatedly sensed a lack of awareness that the right to freedom of religion and belief requires protective and promotional government activities to ensure its systematic implementation in all parts of society”.<sup>6</sup> In relation to the increasingly intense pressures on national governments from the mass movement of asylum seekers and those fleeing persecution, Bielefeldt even describes the situation as “depressing”.

Particular dangers also arise in a pluralist context where there are multiple conceptions of human nature and moral values in competition. A rise in new religious movements and spiritualities has been documented for some years, and with this there are tendencies towards extremism within some groups.<sup>7</sup> When extremists act violently it is tempting to disregard the freedom of religion and belief of some religious groups on the basis that they are all prone to some kind of violence, but such a move is not based in evidence. Religious or secular fundamentalists that claim to have an absolute sense of what life means and how we are to conduct

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<sup>5</sup> *Conviction with Compassion: A Report on Freedom of Religion and Belief*, 6.2

<sup>6</sup> Special Rapporteur on Freedom of Religion or Belief, UN Office of the High Commissioner, *Annual Report*. 2016. Available at: [http://www.ohchr.org/Documents/Issues/Religion/A-71-269\\_en.pdf](http://www.ohchr.org/Documents/Issues/Religion/A-71-269_en.pdf), 67

<sup>7</sup> Lynne Hume, “New Religious Movements: current research in Australia”, in *Australian Religious Studies Review*, 13:1, 2000, 27-39.



our lives can of course pose a danger through the law or violence, and this must be resisted. Such fundamentalism was rejected by Pope Benedict XVI:

It should be clear that religious fundamentalism and secularism are alike in that both represent extreme forms of a rejection of legitimate pluralism and the principle of secularity. Both absolutize a reductive and partial vision of the human person, favouring in the one case forms of religious integralism and, in the other, of rationalism. A society that would violently impose or, on the contrary, reject religion is not only unjust to individuals and to God, but also to itself.<sup>8</sup>

To respect religious freedom is sometimes wrongly portrayed as respect for bigotry or prejudice. While rights must be carefully balanced, religious freedom must be respected as a fundamental right because it protects human identity and nature, and, as Benedict argues: “Religious freedom therefore ought to have this further purpose and aim, namely, that men may come to act with greater responsibility in fulfilling their duties in community life.”<sup>9</sup> In other words, religion is a support to the flourishing of individuals and to society as a whole.

The nature and extent of violations against freedom of religion and belief, as well as their causes, have been particularly well documented by the Pew Research Center, most recently in a 2016 report.<sup>10</sup> They conclude that 74 per cent of the world’s 7.2 billion people were living in countries with high or very high restrictions on religion or anti-religious hostilities. That means that three quarters of the world’s population lives with some kind of discrimination, hostility, violence or intimidation based on their religious belief. The increase in numbers and resources among terrorist groups such as al-Qaida and the Islamic State (also known as ISIS or ISIL) have increased the likelihood of anti-religious violence not just in places such as Iraq and Syria, but in Western nations which are viewed as religious enemies of such extremist ideologies.

Religious communities around the world and in our own region have had uneven experiences of religious freedom. According to the *Religious Freedom Report 2016*, produced annually by Aid to the Church in Need:

Of the 196 countries reported on, 38 showed unmistakable evidence of significant religious freedom violations. Within this group, 23 were placed in the top level ‘Persecution’ category, and the remaining 15 in the ‘Discrimination’ category. ...within the period under review religious liberty has declined in 11 – nearly half – of the 23 worst-offending countries. In seven other countries in this category, the problems were already so bad they could scarcely get any worse. Our analysis also shows that, of the 38 countries with significant religious freedom violations, 55 percent remained stable regarding religious freedom and in eight percent – namely Bhutan, Egypt and Qatar – the situation improved.<sup>11</sup>

In its *2015/16 Annual Report*, Amnesty International also observed that some governments had colluded in “an increasing trend of religious and ethnic intolerance, exclusion and discrimination”.<sup>12</sup> Amnesty highlights the following countries, which are among Australia’s neighbours in the Asian-Pacific region: Laos, Myanmar, Pakistan, Sri Lanka and Vietnam. Also of particular interest are Indonesia (in which minority Shi’a Muslim groups and Christian churches have lost places of worship and have suffered violence and

<sup>8</sup> Benedict XVI, “Message of His Holiness Pope Benedict XVI for the Celebration of the World Day of Peace: Religions Freedom, The Path of Peace”, 1 January 2011, [http://w2.vatican.va/content/benedict-xvi/en/messages/peace/documents/hf\\_ben-xvi\\_mes\\_20101208\\_xliv-world-day-peace.html#\\_ftnref3](http://w2.vatican.va/content/benedict-xvi/en/messages/peace/documents/hf_ben-xvi_mes_20101208_xliv-world-day-peace.html#_ftnref3), no. 8.

<sup>9</sup> Second Vatican Council, “*Dignitatis Humanae: Declaration on Religious Freedom*”, 7 December 1965, [http://www.vatican.va/archive/hist\\_councils/ii\\_vatican\\_council/documents/vat-ii\\_decl\\_19651207\\_dignitatis-humanae\\_en.html](http://www.vatican.va/archive/hist_councils/ii_vatican_council/documents/vat-ii_decl_19651207_dignitatis-humanae_en.html)

<sup>10</sup> Pew Research Centre, *Restrictions on Religion among the 25 Most Populous Countries*, 2016. Available at: <http://www.pewresearch.org/>

<sup>11</sup> Aid to the Church in Need, “Religious Freedom Report 2016: Executive Summary”, 2016, <http://religious-freedom-report.org/>, p. 6 and 11.

<sup>12</sup> Amnesty International, *Annual Report 2015/16: The State of the World’s Human Rights*, 39.





murder) and China, in which systematic abuses are documented, places of worship have experienced impediments such as the removal of crosses and Christian imagery.<sup>13</sup>

Of course, religious persecution or discrimination is not new and modern attempts to protect religious freedom are a welcome means of addressing an age-old problem. Seventeen years before the present inquiry, the Joint Committee on Foreign Affairs, Defence and Trade published a report on the topic of religious belief titled *Conviction with Compassion: A Report on Freedom of Religion and Belief*. It noted that the causes of contraventions of the right to freedom of religion and belief can be complex and some contextualisation is important. That report referred to submissions made by specific representative groups including<sup>14</sup>:

- Christians in India and Pakistan;
- Ahmadis in Pakistan;
- Baha'is and Jews in Iran;
- non-traditional religions in Russia;
- Catholics and Buddhists in Vietnam;
- religious communities in the PRC;
- non-Muslim communities in Indonesia;
- non-Muslims in Sudan; and
- Copts in Egypt.

Sadly the intervening period of time since this earlier report has not been a time of renewed religious tolerance and liberty. Most of these groups have continued to suffer discrimination and persecution, while others, including Christians in Nigeria, Syria and Iraq, Yazidis and Muslim minorities in the Middle East and many others, should be added to this list. The largest single religious group to be persecuted is Christians, which has been detailed in a watching brief by a range of non-government organisations<sup>15</sup> and increasingly acknowledged by world leaders and those keeping watch on trouble-spots around the world.<sup>16</sup>

### *The Catholic Church's commitment to freedom of religion and belief*

As an international organisation that works with national human rights institutions, non-government organisations and all people of goodwill on issues of common concern, the Catholic Church is committed to religious freedom, the promotion of religious tolerance and the prevention of violations or abuses of this right.

The Catholic Church's commitment to freedom of religion and belief is reflected in the Second Vatican Council's 1965 *Declaration on Religious Freedom—Dignitatis Humanae*. The Declaration is the Church's most authoritative statement on the issue and states:

This Vatican Council declares that the human person has a right to religious freedom. This freedom means that all human beings are to be immune from coercion on the part of individuals or of social groups and of any

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<sup>13</sup> Ian Johnson, "Decapitated Churches in China's Christian Heartland", in *The New York Times*, 21 May 2016. Available at: [https://www.nytimes.com/2016/05/22/world/asia/china-christians-zhejiang.html?\\_r=0](https://www.nytimes.com/2016/05/22/world/asia/china-christians-zhejiang.html?_r=0)

<sup>14</sup> Joint Standing Committee on Foreign Affairs, Defence and Trade, *Conviction with Compassion: A Report on Freedom of Religion and Belief*, 27 November 2000, Parliament of Australia. Available at:

[http://www.apf.gov.au/Parliamentary\\_Business/Committees/Joint/Completed\\_Inquiries/jfadt/Religion/reindex\\_6.13](http://www.apf.gov.au/Parliamentary_Business/Committees/Joint/Completed_Inquiries/jfadt/Religion/reindex_6.13)

<sup>15</sup> See especially the good work of <http://voices4voiceless.org>.

<sup>16</sup> In 2014, journalist Nelson Jones noted that German Chancellor Angela Merkel, then British Prime Minister David Cameron and the Pope had observed publicly the increase in persecutions of Christians around the world and had drawn attention to the plight of other religious minorities who continued to be hampered from practising their religion and belief through intimidation and violence. See Nelson Jones, "Are Christians really the world's most persecuted group?", in *The New Statesman*, 10 April 2014. Available at: <http://www.newstatesman.com/lifestyle/2014/04/are-christians-really-world-s-most-persecuted-religious-group>



human power, in such wise that no one is to be forced to act in a manner contrary to his or her own beliefs, whether privately or publicly, whether alone or in association with others, within due limits.<sup>17</sup>

The Church in Australia has engaged with the Australian Government to support freedom of religion and belief and to collaborate with any efforts to protect it and foster deeper understanding of its importance. For example, the Australian Catholic Bishops Conference (ACBC) makes submissions on related themes when invited, such as the submission made to the Australian Human Rights Commission in September 2015 for its *Religious Freedom Roundtable*. There, the Bishops raised the following matters for discussion:

- The need to offer mutual respect between different rights in the context of religious freedom, which are not “unlimited”.
- The right of Australian citizens to “hold, manifest and proclaim their beliefs in the wider community while respecting the rights and freedoms of others”.
- The right of parents to choose the school/s their children attend and “to be taught in accordance with their religious convictions”. For example the decision to educate one’s children in a Catholic school is accompanied by an expectation that their education will be conducted “in a manner consistent with the doctrines, beliefs and practices of the Catholic Church”.
- Commonwealth anti-discrimination law refers to “exceptions to the law” to protect religious belief in certain circumstances. This is misleading. The language of “exemptions and exceptions” should be replaced with language that recognises and accommodates the rights and freedoms that co-exist in a society like Australia, which is pluralist and draws on the wisdom and insights of both religious observants and those of no faith.
- Religious groups should be free to compete for government funding in a way that is consistent with their mission. Calls to restrict religious groups from acting out their mission if they draw upon government funding is discriminatory and iniquitous.
- There are times when religious belief motivates citizens to disagree with government positions or to criticise public policy. Religious groups and churches should be free to do so for the sake of fostering a healthy democratic culture free of coercion.
- Tax exemptions are in force as a way of recognising the contribution charities and religious bodies make to Australian society and these should be managed completely free of the suggestion that churches critical of the state might lose such concessions.

### *Catholic collaboration and leadership to protect freedom of religion and belief*

Efforts to protect those who are vulnerable and to foster peace and dialogue is seen in the work of Caritas International, Catholic Mission, Catholic education and Catholic social services agencies. Catholic organisations like these conduct interfaith dialogue and cultivate an interest in freedom of religion and belief in Dioceses in almost every country and jurisdiction. In addition to public statements and policy positions endorsed by the Church’s leadership, especially that of the Bishop of Rome, His Holiness Pope Francis and the Bishops of local churches exercise their work through diplomatic channels and dialogue with world leaders.

Globally the Catholic Church is a leading actor as an international non-government organisation that protects the freedom of religion and belief. Working alongside partners in other faiths, government and non-government organisations, both internationally and at the coal-face of real threats to religious liberty, as well as the crucial work of diplomats who represent The Holy See in various nations, the Pope has intervened on this topic as a human rights issue and has directly expressed the mind of the Church to world leaders, such as in an address to the Hispanic community and other Immigrants in the USA in 2015:

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<sup>17</sup> Second Vatican Council, “Dignitatis Humanae: Declaration on Religious Freedom”, 7 December 1965, [http://www.vatican.va/archive/hist\\_councils/ii\\_vatican\\_council/documents/vat-ii\\_decl\\_19651207\\_dignitatis-humanae\\_en.html](http://www.vatican.va/archive/hist_councils/ii_vatican_council/documents/vat-ii_decl_19651207_dignitatis-humanae_en.html), Para. 2



In a world where various forms of modern tyranny seek to suppress religious freedom, or, as I said earlier, to try to reduce it to a subculture without right to a voice in the public square, or to use religion as a pretext for hatred and brutality, it is imperative that the followers of the various religious traditions join their voices in calling for peace, tolerance and respect for the dignity and the rights of others.<sup>18</sup>

For Francis, religion is more than a right, it is a motivation to do good for others. According to Francis and the Catholic tradition, religious freedom should be protected as a fundamental right, but with this goes an equally fundamental respect for human conscience and religious practice.

Preventing violations of the freedom of religion and belief often involves public conversation in anticipation of new proposals. Vice-Chancellor of ACU, Professor Greg Craven has made numerous contributions, for example, he has written in *The Australian* that “wider religious freedoms” are at risk in the debate over same-sex marriage.<sup>19</sup> While many in favour of such a change are motivated by goodwill and good intentions, Professor Craven argues that it raises the question, “how we mutually respect two potentially conflicting rights: one to personal self-realisation, the other to freedom of conscience”.

Professor Craven shows how the consequences of redefining marriage go well beyond wedding ceremonies.<sup>20</sup> The “battleground”, he argues, will be in the expression of belief, directly relating to what is taught in religious schools and institutions and what is preached in places of worship. It will also extend to instruction in religious classes and catechetical forums and what is published by religious publishers, church organisations and individuals on the topic of marriage. One recent example is the complaint brought against Archbishop Julian Porteous for distributing to Catholic schools in the Archdiocese of Hobart a document produced by the Australian bishops which sought to respectfully set out Catholic belief on the nature of marriage and the reasons for opposing same-sex marriage.<sup>21</sup>

Freedom of religion and belief requires a sensitivity to the rights of others, and a generosity to people peacefully and respectfully living out their beliefs, especially when they relate to profound disagreements on important questions. Protecting this freedom is part of ensuring a lively democratic culture in Australia, and builds confidence in religious communities that the state protects them and should receive their support.

### *Australia’s contribution to freedom of religion and belief*

Australia has a strong record of tolerance and inclusion for the practice of religion and different beliefs. This extends to concern for people suffering religious persecution and discrimination overseas.

Legitimate checks on freedom of religion and belief in Australian law include those aimed at the protection of children and the vulnerable, public safety and freedom of speech. These include limits on the rights of parents over medical decisions for their dependants (such as the provision of life-saving blood transfusions to the children of parents whose religion denies them that right), or the illegality of child brides (which is condoned in some religious traditions but absolutely rejected in Australia).

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<sup>18</sup> Pope Francis, *Address, Meeting for Religious Liberty with the Hispanic Community and Other Immigrants*, 26 September 2015.

<sup>19</sup> Craven, Greg. “Same-sex marriage: debate is about wider religious freedoms”, in *The Australian*, 30 November 2015. Available at: <http://www.theaustralian.com.au/opinion/columnists/greg-craven/samesex-marriage-debate-is-about-wider-religious-freedoms/news-story/be59e9ec522ed82064be7a967c7a9c17>

<sup>20</sup> Greg Craven has also made a constitutional argument for religious freedom on a related topic, in “The Seal is Sacrosanct”, in *The Australian*, 19 November 2012. Available at: <http://www.theaustralian.com.au/national-affairs/opinion/the-seal-is-sacrosanct/news-story/32a47aade8d4e7975cdcf55a1fcd47c3>

<sup>21</sup> “Anti-discrimination complaint ‘an attempt to silence’ the Church over same-sex marriage, Hobart Archbishop says”, *ABC News*, 28 September 2015. Available at: <http://www.abc.net.au/news/2015-09-28/anti-discrimination-complaint-an-attempt-to-silence-the-church/6810276>



The Australian Human Rights Commission (AHRC) has responsibilities to uphold freedom of religion and belief in Australia, along with other fundamental rights. ACU submits that it would be helpful for the AHRC to adopt religious freedom as a priority area of focus. At the time of this submission the AHRC did not list freedom of religion and belief as an area of focus under 'Our Work', although it is mentioned in relation to the UDHR and in a secondary fashion in relation to other human rights categories and it has led important work and major projects in this area from time to time.

Actions taken by Australia and other nations to protect and promote freedom of religion and belief in recent years include:

- Protecting of religious minorities and religious communities from persecution (e.g., Yazidis in Iraq from ISIS persecution).
- Not prescribing religious affiliation for its citizens.
- Allowing for the full expression of religious belief with respect to both worship and ethics.
- Providing exemptions to laws that infringe on long-held and well-formed religious beliefs, which are not consistent with certain contemporary moral positions and would put the relevant religious communities in a position of having to choose between their religious beliefs/traditions and national laws.
- Promoting awareness of different religious traditions and their beliefs, community life and vital contributions to the wider community.

Humanitarian groups, including religious organisations, provide an outstanding example of provision for refuge and assistance to refugees fleeing from persecution, especially religious persecution.<sup>22</sup>

We are in a stable and successful democratic culture and the time is right for helping the law to mature with regard to respect for human rights, mindful of the responsibilities of citizens, as well as governments and parliaments, to be respectful and protective of the freedom of religion and belief for all people.

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<sup>22</sup> See for example: Aid to the Church in Need, *Religious Freedom Report 2017*, available at: <http://religious-freedom-report.org>; International Catholic Migration Commission, *Annual Report 2015*, <https://issuu.com/icmc migration/docs/icmc-annual-report-2015-flipbook>



## APPENDIX A - AUSTRALIAN CATHOLIC UNIVERSITY (ACU) PROFILE

Australian Catholic University (ACU) is a publicly funded Catholic university, open to people of all faiths and of none and with teaching, learning and research inspired by 2,000 years of Catholic intellectual tradition. ACU operates as a multi-jurisdictional university with seven campuses across four states and one territory. ACU campuses are located in North Sydney (NSW), Strathfield (NSW), Canberra (ACT), Melbourne (Victoria), Ballarat (Victoria), Brisbane (QLD) and Adelaide (SA).

ACU is the largest Catholic university in the English speaking world. Today, ACU has over 33,000 students and over 2,000 staff.<sup>23</sup>

ACU graduates demonstrate high standards of professional excellence and are also socially responsible, highly employable and committed to active and responsive learning. ACU graduates are highly sought after by employers, with a 92 per cent overall employment rate.<sup>24</sup>

ACU has built its reputation in the areas of Health and Education and is a major producer of nursing and teaching graduates in Australia. ACU educates the largest number of undergraduate nursing and teaching students in Australia,<sup>25</sup> serving to meet significant workforce needs in these areas. Under the demand driven system, ACU has sought to focus and build on these strengths.

Since 2014 ACU has had four faculties: Health Services; Education and Arts; Law and Business; and Theology and Philosophy. The consolidation of the previous six faculties has created a more efficient and competitive structure focused on the needs of industry and employment partners. ACU is also moving towards the adoption of a shared services model where suitable, to improve efficiencies, internal processes and better allocate resources.

ACU is committed to targeted and quality research. ACU's strategic plan focuses on areas that align with ACU's mission and reflect most of its learning and teaching: Education; Health and Wellbeing; Theology and Philosophy; and Social Justice and the Common Good. To underpin its plan for research intensification, ACU has appointed high profile leaders to assume the directorships and work with high calibre members, of the following seven research institutes:

- The Mary MacKillop Institute for Health Research (Faculty of Health Sciences).
- Institute for Positive Psychology and Education (IPPE) (Faculty of Health Sciences).
- The Institute for Health and Ageing (Faculty of Health Sciences).
- Learning Sciences Institute Australia (LSIA) (Faculty of Education and Arts).
- Institute for Social Justice (Faculty of Education and Arts).
- Institute for Religion and Critical Inquiry (Faculty of Theology and Philosophy).
- Institute for Religion, Politics and Society (IRPS) (Faculty of Theology and Philosophy).<sup>26</sup>

Additionally, in 2016 ACU established the PM Glynn Institute to provide the Catholic community with a standing capacity to analyse public policy issues of concern not only to the Catholic Church and its services, but to the wider Australian community. The Institute's work is shaped by the proposition that understanding the contemporary world also means considering religion and the foundations of faith as important and enduring features of the social and political landscape. Its key areas of focus are democracy and religion, the future of human rights, and how to strengthen hope and confidence in society.

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<sup>23</sup> As at January 2017. Student numbers refer to headcount figures while staff numbers refer to full-time equivalent (FTE).

<sup>24</sup> Based on domestic undergraduates who responded to the 2016 *Graduate Outcomes Survey (GOS) 2016*.

<sup>25</sup> Department of Education and Training, *2015 Higher Education Data Collection – Students, Special Courses* (31 July 2015) <<https://docs.education.gov.au/node/38139>>.

<sup>26</sup> Australian Catholic University, *ACU Research* <[http://www.acu.edu.au/research/research\\_institutes\\_and\\_programs](http://www.acu.edu.au/research/research_institutes_and_programs)>.