

Tabled 14/11/2002

**AUSTRALIAN GOVERNMENT RESPONSE TO
THE REPORT OF THE JOINT STANDING
COMMITTEE ON FOREIGN AFFAIRS, DEFENCE
AND TRADE**

**“CONVICTION WITH COMPASSION: A
REPORT INTO FREEDOM OF RELIGION AND
BELIEF”**

RECOMMENDATION 1

The Committee recommends that the Australian Government continue to encourage and support the work of the Human Rights and Equal Opportunity Commission, and ensure that the resources with which it provided allow it to carry out its work in relation to freedom of religion in timely, efficient, effective and appropriate ways.

Accepted. The Government is committed to a strong and independent human rights body that provides effective and equitable protection and promotion of human rights, including freedom on religion and belief. The Government considers that the Human Rights and Equal Opportunity Commission (HREOC) is appropriately resourced to carry out its functions. As an independent statutory body, the allocation of resources between its functions is primarily a matter for HREOC.

RECOMMENDATION 2

The Committee recommends that the Australian Government table in the Parliament a response to the Recommendations made by the Human Rights and Equal Opportunities Commission, in its Report *Article 18: Freedom of religion and belief*.

Accepted in principle. The Government agrees the important issues raised in HREOC's Report should be considered.

In February 1999 the Attorney-General announced that the Government would not implement the main recommendation in HREOC's Report for a Religious Freedom Act.

A number of the Report's recommendations relate to matters within the responsibility of State and Territory Governments. The Attorney-General has referred these matters to his State and Territory counterparts for their consideration.

The Attorney-General has referred the remaining recommendations to relevant Ministers and relevant areas of his portfolio so that they may be taken into account in relevant policy development.

RECOMMENDATION 3

The Committee recommends that the Australian Government coordinate a review of Commonwealth, State and Territory legislation to ensure the maximum degree of domestic protection of freedom of religion, with a view to the introduction of a greater degree of uniformity of human rights law and practice in Australia.

The Attorney-General has brought the Committee's report to the attention of his State and Territory colleagues for their consideration.

RECOMMENDATION 4

The Committee recommends that, based on the detailed recommendations made to this inquiry, the Commonwealth, State and Territory Governments examine ways of promoting and extending freedom of religion and belief within their jurisdictions.

The Attorney-General has brought the Committee's report to the attention of his State and Territory colleagues for their consideration.

RECOMMENDATION 5

The Committee recommends that the Australian Government continue to take every opportunity, in both multilateral forums and in its bilateral relationships, to promote the universality and indivisibility of all human rights, specifically the right to freedom of religion and belief.

Accepted. The Government's human rights policy provides a range of opportunities to implement this recommendation. Apart from raising specific cases where the freedom of religion and belief have been violated, the Government intends to continue to raise issues such as the freedom of assembly which are closely related to the protection of religious freedom.

Since the preparation of the Department of Foreign Affairs and Trade's initial submission to this inquiry, further relevant action has been taken on both the multilateral and bilateral levels to promote freedom of religion and belief. Bilaterally, the importance of freedom of religion and belief has been a theme of many of the exchanges on human rights issues Australia has conducted with other governments during the past few years, as demonstrated in the examples set out below. Future discussions will occur within the context of these established official exchanges.

With regard to China, the Government considers that the Chinese authorities should be given credit for the steady improvement in providing protection for religious freedoms that has taken place over the past 25 years. That said, real problems remain. Generally, the authorities seek to limit religious activity to Government-sanctioned organisations and places of worship. Religious believers who abide by the limitations imposed by the Government experience little, if any, interference. On the other hand, those who operate outside the official umbrella may be subject to harassment, although this varies widely.

Evidence available points to an increase of harassment in many parts of China over the past few years. The Australian Government makes known its concerns through the annual bilateral human rights dialogue, through multilateral forums such as in its main human rights statements to the UN Commission on Human Rights and the UN General Assembly, and occasional specific representations, including those made on 27 April 2000 on behalf of Pastor Li Dexian, Bishop, Yang Shudao, and Bishop Jia Zhiguo, and on 11 January 2002 on behalf of members of the Huanan Church.

There continue to be problems in the freedom of religious belief and expression in Viet Nam. Australia is addressing these by continuing dialogue with the Vietnamese authorities. Over the past year, the Government has learned that a number of prisoners on the Australian list of cases of concern have been released, including Brother Mai Duc Chuong of the Catholic Congregation of the Mother Co-Redemptrix. Eighteen people on whose behalf the Government has made representations have been released since 1998. The release of these prisoners has followed representations made at different levels, including by Mr Downer during his meeting with Vietnamese Foreign Minister Nguyen Dy Nien in May 2000, and representations made by Embassy staff before the Vietnamese prisoner amnesties in September 1999, and in April and September 2000. Mr Downer also used his meeting with Mr Nien to raise Australia's desire to engage in a more formal process of discussing human rights issues with the Vietnamese Government. Mr Downer raised human rights issues with the Vietnamese Deputy Prime Minister Nguyen Manh Cam, during his visit to Australia in September 2000. The Minister for Immigration and Multicultural Affairs, Mr Ruddock, also raised human rights issues during his visit to Vietnam in June 2001.

In another positive development, the Government understands that, following discussion between the Vietnamese Government and the Vatican, the Vietnamese Government has agreed to the appointment of six new bishops nominated by the Vatican, although it vetoed the appointment of a new Archbishop of Hanoi. The Vietnamese Government is now allowing exit visas for priests to study abroad.

The Government, through our Embassy in Hanoi, will continue to monitor the human rights situation in Viet Nam and, as required, will make representations to the Vietnamese Government regarding individuals who are subject to detention, house arrest or harassment for the peaceful expression of their political and religious beliefs.

Religious freedom has also featured prominently in the Government's human rights exchanges with Iran. The Government expressed concerns about the continuing discrimination experienced by the Baha'i community in Iran and in particular about three men under sentence of death. The issue was raised a number of times with Iranian officials. These death sentences were eventually overturned on appeal, and a number of the men, having served their prison sentences, have been released. The Government is seeking a bilateral dialogue on human rights with Iran, and religious freedom -- for all Iranian minority religions, be they Sunni, Christian, Jewish, Zoroastrian or others -- will be a part of that, as well as a part of post activities where considered appropriate. The post actively engages with minority religions in Iran through their representatives in the Iranian Parliament. The MP for Jews, Mr Morris Mottamed, is Vice-Chair of the Australia-Iran Friendship Group in the Majles, and the MP for Assyrian Christians, Mr Yonathan Bet Kolia, is a fellow member with two Australians on the Assyrian Universal Alliance's Executive Board.

As foreshadowed in DFAT's submission to the Inquiry (paragraph 111), the government-funded Australia-Indonesia Institute assisted the Australia Indonesia Legal Development Foundation to run a three day workshop with direct relevance to religious freedom. The workshop was held in November 1999 and was attended by sixty personnel from thirty six religious, ethnic and other groups. Its objective was to provide an opportunity to discuss and coordinate future strategies on inter-communal

relations. Issues covered included the promotion of better inter-communal harmony and dialogue; lessons learned from initiatives already undertaken; key issues to be addressed by institutional reform; and the need, if any, for legal reforms.

The four year, \$2 million Komnas HAM (the Indonesian human rights commission) project aims to strengthen the Commission's capacity to fulfill its mandate to protect and promote human rights in Indonesia, by enhancing its management capacity to disseminate an understanding of human rights principles and the role of national human rights institutions. The project has funded national human rights seminars; developed a complaints procedures manual; helped recruit professional management staff; established professional links with Australia's Human Rights and Equal Opportunity Commission; and placed an Australian advisor in the Commission's Public Education and Awareness Bureau for two years. The project will also provide training in national inquiry skills and investigation techniques to support Komnas HAM's new responsibilities under recent Indonesian legislation (*Act No. 26 of 2000 Concerning Human Rights Courts*). While these programs do not directly address freedom of religion issues, government officials have expressed the view to the Committee that an improvement in human rights observance overall will contribute to greater respect for religious freedom.

In February 2002, the Government announced the three year Muslim exchange program funded by the Australia Indonesia Institute. Under the program, Muslim leaders from both Australia and Indonesia will visit one another's countries for up to two weeks to promote a greater understanding about Islam.

The Australian Government is extremely concerned about the ongoing episodes of violence in the Maluku provinces. The Australian Embassy in Jakarta closely monitors developments and makes regular representations to Indonesian authorities urging them to protect the residents of that region and to find a peaceful solution to the conflict through dialogue and respect for human rights, including the right to freedom of religion and belief.

RECOMMENDATION 6

The Committee:

- **Notes the valuable work done by the United Nations in extending and protecting freedom of religion and belief;**
- **Calls on the Australian Government to continue its support for the work of the United Nations in this area, and**
- **Further calls on the Australian Government to continue to encourage other nations, in both multilateral forums and as part of its bilateral relationships, to support the United Nations actively in its work of protecting freedom of religion and belief.**

Accepted. The Government will continue to support the valuable work undertaken by the United Nations and, where possible, will encourage other countries to do likewise

During 2001, Australia co-sponsored a number of relevant resolutions in UN forums and expects to take similar action at forthcoming UN meetings. (Co-sponsorship of a UN resolution indicates that the member country supports, and wishes to associate itself with, that resolution.) At the Commission of Human Rights in Geneva, Australia co-sponsored the following resolutions, the first of which addresses freedom of religion and belief exclusively. The others listed mention this freedom, among other issues.

Implementation of the Declaration on the Elimination of All Forms of Religious Intolerance

Situation of Human Rights in the Islamic Republic of Iran

Promoting and Consolidating Democracy

Racism, Racial Discrimination, Xenophobia and Related Intolerance

Situation of human rights in Iraq

Situation of human rights in Myanmar

Situation of human rights in the Sudan

Situation of human rights in Cuba

Elimination of Violence against Women

Tolerance and Pluralism as Indivisible Elements in the Promotion and Protection of Human Rights

Rights of the Child

Regional Cooperation for the Promotion and Protection of Human rights in the Asian and Pacific Area

Question of the Death Penalty

Human Rights and Mass Exoduses

Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities

United Nations Decade for Human Rights Education

The Situation of Human Rights in Southeastern Europe.

Human Rights and Thematic Procedures

In 2000 Australia co-sponsored the following biennial resolutions:

Tolerance and Pluralism and Indivisible elements in the Promotion and Protection of Human Rights

Human Rights and Mass Exoduses

The Government also referred to its concerns about violations of religious freedom in major statements delivered to these bodies.

RECOMMENDATION 7

The Committee recommends that the Australian Government continue its support and funding for the good governance and human rights programs, undertaken by such bodies as the centre for Democratic Institutions and the Australian Agency for International Development, designed to promote and protect freedom of religion and belief.

The objective of the Australian aid program is to advance Australia's national interest by assisting developing countries to reduce poverty and achieve sustainable development. Support for good governance is an important part of that. In countries where there is corruption, poor control of public funds, lack of accountability, abuses of human rights and excessive military influence, development inevitably suffers. It is for this reason that the aid program supports good governance activities and human rights programs. While the protection of freedom of religion and belief may also be strengthened in this context, the Government notes that this is not the prime objective of the aid program.

The Government intends to continue to support several important initiatives which make this kind of indirect contribution to the promotion of freedom of religion and belief. These are the Human Rights Fund and the Centre for Democratic Institutions (CDI). The Human Rights Fund includes the Human Rights Small Grants Scheme, support for the Asia-Pacific Forum of National Human Rights Institutions, and regular contributions to the Office of the United Nations High Commissioner for Human Rights. The Australian Government's continuing support of these initiatives is demonstrated by its allocation of \$1.3 million in 2000-2001 to the Human Rights Fund (an increase of 30% on the previous financial year) and a commitment of \$5 million over five years to the CDI.

RECOMMENDATION 8

The Committee recommends that the Australian Agency for International Development continue to extend the programs that assist international non-government organisations to protect freedom of religion and belief.

As stated in the response to Recommendation 7, the objective of the Australian Government's aid program is to advance Australia's national interest by assisting developing countries to reduce poverty and achieve sustainable development. The Australian Government acknowledges the vital role of NGOs in development and in the Australian aid program. Recognising the strengths that NGOs bring to the aid

program, the Australian Government, through the Australian Agency for International Development, will continue to utilise NGOs in assisting with poverty reduction in developing countries through such programs as the AusAID-NGO Cooperation Program.

While the international activities of the NGOs receiving government support in this way are likely to contribute to the promotion of all human rights, the Government notes that its allocation of funds to NGOs will not be based upon religious, political or sectarian considerations.

RECOMMENDATION 9

The Committee recommends that the Commonwealth Attorney-General give consideration to the convening of an inter-faith dialogue to formulate a set of minimum standards for the practices of cults.

The Government notes the Committee's considered examination of this complex issue. The Committee noted that while some cults can cause great unhappiness, at times, other cults can bring fulfillment. It noted that there would be practical difficulties in developing minimum standards for the regulation of cults. It also noted that there would be considerable difficulties in seeking to define the groups that should be regulated.

Given these issues the Government doubts whether convening an inter-faith dialogue to formulate a set of minimum standards at this time would be of assistance in minimising the harmful effects of cults.

As State and Territory governments also have a role in minimising the harmful effects of cults, the Attorney-General will bring the Committee's examination of the issue to the attention of his State and Territory colleagues for their consideration.