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
Contents

Foreword ............................................................................................................................................. v
Members ............................................................................................................................................ vii
Terms of reference ........................................................................................................................... xv

1 Introduction ........................................................................................................................................ 1
   Background to the inquiry........................................................................................................ 1
   A Second Interim Report ..................................................................................................... 2
   Report structure ...................................................................................................................... 4

2 The First Interim Report ........................................................................................................ 7

3 The Domestic Experience of Freedom of Religion or Belief ........................................ 11
   Aboriginal religious practices ............................................................................................... 12
   Baha’i .................................................................................................................................. 13
   Buddhism .............................................................................................................................. 14
   Christianity .......................................................................................................................... 15
   General concerns ...................................................................................................................... 16
   Specific concerns ...................................................................................................................... 19
   Falun Dafa ............................................................................................................................... 24
   Hinduism ................................................................................................................................. 25
   Islam .................................................................................................................................... 25
   Judaism .................................................................................................................................. 30
   Specific Concerns ..................................................................................................................... 31
   Non-religious beliefs .............................................................................................................. 34
   Exemptions to anti-discrimination laws ..................................................................................... 36
   Education ................................................................................................................................. 37
   Tax exemptions ........................................................................................................................ 38
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
Members

Joint Standing Committee on Foreign Affairs, Defence and Trade

Chair

Senator the Hon Ian Macdonald

(Chair from 11.9.18 to 6.10.18)
(Chair from 25.10.18)

Deputy Chair

Mr Nick Champion MP

Wakefield, SA

Members

Senator the Hon Eric Abetz (from 10.9.18) LP, TAS

Dr Anne Aly MP Cowan, WA

The Hon Kevin Andrews MP Menzies, VIC

Ms Sharon Claydon MP Newcastle, NSW

Mr Chris Crewther MP Dunkley, VIC

Mr Michael Danby MP (from 12.2.18) Melbourne Ports, VIC

The Hon Damian Drum MP (from 13.8.18) Murray, VIC
Senator Mehreen Faruqi *(from 14.9.18)* AG, NSW
Senator the Hon Fierravanti-Wells *(from 10.9.18)* LP, NSW
Senator Alex Gallacher ALP, SA
Mr Craig Kelly MP Hughes, NSW
Senator Kimberley Kitching *(from 15.2.18)* ALP, VIC
Mr Andrew Laming MP *(from 6.2.18)* Bowman, QLD
Senator Malarndirri McCarthy *(from 10.8.17)* ALP, NT
Senator Jim Molan AO DSC *(from 5.2.18)* LP, NSW
Senator Claire Moore ALP, QLD
Mr Ted O'Brien MP *(from 15.8.17)* Fairfax, QLD
Mr Graham Perrett MP Moreton, QLD
Mr Rowan Ramsey MP Grey, SA
Senator the Hon Lisa Singh ALP, TAS
Senator Dean Smith *(from 22.6.17)*
  *(Chair from 16.10.18 to 24.10.18)* LP, WA
The Hon Warren Snowdon MP Lingiari, NT
Mrs Ann Sudmalis MP Gilmore, NSW
Ms Meryl Swanson MP *(from 20.8.18)* Paterson, NSW
Ms Maria Vamvakinou MP Calwell, VIC
Mr Andrew Wallace MP *(from 4.12.17)* Fisher, QLD
Mr Trent Zimmerman MP North Sydney, NSW

**Former members**

Senator David Fawcett (Chair) *(12.9.16 – 10.9.18)* LP, SA
  *(Chair to 6.9.18)*

Senator Chris Back *(12.9.16 – 22.6.17)* LP, WA
The Hon Darren Chester (6.2.18 – 2.3.18)  
Gippsland, VIC

Senator Anthony Chisholm (14.9.16 – 10.8.17)  
ALP, QLD

The Hon Damian Drum MP (14.9.16 – 20.12.17)  
Murray, VIC

The Hon David Feeney MP (15.9.16 – 1.2.18)  
Batman, VIC

Mr Andrew Hastie MP (14.9.16 – 4.12.17)  
Canning, WA

Senator Jane Hume (6.10.18 to 21.10.18)  
LP, VIC

Senator Chris Ketter (8.11.16 – 9.2.17)  
ALP, QLD

Ms Madeleine King MP (17.10.16 – 20.8.18)  
Brand, WA

The Hon Sussan Ley MP (6.2.18 – 28.8.18)  
Farrer, NSW

Mr David Littleproud MP (14.9.16 – 20.12.17)  
Maranoa, QLD

Senator Scott Ludlam (12.9.16 – 14.7.17)  
AG, WA

Senator Bridget McKenzie (12.9.16 – 5.2.18)  
Nats, VIC

The Hon Dr John McVeigh MP (14.9.16 – 20.12.17)  
Groom, QLD

Senator Deborah O’Neill (12.9.16 – 15.2.18)  
ALP, NSW

Durack, WA

Senator Linda Reynolds CSC (12.9.16 – 10.9.18)  
LP, WA

Senator Lee Rhiannon (26.7.18 – 10.9.18)  
AG, NSW

Mr Bert van Manen (6.2.18 – 13.8.18)  
Forde, QLD

Senator Peter Whish-Wilson (9.8.17 – 26.6.18)  
AG, TAS

Mr Jason Wood MP (14.9.16 – 15.8.17)  
LaTrobe, VIC

Senator Nick Xenophon (12.9.16 – 1.12.16)  
NXT, SA
Human Rights Sub-Committee

Chair
The Hon Kevin Andrews MP Menzies, VIC

Deputy Chair
Dr Anne Aly MP Cowan, WA

Members
Mr Nick Champion MP (ex officio) Wakefield, SA
Ms Sharon Claydon MP Newcastle, NSW
Mr Michael Danby MP (from 12.2.18) Melbourne Ports, VIC
Mr Craig Kelly MP Hughes, NSW
Senator Kimberley Kitching (from 15.2.18) ALP, VIC
Senator the Hon Ian Macdonald (ex officio) LNP, QLD
Senator Claire Moore ALP, QLD
Senator the Hon Lisa Singh ALP, TAS
Senator Dean Smith (from 22.6.17) LP, WA
The Hon Warren Snowdon MP Lingiari, NT
Ms Maria Vamvakinou MP Calwell, VIC
Mr Trent Zimmerman MP North Sydney, NSW

Former members
Senator David Fawcett (to 10.9.18) LP, SA
Senator Linda Reynolds CSC (to 10.9.18) LP, WA
Committee Secretariat

Mr James Rees, Committee Secretary
Ms Sonya Fladun, Inquiry Secretary
Ms Stephanie Woodbridge, Research Officer (from 20.8.18)
Mr Daniel Simon, Research Officer (to 24.8.18)
Mr Alexander Rae, Research Officer (to 20.7.18)
Mrs Dorota Cooley, Office Manager (from 3.7.17)
Mr Danny Miletic, Officer Manager (to 30.6.17)
Ms Natasha Kaleb, Administrative Officer

PO Box 6021
Parliament House
Canberra, ACT 2600
Telephone: 02 6277 2313
Facsimile: 02 6277 2221
Email: jscfadt@aph.gov.au
Internet: www.aph.gov.au/jfadt
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.