



AUSTRALIAN CATHOLIC BISHOPS CONFERENCE OFFICE OF THE PRESIDENT

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Committee Secretary
Joint Standing Committee on Foreign Affairs, Defence and Trade
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Dear Committee Secretary

Inquiry into the Status of the Human Right to Freedom of Religion or Belief

This submission is from the Australian Catholic Bishops Conference (ACBC). The ACBC is a permanent institution of the Catholic Church in Australia and the instrumentality used by the Australian Catholic Bishops to act nationally and address issues of national significance.

The Catholic community is the largest religious group in Australia with 5.4 million Australians or one in four Australians identifying as Catholic. The Church provides Australia's largest non-government grouping of hospitals, aged and community care services, providing approximately 10 per cent of healthcare services in Australia. It has over 1700 schools enrolling more than 750,000, or about one in five Australian students.

The ACBC seeks to participate in public debate by making reasoned arguments that can be considered by all people of goodwill.

The ACBC appreciates the opportunity to make a submission to this Inquiry into the Status of the Human Right to Freedom of Religion or Belief.

Understanding and recognising the full complexity of the right to freedom of religion or belief will be increasingly important to Australia negotiating its way in the world. The proportion of the world's population who have a religious faith is increasing at the same time as it is decreasing in Western countries like the United States and Australia.¹

¹ Hackett, C et al, The future size of religiously affiliated and unaffiliated populations. *Demographic Research*, Vol 32(27), pages 830-831. 2 April 2015; Pontifex, J (editor), Religious freedom in the world: report 2016. Aid to the Church in Need, UK, page 17.

If Australian governments want to understand the world - and the majority of Australians who proclaim a religious faith - they need to understand and accommodate religious belief.

Across the world, religious belief is under challenge, both from violent attacks or government restrictions on people who have a faith but also, particularly in the West, from a more aggressive atheism that does not tolerate dissenting views and tries to exclude religious beliefs from the public square.²

Yet religious belief provides the origin of human rights. In the Judeo-Christian tradition people are made in the image of God, which is the basis of the recognition of their human dignity. It is from this universal and inherent human dignity that derives the human rights of all people.³

This submission will briefly cover:

- Why the right to religious freedom and belief is an important human right
- The recognition of religious freedom and belief in international law
- The recognition of religious freedom and belief in Australian law
- Some challenges to exercising religious freedom in Australia
- Some of the abuses of religious freedom worldwide, and
- How efforts for effective dialogue can promote peace.

Religious freedom and belief is an important human right

Religion is a natural human good which contributes to and fosters the flourishing of the human person and their physical, social, emotional and spiritual wellbeing. The value of religion arises from the sincere consideration of truth, meaning and value which is intrinsic to the human condition; and in particular the consideration of whether there is some ultimate, greater-than-human source for them.⁴

Freedom of religion is a fundamental human right. Its existence and importance is acknowledged in the Australian Constitution, in the common law, and in international covenants to which Australia is a signatory. It is a freedom which arises from a fundamental and constitutive attribute of being human: the search for a truth and meaning greater than ourselves, which shows us how to live good and fulfilling lives.⁵

² Guinness, O, *The Global Public Square: Religious Freedom and the Making of a World Safe for Diversity*. IVP Books, Illinois, 2013. Page 16-17.

³ International Theological Commission, *Communion and Stewardship: Human Persons Created in the Image of God*. Rome, 2000-2002. #22; Statement by H.E. Archbishop Bernardito Auza Apostolic Nuncio, Permanent Observer of the Holy See Seventy-first Session of the United Nations General Assembly Third Committee Agenda item 68 (b, c): Promotion and protection of human rights New York, 31 October 2016.

⁴ E.g. Beth Azar, "A reason to believe", *Monitor on Psychology* (American Psychological Association), 2010, 41:11 (2010), 52-54; Justin L. Barrett, *Cognitive Science, Religion and Theology* (Templeton Press, 2011); Robert P. George, *Making Men Moral: Civil Liberties and Public Morality* (Oxford University Press, 1995).

⁵ John M. Finnis, *Natural Law and Natural Rights* (2nd ed, Oxford University Press, 2011).

For these reasons, freedom of religion must not be ignored, treated with embarrassment or suspicion by policy and decision makers, treated as contrary to reason or science or read down and so narrowly interpreted that it is reduced to mean nothing more than freedom of worship within the confines of places of worship. While ensuring that the rights and freedoms of others are protected, Governments are also obliged to ensure that freedom of religion and the freedom to manifest religious beliefs in public is recognised and protected by law. It applies equally to participation in 'private' religious observances and to the delivery of 'public' services by religious people and agencies, to religious organisations and to individual believers.

In his report last year to the United Nations General Assembly, then Special Rapporteur on freedom of religion or belief, Heiner Bielefeldt, states that:

"... the right to freedom of religion or belief covers all aspects of religious and belief-related life: not only the 'believing', but also the 'belonging' and the 'behaving', that is, individual and community practices connected with convictions and traditions. Manifestations can take place in private, as well as in public. While individuals have the right to publicly manifest their religious or belief orientation alone or together with others, they also have the right to keep their convictions to themselves. Moreover, no one can be genuinely free to do something unless he or she is also free not to do it, and vice versa."⁶

Governments must recognise that when talking about people of faith, they are talking about their own citizens, whether from a Christian, Jewish, Muslim or other faith tradition. Religious believers are in fact the great majority of Australians.

Most people who adhere to a religious belief exercise their religious freedom in the service of the common good. Overwhelmingly they do so in a spirit which respects the rights and liberties of others, and as Australian citizens, they expect in fairness that they will be accorded equal respect in the exercise of their rights to practice and manifest their religious beliefs.

The ACBC contends that, rather than privileging one group over another, adopting binary mindsets or seeking a victory in a zero-sum game, the focus of lawmakers and the general community should be on the common good. This requires recognition that the assertion of any particular right will sometimes in practice conflict with respect for other rights. The objective of the law in such circumstances should be to take into account the interests of all and strike a fair balance between competing rights, so that, for example, the right to be protected from unjust discrimination is not pursued in a way which undermines religious freedom or vice versa.

Freedom of thought, conscience and religion is not just freedom to worship, important as that is. The fundamental character of religious belief is public, which is why people of faith build houses of worship and undertake good works. Freedom of thought, conscience and

⁶ Interim Report of the Special Rapporteur on freedom of religion or belief. Presented to the Seventy-first session of the United Nations General Assembly, 2 August 2016. A/71/269. Page 6/22.

religion, and consequent freedoms of speech, worship and religious practice, are positive liberties essential to human flourishing. Most people of faith are not ministers of religion; most people of faith carry their beliefs with them beyond the church, synagogue, mosque or temple into the choices of their daily lives.

The Christian faith, like many other faiths, is not just a private spirituality, restricted to rituals in churches and prayers behind closed doors. Our faith is something to be lived in our lives, both with our family and friends and in the broader community. Communities are strengthened when people come together in various projects around shared beliefs, as well as when they respect a similar freedom for others. Limiting respect for religion and for religious freedom to ministers of religion or places of worship is radically to fail to understand the meaning and good of religion.

The Recognition of religious freedom and belief in international law

The right of religious freedom is captured in the *Universal Declaration of Human Rights* (UDHR) and the *International Covenant on Civil and Political Rights* (ICCPR):

- “Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.” (UDHR, Article 2)
- “The States Parties to the present Covenant undertake to respect and to ensure all individuals within its territory and subject to its jurisdiction the rights recognised in the present Covenant, without distinction of any kind such as race, colour, sex, language, religion, and political or other opinion, national or social origin, property, birth or other status.” (ICCPR, Article 2(1))
- “Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.” (UDHR, Article 18)
- “Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.” (ICCPR, Article 18(1))
- “No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice.” (ICCPR, Article 18(2))
- “Freedom to manifest one’s religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others.” (ICCPR, Article 18(3))

- “The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to ensure the religious and moral education of their children in conformity with their own convictions.” (ICCPR, Article 18(4))
- “All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.” (ICCPR, Article 26)
- The right to religious freedom (ICCPR, Article 18) is a “non-derogable” right under Article 4(2), meaning that governments may not act to restrict or suspend this right even in times of public emergency.
- The right to religious freedom is not an absolute or unlimited right. Like many other rights – including the right to be free of unjust discrimination – it must be balanced against the fundamental rights and freedoms of others (ICCPR, Article 18(3)).

The recognition of religious freedom and belief in Australian law

Religious freedom is also recognised in Australian law.

Section 116 of the Australian Constitution states: “The Commonwealth shall not make any law for establishing any religion, or for imposing any religious observance, or for prohibiting the free exercise of any religion, and no religious test shall be required as a qualification for any office or public trust under the Commonwealth.”

One of the principal ways religious freedom is recognised in Australia is in exceptions or exemptions to anti-discrimination law. The exceptions are in legislation in order to allow religious groups to operate in accordance with their beliefs, particularly with regard to who they employ. The difficulty of such an approach is that religious freedom is presented more as a right to get out of something rather than the right to pursue our religious mission.

Then UN Special Rapporteur on freedom of religion or belief, Heiner Bielefeldt, argued that:

“Contrary to a widely held misunderstanding, the purpose of reasonable accommodation is not to privilege religious or belief-related minorities at the expense of the principle of equality. The opposite is true. Its underlying idea is to appropriately translate the principles of equality and non-discrimination into different societal contexts.”⁷

The language of exemptions is misleading and fails to recognise that religious freedom is not a special permission to discriminate granted by government in contradiction to the general law, but a fundamental human right that government is obliged to protect and which helps

⁷ Bielefeldt, H (2013), *Misperceptions of Freedom of Religion or Belief*. Human Rights Quarterly, Vol 35(1), page 59.

to define what kinds of discrimination are in fact unjust. To make this clear and to remove the potential for misunderstanding, the language of exemptions and exceptions should be replaced in legislation with language that recognises and accommodates the overlapping rights and freedoms that co-exist in a pluralist society such as Australia, without devaluing them or establishing an indefensible hierarchy of rights.

Some challenges to exercising religious freedom in Australia

Challenges to the exercise of religious freedom in Australia have focused in recent years around the debate over the definition of marriage, the freedom to operate faith-based organisations and parental rights to choose faith-based schooling for their children.

Marriage laws

Changing the definition of marriage to allow same-sex marriage would have an impact on all the members of the Catholic Church, but perhaps the most significant impact would be on ordinary parishioners trying to live their Catholic faith in their daily lives.

In the face of growing intolerance of religious or other conscientious beliefs in some institutions as well as among some individuals, and of the ready application of anti-discrimination laws and financial and other pressures upon people unsupportive of same-sex marriage, it is very likely that people of faith will suffer discrimination and vilification of various kinds for holding fast to the traditional understanding of marriage.

People should be free to decline to endorse through their participation, activities or ceremonies that are contrary to their beliefs. For example, people may decline to involve their businesses in activities that they consider may be harmful to the community. Likewise, in the case of same-sex marriage, people with a conscientious objection should be free to decline to be involved, including where their business is approached to provide services.

The point at issue when services are declined is not the sexual orientation of the person involved: Christians and their businesses serve people of all backgrounds without question every day. The issue is a profound disagreement about the nature of marriage, and whether those who disagree with same-sex marriage wish to endorse someone else's activity or belief by providing marriage counselling and preparation, a wedding reception venue, or some other support for a 'same-sex wedding' ceremony or celebration.

Concern in this area is prompted by the experience of people who do not support same-sex marriage in jurisdictions where marriage has changed. For example:

- New Mexico photographer, Elaine Huguenin, was sued when she declined to photograph a same-sex commitment ceremony. The photographer does not take

pictures that would give messages that are against her religious beliefs. This includes photos that show violence, nude maternity pictures and same-sex weddings.⁸

- Belfast owners of Ashers Bakery were found to have acted unlawfully when they refused to make a cake with a pro-gay marriage slogan. The owners disagreed with the slogan but did not know the person who ordered the cake. They have the support of gay activist Peter Tatchell because of what he said was the importance of “freedom of conscience, expression and religion.”⁹
- Washington state florist Barronelle Stutzman declined to provide flowers for the wedding of her long-term clients, because she disagrees with same-sex marriage. She was sued and the case is being considered by the Washington state supreme court.¹⁰

Many similar examples could be given.¹¹

In relation to contentious debates around marriage and family life, then UN Special Rapporteur on freedom of religion or belief, Heiner Bielefeldt commented:

“Surely, people have the right to publicly express their religiously-based reservations about new developments in the areas of partnership and family life that they may personally deplore. Moreover, the prohibition of coercing anyone to actively participate in practices that are in opposition to their deep, personal convictions must also be strictly observed in the application of non-discrimination agendas. Respect is also due for the internal autonomy of religious institutions.”¹²

Laws that force doctors to refer for abortion are another example of an imposition on the religious freedom of Christians and other people of faith. For example, the Victorian *Abortion Law Reform Act 2008* forces medical practitioners who may have a religious or conscientious objection to abortion to “refer the woman to another registered health practitioner in the same regulated health profession who the practitioner knows does not have a conscientious objection to abortion.”¹³ There is concern any future laws allowing euthanasia or assisted suicide might include a similar clause.¹⁴

⁸ C. Friedersdorf, “Refusing to photograph a gay wedding isn’t hateful,” *The Atlantic*, 5 March 2014.

⁹ P. Tatchell, “Asher’s Bakery defeat is no win for the LGBT community – it sets as dangerous and authoritarian precedent,” *The Independent*, 24 October 2016.

¹⁰ “State Supreme Court hears case of florist who refused gay couple,” *The Seattle Times*, 15 November 2016.

¹¹ See Australian Catholic Bishops Conference, *Don’t Mess with Marriage: A Pastoral Letter from the Catholic Bishops of Australia to all Australians on the ‘Same-sex Marriage’ Debate* (2015).

¹² Bielefeldt, H (2013), Misperceptions of Freedom of Religion or Belief. *Human Rights Quarterly*, Vol 35(1), page 66.

¹³ Victorian *Abortion Law Reform Act 2008*, section 8(1)(b)

¹⁴ Brennan, F (2009), Euthanasia: doctors’ conscience vs patient rights. *Eureka Street*, 2 March 2009.

Faith-based organisations

The redefinition of marriage would also be likely to impact upon employment policies, expectations of conduct and whether faith-based organisations are eligible to apply for government contracts.

Catholic health and welfare services serve all people without discrimination, although there are some services not provided because they are not compatible with our beliefs. In delivering its services the Church employs many people who are passionate about the Church's faith and mission and others who may not share our faith but who recognise the value of our mission to serve others and are willing to abide by our ethos and teachings.

Australians who have a religious faith must be free to manifest that faith through work in service to the wider community. In other words, we must be free to exercise our religious freedom in the pursuit of the common good.

Sometimes this will mean that religious believers' organisations privately or even publicly disagree with the state, on matters such as intake of refugees, pervasive inequality, or lack of support for families. We can contribute to the respectful debate on these issues, resisting the temptation of governments or other institutions to think they have all the wisdom on issue and should enforce conformity upon the community. Allowing for such diversity is one of the strengths of the Australian polity and our laws should not be used to reduce it.

The Catholic Church intends to continue serving people who are in poverty, seeking education or in poor health. We want to continue to employ people who wish to join us in these worthy goals according to our values. We want to continue exercising our religious freedom for the common good. Our concern that this may be increasingly at risk is prompted by recent experience, where agencies have been subject to unequal treatment because of their beliefs or assumed beliefs. For example:

- CatholicCare in Melbourne recently had to consider closing its adoption services when the Victorian government considered a new law to remove the right of faith-based agencies to prefer couples who would offer the child a stable mother and father.¹⁵ Catholic agencies in other states or other countries have already been forced to close their adoption agencies rather than compromise their deeply held principles.¹⁶
- The Commonwealth Attorney-General's Department funded the drafting of new National Gender and Emergency Management Guidelines which falsely implied that faith-based groups discriminate against providing services to LGBTI persons during

¹⁵ B. Preiss and R. Willingham, "Catholic adoption agency wants exemption from same-sex laws," *The Age*, 6 October 2015.

¹⁶ United States Conference of Catholic Bishops, "Religious freedom and marriage", see: <http://www.usccb.org/issues-and-action/religious-liberty/religious-freedom-and-marriage.cfm> ; M. Beckford, "Last Catholic adoption agency faces closure after Charity Commission ruling," *The Telegraph*, 19 August 2010.

disasters; it suggested that faith-based charities may therefore not be suitable for public funding for disaster relief.¹⁷

- A number of human rights lobby groups have argued that religious groups receiving government funding should be denied exceptions to anti-discrimination laws which allow them to continue to operate according to their beliefs.¹⁸

Schools and parents' rights

The right of parents to send their children to the school of their choice, to be taught in accordance with their religious convictions, must be respected and protected. Parents, of all faiths and none, choose Catholic schools for their children because they expect that this education will be provided by school staff in a manner consistent with the Gospel of Jesus Christ and the teachings of the Church: this goes to the very heart of the identity and mission of the Catholic school.

The freedom of Catholic schools to employ staff who embrace Christianity (including Christian teaching on marriage) is essential for providing effective religious education and faith formation to their students. Staff in Catholic schools have a professional obligation to be supportive of the teachings of the Catholic Church, to act as role models to students, and to do nothing publicly that would undermine the transmission of those teachings.

Catholic schools do not impose their beliefs on anyone, nor do they compel anyone to work in Catholic education. Moreover, they employ people from religious backgrounds other than Catholic, provided they are enthusiastic about the mission and comfortable with the ethos and values of the Catholic school. Because this is widely understood, it seems that faith-based schools only very rarely have to rely on the religious liberty protections available to them when making employment decisions. Nonetheless, it is not unreasonable for faith-based schools and the families who choose them to continue to expect that staff will support and not undermine their school's mission.

Australian Commonwealth, State and Territory governments have traditionally recognised the right of faith-based schools to govern themselves in relation to employment, religious curriculum and other matters so as to ensure religious freedom and foster the religious purposes of the particular school. The Catholic Church intends to continue serving people through education at the preschool, primary, secondary and tertiary levels, and to employ people who wish to join us in this work according to our values. Recent experience suggests, however, that our ability to do so may increasingly be put at risk. For example:

¹⁷ R. Urban, "Gender theory slap for charity relief," *The Australian*, 14 December 2016, p. 3.

¹⁸ For example: Castan Centre for Human Rights Law, Submission to Australian Government Attorney-General's Department, Consolidation of Anti-discrimination Laws, January 2012: #64; Australian Council of Human Rights Agencies, Submission to Australian Government Attorney-General's Department, Consolidation of Anti-discrimination Laws, 1 February 2012.

- In December 2016 a bill which would have imposed upon all Victorian schools an “inherent requirements” test for employment was only narrowly defeated. The proposed legislation would have restricted the freedom of schools to determine whom they employ and the religious culture they create. It would in fact have put into the hands of the state bureaucrats the judgement about which employees in a faith-based school need to have and live certain beliefs and which do not.¹⁹ Discussing the legislation, the Victorian Attorney-General argued that: “We respect people’s right to religious expression, but not at the cost of equality.”²⁰
- Last year Archbishop Julian Porteous and the entire Australian Catholic Bishops Conference were required by the Tasmanian Anti-Discrimination Commission to answer a complaint that a document, which respectfully and sensitively expounded Church teaching on marriage and which was distributed to parents of Catholic school students, was discriminatory. The Archbishop was threatened with serious penalties unless this church teaching document was changed. While the case was eventually dropped, it was foreshadowed at the time that similar cases may be brought in the future.
- Safe Schools Coalition Australia materials are used in more than 500 government schools across Australia. Many Catholic children attend government schools and their parents probably do not know if the school is using these materials and what their content is. The ACBC has significant concerns about Safe Schools resources, particularly the *All Of Us* materials because the lessons and resources actively promote a controversial gender fluidity ideology. Such ‘gender theory’ teaches children their gender is not just what they are born with – male or female – but what they choose. The Safe Schools message can be integrated into multiple subjects, making it difficult for students to opt out, despite their parents’ conscientious objection. The pressures on faith-based schools to take part in such programs will be all the stronger if ‘same-sex marriage’ becomes law in Australia.²¹

Abuses of religious freedom worldwide

More than three quarters of the people in the world – 5.3 billion people – live in nations categorised by the Pew Research Centre as having a high level or very high level of restriction on religion,²² but as John L Allen Jr, author of *The Global War on Christians*

¹⁹ Important win for religious freedom in Victoria, *Melbourne Catholic News*, 7 December 2016. See <http://melbournecatholic.org.au/News/important-win-for-religious-freedom-in-victoria> ; J. Stuparich, Comments to the 23rd Annual International Law & Religion Symposium discussing Religious Rights in a Pluralistic World, *ACBC Media Blog*, 4 October 2016, <http://mediablog.catholic.org.au/23rd-annual-international-law-religion-symposium-discussing-religious-rights-in-a-pluralistic-world/>

²⁰ H. Cook and T. Jacks, “Discrimination in religious schools faces crackdown,” *The Age*, 31 August 2016.

²¹ Safe Schools Coalition Australia, *All Of Us: Health and Physical Resources*. Understanding Gender Diversity, Sexual Diversity and Intersex Topics for Years 7 and 8, page 3, 34, 38. See: <http://safeschoolshub.edu.au/safe-schools-coalition-australia-resources> ; B. Tobin, “A key issue in the current discussion of ‘transgenderism’,” *Bioethics Outlook*, Vol 27(2) (June 2016), 8-10.

²² Pew Research Centre, January 2014 “Religious Hostilities Reach Six-Year High”, page 8.

argues, “... Christians today indisputably are the most persecuted religious body on the planet ...”.²³

The Pew Research Centre agrees, stating “harassment of Christians continued to be reported in the largest number of countries ...”, more than any other faith group.²⁴

More than 100,000 Christians are killed each year because of their faith.²⁵

The *Religious Freedom in the World* report noted “the frequency and intensity of atrocities against Yazidis, Christians, Baha’is, Jews and Ahmadiyya Muslims is on the rise, and is reflected in the volume of reportage of extremist violence against religious minorities.”²⁶

Further, the report says “evidence reveals that in the Middle East and parts of Africa and the Asian Sub-Continent, people of all faiths were leaving, but disproportionate levels of migration among Christians, Yazidis and other minority groups were raising the possibility – or even probability – of their extinction from within the region.”²⁷

The dire situation in the Middle East led to more than one million people taking refuge in Europe in 2015 and many more since.²⁸

Pope Francis has made a number of appeals on behalf of the persecuted and displaced people of the Middle East. For example when speaking at a meeting organised in Rome by the Pontifical Council Cor Unum for Human and Christian Development, the Pope implored:

“There are many victims of this conflict: I think [of] all of them and I pray for all. However, I cannot fail to mention the serious harm to the Christian communities in Syria and Iraq, where many brothers and sisters are oppressed because of their faith, driven from their land, kept in prison or even killed. For centuries, the Christian and Muslim communities have lived together in these lands on the basis of mutual respect. Today the very legitimacy of the presence of Christians and other religious minorities is denied in the name of a “violent fundamentalism claiming to be based on religion” (Benedict XVI Apost. Exhort. *Ecclesia in Medio Oriente*, n. 29). Yet, the Church responds to the many attacks and persecution that she suffers in those countries by bearing witness to Christ with courage, through her humble and fervent presence, sincere dialogue and the generous service in favour of whoever ... are suffering or in need without any distinction.”²⁹

²³ Allen, JL, *The Global War on Christians: Dispatches from the Front Lines of Anti-Christian Persecution*. Image, New York, 2016. Page 1.

²⁴ Pew Research Centre, January 2014 “Religious Hostilities Reach Six-Year High”, pages 21-22.

²⁵ Statement by His Excellency Archbishop Silvano M. Tomasi Permanent Observer of the Holy See to the United Nations and Other International Organizations in Geneva 23rd Session of the Human Rights Council Interactive Dialogue with High Commissioner - Item 2. Geneva, May 27, 2013

²⁶ Pontifex, J (editor), *Religious freedom in the world: report 2016*. Aid to the Church in Need, UK, page 9.

²⁷ Pontifex, J (editor), *Religious freedom in the world: report 2016*. Aid to the Church in Need, UK, page 15.

²⁸ Pontifex, J (editor), *Religious freedom in the world: report 2016*. Aid to the Church in Need, UK, page 17; BBC News, Why is EU struggling with migrants and asylum? 3 March 2016. <http://www.bbc.com/news/world-europe-24583286>

²⁹ Address of His Holiness Pope Francis to Participants of the Meeting Organised by the Pontifical Council “Cor Unum” on the Iraqi-Syrian Humanitarian Crisis, Consistory Hall, Thursday, 17 September 2015.

In his address to the United Nations General Assembly, Pope Francis again spoke in urgent tones:

“... I must renew my repeated appeals regarding to the painful situation of the entire Middle East, North Africa and other African countries, where Christians, together with other cultural or ethnic groups, and even members of the majority religion who have no desire to be caught up in hatred and folly, have been forced to witness the destruction of their places of worship, their cultural and religious heritage, their houses and property, and have faced the alternative either of fleeing or of paying for their adhesion to good and to peace by their own lives, or by enslavement.”³⁰

Vatican officials too have spoken many times in the United Nations to urge action on an unfolding tragedy for Christians and other ethnic minorities in the Middle East.³¹

Representatives of the Holy See have offered their thoughts on how to address the very complex situation in the Middle East. Secretary for Relations with States of the Holy See, Archbishop Paul Gallagher, commented:

“Any lasting solution to the conflicts in the Middle East and, indeed, to all conflicts in the world, must consider the centrality of the inviolable dignity and rights of the human person regardless of race, religion, political belief and differences. Many individual citizens and groups in the region have suffered and continue to suffer death and all forms of violence because of their religion, ethnicity or political beliefs. Terrorists must never be allowed to destroy centuries of peaceful co-existence of Muslims and Christians in the region. The lie of terrorist groups who claim to kill and oppress in the name of religion must be denounced in the strongest possible terms. How can we stand by as our fellow human beings are being persecuted, exiled, killed, burned, and beheaded, solely because they hold a different religious creed or they happen to belong to a minority group?”³²

Vatican Secretary of State, Cardinal Pietro Parolin argued that:

“International organizations and states do have the task of promoting and supporting, in a decisive way, and with the necessary financial means, those initiatives and movements which promote dialogue and understanding among cultures, religions and peoples. Peace, after all, is not the fruit of a balance of powers, but rather the result of justice at every level, and most importantly, the shared responsibility of individuals, civil institutions and governments. In effect, this means understanding one other and valuing the other’s culture

³⁰ Address of the Holy Father, Meeting with the Members of the General Assembly of the United Nations Organisation, United Nations Headquarters, New York, Friday, 25 September 2015.

³¹ Address of His Eminence Pietro Cardinal Parolin, Secretary of State of His Holiness Pope Francis, to the 69th Session of the United Nations General Assembly, 29 September 2014; Remarks by H.E. Archbishop Bernardito Auza, Permanent Representative of the Holy See to the United Nations At the Conference on “The Persecution of Christians Globally: A Threat to International Peace and Security” United Nations, New York, 17 April 2015; Intervention of H.E. Archbishop Bernardito Auza, Apostolic Nuncio and Permanent Observer of the Holy See to the United Nations Security Council Open Debate on “The situation in the Middle East”. New York, 22 October 2015.

³² By H.E. Archbishop Paul Richard Gallagher, Secretary for Relations with States of the Holy See, United Nations Security Council Open Debate on “Settlement of Conflicts in the Middle East and North Africa and countering terrorist threat in the Region”. New York, 30 September 2015.

and circumstances. It also entails having concern for each other by sharing spiritual and cultural patrimonies and offering opportunities for human enrichment.”³³

Such efforts to promote dialogue and understanding should not be limited to international forums, but could also be pursued in Australia.

Dialogue to promote peace

Caritas Australia, the international aid agency of the Australian Catholic Bishops Conference, points to two key examples of the importance of interreligious dialogue as a powerful way to promote peace and understanding.

The first is the ongoing ethnic and religious persecution of the Muslim Rohingya people in Myanmar where once again violence has recently escalated. His Eminence Cardinal Charles Maung Bo addressed the United Kingdom Houses of Parliament last year, saying:

“The plight of the Rohingyas is an appalling scar on the conscience of my country. They are among the most marginalised, dehumanised and persecuted people in the world. They are treated worse than animals. Stripped of their citizenship, rejected by neighbouring countries, they are rendered stateless. No human being deserves to be treated this way. I therefore appeal for assistance: humanitarian aid, and political assistance to help us resolve this conflict. There is a need to bring Rakhine and Rohingya together, to bring them around a table, to bring voices of moderation and peace together to find a solution.”³⁴

This is an example where effective dialogue is desperately needed.

The second, much more positive case, is of the Caritas Sri Lanka National Peace Program.

The program promotes healing and reconciliation following the protracted civil war which caused religious, ethnic and geographical polarization among people of different ethnic and religious communities and allowed the emergence of extremists groups creating mistrust, suspicion and hatred leading to violence in Sri Lanka. The program addresses this profound discord by advocating, at various levels in Sri Lankan society, reconciliation, unity and good governance, following recommendations of the Lessons Learnt and Reconciliation Commission. For its implementation, this advocacy uses the mobilized force of 13 Caritas diocesan centres in 12 Church dioceses, effectively covering all nine provinces in Sri Lanka. The activities include regular local meetings of religious leaders from various faith communities to build understanding and discuss and respond to any issues.

There is the opportunity to leverage the power of dialogue in Australia too.

The Australian Catholic Bishops Conference and its agencies, such as Caritas Australia and other international agencies based in Australia such as Catholic Mission and Aid to the

³³ Address of His Eminence Pietro Cardinal Parolin, Secretary of State of His Holiness Pope Francis, to the 69th Session of the United Nations General Assembly, 29 September 2014.

³⁴ The Plight of the Rohingya – His Eminence Cardinal Charles Maung Bo Addresses the Houses of Parliament, London, 25 May 2016. <https://forbinfull.org/2016/06/14/the-plight-of-the-rohingya-his-eminece-cardinal-charles-maung-bo-addresses-parliament/#more-552>

Church in Need, could join with the Australian government in organising inter-religious dialogues.

The ACBC has sent delegations to international areas of conflict and persecution as witnesses to peace. These delegations might in the future include religious leaders from other denominations and faiths. There is an opportunity to join with Caritas and other faith groups to promote further inter-religious development and peace initiatives. Such initiatives might build on the Australian Government's Regional Interfaith Dialogue which it co-sponsors with Indonesia, the Philippines and New Zealand.

Conclusion

Religious freedom is a fundamental human right which recognises the central place that faith plays in the daily lives of so many Australians and in the lives of an increasing proportion of people across the globe. This freedom is not adequately recognised in Australian law. Religious freedom is under threat internationally with the great majority of people living in countries with high levels of restriction on religious practice. Australia has an important role to play in recognising and respecting religious freedom and in promoting dialogue and other initiatives internationally to protect people who are persecuted because of their religious beliefs, including Christians as the most persecuted religious group in the world.

I would be happy to answer any questions the Committee may have.

Yours sincerely in Christ

ARCHBISHOP OF MELBOURNE
President
Australian Catholic Bishops Conference