

## Violations of religious freedom

### Causes of violations

- 6.1 While there probably will never be agreement on the possible causes of violations of the freedom of religion and belief that occur around the world, this inquiry received a number of suggestions for consideration.
- 6.2 In a 1996 report, the UN's Special Rapporteur on Religious Intolerance identified seven categories of violations of the UN's Religion Declaration, and concluded that their major causes were intolerance and discrimination. These were violations of:
- 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.
- 6.3 The Special Rapporteur also noted persistent examples of intolerance and discrimination based on religion or belief in a range of nations, regardless of their stages of development or political, social and religious systems. These violations occur because:

- governments are guilty of religious intolerance through hostility to all religions, or as advocates of a majority that is intolerant to minority religions, or
- religious differences coincide with ethnic or racial differences.<sup>1</sup>

6.4 At the beginning of its submission, DFAT quoted from a 1987 report of an earlier UN Special Rapporteur on Religious Intolerance:<sup>2</sup>

In some cases, intolerance is institutionalised and based upon legislation, but most often it stems from voluntarily intolerant attitudes and conduct derived from habit, prejudice or hatred.

6.5 In their submission, Ms Anita Chauvin and others suggested that the following causes could be given for violations of freedom of religion and belief:

- fear of losing power;
- the need to be right because of ideology and paternalism;
- fear of 'losing face';
- fear of roll-on effects, and
- entrenching power by unrealistic lobbying.<sup>3</sup>

6.6 The submission from the Humanist Society of Queensland Inc claimed that particular violations of human rights could include:

- prohibiting the exercise of the rights defined in UN instruments, under threat of imprisonment, fines, or even death;
- armed conflict in which religious conflict or injury to those of different beliefs is a major objective;
- various forms of discrimination because of personal beliefs;
- use of force or inducements to abandon one belief system for another;
- failure of authorities to control non-state organisations or mobs that are curtailing the freedom of others;
- giving special privileges to one religion not available to others, and
- introducing legal impediments to prevent the peaceful criticism of religious claims.<sup>4</sup>

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1 DFAT: Submissions, pp. 254-255, Transcript, 28 February 2000, p. 245. See also comments by the Australian Catholic Bishops' Conference, Submissions, pp. 990-991.

2 Submissions, p. 241.

3 Submissions, pp. 348-350.

- 6.7 More generally, it also claimed that one of the principal reasons for the denial of ‘religious human rights’, and the violence and conflict therefrom, was the attitudes of religions themselves. While all claim truth to themselves, some are more intolerant than others. They can be classified as ethnic or national, such as Judaism or Hinduism, or universal or evangelical, such as Christianity and Islam.
- 6.8 According to this analysis, the Society asserted, ethnic religions may generate some conflict with other such religions, but they do not normally seek to convert others. For some, the only source of entry is through birth. While there could be conflicts based on other matters, they co-exist more or less peacefully with other religions.
- 6.9 Universal evangelical religions are driven by their inner logic to convert the world, generating animosity after conversion in some situations. If conversion is resisted, persecution can follow. This submission also asserted that the history of Christianity and Islam provides evidence of how the drive to convert others, and failing that to kill or persecute them, has been the most prolific cause of religious oppression.
- 6.10 Other religions have better records of tolerance than Christianity and Islam. But when one of these militant religions encounters a more tolerant one, the latter tends to be corrupted and forced into a more intolerant position to survive. This submission quoted the example of the impact of Islam on a previously tolerant Hinduism in India.<sup>5</sup>
- 6.11 Elsewhere in its submission the Society argued that, if some of the causes of religious violence and lack of freedom are to be avoided, States should be encouraged to move towards secularism. This was where a constitution declared that it was a secular state, one that did not endorse a particular religion.<sup>6</sup>

## **Australia’s efforts to counter violations**

- 6.12 In recent years, knowledge of violations of human rights around the world has become more easily available and widespread. It is not now acceptable simply to be aware of these matters, and then to fail to do anything with this knowledge.

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4 Submissions, p. 957.

5 Submissions, pp. 958-959.

6 Submissions, pp. 962, 963.

- 6.13 Australia has a reputation as a secular nation which has a range of mechanisms to protect human rights generally and freedom of religion and belief in particular. It views all human rights violations, in whatever area, equally. DFAT's submission to this inquiry set out a number of cases where actions have been taken in a variety of ways about violations of this right. Specific representations had been made about the situation of:<sup>7</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 freedom in the PRC;
  - non-Muslim communities in Indonesia;
  - non-Muslims in Sudan, and
  - Copts in Egypt.<sup>8</sup>
- 6.14 DFAT has made 'strong representations' to the Chinese Government that the actions it has taken infringe the rights of Falun Gong's adherents to peaceful expression of views, freedom of assembly or association, and freedom of thought, conscience or religion.<sup>9</sup>
- 6.15 Through its development cooperation program, Australia has also made financial contributions to projects, such as assisting in the constitutional review in Fiji and institution building in Indonesia through contributions to Komnas HAM.<sup>10</sup>
- 6.16 In addition to such specific financial contributions, this country co-sponsors resolutions related to religious freedom at UNGA and through various UN bodies.<sup>11</sup>
- 6.17 Australia also played a leading role in the establishment of the Asia Pacific National Human Rights Institutions, made up of the Human Rights Commissioners of India, Indonesia, New Zealand, the Philippines and Sri

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7 Australia's various Federal and State mechanisms for protecting freedom of religion and belief are set out in Chapter 4.

8 Submissions, pp. 243, 270-280 (*passim*).

9 DFAT: Transcripts, 24 September 1999, p. 11, 28 February 2000, p. 241. See paragraph 5.82.

10 DFAT, Submissions, pp. 264, 265.

11 DFAT, Submissions, pp. 260-262.

Lanka. A number of other nations in the region are being encouraged to join.<sup>12</sup>

- 6.18 Australia established the Centre for Democratic Institutions (CDI) in 1998. It aims to harness the best of this country's democratic experience, to improve governance in developing countries, and thereby improve the environment for realisation of all human rights, including freedom of religion and belief. The Centre carries out a range of programs on electoral, parliamentary and judicial procedures, as well as the processes broader society can contribute to democratic decision-making.<sup>13</sup>

## Overview

- 6.19 The violations of freedom of religion and belief set out in some detail in the previous Chapter were some of the more important and/or flagrant presented during this inquiry. Their use does not mean that those that were provided but not used were unimportant or irrelevant. Endless additional examples could have been provided of violations, real and potential, of this freedom in other countries.
- 6.20 The Committee received a great deal of material setting out violations of the right to freedom of religion and belief. It has sought to use this material to demonstrate the range of the abuses of this right. At the same time, the Committee has tried not to dwell too heavily on some countries, or on particular religious beliefs.
- 6.21 Even such a partial list of violations makes sad and serious reading. While in some of these cases, it has been possible to include material that goes some way to completing the picture provided, most of the accusations of violating freedom of religion and belief seem to stand as presented. In many cases, it is difficult to separate religious matters from those of ethnicity or nationality, making possible solutions even more difficult to find, let alone implement.
- 6.22 Many of the violations set out in Chapter 5 can be substantiated. Some of them are simply allegations that may or may not be true, but which could be disputed by experts or by those with a different view of particular situations. This Committee cannot verify all of these violations, and has taken the view that it should rely on the balance of the evidence.

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12 DFAT, Submissions, p. 266.

13 DFAT, Submissions, pp. 265-266.

However, it would clearly be inappropriate to accept blindly some of the more exaggerated and unsubstantiated claims.

- 6.23 The submission from the Humanist Society of Queensland Inc pointed out that, in the UN's eyes, denial of any of the rights mentioned in its principal instruments constituted a violation of religious rights. They seemed to be related to actions by governments. In fact the submission argued, in the modern world, violations of religious human rights are increasingly carried out by 'extra-government bodies', sometimes by religious bodies themselves, but also by terrorist groups and by organised mobs. The Society suggested that there is a case, therefore, for a broader interpretation of this category of violations of human rights abuse.<sup>14</sup>
- 6.24 In her submission, Ms Pat Hillcoat drew specific attention to violations of Indigenous spirituality by Australian governments. This matter is addressed as part of the consideration of Indigenous religious traditions in Australia, in Chapter 9.<sup>15</sup>
- 6.25 The various resolutions, representations and contributions Australia makes will probably not be able to contribute a great deal to improving the conditions of those whose freedom of religion and belief has been violated. Nevertheless it is important that nations like Australia, with a proven record on religious freedom, make it plain that they do not accept that such violations should occur. They should also, if possible and practicable, try to assist in rectifying problems where they occur.
- 6.26 It is sobering to realise that many of those who contributed to this inquiry believe that Australia's own record on freedom of religion and belief is not perfect. Some of the material set out in the previous Chapter made this clear. Many of those who forwarded submissions to this inquiry drew attention to Australia's good record as a tolerant nation. Some other commendations were severely qualified by reference to links between religious belief, the decline of Christian standards and the impact of multiculturalism on Australia.<sup>16</sup>

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14 Submissions, p. 956.

15 See Submissions, pp. 699-708 (*passim*).

16 See, paragraphs 4.5-4.27 and, for example, submissions noting this good record from: Rev John McNicol, pp. 20, 25, Rev Stuart Hall, p.68, and Mr Bob Fung, p. 431. Submissions that were more critical included: Australian Ownership and Security Alliance, p. 564, Mr Geoff Pickering, pp. 588-592, Christian Solidarity (Australasia), p. 635 and Dr Dallas Clarnette, pp. 717-718.

6.27 Many of those who forwarded submissions therefore drew attention to a need for this country to ‘put its own house in order’. The suggestions made in this context are discussed in Chapter 8.<sup>17</sup>

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<sup>17</sup> See, for example, submissions from: the Humanist Society of Queensland Inc, pp. 129, 954, Mr Peter Fewell, p. 182, Mr Brian Hurlock, p. 235, Ms Anita Chauvin *et al*, p. 339, The Religious Society of Friends (Quakers), Canberra, p. 665, Rev Helen Summers: Submissions, pp. 868, 1008, Transcript, 22 October 1999, p. 221.

