

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
AUSTRALIAN HUMAN RIGHTS COMMISSION

Question No. 2

Senator Barnett asked the following question at the hearing on 25 May 2011:

Will the recent decision of the 47-member UN Human Rights Council in Geneva, in which they unanimously agreed to replace the traditional condemnation of religious defamation with a resolution underlining the right of individuals to freedom of belief, have any influence on or consequences for Australia and the views of the Human Rights Commission in particular?

The answer to the honourable senator's question is as follows:

No. The recent change in language in the Human Rights Council resolution is in line with views that the Australian Human Rights Commission has previously expressed.

Human rights are defined for the purposes of the Commission's functions as the rights recognised in, inter alia, the International Covenant on Civil and Political Rights (ratified by Australia in 1980) and the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief. These instruments refer to freedom of religion and belief. They do not use the term "defamation of religions".

In 2008, in response to an invitation from the United Nations High Commissioner for Human Rights for comments in response to General Assembly resolution 62/154 (18 December 2007), the Australian Human Rights Commission published comments, available on its website at http://www.humanrights.gov.au/racial_discrimination/partnerships/religiousdefamation/index.html. In these comments the Australian Human Rights Commission indicated concerns about the use of the term "defamation of religions" in discussing measures to combat discrimination, violence and exclusion.

For the above reasons, we do not see the recent resolution as having any consequences for Australia.