

COMMITTEES: Foreign Affairs, Defence and Trade Committee: Report

Mr NUGENT (Aston) (12.40 p.m.) —On behalf of the Joint Standing Committee on Foreign Affairs, Defence and Trade I present the committee's report, incorporating a dissenting report, entitled *Conviction with compassion: a report on freedom of religion and belief*, together with the minutes of proceedings and evidence received by the committee

Ordered that the report be printed.

Mr NUGENT —The report that I have just tabled is an important one on a significant topic. The committee believes that human rights are universal and indivisible and that any violations of any human rights are to be condemned. Thus, violations of freedom of religion and belief are violations of fundamental human rights. It is comparatively simple to make that philosophical statement. It is also easy to use words such as 'religion', 'freedom' and 'belief'. It is much harder to try to define them with precision. These words can mean very different things to a range of people. More importantly, the things that flow from those concepts can be very different for some groups, especially minorities whose views are out of step with governments. Topics such as freedom of religion and belief involve ideas that are central to people's lives. They are important but very difficult concepts to discuss, let alone implement. It is worth pointing out that the members of the Human Rights Subcommittee who undertook this inquiry have their own views on belief freedom and on religion in particular. It is unlikely, therefore, that this inquiry and this report will satisfy everyone involved.

There was one jarring note in the material that we received. This was the excluding view taken by some who, while espousing tolerance, went on to say that Christianity was superior to all other beliefs. Linked to this in some submissions was a view that, as Christian standards had 'declined' with increasing multiculturalism, Australia had been divided into distinct communities at the expense of the all-inclusive society that had served it so well in the past. Committee members were not comfortable with this view. It seems to us that willing tolerance of different beliefs should be the essence of all religions and that to hold one up as superior is to betray the concept of tolerance.

I would like to take this opportunity to thank all my colleagues on the subcommittee for their hard work during the inquiry, particularly during the process of clearing the chairman's draft report at subcommittee level. This inquiry was widely advertised and we received over 100 submissions, including a number of confidential documents. The subcommittee held five public hearings in Canberra, Melbourne and Sydney, hearing from nearly 50 witnesses from a variety of organisations with an interest in this topic. The subcommittee thought it was particularly important that this inquiry received the views of the major Australian churches. We were fortunate to receive some detailed submissions which set out their positions very clearly. The churches have made a valuable contribution to the inquiry process.

The subcommittee was very aware of the work done by Australia's Human Rights and Equal Opportunity Commission, HREOC, in its report to the government titled Article 18: freedom of religion and belief. This report was finalised in July 1998. In *Conviction with compassion*, the committee has made a total of nine recommendations. As I am sure some of my colleagues will want to discuss some of these in detail, I will summarise them only briefly. They dealt with: continuing support for the work of HREOC; the tabling of a government response to the HREOC report; coordination of Commonwealth, state and territory legislation in Australia to achieve a greater degree of uniformity in human rights law and practice in this country; greater promotion of freedom of religion and belief by Commonwealth, state and territory governments; promotion by the government of the universality and indivisibility of all human rights within its various international relationships; support for the United Nations

in its work of extending and promoting freedom of religion and belief; continuation of government support for good governance and human rights programs; continuation of programs assisting international non-government organisations; and convening an interfaith dialogue to formulate standards for the practices of cults. These recommendations all represent achievable ways to improve freedom of religion and belief internationally and, given the powers of the various levels of government, within Australia.

One of the terms of reference for this inquiry asked us to address the extent of violations of religious freedom around the world and the probable causes of those violations. Some of the material we received on violations of that freedom is set out in chapter 5. We have not sought to focus attention on any particular country or any particular religion. This material makes very depressing reading, but it is only a selection of the amount we received. Chapter 6 includes a number of suggestions about the causes of those violations. These do not make pleasant reading either and include such basic things as fear of losing power and of 'losing face'. While many of the matters in the report relate directly to the broad terms of reference for the inquiry, three additional subjects were also addressed: taxation arrangements for religious bodies, cults, and indigenous religious traditions.

A witness drew our attention to what he saw as inconsistencies within the current arrangements for provision of taxation concessions for religious bodies. The Prime Minister has set up an inquiry to examine the definition of charitable, religious and not-for-profit organisations. It will also examine their 'attributes, purposes and behaviour'. The Prime Minister's inquiry will examine a significant area of Australian life. The committee will look at the government response to that inquiry, due by the end of March 2001, with great interest. Cults, however they are defined, can cause great misery to individual adherents and to those close to them. Part of the problem is defining the prime characteristics of cults and fixing problems when their practices threaten their own members. We have recommended that the Attorney-General convene an interfaith dialogue to formulate standards for the practices of cults. Such standards would go some way towards reducing the harmful aspects of their behaviour.

Indigenous religious traditions are not well known in Australia. As the report points out, there have been problems with the way Western society and legal systems generally have dealt with these traditions. The use of terms such as 'spiritual' and 'sacred' without definition was given as an example of one of those problem areas. In its submission, HREOC concluded that recognising and respecting the relationship of indigenous Australians to the land 'should be a central part' of this country's efforts to protect freedom of religion and belief. The committee particularly noted the words of the UN's Special Rapporteur Against Religious Intolerance following his 1997 visit. His report called for more understanding of all indigenous issues generally and especially for greater understanding and tolerance of indigenous religious traditions.

In a long inquiry such as this there are always many people who should be thanked. In particular and on behalf of the committee, I would like to thank those who forwarded submissions to this inquiry and those who gave evidence at the public hearings. Without those valuable contributions the inquiry would be the less. There is one specific contribution that needs to be acknowledged, even if it was in some ways inadvertent. In his submission, the Reverend Dr Peter Crawford of St Mark's Anglican Church in Emerald, Victoria, used the phrase 'conviction with compassion rather than faith with fanaticism'. This phrase seemed to sum up the committee's overall conclusions perfectly, and we would like to express our thanks to Reverend Crawford for providing us with the title for our report.

The committee secretariat laboured long and hard over this report. Particular thanks are due to Catherine Cornish, who worked on the inquiry until February this year. Inga Simpson wrote two long and very valuable chapters that provided much of the historical and philosophical

background for the report. Valuable administrative support was provided by Jennie Wilson and then by Belinda Stewart. But the prime acknowledgment should be to Patrick Regan who, on joining the committee part way through the inquiry, which is no mean task, underwent something of a baptism of fire but survived well. On behalf of all the committee members, I express our thanks to Patrick and his team.

In its next inquiry, the Human Rights Subcommittee will examine the link between human rights and development cooperation. This will be far more familiar territory perhaps and quite different from the range of philosophical and practical problems thrown up by the powerful combination of religion and freedom. It is our hope that Conviction with compassion receives wide attention and makes a contribution to the growth of tolerance, particularly in Australia. I commend the report to the House.

Mr SNOWDON (Northern Territory) (12.50 p.m.) —I am pleased to support the committee chairman, Mr Nugent, in his general comments on this important report, particularly his remarks relating to the secretariat. The topic for this inquiry was both difficult and complex, so this was not an easy inquiry. It was also a difficult report to draft and clear. The term 'tolerance' can be very carefully defined for particular situations. It is a matter for concern that the concept of tolerance can be endorsed in one breath and effectively denied in the next. This was done in a small number of submissions. It was also the case that a few submissions linked a 'decline in Christian standards' in Australia with what was seen as the rise of multiculturalism. These are not the attitudes of truly tolerant people. I think most of my colleagues on the committee thought that Australia had moved beyond such narrow views. We must always remember that religion is and should be a private matter; one of those matters about which individuals decide for themselves. It was not always so in this country, as there were times when individuals were judged according to their religious beliefs. For example, religion became an issue during the debate over conscription in the First World War. The nation suffered for many years because of the resulting divisions within the community. Governments should not become involved in religious matters unless, for example, the rights of individuals or minorities to follow their beliefs are being infringed in some way and government action is the only way to resolve a situation.

Our report on this subject is not the only one that has been issued in recent years. In July 1998, the Human Rights and Equal Opportunity Commission, HREOC, finalised a report on freedom of religion and belief. This was also the result of a substantial inquiry. It made a number of important recommendations about freedom of religion in this country, but its central recommendation was that a religious freedom act should be enacted in Australia. In February 1999, the government announced that it would not be adopting this important recommendation. It is not convinced that problems for freedom of religion in Australia are wide ranging enough to require such a legislative response. It has also advised the committee that any further response to the HREOC report was 'under consideration'.

The committee accepts that there are few serious problems involving this freedom in this country. Legal definition of the rights and obligations in this important area will not automatically solve any problems that arise, but legislation has a curious way of ensuring that everyone focuses on what they ought to do. We also think that it is not good enough that the matter is still under consideration by the government after more than two years. There has now been more than enough time to respond to this report. We urge the government to respond promptly and positively to the range of issues raised by HREOC. For example, its report makes recommendations about such matters as rights of family members in relation to decisions about autopsies and about changes recommended by the Jehovah's Witnesses to laws governing parental consent to medical treatment of children. It is very difficult to see why these matters should not be addressed by the government in a response to the HREOC report.

Just as it is clear that the government does not want to address the HREOC report, so it is likely that it will resist some of our recommendations. This would be a pity. Because of the different powers held by the Commonwealth, states and territories, and because it is a largely private matter, religion is a difficult area for governments. We believe our recommendations are both practical and achievable and that, if implemented, would make a contribution to greater tolerance both nationally and internationally. I join with the committee chairman, the honourable member for Aston, in commending the report to the House.

Mr BAIRD (Cook) (12.54 p.m.) —I join the other speakers today and the other members of the Human Rights Subcommittee in supporting this report on religious freedom. Growing up in Australia, we are blessed by many things. We are a democratic country where citizens enjoy freedoms of association, speech and religion. Freedom of religion in Australia and overseas was the subject of this report. We can celebrate in Australia our freedom to worship our God in our own way without fear or hindrance. This is not the case in many countries overseas, and we can be grateful for our freedoms here. For someone like me who is a Christian, freedom to pursue my religious beliefs is absolutely paramount. My Christian belief gives me hope, purpose and a sense of joy and fulfilment. I know that most people who follow Christ confess to the same experience. As it is so significant to me, it is equally important that we safeguard the same rights of others to follow their own religions.

Our report looked at religious freedom within Australia and overseas. It is somewhat disappointing that we did not receive the level of support we were hoping for from the mainstream churches in Australia in terms of submissions, but, nevertheless, we had much valuable input from those who did appear before the inquiry and who put in written submissions. I would particularly like to acknowledge the excellent chairmanship of Peter Nugent, Chairman of the Human Rights Subcommittee and the member for Aston, and also the very hard work put in by the secretary of the Human Rights Subcommittee, Patrick Regan. Our recommendations recognise the importance of the Human Rights and Equal Opportunity Commission in its work relating to religious freedom, and we recommend that the Australian government continue to encourage and support its work. We believe it is appropriate that the government table in parliament a response to the recommendations made in the report given by HREOC article 18—freedom of religion and belief.

The committee also saw the importance of a coordinated review of Commonwealth, state and territory law to ensure full protection in issues of religious freedom and greater uniformity of laws related to human rights law and practice in Australia. This would also look at ways of promoting and extending religious freedom within the states' and territories' areas of responsibility. The committee was keen to see that the government take every opportunity in multilateral and bilateral relationships to promote the importance of religious freedom. While focus is usually on trade and commerce issues in such forums, nevertheless the committee believes that these additional issues should be raised. As a member of the committee formed to look at Australia's relationship with the UN post-Cold War, it was interesting to note, during our visit to New York, the role the UN takes and its interest in the issues of human rights and religious freedom. The committee saw the importance of the UN's work in this area and believes that the Australian government should continue to support the UN in its work and role in protecting freedom of religion and belief.

The committee noted the role undertaken by the Centre for Democratic Institutions and the Australian Agency for International Development in human rights programs and recommended that the government support funding for these agencies in their role of promoting and protecting the freedom of religious belief. The committee reviewed questions of religious freedom in China, Indonesia, Cambodia, Vietnam and a number of other countries, and expressed our concern at the lack of religious tolerance in some of these areas.

Obviously, continual monitoring of religious freedom in these countries will continue to be a role for the Human Rights Subcommittee and also Amnesty International.

The inquiry was a particularly interesting one which not only called for increased vigilance of religious freedom both in Australia and overseas but also highlighted the progress that Australia has made in this area. Religion will continue to be vitally important to many Australian citizens, and it is important that we remain vigilant in ensuring that we continue to enjoy all aspects of our religious freedom and celebrate it long into the future. It is a concern at this time that, in some countries, leaders of churches and priests and ministers of religion are put into prison because of their faiths and their leadership of the Christian faith and other faiths. It is for that reason that this House will continue to monitor developments in these countries and also within our own country to ensure universal tolerance of religious freedom.

Mrs MOYLAN (Pearce) (12.59 p.m.) —I join my colleagues and thank the chair of the Human Rights Subcommittee of the Joint Standing Committee on Foreign Affairs, Defence and Trade, the honourable member for Aston, for his tremendous work in leading this inquiry. I also thank my fellow committee members and the committee secretariat, led by Patrick Regan, who have done a very good job. This inquiry raised a range of important issues—some of which have been dealt with by previous speakers—including some concerns about the degree of tolerance extended to adherents of other religious beliefs.

To follow up the point made by the chairman, I would like to comment on the title that the committee has chosen for this report: Conviction with compassion. In his short submission to the inquiry, the Reverend Dr Peter Crawford argued for freedom of choice in religious beliefs for each person, without abuse: economic or educational or any other penalty. This freedom of choice should extend to the ability to change those beliefs. He went on to point out that religious groups, including churches and their membership, must be able to share their beliefs with others. He noted that this sometimes leads to an exclusive view of salvation in some religions and religious groups. While propagation is an important part of the greater value of religious freedom, proclamation of the revelation of the religious idea should not lead to intolerance of other beliefs.

The Reverend Crawford argued that religious people must be able to teach their children the basics of their faith. He believes that the greater the emphasis on education and reason, the more likely it is that the choice to believe will lead to conviction with compassion rather than faith with fanaticism. In quite a short submission, the Reverend Crawford raised many of the issues that were central to this inquiry. Moreover, the phrase 'conviction with compassion' neatly summarised what the committee thought the message of this inquiry should be—as the chairman has already pointed out.

My colleagues have already mentioned the universality and individuality of human rights and the observance of human rights as a key factor in improving religious freedom within a country. Through AusAID, Australia's development cooperation program continues to support democratic development and the building of human rights institutions in developing countries. They do some fantastic work and the committee has recommended that the government should continue its support and funding of the various good governance and human rights programs undertaken by both the Centre for Democratic Institutions and AusAID.

I want to touch briefly—there is not a lot of time—on issues in relation to China and Tibet. The committee received a considerable amount of material about religious freedom in China in general, including specific references to Falun Gong and to Tibet. I believe the latter situations raise some important issues of principle. I think most people would accept the view that individuals and religious bodies should be able to practise their beliefs provided they abide by the law of the land. If you accept this view, it is possible to debate at some length the consistency and wisdom of the restrictions that some governments can place on religious bodies with which they are uncomfortable. In any case, religious bodies put themselves in a

difficult practical situation if they place themselves above the law of the land, carry out unlawful activities and then claim to have been victimised. That is an important point. I have visited China on many occasions, both privately and with delegations, and I moved freely amongst the Tibetan people—unaided and unaccompanied by Chinese officials—on my visit to that country. In fact, I was in the company of two colleagues from this chamber. I have seen people worshipping freely in the temples in China. I think it is important to remember that China is a vast country with 1.27 billion people and about 56 ethnic minorities. I think there must be a certain patience and tolerance, but we should never tolerate religious intolerance and abusive treatment of people in any situation or in any country. However, I think we must be fair. There have been many changes in Tibet in the last few years and I hope that they are changes for the good. I urge people to take the opportunity to visit that country because, by seeing what is going on at first hand, we can use our influence to encourage greater religious freedom and, hopefully, greater tolerance of people's religious beliefs. (Time expired)

Mr PRICE (Chifley) (1.04 p.m.) —Like the honourable member for Pearce, I congratulate the chairman of the Human Rights Subcommittee of the Joint Standing Committee on Foreign Affairs, Defence and Trade, the honourable member for Aston, on exercising a range of skills in bringing committee members together regarding this report. We thank him for that effort. I also thank the committee secretariat, particularly Inga Simpson and Patrick Regan—I am not sure what baptism he undertook, but I will accept the chairman's comment that it was a 'baptism' in line with the topic of freedom of religion.

As my colleagues have said, there are many aspects to the subject of freedom of religion and belief, and to this report. In its deliberations, the subcommittee took as its starting point the principle of the universality and indivisibility of all human rights. These are enshrined in the Universal Declaration of Human Rights, adopted by the United Nations in 1948 and reaffirmed in different ways in a number of declarations and international conventions since then. Like the honourable member for the Northern Territory, I would like to see a bill of rights in Australia. I can think of no parliamentary committee that would draft a model bill of rights better than the Human Rights Subcommittee. Perhaps one day I will serve on the subcommittee that does so.

The subcommittee supported the government's view that violations of any human rights should be viewed seriously. Any violations of freedom of religion and belief are violations of fundamental human rights. Thus it also believes that improving the overall observance of human rights is a key factor in improving religious freedom in a country. One of the most difficult of the terms of reference for this inquiry was the requirement to focus on the extent of the violations of religious freedom around the world and the possible causes of those violations. An examination of the material in chapter 5 of the report shows something of the range and number of violations of religious freedom to which the committee's attention was drawn. It is depressing to note that not all the detailed material that was given to us has been used in the report.

The report refers to a number of countries that have already been mentioned, but I wish to turn to the situation in the Sudan. DFAT has advised that Christians, animists and Muslims in that country who do not follow the official line suffer restrictions on their religious freedom or are exposed to discrimination—even persecution—in other areas of their lives. Forced abduction and conversion to Islam of children from the south of the country is a matter of particular concern. That problem is represented to me constantly in my electorate.

The subcommittee has made nine recommendations on matters ranging from support for the United Nations and for Australia's Human Rights and Equal Opportunity Commission—whose budget has been severely curtailed—to promoting the universality and indivisibility of all human rights in Australia's multilateral and bilateral relationships. It is very important to

note the limited powers available to the federal government in this area: most of the powers are exclusive to state and territory governments. Hence, we have recommended that the Commonwealth coordinate a review of state and territory legislation to ensure the maximum degree of domestic protection of freedom of religion in order to introduce a greater degree of human rights law and practice in Australia. I certainly hope that the government will respond positively to that move.

The last appendix in the report lists some of the relevant human rights legislation in this country. This list shows that there is a considerable amount of this legislation. It also shows that the subjects covered are wide ranging. The important issue is: how effective are these laws in protecting human rights, and freedom of religion and belief in particular, in this country? If adopted by the government, our third recommendation would go some way to answering this question. With sufficient will to proceed, it would then be possible for the various jurisdictions to plug any gaps that might be found, where appropriate, and provide for a greater degree of uniformity.

As the committee chairman has pointed out, this was a very long and difficult inquiry. It also raised some issues that were not explicit in the terms of reference but which the committee believed had to be addressed. The most significant of these was indigenous religious traditions. These are not well understood in Australia, and the committee refers to a report by a UN official following a visit here in 1997.

Mr DEPUTY SPEAKER (Mr Nehl)—Order! The time allotted for statements on this report has expired. Does the member for Aston wish to move a motion in connection with the report to enable it to be debated on a future occasion?

Mr NUGENT (Aston) —Mr Deputy Speaker, before I move the motion, may I just put on the record that, in tabling this report, there was a typing error in what I read out. There is no dissenting report attached to this particular report. I move:

That the House take note of the report.

I seek leave to continue my remarks later.

Leave granted.

Mr DEPUTY SPEAKER —In accordance with standing order 102B, the debate is adjourned and the resumption of the debate will be made an order of the day for the next sitting, and the member will have leave to continue speaking when the debate is resumed.