

Race and Religion



Australian
Human Rights
Commission

Australia's third UPR | 2021

Background

Australia is a multicultural, multi-lingual and multi-faith nation. Almost half (49%) of Australians were born overseas or have a parent who was. Over 300 languages are spoken, in addition to Indigenous languages. Australians identify with more than 300 ancestries.¹ According to the 2016 Census a majority of Australians (more than 60%) identify with a religion.²

Despite Australia's strong commitment to multiculturalism, the expression of racial hatred, vilification and discrimination remains persistent in Australia.

Similarly, while many people of faith in Australia report that Australia offers peace and freedom to practice their religion, [the Commission's research](#) has shown that some people of faith experience serious harms on the basis of their religious identity. We use the term 'serious harms' to include experiences of violence, abuse, intimidation, severe discrimination and some forms of vilification.

Key Issue – Islamophobia, far-right extremism and cyber racism

Islamophobia is on the rise in Australia. The level of negative sentiment towards Muslims remains high, which has in turn led to a higher

proportion of Muslims having experienced discrimination compared to other ethnic groups.³ [The Commission is particularly concerned](#) about the increase in severe Islamophobic attacks in public spaces, which are often preceded by anti-Islam political rhetoric and media coverage.

The Commission is also concerned about the growing threat of far-right extremism. Notably, extreme right-wing groups are more organised and security conscious than ever before, and they have made more use of online propaganda to spread their messages of hate.⁴

The Commission is also concerned about the stark increase in cyber racism, especially in mostly unregulated online spaces such as social media.

Recommendation

Government support social cohesion, community harmony and national unity initiatives underpinned by accurate data

Key Issue - The need for a new national anti-racism approach

In the Commission's submission for the previous Universal Periodic Review, the Commission commended the Australian government for its commitment to combatting racism by supporting the National Anti-Racism Strategy and Partnership. The national anti-racism campaign central to the Strategy, [*Racism. It Stops with Me*](#), had more than 320 organisational supporters.

However, the Strategy was only funded until 2015. In light of the emerging issues highlighted above, and reports of increased racial abuse in the physical and online world throughout the COVID-19 pandemic, [the Commission believes](#) that it is imperative for the Government to renew funding of national anti-racism efforts. The Commission believes a national anti-racism framework with guiding principles and national outcomes can assist government, civil society and community to adopt a consistent, national approach to anti-racism and social cohesion initiatives.

Recommendation

**Government
fund a new
national anti-
racism strategy**

Key Issue – Cultural diversity in leadership

[The Commission is concerned](#) about the lack of cultural diversity represented within the senior leadership positions in Australian business, politics, government and universities. The Commission strongly believes that Australia needs a diversity of ideas, capabilities and cultural intelligence to not only uphold its commitment to multiculturalism, but to also navigate technological, social, economic and geopolitical changes.

Recommendation

**Government
support pathways
to improve the
representation of
cultural diversity
within Australian
leadership**





Key Issue – Lack of federal protection against religious discrimination

There is limited protection for freedom of religion in Australian law. Section 116 of the *Australian Constitution* restrains the legislative power of the Commonwealth to impose or prohibit the free exercise of any religion. There is some protection against discrimination or vilification on the basis of religion in Commonwealth employment law, and in State and Territory laws, but these are inconsistent across jurisdictions.

At the federal level, the Commission can receive and conciliate complaints about discrimination in employment on the basis of religion under the *Australian Human Rights Commission Act 1986* (Cth). The Commission also has the function of inquiring into complaints about acts or practices by or on behalf of the Commonwealth or

under a Commonwealth enactment which may be inconsistent with articles 18 (freedom of religion) or 26 (the right to non-discrimination, including on the basis of religion) of the ICCPR. The Commission can make recommendations at the conclusion of these inquiries but cannot make binding orders to remedy breaches.

For over 20 years the Commission has called for broader protection against discrimination on the basis of religious identity in Commonwealth law. [The Commission's 2018 submission to the 'Religious Freedom Review'](#) recommended that 'the Australian Government follow the recommendations of the United Nations Human Rights Committee to "adopt comprehensive legislation giving full effect" to the ICCPR.'⁵

The Commission has emphasised reform in this area should be consistent with international human rights law and other Commonwealth discrimination laws.

In September 2019, the Australian Government released three draft Religious Discrimination Bills (the Bills) for public consultation. In [the Commission's submission on the bills](#), the Commission strongly supported the introduction of enforceable protections against religious discrimination for all people in Australia, and endorsed the parts of the Bills that would achieve this aim. However, the Commission also expressed its concern that the Bills would provide protection to religious belief or activity in ways that unjustifiably limit other rights, and these elements would have no counterpart in other Australian anti-discrimination laws.

In December 2019, the Australian Government released a second exposure draft of the Bills. These failed to address several of the [concerns expressed by the Commission about the first draft](#). As of the time of writing, the Bills have not been introduced in the Australian Parliament.

Recommendation

Government introduce a religious discrimination law that protects all people in Australia consistently with international human rights law and other Commonwealth discrimination law



Endnotes

- ¹ Australian Bureau of Statistics, *Reflecting Australia: Stories from the Census, 2016*, Cat. No. 2071.0.
- ² Australian Bureau of Statistics media release, [‘2016 Census data reveals ‘no religion’ is rising fast’](#), 27 June 2017.
- ³ The Scanlon Foundation, *The Scanlon Foundation Surveys: Mapping Social Cohesion* (2019).
- ⁴ See ASIO Director General, [Mike Burgess’ Annual Threat Assessment](#), 24 February 2020..
- ⁵ Human Rights Committee, Concluding observations on the sixth periodic report of Australia, CCPR/C/AUS/CO/6, 9 November 2017 [5]