

Summary

Religious Freedom Roundtable

Sydney, 5 November 2015

Background

The Religious Freedom Roundtable is convened by the Australian Human Rights Commission. The Roundtable was an initiative of the Human Rights Commissioner, Tim Wilson. It followed a national consultation on rights and responsibilities, during which the importance of, and threats to, religious freedom was consistently raised by those of faith, those without faith and other sections of the community.

The Roundtable was designed to provide a forum for constructive, respectful and trust-based dialogue about freedom of religion, conscience and belief (“religious freedom”) and its interaction with public policy in 21st century Australia.

The right to religious freedom encompasses the beliefs of all religions, non-theistic and atheistic beliefs, as well as the right not to have a religious faith.

Prior to the meeting of the first Roundtable there was a public invitation for submissions on issues that should be considered by the Roundtable and a draft of a *Statement of Purpose and Guiding Principles*.

Following the submissions process the *Statement of Purpose and Guiding Principles* was refined and an *Issues Paper* to guide the discussions of the Roundtable was produced. A copy of the *Statement of Purpose and Guiding Principles* and the *Issues Paper* can be found [here](#).

The inaugural meeting of the Religious Freedom Roundtable was held on 5 November 2015 at the Australian Human Rights Commission. There were 35 participants (20 male participants and 15 female participants) representing 25 religious and non-faith organisations.

The Roundtable was opened by the Attorney-General, Sen the Hon George Brandis. A copy of the Attorney’s speech is available [here](#). The Human Rights Commissioner also provided introductory remarks. A copy of the Commissioner’s speech is available [here](#).

Preparatory process

At the commencement of the Roundtable participants were asked to consider, make amendments and approve the *Statement of Purpose and Guiding Principles*.

Participants agreed to accept the *Guiding Principles*, which are:

As participants we

1. Respect every person's common humanity and freedom to choose or adopt a religion or belief system, or not to do so.
2. Respect religious freedom is fundamental to the Australian way of life, and should be treated equally to all other human rights and freedoms.
3. Recognise religious freedom is a fundamental human right that should be respected and not limited unless it infringes on the rights of others, such as those listed in Article 18(3) of the ICCPR including those 'necessary to protect public safety, order, health or morals or the fundamental rights and freedoms of others'.
4. Respect religious freedom is as legitimate a basis for participation in public life and civic affairs as any other.
5. Acknowledge Australia is a pluralist, multi-faith society with a secular State.
6. Recognise pluralism necessitates respect for each person's common humanity and tolerance for a diversity of beliefs, both within and between religious faiths, those with no faith, as well as other attributes associated with an individual's identity.
7. Respect no Australians should be excluded from participation in public life or civic affairs because of their faith, age, disability, gender, race, sexual orientation, gender identity, intersex status or other irrelevant personal attribute.
8. Recognise mutual respect is necessary for a functioning pluralist society to advance the rights of all Australians.
9. Recognise that when considering issues that affect the rights of others, it is necessary to provide equal opportunities to engage and consider their perspectives with the objective of accommodating and enlarging the human rights of all.
10. Acknowledge all Australians should be treated equally before the law and government.
11. Recognise that individuals and communities of faith should be free to constructively work with government and other public agencies to protect religious freedom within a society governed by the rule of law.
12. Recognise that individuals and communities should be free to exercise religious freedom within the framework of Australian law and civic life.

Several representatives noted that the language in principles 3, 5 and 11 are 'rich in meaning'.

Participants were also invited to consider, amend and approve the proposed *Agenda*. Participants did so. A copy of the *Agenda* is available [here](#).

The common themes discussed from the *Agenda* were:

- The right to religious freedom intersects with other human rights, particularly the rights to freedom of expression, freedom of association and freedom of assembly. There was some discussion about how this is addressed in international treaties, that those treaties have not been incorporated into domestic law and whether this is possible.
- Religious institutions expressed a need for the freedom to act in a way that is consistent with their purpose, particularly in relation to the selection of employees, clients and the services they provide. There was concern about the current terminology of religious exemptions in anti-discrimination legislation. There were divergent views about the depth and breadth that exemptions should apply for different positions within institutions, and how those exemptions should be justified and determined.
- Noting the influence of language, the use of 'conscience' rather than 'religion' may be more inclusive of non-faith and faith organisations; although this view was not universally held. 'Conscience' also acknowledges the 'internal' and 'external' dimensions of religion, conscience and beliefs. There was an acknowledgment that the 'internal' dimension is absolute, whereas there are limitations to the 'external' dimensions that are necessary to preserve the rights of others. However, there was concern that using binary language of 'internal' and 'external' dimensions doesn't reflect the interconnected nature of belief and practice.
- Religious freedom operates within a wider cultural environment. This means that:
 - religion interconnects with ethnicity and culture
 - religious discrimination can intersect with racial discrimination
 - there can be tension between the rights of individuals and collective rights
 - we should not force people to act against their conscience.
- Social cohesion and religious tolerance is underpinned by mutual respect. The role of government and legislation should be to establish clear boundaries for legal behaviour and not to exacerbate social disharmony. It was recognised that social cohesion is dependent on allowing people to exercise their freedom.
- Education is fundamental to promoting understanding of religious freedom and respect for human rights. Education initiatives must incorporate educating government and the public service, media and the wider community on religious freedom and individual faith traditions.
- There is a need for consideration and consultation on relevant legislation when it may have a serious deleterious impact on religious freedom.

Initiatives for consideration and action

A number of initiatives for consideration and action were identified from these discussions. Participants were invited to consider the merit and commitment of advancing these proposals with their representative bodies. Advancing these initiatives would be based on voluntary participation.

The proposed initiatives included:

1. An initiative to improve religious literacy within government and the public service to ensure religious freedom is appropriately considered in legislative and regulatory reform, or governmental processes. This initiative could also be extended to educate media and the wider community on religious freedom and individual faith traditions.
2. An initiative to develop a model for self-regulation for religious institutions that receive taxpayer's funding for the provision of public services to:
 - develop policies and procedures about how institutions exercise their freedom consistent with their purpose within the framework of law
 - provide clarity to all parties about how that freedom would be exercised to ensure that employees and clients are not unduly harmed in preserving religious freedom
 - improve understanding and remove misunderstandings about how religious institutions seek to engage with others in the community, including people of all faiths including those of no religious faith, ages, disabilities, genders, races, sexual orientation, gender identities and intersex status, as well as others
 - consider the applicability of preserving 'diversity funding' so clients have a choice of services that reflect their values.
3. A long-term discussion with all affected stakeholders – focusing on the common ground between differing perspectives – about how to ensure the rights and freedoms of all are advanced, including that religious freedom is preserved in anti-discrimination law.
4. In addition to future meetings of the Roundtable focusing on the perspectives of atheists, humanists, rationalists and secularists, and the lesbian, gay, bisexual, transgender and intersex communities, that future Roundtable meetings also consider issues regarding the rights of children and the spirituality of Aboriginal and Torres Strait Islander peoples. Any work in these areas will be undertaken jointly with the Children's Commissioner and the Aboriginal and Torres Strait Islander Social Justice Commissioner respectively.
5. The opportunity for participants, based on an opt-in model approach, to coordinate and discuss:
 - reform proposals that would allow for civil marriage for same-sex couples and the preservation of religious liberty

- visitor programs for schools to educate students about different faith traditions and those without religious belief.
- universal values as an umbrella under which all faiths and non-faiths can abide.

List of participating organisations (in alphabetical order)

- Anglican Church of Australia
- Antiochian Orthodox Christian Archdiocese of Australia, New Zealand and the Philippines
- Atheist Foundation of Australia
- Australian Baha'i Community
- Australian Baptist Ministries
- Australian Catholic Bishops Conference – National office for the Participation of Women
- Australian Christian Churches
- Catholic Archdiocese of Sydney
- Church of Scientology Australia
- Federation of Australian Buddhist Councils
- Hindu Foundation of Australia
- Humanist Society of NSW
- Lutheran Church of Australia
- New Organisation of Rabbis of Australasia
- Office of The Grand Mufti of Australia
- Presbyterian Church of Australia
- Rabbinic Council of Progressive Rabbis of Australia
- Rationalist Society of Australia
- Religious Society of Friends in Australia (Quakers)
- Secular Coalition of Australia
- Seventh-day Adventist Church – Australian Union Conference
- Sikh Nishkam Society

- The Church of Jesus Christ of Latter-Day Saints
- The Russian Orthodox Church – Australian and New Zealand Diocese
- Uniting Justice Australia