

CFF Submission on Freedom of Religion or Belief

1. Christian Faith and Freedom Inc. (CFF) is an Australian-based charity which monitors and disseminates news and analysis of violations of the liberty of Christians in many parts of the world. It was founded to alert governments and churches to the suffering of persecuted Christians, and to raise finance to support those in crisis.
2. CFF is very grateful for the opportunity to present this submission to promote the right to freedom of thought, conscience, religion or belief at national and local level in support of the work of the UN Special Rapporteur.
3. CFF's work concerns religious persecution of an extreme nature occurring outside Australia. In that context, it has contributed to Australian Human Rights dialogues with China, Vietnam, Laos and Iran, and to annual DFAT – NGO Human Rights fora in Canberra. CFF has supported and enabled the rehoming in Australia of refugees who have escaped severe religious persecution in Iraq. Many who have become excellent citizens are appalled at the denunciation of their faith as 'bigoted', and the accusation that religion is the cause of the most harmful forms of discrimination in Australia. The Premier of the state of Victoria is outspoken in his antipathy towards certain Christian beliefs which he perceives conflict with the ideology he espouses. There are few politicians who are prepared to defend religious liberty, freedom of speech, thought, conscience and assembly in Australia, for fear of being vilified in the most damaging ways.
4. In this submission, CFF raises awareness of the serious challenge to religious liberty in Australia presented by missing protections in law for religious freedom, in combination with a strong politically or ideologically inspired opposition to religion. Many who express or practice Christian beliefs are having to defend themselves from emotionally distressing, financially draining, vexatious litigation initiated by publicly funded institutions.
5. CFF illustrates this by reference to everyday issues facing the kinds of people whom CFF has helped to find a new life of freedom in multicultural Australia. Many thousands have come from countries in which their families have faced generational persecution – officially recognised as genocide - and where they have faced existential threat in recent times.
6. Aware of the importance of their faith, especially given their personal experience, they might choose to send their children to a school with a religious ethos. This would help their children to integrate into a community which regards the values of their faith as highly important. They might also want to take refuge from public schooling because it has become dominated by ideological imperatives. Examples of such influences include the 'Safe Schools' program,

promoted as preventing bullying, but became a way of promoting ideologically-based principles of sexuality and gender probably not shared by most Australians. Due to widespread public concerns, this program has been defunded by the Australian Federal Government. The National Curriculum is a further anti-faith influence. The recent CFF conference featured a report on the radical ideology which was being pursued in schools, “indoctrinating them with identity politics, radical race theory, and green ideology” (see ‘De-educating Australia: How the National Curriculum is Failing Australian Children,’ by Dr Bella d’Abrera & Colleen Harkin). Most Australians find it difficult to accept the messaging that describes Australia as a country founded on ‘white supremacy, colonialism, and oppression. It is unjust for current generations, and for those who have recently become Australians, to be so vilified.

7. Two important government inquiries have serious implications for religious liberty in Australia.

8. The first is the **Australian Law Reform Commission’s Inquiry into Religious Educational Institutions and Anti-Discrimination Laws**. This is the latest in a long sequence of attempts to remove exemptions for religious bodies from broadly framed protections against discrimination in the Sex Discrimination Act 1984. The exceptions are vital for schools with a religious commitment which serve religious communities and play a vital role in maintaining family self-identity and the upbringing of their children. The exemption for religious bodies is one of the very few provisions which supports religious liberty in Australia in legislation, and is minimal in scope. It is especially relevant to the liberty of parents in the upbringing of their children in accordance with their own convictions, protected under the International Covenant on Civil and Political Rights, article 18(4). The consultation paper which solicited public reaction took a strongly anti-religious position. This was inevitable since the law at the centre of this Inquiry relates to sex discrimination, on recently expanded grounds of sexual orientation and gender identity which are politically hyper-sensitive. The Inquiry recommended reducing the exemption for religious schools so that they can no longer operate as they have been, with staff who can be depended on to support their ethos.

9. In a country with proper protection for religious freedom, religious schools would not have to fight for their existence by defending such an exemption. In Australia, religious schools are accused of wanting to maintain a licence to practice bigotry, just because they want to employ staff who will represent the beliefs on which the school has been founded. Religious schools are not seen for what they are, i.e. the natural expression of religious belief. As such, they need to select and keep staff who are part of the same religious community which they serve. Religious schools do not thereby become discriminatory in nature or purpose, or even effect. From the way this issue is presented politically, and from the consultation paper itself, the impression the public would have of religious schools and the communities they represent, is very negative. Religious schools are opposed in some quarters, encouraged by the mainstream media, simply because they do not go with the general cultural flow, especially one that encourages sexual self-expression as an end in itself, and the conviction that gender identity is fluid. This is about conflicting beliefs. Unfortunately, Australian law lacks the protection it should provide. The purpose of alternatives

to public schooling in international law is for religious communities to be allowed a buffer against state-imposed ideology.

10. Australians who practise their faith are exposed to accusations of discrimination purely because the law constructs the issue against them in this way, because of its own inadequacy. If religious freedom was protected as it should be in Australia the issue would never arise. The controversy around religious schools is the result of the Sex Discrimination Act 1984 going so far in protecting against discrimination, on open-ended grounds with an ideological basis. The same legislative failure also produces conflict between the rights of biological women and trans-identified males in matters of bathroom, changing room access and sport. The Inquiry selectively picked religious schools rather than deal with the broader issues.

11. The second government inquiry this year that is relevant to religious freedom is about Australia's Human Rights Framework. The Australian Human Rights Commission wishes to introduce a **Human Rights Act** similar to so-called charters in three Australian states and territories. It has little regard for the **ICCPR or the Declaration on the Elimination of All Forms of Intolerance and of Discrimination based on Religion or Belief**. There is no text which corresponds with Article 18(4) for example. All rights, including freedom of religion (and those parts of that freedom which cannot be limited) can be restricted according to a "limitations clause" which is very loose. The result is not just a failure to promote religious freedom to the usual standard, but it exposes Australians who follow a religion to restrictions which have no justification in international law. Those who have fled from oppression to find freedom in Australia wonder why a civilised Western democracy should do such a thing when under international law, it has the option and responsibility to implement the full meaning of freedom of religion.

12. There have been disturbing developments recently in the ability of courts to take action against individuals who resist certain ideological narratives which have become imperatives. Kirralie Smith is an employee of Binary Australia, which supports the rights of biological women from a traditional feminist perspective. Police came to her home and issued her with an Apprehended Violence Order, preventing her from discussing or approaching a high-profile trans sports personality, who was one of a number of transgender players she named when campaigning in social media on the issue of transgender women competing in female soccer leagues. Her Facebook page with 47,000 followers was also removed as result of intervention by the E-safety Commissioner. Although Kirralie Smith is described as a "hate campaigner", all she did was stand up for women's rights, expressed in UN conventions. This type of court action has implications for religious freedom as it is likely to prevent the expression of religious beliefs, or beliefs inspired by an individual's background or religion. Traditional religions are associated with traditional beliefs, and suffer the consequences of negative stereotypical labelling.

13. Increasingly, Australians are having to hide their religious beliefs, personal opinions and values in public, or even in private social media where people were once free to be open. In New South Wales there is no protection at all against discrimination on the basis of religion, religious belief or activity. Australian discrimination legislation is unbalanced and is not comprehensive.

This is especially unsatisfactory when there is also no protection for freedom of religion to the required standards.

14. These failures should be seen in the light of developments in the use of court power which human rights legislation would be able to resist, but for the fact that it is non-existent in Australia. There is the chilling prospect of court action against parents who do not unequivocally affirm their children in gender-transitioning, including medical interventions to “affirm” a gender identity at variance with biological sex - irreversible interventions which are now criminalised as unethical in other parts of the world. In schools in Australia, children are actively being encouraged to transition without their parents’ knowledge. Parents who discuss this issue with their children in the way that would be normal in a family, risk prosecution for emotional or psychological abuse under Victoria’s Family Violence Protection Act 2008. This could result in the child being forcibly removed from their care – along with any other children in their care – and the parent permanently stigmatised as abusive. This is because Victoria’s Change or Suppression (Conversion) Practices Prohibition Act 2021 defines a “change or suppression practice” (conversion therapy) so widely as to support an “affirmation only” policy towards transitioning, and to ban criminally anything inconsistent with that. The legislation is broad enough to prevent one individual praying for another at that other person’s request, even if is to help heterosexuals who want to avoid infidelity to hold the family together. The legislation is expressed in terms which resonate with the Premier’s denunciation of particular religious beliefs.

15. The speed and frequency of these radical changes now occurring in Australia is causing serious concern for the future of the country, and freedom of religion especially.

16. We are extremely concerned that there is rising intolerance against religion, against specific religions, and people who choose to practise their religion. CFF would like Australia to be the multicultural example to the rest of the world that we believe it should be. Any contribution the 78th Session of the UN General Assembly can make towards achieving this goal would benefit all Australians and uphold provisions of the Human Rights Covenants of which Australia is a signatory.