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**Ms Sonya Fladun  
Inquiry Secretary  
Protecting Freedom of Religion and Belief Inquiry  
Joint Standing Committee on Foreign Affairs, Defence and Trade  
Human Rights Sub-Committee**

**10 February 2017**

Dear Ms Fladun,

Thank you for the invitation received by Rev. Elenie Poulos to contribute a submission to this significant inquiry.

Unfortunately, as a result of staff leave and a necessary prioritisation of internal organisational matters, we are unable to offer a submission within the timeframe. We would however, like to draw the attention of the Committee to previous submissions we have made on the matter of freedom of religion and belief since the last inquiry of this kind held by the Committee in 2000 (to which we had made a [submission](#)). These submissions relate only to the situation in Australia.

In 2015, we participated in the Australian Human Rights Commission's (AHRC) Religious Freedom Roundtable. Our submission is available [here](#). It is the most relevant to the Committee's terms of reference. The concluding comments stand as statement of the Uniting Church's understanding, commitments and position on freedom of religion or belief:

The idea of human rights is built on a shared understanding that oppression, persecution, discrimination, poverty and violence diminish us all and that to overcome these we must work together which a shared vision of a better society. A commitment to human rights takes seriously that no person is of inherently less value than anyone else. In this it reflects the Christian understanding that every human being is a child of God and loved by God.

The Uniting Church in Australia Assembly believes that religious freedom should be protected by law and promoted by government and civil society as an essential part of a healthy, diverse and vibrant society. At the same time we seek to bear witness to God's love and the inherent dignity of every person, and to the gospel call to inclusive community. This call leads us to oppose any form of discrimination beyond that which is necessary for the practice and maintenance of religious faith.

The Uniting Church understands human rights as an expression of shared hope and values, a language which enables people to talk across the usual divides of culture, religion and ideology about what it means to be human, about the values inherent to our very humanity and how we might be accountable to each other for upholding our humanity and working together to build a just society. The commitment to uphold and protect human rights is not all we need for a just society but it does matter and it can make a difference.

Also, in this submission, drawing on the earlier [UnitingJustice Australia submission](#) to the AHRC consultation on Rights and Responsibilities (2014), we wrote:

The UCA Assembly is concerned about legislation, policies and practices that might have the outcome (whether intended or unintended) of



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increasing prejudice against religious groups. In particular, we are concerned that Muslims in Australia (especially Muslim women who are easily identifiable because of their dress) have become targets of discrimination and bigotry as a result of the harsh public discussion around anti-terrorism legislation and responses, fuelled by a hostile media and political environment and by the permission being given by political leaders for the expression of racist and religiously prejudiced opinions. This is a particularly destabilising approach in the current context of heightened fears about Islamic extremists.

Our concern for Muslim communities in Australia has deepened, and we continue to hope for strong leadership from all our politicians, and a commitment to work together across party lines to build social cohesion and mutual understanding and respect across the wonderful religious and cultural diversity of Australian society.

In 2009, in our [submission](#) to AHRC inquiry into Freedom of Religion and Belief in the 21<sup>st</sup> Century, we wrote that understanding religious freedom in society depends in large part on how the relationship between religious affiliation and citizenship is understood. The modern framework for religious freedom and the right of religious expression in most democratic states assumes that religion is personal, privatised and acceptable in as much as it supports people's primary loyalty as citizens.

The deep challenge in our society is that there are religious communities which increasingly reject this framework. In particular, they are no longer satisfied to accept the priority of the loyalties that pertain to citizenship over their religious loyalties. They are no longer prepared to easily equate citizenship and religious loyalty (or what Christians might call discipleship).

This does not mean that people who claim the priority of their faith over loyalty to the state are not good and loyal citizens. Nor does it mean that they would seek an end to the separation of church and state. It misunderstands the nature of religious commitment to regard such a stance as a case of 'either/or'. We believe that this misunderstanding contributes to fear, confusion and even aggression against religious communities who openly confess the priority of their religious loyalty.

The Uniting Church itself made such a confession on the occasion of its inauguration in 1977 when it [publically announced](#) that its "first allegiance... is to God, under whose judgement the policies and actions of all nations must pass" and that it fully expected this allegiance to occasionally "bring us into conflict with the rulers of the day".

It is of vital importance that in discussions about how to best protect freedom of religion we develop a new framework that allows for the priority of people's religious loyalty without denying that such a stance can be held alongside a deep and authentic commitment to one's nation.

In 2017, we are in need of such a framework, more than ever.

Alone among Australian churches, the Uniting Church in Australia has an official position in support of a [Human Rights Act for Australia](#). We believe that a Human Rights Act is the best way to protect and promote people's rights, create a more informed human rights culture, and help to ensure that Australia meets its obligations under international treaties and conventions, including the International Covenant on Civil and Political Rights (ICCPR) which describes the right to freedom of religion or belief.



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ASSEMBLY

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In relation to the global situation, we would draw the Committee's attention to the work of our colleagues in the World Council of Churches (WCC). The WCC has [a long history](#) advocating for the right to freedom of religion and has been concerned for many years with the rights of religious minorities in all context and countries. At its 10<sup>th</sup> and most recent Assembly in Busan, South Korea, the WCC Assembly adopted a ['Statement on the Politicization of Religion and Rights of Minorities'](#).

In that statement, the WCC affirmed that,

Rights of religious minorities in all contexts should be rooted in a democratic principle that majority and minority are to be treated as equal beneficiaries of the state, and that dignity and human rights of all people are respected and valued. Governments, religious communities, national and international human rights institutions and civil society organizations should play different roles in order to protect the rights of religious minorities and promote religious tolerance, especially when politicization of religion intensifies religious hatred and violates rights of religious minorities. Violations of freedom of religion or belief against persons belonging to religious minorities, whether perpetrated by states or non-state actors, need to be combated, be it in forms of disinformation, discrimination or persecution. Individual and communitarian rights of people belonging to all religious minorities should be respected. This is what the United Nations Special Rapporteur on Freedom of Religion or Belief pointed out in his recent report, saying that, in keeping with the principle of normative universalism, "the rights of persons belonging to religious minorities cannot be confined to the members of certain predefined groups. Instead, they should be open to all persons who live *de facto* in the situation of a minority and are in need of special protection to facilitate a free and non-discriminatory development of their individual and communitarian identities". The rights of persons belonging to all minority religious groups therefore should be treated as fundamental human rights.

In conclusion, I reiterate the Uniting Church's commitment to to the right of every person to freedom of thought, conscience and religion, the right of every person to adopt a religion or belief, individually or in community, and to manifest that religion or belief in worship, observance, practice and teaching as described in Article 18 of the ICCPR.

In relation to current protections in Australian law across all jurisdictions, the UCA Assembly does not believe that there is sufficient uniform protection against discrimination based on religion or belief in Australia and urges the development of a national Human Rights Act.

Yours sincerely,

Ms Colleen Geyer  
General Secretary  
Uniting Church in Australia Assembly

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