

From:
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To:

Subject: Sick note (late submission)

Submission on NSW Anti-Discrimination Laws: Recognising and Protecting the Interconnectedness of Religion and Belief

Religion and belief are concepts that exist in an inseparable union. A religion cannot exist without belief, and belief is at the core of what makes one's practice religious. Importantly, a religion does not have to include a belief in a deity; rather, it encompasses the principles that shape an individual's values, decisions, and worldview. Yet, NSW anti-discrimination laws do not fully reflect this reality, as they fail to protect against discrimination based on beliefs outside the workplace and in all areas of public life. This gap leaves people vulnerable to mistreatment simply because they hold beliefs—many of which are deeply rooted in their religion.

The **Australian Human Rights Commission Act 1986** sets out a framework for ensuring equality, recognising that all Australians have a right to freedom from discrimination. This Act, along with international human rights instruments such as the **Universal Declaration of Human Rights (UDHR)** and the **International Covenant on Civil and Political Rights (ICCPR)**, acknowledges that freedom of thought, conscience, and religion are fundamental rights. Article 18 of the ICCPR, which Australia has ratified, states, *"Everyone shall have the right to freedom of thought, conscience, and religion."* This includes the freedom to hold beliefs without coercion or discrimination. Furthermore, Article 19 of the ICCPR protects freedom of opinion and expression, recognising that beliefs—whether religious or political—deserve respect and protection from discrimination in all public settings.

By not ensuring these protections, NSW falls short of upholding its commitment to these national and international standards. Protecting against religious discrimination inherently means protecting the beliefs that underpin religious practices. When an individual faces discrimination due to beliefs tied to their religion, this is religious discrimination, regardless of whether it is formally recognised as such.

The Argument Against Belief-Based Protections

Some may argue that protecting against discrimination based on belief could inadvertently shield harmful or dangerous ideologies. This argument, however, is a diversion from the real issue. Anti-discrimination laws do not need to imply that all beliefs are lawful or condoned; common sense dictates that only lawful and peaceful beliefs are protected under these provisions. The purpose of anti-discrimination law is to prevent unjust treatment, not to endorse unlawful actions stemming from those beliefs.

International standards, including the **UN Human Rights Committee's interpretations of the ICCPR**, emphasise that freedom of belief does not permit actions that infringe on public safety, order, or the rights of others. In line with

these principles, protecting individuals from discrimination based on beliefs does not equate to endorsing every ideology, but rather, it ensures that people are not marginalised for peacefully held beliefs. This is an approach that NSW can adopt while respecting both public safety and individual rights.

The Contradiction of Mandatory Voting Without Political Belief Protections

It is contradictory for Australia to mandate political engagement, such as compulsory voting, while simultaneously allowing discrimination based on political beliefs. The requirement to vote under threat of penalty stands at odds with laws that fail to protect individuals from discrimination based on their political choices. This inconsistency undermines the spirit of democratic participation, suggesting that while citizens are compelled to vote, they may legally face discrimination for their political beliefs. Furthermore, while some Australian states protect political beliefs in the workplace, this restriction implies that beliefs only matter in limited settings, contradicting both national and international standards for freedom of belief.

Inconsistencies Across Australia and the Need for Comprehensive Protection

Across Australia, protections for political beliefs vary widely, creating inconsistencies and a form of inequality. For instance, **Victoria's Equal Opportunity Act 2010** and **Tasmania's Anti-Discrimination Act 1998** extend protections against discrimination based on political beliefs or affiliations, recognising that such beliefs are integral to one's identity and participation in public life. These protections, however, are limited in other states, including NSW, where political beliefs lack comprehensive protection. This inconsistency across states is a clear form of inequality and undermines the principles of a unified, democratic society where each individual's rights should be equally safeguarded.

Empowering Organisations for Accountability and Reconciliation

To ensure the effectiveness of these protections, it is essential that relevant organisations, such as the NSW Anti-Discrimination Board and the Australian Human Rights Commission, are empowered to uphold these rights decisively. Empowering these organisations with clear authority to address violations, impose sanctions, and mandate compensation is critical to holding violators accountable and assisting in reconciliation. Furthermore, these organisations must provide accessible, effective avenues for dispute resolution and intervention, offering people a clear path to seek justice and redress. The right to thought and conscience should not only be protected but heavily supported and enforced through dedicated bodies committed to upholding human rights.

Redefining Anti-Discrimination to Protect Religion, Belief, and Affiliation in All Contexts

When anti-discrimination protections are in place, they must recognise that political and religious beliefs, along with affiliations, are core aspects of one's identity. Denying fair treatment based on these beliefs or affiliations is discrimination in its truest form, whether it occurs in the workplace, access to services, or in other public settings. For NSW anti-discrimination laws to fully uphold human rights standards, they must include explicit protections for all aspects of belief and affiliation in public life.

A Call to Action for Explicit, Consistent Protections

NSW has the opportunity to lead by ensuring that anti-discrimination protections extend to both religious and political beliefs in all aspects of public life. The law can be unequivocal in its stance: while protecting peaceful, lawful beliefs, it does not endorse ideologies that contradict public safety or the law. Such clarity will ensure that individuals are not unfairly targeted or mistreated for sincerely held beliefs and will bring NSW in closer alignment with the **Australian Human Rights Commission Act 1986** as well as international human rights standards.

Conclusion

The NSW government should take decisive steps to amend its anti-discrimination laws to reflect national values and international commitments to human rights. By establishing consistent protections for religious and political beliefs and empowering organisations to enforce them, NSW can foster a society that upholds freedom of belief, respects

diversity, and reflects Australia's democratic ideals. Empowered anti-discrimination organisations will ensure that these laws are upheld and that reconciliation, accountability, and justice are tangible outcomes for all Australians.

Yours sincerely Aber(Abby) Karhani

Sent from my iPhone