

Annex

Follow-up of the missions to Australia and Germany

1. Since 1996, the Special Rapporteur has defined and implemented a visit follow-up procedure. This procedure consists in asking States which have received an in situ visit to send their comments and any information on action taken or envisaged by the authorities concerned to implement the recommendations made in the mission reports. It takes the form of "follow-up tables" which are sent to States and refer to the Special Rapporteur's recommendations.

2. Paragraph 21 of this document contains the list of reports submitted since 1996 to the General Assembly and to the Commission on Human Rights, in which follow-up tables and the replies of States appear.

3. On 28 September 1998 a follow-up table was sent to the Australian Government: it reproduced the text of paragraphs 114 to 127 of the report on the visit to Australia (E/CN.4/1998/6/Add.1). On the same day, a follow-up table was sent to the German Government: it reproduced the text of paragraphs 89 to 91, 96 to 98, 101 to 103 and 105 and 106 of the report on the visit to Germany (E/CN.4/1998/6/Add.2).

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tending increasingly to lose its belief altogether. In fact, religion is not an essential factor for the majority of the Australian population, which is a product of modern secularism.

113. There is nevertheless a great degree of religious tolerance, linked to a tradition of tolerance, or even indifference on the part of Australians in general towards religion. This predominantly indifferent attitude towards religion coexists alongside the development of minorities and many religious movements, which are said to cost the public finances dearly (through tax relief, public subsidies, etc.).

114. There are some exceptions, however, to a generally positive situation, which should be taken into consideration and remedied; these exceptions concern minorities and especially Aboriginals.

115. With regard to minorities, obstacles to the construction of places of worship or religious training centres for Muslim, Hindu and Buddhist minorities have at times been observed; this is mostly due to opposition by one sector of the population founded on ignorance, which encourages manifestations of racism. For instance, in the case of Muslims, the Gulf war led to incidents involving Muslim women wearing the headscarf (see para. 44) and more generally to the expression of opinions where Islam was associated with Saddam Hussein and terrorism with Arabs and Muslims. Such bouts of racism can affect a whole community, in that particular case, Asian and Muslim. There have also been outbreaks of anti-Semitism, in the form of acts of vandalism against synagogues and Jewish cemeteries, and verbal attacks.

116. The intolerance which is manifested is not religious, however, but racial, founded on ignorance and encouraged by extremist political speeches, such as those of MP Pauline Hanson. Such manifestations of racism towards minorities, as well as Aboriginals, are nevertheless a minor phenomenon, which is rejected by a majority of the population (in a survey, 70 per cent of respondents recognized the benefits of the multicultural policy). They are to some extent neutralized through inter-faith dialogue and cleverly combated by the authorities on the whole through institutions applying a clear policy of multiculturalism and through the launch of an educational campaign to combat racism.

117. In this respect, the Special Rapporteur would like to recall that education can play a prime role in preventing intolerance, including racial and religious intolerance, by disseminating a culture of tolerance among the masses. It can contribute decisively to the internalization of values based on human rights. The State is therefore encouraged to develop a national education policy, coordinated at the Federal, State and Territory levels. This policy should of course be directed at schools, teachers and students alike. In this connection, the Special Rapporteur welcomes the educational activities of the National Children's and Youth Law Centre and especially their excellent brochure entitled "Know your rights at school", which includes instructive cards on a number of basic topics, including discrimination and religion at school. Such experiments should be given careful consideration by the States in their education policies in order to promote a real culture of tolerance.

118. The Special Rapporteur further recommends that an educational campaign be conducted for the benefit of the media, which all too often carry caricatural or even totally biased images, which are harmful to minorities and to religion. A sad example of this is the media coverage that was given to the Gulf war. It would be extremely useful to implement the Special Rapporteur's recommendations in the area of advisory services (E/CN.4/1995/91), such as the organization of workshops for media representatives to acquaint them with the importance of disseminating information in conformity with the principles of tolerance and non-discrimination in general and with regard to religion and belief in particular. This would be a way of informing the media and through them of educating society and forming public opinion in accordance with the above-mentioned principles.

119. Similarly, as explained in the National Children's and Youth Law Centre, encouragement should be given to the offer of prizes for journalists who have written articles on minorities in line with the principles of tolerance and non-discrimination. A further positive impact on the public could be achieved by introducing characters representing different beliefs as part of a message of tolerance, respect and mutual enrichment in television programmes, and especially in the screenplays of popular television series.

120. With regard to Aboriginals, the official policy of reconciliation should be pursued and further strengthened in the area of religion. It would be useful to reaffirm recognition of Aboriginal beliefs as religious beliefs and to reflect that recognition in particular in surveys of religious membership in the country.

121. With regard to native titles, the Special Rapporteur wishes to reiterate the concern of the Aboriginal and Torres Strait Islander Social Justice Commissioner with regard to the Federal Government's proposed amendments and respect for the High Court's "Wik Decision". Native titles are in fact fundamental and legislative and jurisprudential advances in this respect must not be called into question.

122. With regard to legislation, while noting with satisfaction the legal and legislative arrangements developed and implemented for the protection of land and sacred sites, including religious objects, and for the return of the religious and cultural heritage, the Special Rapporteur recommends ensuring uniformity of such legislation at the Federal and State levels, as well as its effectiveness in relation to its assigned objective, particularly by identifying and remedying shortcomings and loopholes. The recommendations of Judge E. Evatt should be heeded, to ensure that Aboriginal values are fully taken into account in legislation, particularly the notion of the secrecy of certain types of information and their circulation and publication, according to the gender and function of a limited group of persons. It is further recommended that current legislation should fully guarantee that Aboriginals participate and share in decision-making on an equal footing with the authorities concerned.

123. With regard to the return of objects belonging to the Aboriginals' cultural and religious heritage which are located abroad, especially in

museums, the States concerned should be encouraged to cooperate by removing any political, legislative or other obstacle to the return of the objects as quickly as possible.

124. With regard to conflicts of economic, political and religious interests, the Special Rapporteur would like to recall that freedom of belief, in the present case, that of the Aboriginals, constitutes a basic issue and deserves even stronger protection. The freedom to manifest belief is also recognized, but may be subject to limitations insofar as these are strictly necessary, as stipulated in article 1, paragraph 3, of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief and article 18 of the International Covenant on Civil and Political Rights.

125. The manifestation of belief therefore needs to be reconciled with political, economic and other rights and concerns, which are just as legitimate, through dialogue and respect for all parties, including Aboriginals. With regard to the Hindmarsh Island case, the Special Rapporteur calls for a serene approach to the matter and a conciliatory settlement between the parties.

126. Lastly, the Special Rapporteur welcomes the authorities' efforts to ensure that Aboriginals cease to be an excluded community and enjoy all their rights, especially economic, social and cultural rights, by applying the principle of positive discrimination. The private sector, especially employers, should echo this policy and be aware of the importance of Aboriginal beliefs. Considering that Aboriginals are in general economically marginalized and affected by unemployment, sometimes as a result of their religious constraints, special protection should be given to that community, especially by encouraging a change in attitudes in order to arrive at a compromise between economic considerations and religious practice.

127. Generally speaking, the Aboriginal question should be considered with more understanding in Australian society, with a view to eliminating any surviving forms of racism related to historic, social and economic factors which also affect religion.

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