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Have you thought about... **religious freedom?**

In conversations about “marriage equality”, we are told religious freedom will be protected. Will it?

Religious freedom is a human right

The International Covenant on Civil and Political Rights (1966) provides in Article 18 that:

(1) Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.

The Universal Declaration of Human Rights contains similar language.

According to the Australian Human Rights Commission, the application of these two international declarations to Australian society and culture confirms religious freedom is a human right that must be protected in Australia.

Source: Australian Human Rights Commission, *Freedom of religion and belief in 21st century Australia* - March 2011. Available at: <https://www.humanrights.gov.au/publications/2011-freedom-religion-and-belief-21st-century-australia>

What is religious freedom?

Religious freedom is more than just the freedom to believe particular doctrines, or the freedom to worship within the walls of churches and similar institutions. It includes the freedom to act in accordance with one’s conscience and to practice religion in the public square amongst people who hold other beliefs.

There is good reason to believe that the legalisation of same-sex marriage will threaten religious freedom.

According to Australian Marriage Equality: “Australian law clearly distinguishes between civil and religious marriages. This means it is possible for same-sex couples to publicly affirm their love and commitment through a legal marriage, and for faith

Religious freedom is a human right. and is more than the freedom to believe or freedom to worship. It includes the freedom to preach and practice faith in the public square.

communities to continue to define religious marriage in whatever way they wish.”

However, the international experience over the short period of time in which same-sex marriages have been legal in a small number of countries shows that the ability of faith communities to practice and teach marriage in accordance to their beliefs is under threat.

The distinction between civil and religious marriages exists in all of the jurisdictions mentioned in the examples below. Yet in each example, the freedom for the affected individuals to act in accordance with their consciences and/or religious beliefs has been attacked.

The **City of Coeur d’Alene, Idaho**, ordered Christian ministers to perform same-sex weddings under pain of 180 days’ imprisonment for each day the ceremony is not performed and fines of \$1000 per day.

Some **British MPs** have threatened to remove the marriage licences from clergy who fail to conduct same-sex weddings, or to prevent churches from holding weddings if they do not also accommodate same-sex marriage ceremonies.

In **Colorado and Oregon**, courts have fined bakers who refused on religious or conscientious grounds to bake wedding cakes for same-sex weddings.

In **New Mexico**, a wedding photographer was fined for refusing to do photography for same-sex weddings.

David and Tanya Parker objected to their kindergarten son being taught about same-sex marriage after it was legalised by the **Massachusetts** Supreme Court. David was told he had no right to remove his son from the class, and was arrested when he attempted to do so.

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In the **US, Canada and Denmark** pastors or religious organisations have been forced to allow same-sex marriages in their churches or halls.

The Chief Rabbi of **Amsterdam** and a Bishop in **Spain** have been threatened with prosecution for 'hate speech' merely for restating the position of their religious traditions.

These are only a select few of many cases where the right to act on one's conscience has been removed due to pressure to support same-sex marriage.

Will Australia be different?

There is no good reason to believe that the experience in Australia will be any different. Religious freedom is already being threatened in Australia, even though Australian law still defines marriage as between a man and a woman. Recent examples include:

The Deputy Chief Psychiatrist of the state of Victoria was pressured to resign his position on the Victorian Human Rights and Equal Opportunity Commission after joining 150 doctors who told a Senate inquiry that children do better with a mum and dad.

After the release by the Australian Catholic Bishops Conference of a booklet titled *Don't Mess with Marriage* which sought to explain the Catholic understanding of marriage to Australian Catholic school students, the director of Australian Marriage Equality, Rodney Croome, told media that it is only fair that Australian Marriage Equality should be allowed into Catholic schools to teach students its view of marriage.

And the Catholic Archbishop of Hobart is being taken to the Anti-Discrimination Commission by a Tasmanian Greens candidate for handing out that same booklet to Catholic students in Hobart.

Australian law still defines marriage as existing between a man and a woman, but religious freedoms relating to marriage are already being challenged.

The Australian Human Rights Commission is looking at how religious freedom might be affected if marriage is redefined in Australia. They

have looked at US cases where florists, photographers and bakers who generally serve LGBTI persons but who conscientiously object to participating in same-sex wedding ceremonies are being fined or put out of business for such their objections.

Australia's Human Rights Commissioner, Tim Wilson, suggested a compromise. He said a wedding service provider could "opt out" of civil ceremonies to avoid being involved in same-sex marriages. But civil weddings currently comprise 73% of all marriages in Australia. A service provider would have to exclude itself from three-quarters of their target demographic, providing severe financial consequences for anyone who chose to conscientiously object.

Nearly 70% of Australia's population identifies as being a person of faith so this is not an insignificant consideration. Would the voices of individuals belonging to one of Australia's many diverse religious groups still be heard in a society which legalises same-sex marriage?

Sadly, the evidence thus far shows that these voices will have a decreasing place in Australian society, until it is silenced altogether. This is a serious concern for all Australians and for future generations.

KEY POINTS

The Australian Human Rights Commission recognises religious freedom as a human right that must be protected in Australia.

International experience has shown that religious freedom has not been protected in jurisdictions where the definition of marriage has been changed to include same-sex couples.

The claim that it is possible for faith communities to continue to define religious marriage in whatever way they wish in a society that has changed the legal meaning of marriage is simply not true.

If certain voices and opinions are being silenced, it is a serious concern for all Australians and for future generations.