



 **COPY**

ATTORNEY-GENERAL
THE HON PHILIP RUDDOCK MP

05/3689, MC05/5089

Mr Anthony Picarello
President
The Becket Fund for Religious Liberty
1350 Connecticut Ave NW Ste 605
Washington DC 20036-1735
UNITED STATES OF AMERICA

24 MAY 2005

Dear Mr Picarello

I refer to your letter dated 28 April 2005 regarding Australia's obligations under Article 18 of the International Covenant on Civil and Political Rights (the Covenant) and their relation to Victoria's *Racial and Religious Tolerance Act 2001* and the Victorian Civil and Administrative Tribunal's decision in *Islamic Council of Victoria v Catch the Fire Ministries Inc.*

I am not in a position to comment on the particulars of the individual case you have raised.

Regarding Australia's obligations under Article 18 of the Covenant, the Australian Government is satisfied that the protection in Australia of the right of people to practise their religion is consistent with Australia's obligations under the Covenant.

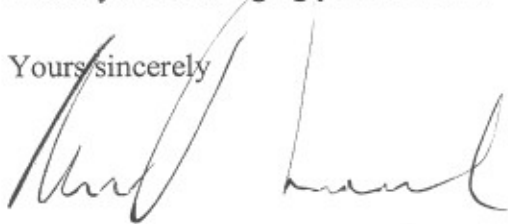
As you would be aware, the right to freedom of religion under Article 18(1) of the Covenant is qualified by Article 18(3). Article 18(3) permits restrictions on the freedom to manifest one's religion or belief if the limitations are prescribed by law and are necessary to protect public safety, order, health or morals, or the fundamental rights and freedoms of others. Permissible limitations include the protection of the right to non-discrimination as well as the other rights guaranteed by the Covenant.

The Australian Government is committed to protecting the right of all people to practise their religion without intimidation or harassment, as long as those practices are within the framework of Australian law. The Australian traditions of tolerance and respect for diversity are the foundations of one of the world's successful multicultural societies. This includes the fact that rights to freedom of expression, association and assembly are recognised fundamental human rights that are enjoyed by all Australians, but these rights are subject to limitations that are reasonable and necessary in a free and democratic society.

For example, the Commonwealth *Racial Discrimination Act 1975* makes it unlawful to discriminate against any person by reason of that person's race, colour, descent, or national or ethnic origin, in a number of areas including access to places and facilities, the provision of goods and services, employment and advertisements. The Act also prohibits offensive behaviour based on racial hatred. As with the Victorian legislation, the prohibition is subject to a number of exemptions which are intended to ensure that debate can occur freely in respect of matters of legitimate public interest, thereby ensuring an appropriate balance between freedom of expression and the protection of groups and individuals from racially offensive behaviour.

Thank you for bringing your concerns to the attention of the Australian Government.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Philip Ruddock', written in a cursive style.

Philip Ruddock