

HUMAN
RIGHTS

FAITH

*50th Anniversary of the
Universal Declaration
of Human Rights*

and

CULTURE

**Proceedings of the Australian
Bahá'í Studies Conference**

7-8 November 1998

Canberra, Australia

© 2001, Association for Baha'i Studies - Australia.

This electronic edition is prepared with the consent of the original authors; all articles first appear in this volume. The copyright of individual articles remains with the authors; the articles are included in this volume with the permission of the individual authors. Requests to reproduce individual articles should be directed in writing to the authors directly or to Juxta Publishing Limited. Requests to reproduce this entire volume outside the provisions outlined below should be directed in writing to Juxta Publishing Limited.

This electronic edition has been produced to facilitate widespread distribution and use of this book and it may be freely redistributed in electronic form so long as the following conditions are met:

- 1. The contents of this file are not altered.*
- 2. This copyright and redistribution notice remains intact*
- 3. No charges are made or monies collected for the redistribution of this work*

In addition, this file may be printed without alteration for personal and academic use in course settings in non-bound formats; copies printed for this purpose may not be distributed commercially. In cases of academic use in course settings, charges may be made for reproduction costs but no additional monies may be collected. Any other printing, in bound or non-bound formats, or redistribution in printed form is forbidden without the expressed written consent of the Association for Baha'i Studies - Australia or Juxta Publishing Limited.

BOOKS FOR THE WORLD

The Books for the World series aims to bring diverse literature to people around the world by directing all proceeds from sale of a title into donating the same title to people who otherwise could not afford it as well as offering library donation programs and free electronic books which can be used for local printing and distribution.

At this time, the following programs are part of the Books for the World series:

Free Book Distribution Program:

Juxta Publishing prints selected book titles for sale to subsidize the cost of free distribution of the same titles worldwide.

World Library Donation Program:

Juxta Publishing makes selected titles available to National Bahá'í Communities, Local Bahá'í Communities and Bahá'í Groups which would like to donate the books to their local libraries.

Royalty-free E-books Program:

Juxta Publishing produces e-books which can be freely downloaded and printed for local non-commercial use.

www.juxta.com

TABLE OF CONTENTS

Introduction	5
The Contributors	7
Seeing is Believing <i>Zita Antonios</i>	12
Human Rights: Fifty Years and On <i>Gillian Bird</i>	20
Combating Racism: Multiculturalism and Reconciliation <i>Angela Chan</i>	28
Cultural Diversity in International Law <i>Hilary Charlesworth</i>	34
Catholicism, Gender and Human Rights <i>Sandie Cornish</i>	46
Human Rights: Reflections from a Bahá'í Viewpoint <i>Michael Curtotti</i>	65
Religious Freedom in the Asia Pacific <i>Graham Hassall</i>	85
<i>Tikkun Olam</i> : To Repair the World <i>Jeremy Jones</i>	95
Human Rights and Responsibilities: A Christian Perspective <i>Robert McCorquodale</i>	101
Respecting Spiritual and Cultural Beliefs about Death: An Australian Buddhist Case Study <i>Ann Pickering</i>	115
Majority-Minority Issues in Religious Freedom <i>Juliet Sheen</i>	129
An Islamic Legal Perspective on the Universal Declaration of Human Rights <i>Asmi Wood</i>	140

Introduction

The year 1998 marked the 50th anniversary of the Universal Declaration of Human Rights.

Rightly, this anniversary provoked reflection by many organizations and individuals on the progress made, and yet to be made, in attaining the goals - indeed the minimum societal aspirations - set out in that historic document.

As a contribution to this process of reflection, the Association for Baha'i Studies Australia hosted a 50th anniversary conference on the theme "Human Rights, Faith and Culture". It is a theme particularly pertinent to our period of history in which the inter-relationship between belief, culture and human rights is at issue in both positive and negative ways.

The papers presented at the conference, which are published here together for the first time, provide much food for thought on these questions.

Zita Antonios explores for us one of the challenging issues facing Australian society: our capacity to accord due recognition and respect to the religious beliefs and institutions of the indigenous people of Australia. Gillian Bird, in a keynote address to the conference, reflects broadly on Australia's approach to international human rights, and the current state of progress of human rights. Angela Chan draws to our attention the issues of cultural diversity and inclusiveness, which are intimately connected to the affirmation of the human dignity for all without distinction. Hilary Charlesworth examines debates regarding cultural relativity and human rights and explores the role of religious institutions in intergovernmental negotiations in resisting equal rights for women. Sandie Cornish reviews the historical unfoldment of the Roman Catholic Church's approach to human rights questions and also reflects on issues of gender equity facing the Church. Michael Curtotti provides a perspective on Baha'i approach and practice in the field of human rights and provides an outline of the relationship between Baha'i scripture and human rights

Introduction

principles. Graham Hassall, also speaking from a Baha'i perspective, addresses the Baha'i approach to issues of religious freedom in the Asia-Pacific, and more widely. Jeremy Jones reflects on universal questions from a Jewish perspective – exploring the inter-relationship between learning and practical action in the service of human dignity. Robert McCorquodale explores and affirms the obligation to respect human rights from a Christian and scriptural viewpoint. Ann Pickering examines the experience of the Buddhist community in Canberra in seeking recognition of its religious practices in respect to death and dying. Juliet Sheen, looking at the evolution of minority rights within the international system, explores the difficulties still encountered by religious and other minorities both overseas and in Australia. Asmi Wood draws interlinkages between Islam and human rights – and challenges the notion that there is any inherent contradiction between the two.

This brief review will hopefully serve to whet the appetite of the reader to learn more of the insights shared by these contributors. They represent a wide diversity of Australian opinion and in themselves demonstrate that, despite the road yet to be traversed, human rights have had a profound and positive impact on Australia.

With the publication of these papers in 2002 we see that their relevance has far from diminished.

We take this opportunity to express our sincere thanks to all who spoke at the conference and contributed to its organization. We extend our very special thanks to Annemarie Devereux, of the Catholic Community, who made a disproportionate and much appreciated contribution to the conference's organization and success. Also deserving of special thanks is Sandra Langshaw who, as Treasurer of the Association for Baha'i Studies Australia, managed the financial aspects of the conference.

Human Rights Working Group
Association for Baha'i Studies Australia

The Contributors

Ms Zita Antonios

Zita Antonios was appointed Race Discrimination Commissioner in September 1994 and Acting Aboriginal and Torres Strait Islander Social Justice Commissioner in February 1998.

She was educated in Sydney and is a qualified social worker. Throughout her career she has held a range of administrative, research and policy positions. The public service positions she has held have focused on equal opportunity and race discrimination particularly as it affects people of non-English speaking backgrounds. She has also held a number of advisory positions and she is currently a member of the Multicultural Advisory Committee to the Sydney Organising Committee for the Olympic Games.

Ms Gillian Bird

Gillian Bird is the First Assistant Secretary of the International Organisations and Legal Division of the Department of Foreign Affairs and Trade. She joined the Department of Foreign Affairs and Trade in 1980 and has represented the Australian government at the OECD and the United Nations. From 1988 to 1990 she worked in the Office for Minister of Trade Negotiations, and from 1990 to 1993 she worked as First Secretary and Counsellor at the Australian mission to the United Nations New York. In 1993 she worked on the "Cooperating for Peace" issue and Comprehensive Test Ban Treaty projects. Also in 1993 she was appointed Assistant Secretary of the Executive Branch, and in 1994, Executive Secretary of the Peace, Arms Control and Disarmament Branch. Ms Bird holds a BA (Hons) from the University of Sydney. She was born in Adelaide.

Ms Angela Chan

Angela Chan was born in Sydney, and graduated from the University of Wollongong with a Bachelor of Arts, majoring in Italian language and South-East Asian history. She completed her Diploma in Law (Barrister's Admission Board) and was admitted to the Bar in 1990. She was the first Australian born Chinese woman to be admitted as a Barrister. Angela is a former Chairperson of the Ethnic Communities' Council of NSW (ECC) which was a voluntary position. Her term as Chairperson came to its constitutional end in 1997 when she was then appointed the national Convenor for the Federation of Ethnic Communities' Council of Australia (FECCA) on community harmony, anti-racism, reconciliation and the Sydney 2000 Olympics.

Professor Hilary Charlesworth

Hilary Charlesworth is Professor and Director of the Centre for International and Public Law at the Australian National University. From 1993 to 1997 she was John Bray Professor of Law at the University of Adelaide. In 1997 she was a visiting Professor at the law program, Research School of Social Sciences, Australian National University. Her research and teaching interests are in international law and human rights law. In 1997 she wrote, with Burns Weaton and Richard Falk, *International Law and World Order*. In 1982, she was awarded the Frank Knox Memorial Scholarship, the Robert Gordon Menzies Scholarship to Harvard and a Fulbright Scholarship to undertake postgraduate work at Harvard Law School. She graduated from Harvard with an SJD in 1986. She was part-time Commissioner with the Australian Law Reform Commission on its reference into Equality before the Law. She was a member of the Australian Council for Women, a body established by the Commonwealth government to advise it on preparations for the Fourth World Conference on Women in 1995, and Deputy Chair of the National Consultative Committee on the World Summit for Social Development. From 1995 to 1998 she was a member of the Executive Council of the American Society of International Law. From 1994 to 1998 she was a Hearing Commissioner with the Human Rights and Equal Opportunity Commission. She

The Contributors

is currently a member of Foreign Affairs Council of the Minister for Foreign Affairs, a Board member of the Diplomacy Training Program and Defence of Children International (Australia). She is also President of the Australian and New Zealand Society of International Law.

Ms Sandie Cornish

Sandie Cornish is the Chief Executive Officer of the Australian Catholic Social Justice Council and Co-Convenor of the National Council of Churches in Australia's Network on Women and Gender Relationships. She has played a significant role in the planning and conduct of the Catholic Bishops' research on the Participation of Women in the Catholic Church of Australia, the report of which was due for completion in May 1999. Sandie has degrees in Economics, Catholic Social Doctrine, and Public Policy, and has worked in the field of Social Justice for ten years. She is married to Photographer Geoff Hirst.

Mr Michael Curtotti

Since 1996 Michael Curtotti has been Executive Officer – External Affairs for the Australian Baha'i Community in which capacity he represents the community on human rights issues and supports the work of the Bahá'í Community on human rights and related social issues. He is also currently Secretary of the Australian Forum of Human Rights Organisations, in which capacity he serves as a liaison with the Department of Foreign Affairs and Trade in relation to biannual human rights consultations. He has represented the Australian Council for Overseas Aid in 1997 and again in 1998 at the United Nations Commission on Human Rights. Prior to working in the non-government sector Michael served as a policy and legal officer in the International Organizations and Legal Division of the Department of Foreign Affairs and Trade (1993-1996). Prior to joining DFAT he was Assistant Director of International and Operations Law with the Royal Australian Navy. He holds a Master of International Law from the Australian National University and a Bachelor of Laws and Commerce from the University of New South Wales.

Dr Graham Hassall

Graham Hassall studied Asian and Pacific Islands' history at Sydney University and the Australian National University. Since 1990 he has directed the Asia-Pacific program of teaching and research at the Centre for Comparative Constitutional Studies, the University of Melbourne. In recent years he has published works on issues of citizenship, human rights, and electoral systems. In July of this year he observed the Cambodian general election on behalf of the Lawasia Organisation and in October he participated in a meeting in Stockholm on "Democracy and Deep-Rooted Conflict". He is an active member of the Victorian Bahá'í community, the United Nations Association of Victoria, and the World Conference on Religion and Peace.

Mr Jeremy Jones

Jeremy Jones is the Director of International Community Affairs of the Australia/Israel & Jewish Affairs Council; the Executive Vice-President of the Executive Council of Australian Jewry; the Chair of the Advisory Group of Faith Communities to the Council for Aboriginal Reconciliation; a member of the Jewish community components in on-going dialogues with Uniting, Catholic and Anglican Churches; Australian correspondent for the Jerusalem Report and for the Jewish Telegraphic Agency.

Associate Professor Robert McCorquodale

Robert McCorquodale is an Associate Professor (Reader) in International and Public Law in the Faculty of Law at the Australian National University. He has been at the ANU for three years. Prior to this he was a Fellow and Lecturer in Law at St. John's College, University of Cambridge for 8 years after a number of years in legal practice. He has written two books and over 40 papers in the field of international law and constitutional law, with the focus being on international human rights law. He has advised governments and peoples on issues of international law and has assisted in the drafting of new constitutions, such as in Malawi. Robert is a Christian and has been a member of Christian churches all his life, particularly the Uniting Church in Australia and the Baptist Church in the UK, and he is a lay preacher. He is a member of the Board for Social Responsibility in the NSW Synod of the Uniting Church. He is blessed by a wonderful wife and three lovely children.

Ms Ann Pickering

Ann Pickering is a student of Sogyal Rinpoche, the author of *The Tibetan Book of Living and Dying*, and Namkhai Norbu Rinpoche. She has received teachings from these and other masters on the Tibetan Buddhist practices for the moment of death. The sudden death in Canberra in 1993 of Gyalsay Tulku Rinpoche triggered a review of the ACT Coroner's Act. Ann coordinated a submission to this review by the combined Buddhist communities of Canberra. In 1998, she provided evidence on Buddhist beliefs on death and dying to a workshop on Religion and Human Rights by the Human Rights and Equal Opportunity Commission.

Dr Juliet Sheen

Juliet Sheen is an independent human rights consultant, specialising in the area of freedom of religion and belief. While working on policy development and law reform in the NSW Anti-Discrimination Board from 1977 to 1994, she largely compiled its 1984 report: *Discrimination and Religious Conviction*. Since 1984 she has been involved in international work to support the 1981 UN Declaration of the Elimination of All Forms of Intolerance and of Discrimination Based on Religion and Belief. In recent years, as a Fellow of the University of Essex Human Rights Centre (UK), she has worked with Kevin Boyle to produce *Freedom of Religion and Belief: A World Report* which studies 57 countries.

Mr Asmi Wood

Asmi Wood is a student of International Law with a special interest in human rights. He graduated from the University Of Melbourne in Science and has worked both in the private sector and in government. He currently works as a contractor to the public sector and also works for a family business. He is interested in Islamic studies and is currently the Secretary of the Canberra Islamic Centre and Australian National Islamic Library, both based in Canberra.